

WHEATRIDGE RENEWABLE ENERGY FACILITY III – PROPOSED ORDER ON REQUEST FOR SITE CERTIFICATE AMENDMENT 1

To: Oregon Energy Facility Siting Council
From: Chase McVeigh-Walker, Senior Siting Analyst
Date: February 27, 2026
Re: Proposed Order on Request for Site Certificate Amendment 1 of Wheatridge Renewable Energy Facility III

Certificate Holder: Wheatridge Solar Energy Center, LLC, a wholly owned indirect subsidiary of NextEra Energy Resources, LLC.

Approved Facility

(portions in operation): The Wheatridge Renewable Energy Facility III is an operational 50 megawatt (MW) solar power generation facility located within a 357 acre (0.5 sq. mile) fenceline. 100 MWs of solar power generation components are approved but not yet constructed.

Proposed Amendment: The certificate holder requests the Energy Facility Siting Council's approval to: to extend the construction deadline for the unbuilt components; split the approved facility into two facilities, each with their own site certificate and certificate holders; and, amend several conditions consistent with the site certificate split.

Facility Site Location: Morrow County, approximately 5 miles northeast of Lexington, and 7 miles northwest of Heppner.

Staff Recommendation: The Oregon Department of Energy (Department) recommends that the Energy Facility Siting Council (EFSC or Council) find the certificate holder has demonstrated that the preponderance of evidence on the record supports the conclusion that the facility, with the changes proposed in Request for Amendment 1, complies with all laws and Council standards applicable to an original site certificate application.

A public comment period is now open on the Proposed Order and complete amendment request. The comment deadline for written comments to be submitted to the Department is Friday, April 3, 2026. Section II, *Council Review Process for Amendments*, of this order contains additional information regarding the site certificate amendment review process. The Public Notice associated with the release of this Proposed Order also contains additional information regarding the comment period and next steps in the EFSC review process.

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

In the Matter of Request for Amendment 1 of
Wheatridge Renewable Energy Facility III Site
Certificate

)
)
) PROPOSED ORDER
)

February 27, 2026

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ATTACHMENTS

Attachment 1: Reviewing Agency Comments on RFA1

Attachment 2: Public Comments on Proposed Order [*Place Holder*]

Wheatridge Renewable Energy Facility III

Attachment A: Draft First Amended Site Certificate (red-line)

Wagon Trail Solar II

Attachment A: Draft Site Certificate (red-line)

Attachment B: Draft Habitat Mitigation Plan

Attachment C-1: Draft Construction Vegetation and Soil Management Plan

Attachment C-2: Draft Operation Vegetation and Soil Management Plan [*Place Holder*]

Attachment D: NEER Emergency Action Plan

Attachment E-1: Draft Construction Wildfire Mitigation Plan

Attachment E-2: Draft Operational Wildfire Mitigation Plan

Attachment F: Decommissioning Cost Estimate and Assumptions

ABBREVIATIONS AND ACRONYMS

ADT	average daily trips
ASC	Application for Site Certificate
BESS	battery energy storage system
BLM	Bureau of Land Management
BMP	best management practice
BPA	Bonneville Power Administration
Certificate holder	Wheatridge Solar Energy Center, LLC
Council or EFSC	Energy Facility Siting Council
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
CTWSRO	Confederated Tribes of Warm Springs Reservation of Oregon
CWPP	Community Wildfire Protection Plan
dBA	A-weighted decibels
Department	Oregon Department of Energy
DOGAMI	Department of Oregon Geology and Mineral Industries
DSL	Department of State Lands
EFU	Exclusive Farm Use
ESCP	Erosion and Sediment Control Plan
facility	Wheatridge Solar Energy Facility III
HMA	Habitat Mitigation Area
HMP	Habitat Mitigation Plan
kV	kilovolt
MCZO	Morrow County Zoning Ordinance
NEER	NextEra Energy Resources, LLC (Certificate Holder owner)
NPDES	National Pollutant Discharge & Elimination System
NRHP	National Register of Historic Places
NSR	noise-sensitive receptor
OAR	Oregon Administrative Rule
ODAg	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ORBIC	Oregon Biodiversity Information Center
ORS	Oregon Revised Statutes
pRFA	Preliminary Request for Amendment
PV	Photovoltaic
RFA1	Request for Amendment 1
RFPA	Rural Fire Protection Association
SAG	Special Advisory Group
SCADA	Supervisory, Control and Data Acquisition
SHPO	State Historic Preservation Office
SPCC	Spill Prevention Control and Countermeasure
T&E	Threatened and Endangered

ABBREVIATIONS AND ACRONYMS

THPO	Tribal Historic Preservation Office
WOS	Waters of the State
WMMP	Wildlife Monitoring and Mitigation Plan
WWEF	Wheatridge Wind Energy Facility
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II
WREFIII	Wheatridge Renewable Energy Facility III
WREFE	Wheatridge Renewable Energy Facility East

1 **I. INTRODUCTION**

2
3 On February 27, 2026, Wheatridge Solar Energy Center, LLC, (certificate holder), filed Request
4 for Amendment 1 of the Wheatridge Renewable Energy Facility III Site Certificate (RFA1).

5
6 As described below, the Wheatridge Renewable Energy Facility III (facility or WREFIII), includes
7 an operational 50 megawatts (MW) solar power generation facility located on 357 acres, and
8 up to an additional 100 MW of generating capacity, and related or supporting facilities that
9 have yet to be constructed; located within a 1,935 acre site boundary in Morrow County,
10 Oregon.

11
12 As described in Section I.D., *Requested Amendment*, RFA1 seeks Energy Facility Siting Council
13 (EFSC or Council) authorization to split the existing operational facility and remaining approved,
14 unbuilt facility components into two separate facilities; each with independent site boundaries
15 and certificate holders under separate site certificates. The split would amend the current site
16 certificate and create one new site certificate. RFA1 also includes a request to extend the
17 construction deadline for the approved but not yet constructed portion of the facility and
18 amend several conditions consistent with the site certificate split.

19
20 To issue an amended site certificate, the Council must find that, after considering any changes
21 in facts or law since the date the current site certificate was executed, the facility complies with
22 all laws and Council standards applicable to an original site certificate application.

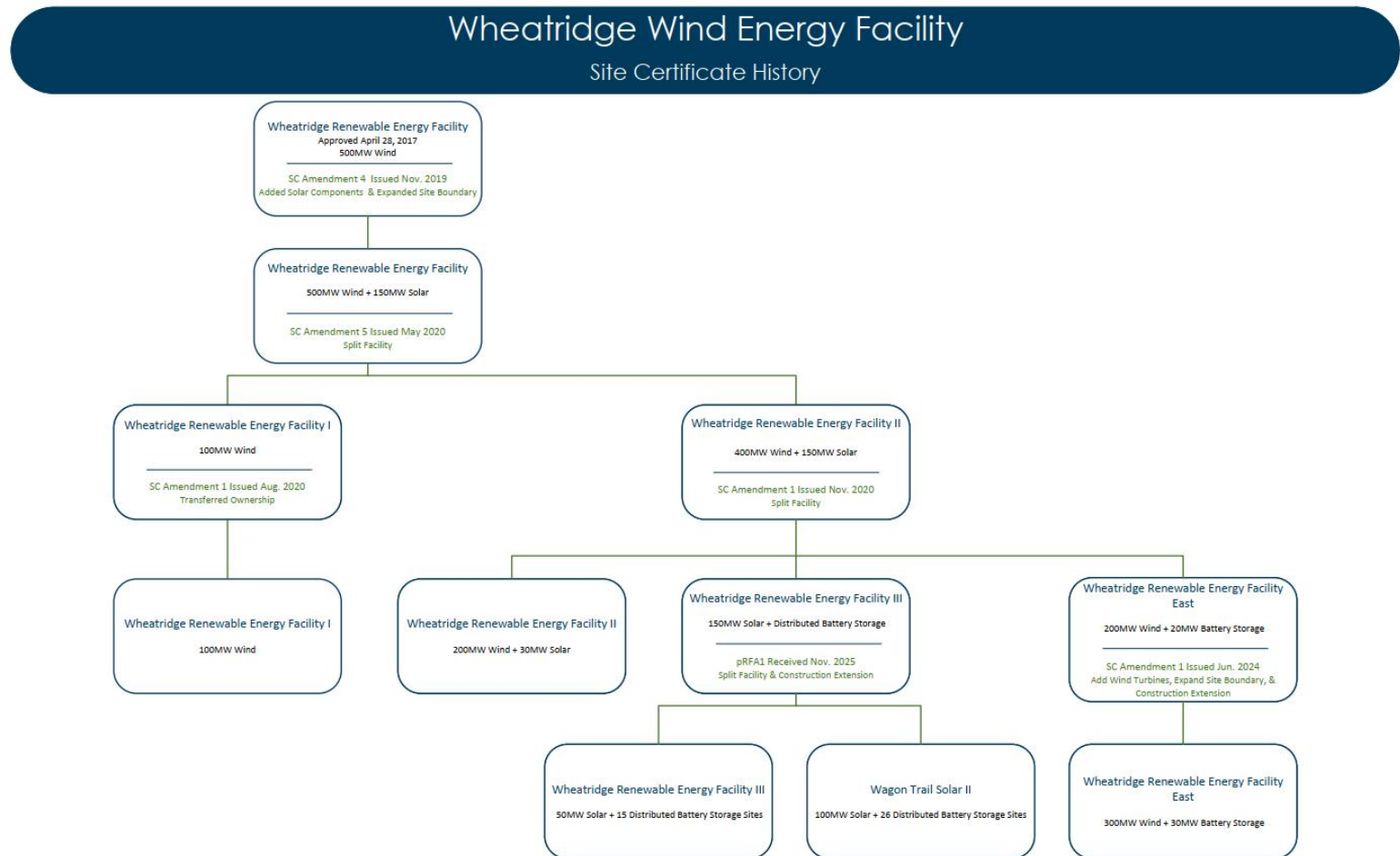
23
24 In accordance with OAR 345-027-0365, the Oregon Department of Energy (Department), as
25 staff to the Energy Facility Siting Council (EFSC or Council), issues this Proposed Order
26 recommending approval of RFA1, subject to the existing and recommended new and amended
27 site certificate conditions set forth in this Order. This Order, and the analysis and
28 recommendations contained therein do not constitute a final determination by the Council.

29
30 **I.A. SITE CERTIFICATE PROCEDURAL HISTORY**

31
32 The site certificate was issued through the site certificate amendment process for Wheatridge
33 Wind Energy Facility. The Wheatridge Wind Energy Facility Site Certificate was originally
34 approved on May 24, 2017, with a requirement to commence construction within three years
35 of the effective date of the site certificate (May 24, 2020). The construction completion
36 deadline was six years after the effective date of the site certificate (May 24, 2023). Subsequent
37 amendments [AMD2 (2018); AMD4 (2019); and AMD1 (2020)] of the site certificate established
38 construction commencement and completion deadlines for the various energy facilities
39 (ultimately Wheatridge Renewable Energy Facility II, Wheatridge Renewable Energy Facility III,
40 Wheatridge Renewable Energy Facility East). The construction commencement and completion
41 deadlines established for Wheatridge Renewable Energy Facility III were November 22, 2022
42 and November 22, 2025, respectively.

- 1 Figure 1 provides a diagram illustrating the site certificate history for all successor facilities to
- 2 the Wheatridge Wind Energy Facility.
- 3

Figure 1: Wheatridge Wind Energy Facility Site Certificate History



February 2026

I.B. APPROVED FACILITY DESCRIPTION

The approved facility includes up to 150 MWs of solar photovoltaic power generation components and related or supporting facilities within a 2,294 acre site boundary. These components are presented in Table 1 below, which represents the highest-impact design scenario for the facility. The split of the built and remaining unbuilt facility components into two facilities, each with its own site certificate, is described in Section I.D. *Requested Amendment*, of this order. The allocation of facility components between the two facilities is provided in Table 2.

Table 1: Facility Component Summary

Description	No. of Facility Components/Specification	Unit
Site Boundary/Micrositing Corridor¹		
Site Boundary/Micrositing Corridor	2,294	acres
Solar Components		
PV Solar Modules		
Approx. total capacity	150	MW
Approx. total number	Modules	417,093
Posts		
Approx. total number	195,000	posts
Cabling		
Combiner Boxes	740	each
Inverter Step Up Transformer Units		
Approx. total number	41	each
Noise Level	79	dBA, each
Transformer oil-containing capacity	1,000	Gallons, each
Related or Supporting Facility Components		
34.5 kV Collection System		
Collector line length, belowground	20.8	miles
Collector line length, overhead (OH)	3.0 (two lines, 2.32 and 0.66 miles each)	miles
Wood Monopoles (max estimate for OH)	Not previously defined	
Battery Energy Storage System (Lithium-ion)		
Approx. total of distributed battery sites/containers on foundations with HVAC and fire suppression systems; SCADA	41	each
Site Size - Permanent Footprint	10	acres
Noise Level	85	dBA, each
Approx. container dimensions	10 X 12 X 36	H x W x L; feet
Facility Roads		

Table 1: Facility Component Summary

Length	13.8	miles
Width	16-20	feet
Acronyms: dBA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition		
Notes: 1. Site Boundary is synonymous with Micrositing Corridor, as previously approved/reviewed by the Council. The entire energy facility footprint is considered a permanent disturbance area for the purposes of evaluating impacts to resources.		

As described in Section I.D., *Requested Amendment*, and provided in Table 3 of this order, the certificate holder requests to split the approved facility site boundary and components into two facilities, each with their own site certificate and certificate holder, but includes some shared facility components.

I.B.1. Energy Facility

As approved, the facility is a solar photovoltaic power generation facility with up to 150 MW of electric generation capacity. 50 MWs of solar PV power generation is currently in operation. Additional details and description of the facility are provided below.¹

Photovoltaic Modules

Solar photovoltaic (PV) modules, or solar panels, convert sunlight into DC electric power. The typical module contains crystalline silicon photovoltaic cells arranged within glass panels equipped with an anti-reflective coating, a metal frame, and wire connectors. Each solar module is approximately 6 feet by 3 feet.

Racking System

The PV modules are mounted onto a nonspecular, galvanized steel rack, constituting a tracking module. The tracking modules and arranged in strings of approximately 70 racked modules, approximately 5 feet off the ground, and on a single-axis tracker that would rotate 60 degrees to the east and west.

Posts

Each tracker is supported by steel posts; post depth varies depending on soil conditions, but the posts are typically placed 8 feet below the surface.

¹ ORS 469.300(11)(a)(D)(ii).

DC Cabling System

Strings of modules are connected by electrical collector lines and inverters that convert the direct current power generated by panels to alternating current power.

Combiner Boxes, Inverters, and Inverter Step Up (ISU) Transformers

The current produced by solar modules is in the form of direct current (DC). Within each module block, several DC electrical conduits (cables on the back of the modules) aggregate electricity produced from each of the modules into a combiner box. Approximately 18 combiner boxes are located throughout each module block for a total of approximately 740 combiner boxes. The photovoltaic modules are arranged into blocks, with each block connecting via collector lines to approximately 41 modular inverter enclosures. Inverters convert DC current into alternating current (AC) power to then be transmitted to the grid. The inverter AC output voltage (480 volts) is stepped up to a higher voltage (34.5 kilovolts [kV]) by approximately 41 pad-mounted transformers designed to integrate with the inverter.

Transformers placed near the inverters step up power to 34.5 kV for transmission to the Wheatridge West substation.

I.B.2. Related or Supported Facilities

Related or supporting facilities include a battery energy storage system, electrical collection system, and service roads, gates, and fencing. Additional related or supporting facilities are shared with Wheatridge Renewable Energy Facility I and Wheatridge Renewable Energy Facility II, as further described below in Section I.B.3.

Battery Energy Storage System

Solar PV power generation components include approximately 41 distributed sites of sites of lithium-ion batteries housed within concrete containers or similar containment throughout and within the solar array fencelines. Each container measures up to 12 feet wide, 36 feet long and 10 feet tall. Lithium-ion battery storage systems are modular systems. Each module contains multiple smaller battery cells, each measuring up to 3.2 by 7 centimeters. Modules are contained in anchored racks within the concrete containers; typically, each rack houses 12 battery modules along with a switchgear assembly. Cooling equipment is located either on top of the concrete containers or along the side.

34.5 kV Electrical Collection System

Electricity generated from the solar energy facility components are aggregated via underground 34.5 kV cables to an above- or belowground 34.5 kV collector line that interconnect to Wheatridge West collector substation. Underground AC electrical cables are buried to a

1 minimum of 3 feet. Overhead collector lines are supported by a wooden or steel monopole
2 structure, with foundations extending 6 feet in depth and structure height of approximately 60
3 feet above ground. The collection system also includes two 34.5 kV collector line routes outside
4 of the perimeter fenceline; one route extends approximately 2.32 miles from Solar Array 1 to
5 Wheatridge West collector substation. The second collector line interconnects Solar Array 1 to
6 Solar Array 2 and extends approximately 0.66 miles along Bombing Range Road.

7 8 *Access and Service Roads, Security fencing, and Gates*

9
10 Service roads, approximately 16-feet wide, located within and around the perimeter of the
11 proposed solar arrays, and within the solar micrositings corridors, to facilitate access for
12 construction and maintenance purposes. Vegetation is cleared and maintained along perimeter
13 roads to provide a vegetation clearance area extending 100-feet wide for fire safety. Internal
14 roads are all-weather, compacted gravel and approximately 20 feet wide, with an internal
15 turning radius of 28 feet. Vegetation maintenance along solar array interior roads includes
16 mowing to a height no more than 3 inches.

17
18 The perimeter service road is bordered by a 7 or 8-foot-high chain-link security fence. There is
19 also a locked security entrance gates to allow vehicle and pedestrian access.
20

21 **I.B.3. Shared Related or Supported Facilities**

22
23 Previously approved facility components that are shared between Wheatridge Renewable
24 Energy Facility II (WREFII) and the operating portions of Wheatridge Renewable Energy Facility
25 III (WREFIII) include a collector substation, access roads, temporary laydown areas and the
26 O&M building, all of which are reflected in both WREFII and WREFIII site certificates.

27
28 Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process
29 when the compliance obligation and applicable regulatory requirements for the shared facilities
30 is adequately covered under both site certificates, including under normal operational
31 circumstances, ceasing/termination of operation, emergencies and compliance issues or
32 violations.
33

34 The certificate holder is authorized to share related or supporting facilities with the WREFI and
35 WREFII facilities, including the Wheatridge West collector substation, temporary laydown areas,
36 and access roads. These related or supporting facilities are also included in both WREFI and
37 WREFII site certificates. Compliance with site certificate conditions and EFSC standards which
38 apply to these shared related or supporting facilities are shared between certificate holders. In
39 accordance with Organizational Expertise Condition 11 (GEN-OE-05), if either certificate holder
40 substantially modifies a shared related or supporting facility or ceases facility operation, both
41 certificate holders are obligated to submit an amendment determination request or request for
42 amendment to the Department to determine the appropriate process for evaluating the change
43 and ensuring full regulatory coverage under each site certificate, or remaining site certificate if

either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

Additional details on shared facility components are described in Table 2, below, and in Section III.B., *Organizational Expertise*.

Table 2: Shared Related or Supporting Facility Components

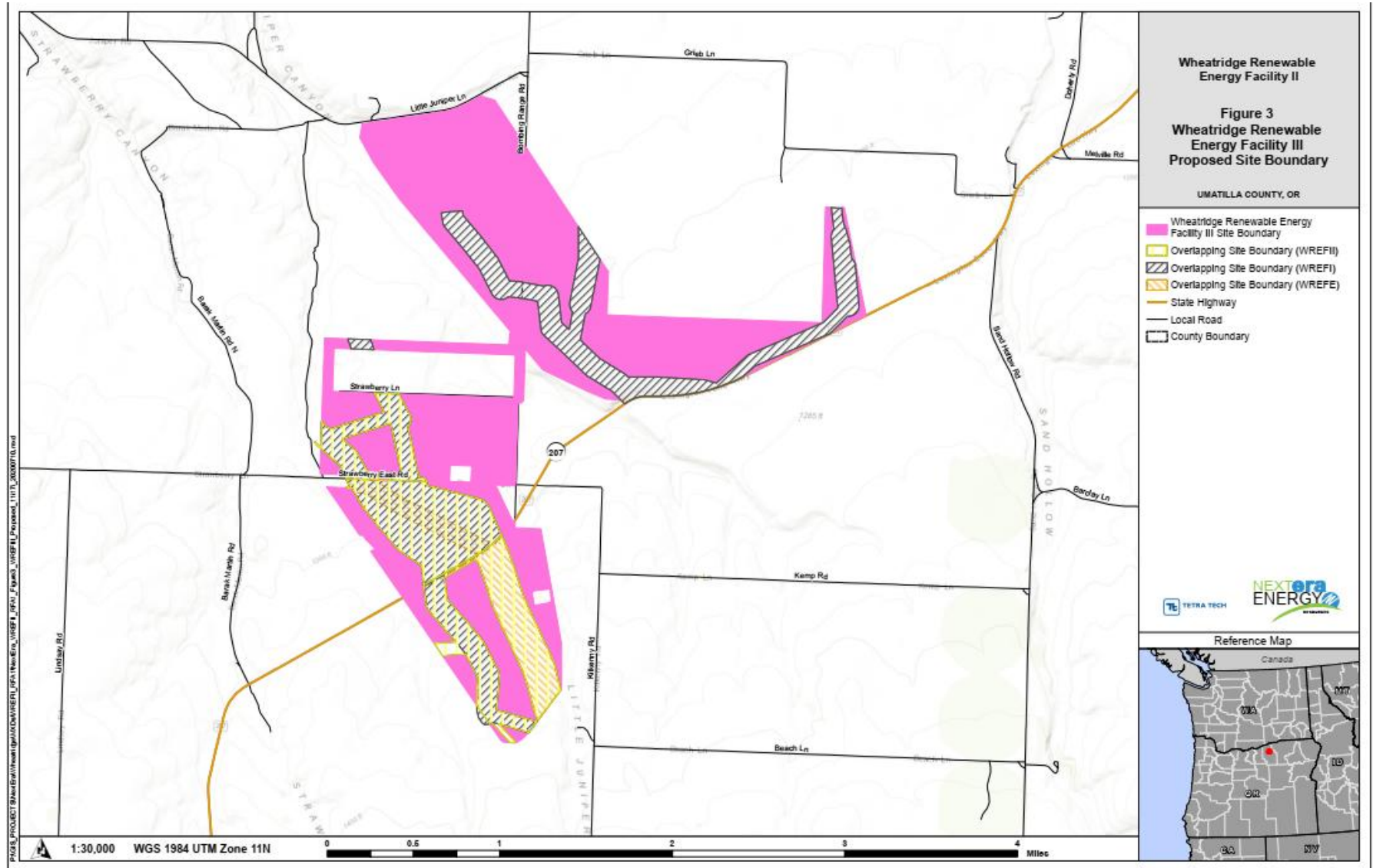
Description	No. of Facility Components/Specification	Unit
Collector Substations		
Substations w SCADA; Generator step-up transformers, each	One; shares with Wheatridge West (now WREFII)	each
O&M Building		
Quantity	Shares with Wheatridge West (now WREFII), not a related or supporting facility for WREFIII or WTSII	each
Temporary Construction Yards		
Quantity	Shares with Wheatridge West (now WREFII), not related or supporting facilities for WREFIII or WTSII	each

I.C. APPROVED SITE BOUNDARY AND MICROSITING CORRIDOR

The facility site includes 2,294 acres in Morrow County, approximately 5 miles northeast of Lexington and 7 miles northwest of Heppner and is sited on entirely privately owned land zoned for Exclusive Farm Use (EFU). The site boundary is presented in Figure 2 below and is approved as a microsite corridor.²

² OAR 345-001-0010(21) defines microsite corridor as, “a continuous area of land within which construction of facility components may occur, subject to site certificate conditions.”

Figure 2: Approved WREFIII Site Boundary



1 **I.D. REQUESTED AMENDMENT**

2
3 RFA1 seeks Council authorization for the following changes to the site certificate:

- 4 1. Split the operational facility and remaining unbuilt portions of the approval facility into
5 two separate facilities; each with its own site boundary and certificate holder under
6 separate site certificates.
7 o Wheatridge Renewable Energy Facility III would include the operational 50 MW
8 solar facility located on 359 acres.
9 o Wagon Trail Solar II would include a 100 MW solar facility located on 1,935 acres.
10 2. Extend the construction completion deadline for Wagon Trail Solar II (WTSII) by three
11 years from November 22, 2025 to November 22, 2028.
12 3. Amend site certificate conditions to be consistent with the site certificate split.

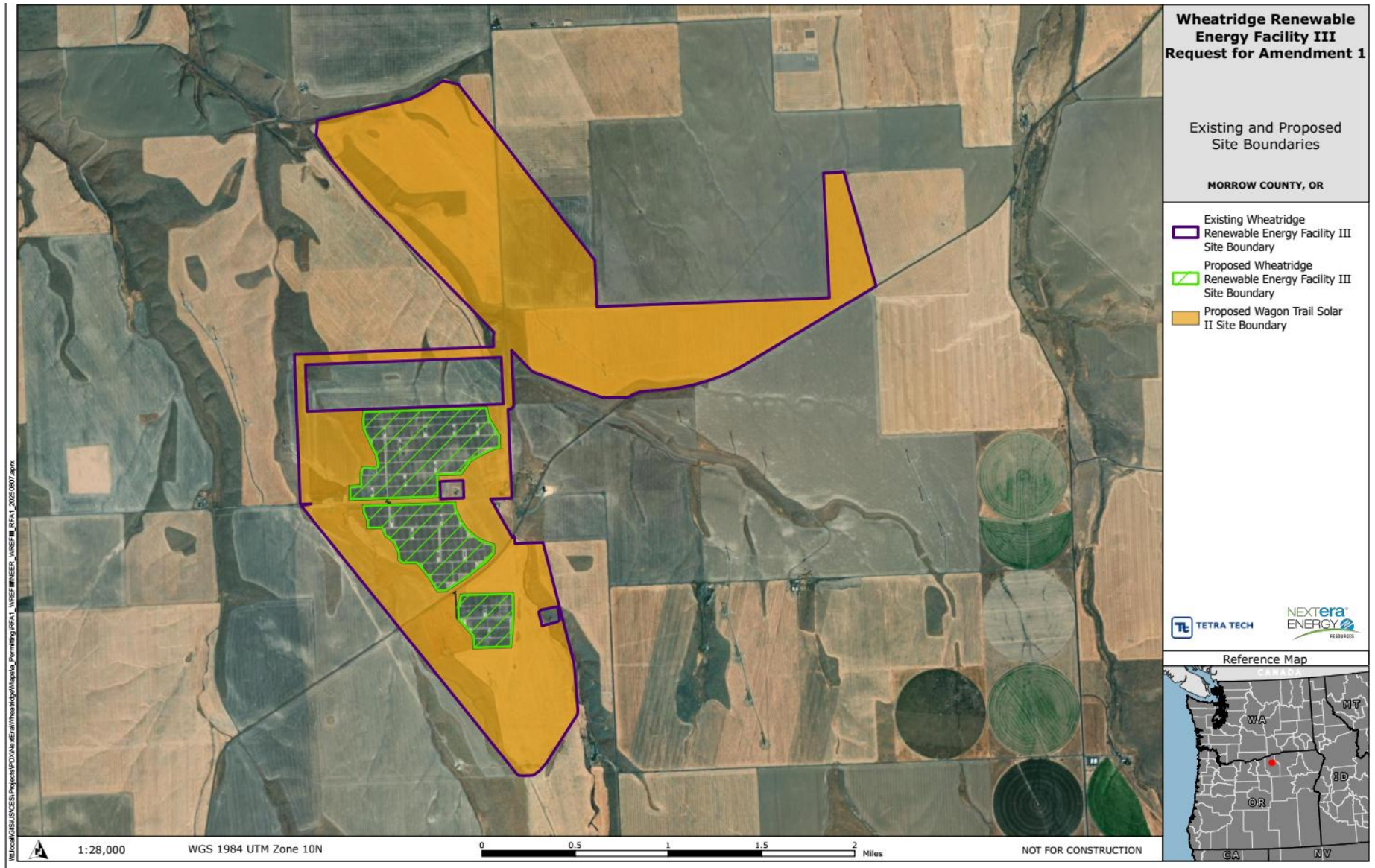
13
14 The certificate holder's proposed condition modifications and the Department's
15 recommendations to Council are described in detail in the subsequent sections of this Order.

16
17 **I.D.1. Proposed Site Boundary, Micrositing Corridor, and Facility Components**

18
19 Figure 3, below, illustrates the location of the proposed amended site boundary for WREFIII
20 (orange area) and proposed new site boundary for WTSII (green hatched area), both of which
21 are within the previously approved site boundary.

22
23 As described in Section I.C *Approved Site Boundary and Micrositing Corridor*, the site boundary
24 is equivalent to the micrositing corridor or micrositing area. A micrositing corridor or area
25 provides siting flexibility because it represents an area that has been fully evaluated under
26 Council standards for potential impacts.

Figure 3: RFA1 Proposed Site Boundary Split



1 Table 3, below, presents the proposed allocation of built to remaining unbuilt facility
2 components for the amended WREFIII Site Certificate and proposed new WTSII Site Certificate.
3 The totals in Table 3 below are represented within the amended and new site certificates,
4 provided as Attachment A for each facility, and included in this order.³
5

Table 3: RFA1 Facility Component Split Summary

Component and Design Standard	Unit	Approved Facility	Operational WREFIII ¹	Proposed WTSII
Site Boundary/Micrositing Corridor ²				
Site Boundary/Micrositing Corridor	acres	2,294	359	1,935
Solar Components				
PV Solar Modules				
Approx. total capacity	MW	150	50	100
Approx. total number	Modules	417,093	155,912	261,181
Posts				
Approx. total number	posts	195,000	1,839	10,684
Cabling				
Combiner Boxes	each	740	348	392
Inverter Step Up Transformer Units				
Approx. total number	each	41	15	26
Noise Level	dBA	79		
Transformer oil-containing capacity	gallons	1,000		
Related or Supporting Facility Components				
34.5 kV Collection System				
Collector line length, belowground	miles	20.8	13	7.8
Collector line length, overhead (OH)	miles	3.0 (two lines, 2.32 and 0.66 miles each)	0	3.0
Wood Monopoles (max estimate for OH)	each	Not previously defined	N/A	80 (max 200 foot spacing assumed, as previously defined/approved)
Battery Energy Storage System (Lithium-ion)				
Approx. total of distributed battery sites/containers on foundations	each	41	15	26

³ The facility must be designed, constructed and operated substantially as described in the site certificate Mandatory Condition OAR 345-025-0006(3), see Condition GEN-GS-03.

Table 3: RFA1 Facility Component Split Summary

Component and Design Standard	Unit	Approved Facility	Operational WREFIII ¹	Proposed WTSII
with HVAC and fire suppression systems; SCADA				
Site Size - Permanent Footprint	acres	10	0.5	9.5
Noise Level	dba	85		
Approx. container dimensions	H x W x L; feet	10 X 12 X 36		
Facility Roads				
Length	miles	13.8	3.2	8.7
Width	feet	16-20		
Acronyms: dbA = A-weighted decibels; HVAC = heating, ventilation and air conditioning; kV = kilovolt; OH = overhead; O&M = operations and maintenance; SCADA = supervisory, control and data acquisition				
Notes:				
1. As constructed.				
2. Site Boundary is synonymous with Micrositing Corridor/Area, as previously approved/reviewed by the Council. The entire facility footprint is considered a permanent disturbance area for the purposes of evaluating impacts to resources.				

II. COUNCIL REVIEW PROCESS FOR AMENDMENT PROCESS

A site certificate amendment is necessary under OAR 345-027-0350(3) because the certificate holder requests to extend the construction completion deadline. Additionally, OAR 345-027-0385 imposes specific requirements relating to a request for amendment to extend construction deadlines and OAR 345-027-0375 sets the scope of Council's review, as presented below.

II.A. SCOPE OF COUNCIL REVIEW: OAR 345-027-0375

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

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

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

(b) For a request for amendment to extend the deadlines for beginning or completing construction, after considering any changes in facts or law relevant to the proposed amendment since the date the current site certificate was executed, the facility complies with all laws and Council standards applicable to an original site certificate application.

1 *However, for requests to extend completion deadlines, the Council need not find*
2 *compliance with an applicable law or Council standard if the Council finds that:*

3
4 *(A) The certificate holder has spent more than 50 percent of the budgeted costs on*
5 *construction of the facility;*

6
7 *(B) The inability of the certificate holder to complete the construction of the facility by*
8 *the deadline in effect before the amendment is the result of unforeseen circumstances*
9 *that are outside the control of the certificate holder;*

10
11 *(C) The standard, if applied, would result in an unreasonable financial burden on the*
12 *certificate holder; and*

13
14 *(D) The Council does not need to apply the standard to avoid a significant threat to the*
15 *public health, safety or the environment;*

16
17 *****

18
19 *(3) In making findings under section (2) of this rule, the Council must apply the applicable*
20 *laws and Council standards in effect on the following dates, regardless of when the site*
21 *certificate was previously approved or amended:*

22
23 *(a) For the applicable substantive criteria under the Council's land use standard, as*
24 *described in OAR 345-022-0030, the date the request for amendment was submitted;*
25 *and*

26
27 *(b) For all other applicable laws and Council standards, the date the Council issues its*
28 *final order on the request for amendment.⁴*

29
30 OAR 345-027-0375(2)(b) provides that an amendment, which seeks a timeline extension, must
31 be evaluated "after considering any changes in facts or law since the date the current site
32 certificate was executed." The Council interprets OAR 345-027-0375(2)(b) as requiring the
33 review of changes to the existing environment, baseline information and changes in law.

34
35 The request to extend the construction completion deadline does not apply to the operating
36 facility to be governed by the amended WREFIII Site Certificate. Proposed changes to the
37 operating facility are limited to an administrative split and update of the facility description.
38 Therefore, changes in fact or law are not relevant and not evaluated for the portions of the
39 operational facility to be covered under the amended WREFIII Site Certificate.

40
41 **II.B. AMENDMENT PROCESS**
42

⁴ Permanent Administrative Order EFSC 5-2025, amend filed 10/24/2025, effective 10/24/2025.

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

2
3 On November 21, 2025, the certificate holder submitted preliminary Request for Amendment 1
4 (pRFA1). The Department reviewed pRFA1 to determine whether the request contained
5 sufficient information for the Council to make findings.

6
7 On December 2, 2025, the Department issued Public Notice that pRFA1 had been received as
8 required by OAR 345-027-0360(2).⁵ On December 19, 2025, the Department notified the
9 certificate holder that pRFA1 was incomplete and issued requests for additional information
10 (RAIs) related to standards potentially impacted by the changes proposed in pRFA1. The
11 Department requested the certificate holder submit the additional information on or before
12 January 19, 2026. Subsequent RAI's were sent to the certificate holder on January 9, 2026.

13
14 On February 10, 11, 20, and 23, 2026, the certificate holder responded to the Department's
15 RAIs. On February 25, 2026, the Department notified the certificate holder that pRFA1 was
16 complete.⁶ On February 27, 2026, the certificate holder filed a complete RFA1 under OAR 345-
17 027-0363(6) that included all revisions to pRFA1, and all additional information requested by
18 the Department. On February 27, 2026, the Department issued Public Notice of the Proposed
19 Order and Complete Request for Amendment as required by OAR 345-027-0365 and -0367.

20
21 The Department received comments on pRFA1 from Morrow County Planning Department,
22 representing the Special Advisory Group; Oregon Department of Fish and Wildlife (ODFW); and
23 Oregon Department of Aviation (ODAv). Copies of all written reviewing agency comments on
24 pRFA1 are included in Attachment B of this Order. Table 4, below, includes a summary of the
25 agency comments and where in the order the comment is addressed, if applicable.

⁵ WREFIIIAMD1Doc4 Public Notice of Receipt of pRFA1 2025-12-02

⁶ A request for amendment is complete when the Department finds that the certificate holder has submitted information adequate for the Council to make findings or impose conditions on all applicable laws and Council standards. OAR 345-027-0363(5). The completeness letter issued by the Department identified that the proposed order would be issued on March 18, 2026. OAR 345-027-0365(1).

1

Table 4: Summary of Reviewing Agency Coordination and Comments on pRFA1

Comment Date	Name/Title	Agency	Summary and Location in Order
1-2-2026; 1-5-2026	Steve Cherry; Lindsay Somers	ODFW	Section III.H., Fish and Wildlife Habitat
1-29- 2026	Tamra Mabbot	Morrow County	Section III. E., Land Use:
2-5-2026	Brandon Pike	ODAv	Section III.M., Public Services: Confirmation that filing 7460 notices with the FAA and ODAV for WTSII would not be required.

2

3

II.B.2. Proposed Order

4

5

6

7

8

9

10

11

A Public Notice of the complete RFA1, Proposed Order, and Public Hearing was issued concurrently with this Order and sent via mail or email to individuals identified in OAR 345-027-0367(4).⁷ The Public Notice of the Proposed Order initiates a public comment period on RFA1 and the Proposed Order. The comment period includes a new public comment process, based on recently amended rules effective October 24, 2025. The new public comment process includes additional steps and deadlines, as presented in the table below.

Table 5: Proposed Order Public Comment Process and Deadlines

Process Step	Explanation	Deadline¹
Comment Period	Opportunity to provide comments with sufficient specificity. ²	February 27 - April 3, 2026
Certificate holder/Department responses	Opportunity for certificate holder and Department to identify whether comments were raised with sufficient specificity, and to respond with explanation of deficiencies or additional information, evaluation and proposed conditions.	April 10, 2026
Commenter Reply	Opportunity for commenter to supplement their initial comments or determine whether the issue is resolved by the certificate holder or Department's additional information, evaluation or proposed conditions.	April 17, 2026

⁷ (A) All persons on the Council's general mailing list as defined in OAR 345-011-0020;

(B) All persons on any special mailing list established for the facility;

(C) The reviewing agencies for the facility, as defined in OAR 345-001-0010(52); and

(D) The property owners on the list provided under OAR 345-027-0360.

Table 5: Proposed Order Public Comment Process and Deadlines

Process Step	Explanation	Deadline ¹
Certificate holder/Department sur-replies	Final opportunity for certificate holder and Department to resolve issues raised, based on any clarification or supplemental information provided in commenter replies.	April 24, 2026
Notes: 1. If no comments are received by the April 3, 2026 deadline, the subsequent process steps and deadlines will not apply. 2. OAR 345-027-0367(7) explains that to provide comments with “sufficient specificity,” comments should reference recommended findings of fact, conclusions of law or conditions of approval identified in the Proposed Order to which you object; identify the Council standard or other applicable state and local requirements on which your objection is based; and/or, present facts or statements supporting your objection.		

II.B.3. Draft Final Order

No later than 21 days after the deadline for sur-replies, or if no comments are received, no later than 21 days after the close of the record of the Proposed Order, the Department must issue a draft of the Final Order (draft Final Order).⁸ The draft Final Order will include written analysis of any comments on the Proposed Order, including analysis of any responses, replies, and sur-replies, and indicate whether it recommends any changes to the Proposed Order.⁹ If the Department recommends any changes, it will include them in a draft Final Order.

Concurrently with issuing the draft Final Order, the Department will issue a Notice of the draft Final Order which will be mailed or emailed to all persons, agencies, or organizations who commented during the public comment period.¹⁰ The Department will post an announcement of the draft Final Order on the Department's webpage for the facility. The Notice of the Draft Final Order will include the date of Council's review.

II.B.4. Final Order

At the meeting designated in the Notice of the draft Final Order, Council will review the draft Final Order including all related comments, responses, replies, sur-replies, and the Department's analysis, if applicable. During Council's review of the draft Final Order, the Department may summarize the analysis it conducted to produce the order.¹¹ During its review, Council, at its discretion, may pose questions to the Department, the Department of Justice, persons who commented on the Proposed Order, and/or the certificate holder.¹²

⁸ The Department may issue the draft of the final order at a later date, but the Department must post an update of the date by which it will issue the draft of the Final Order on the Department's webpage for the facility. OAR 345-027-0371(2).

⁹ OAR 345-027-0371(1).

¹⁰ OAR 345-027-0371(3).

¹¹ OAR 345-027-0371(5).

¹² OAR 345-027-0371(6).

1
2 After reviewing the written analysis of the comments, responses, replies, and sur-replies, along
3 with the draft Final Order, the Council, based on the considerations described in OAR 345-027-
4 0375¹³ must either grant or deny issuance of an amended site certificate in a written Final
5 Order. The Council's Final Order may adopt, modify or reject the Department's draft Final
6 Order. If the Council grants issuance of an amended site certificate, the Council must then issue
7 an amended site certificate, which is effective upon execution by the Council Chair and by the
8 certificate holder.¹⁴

9
10 Judicial review of the Council's final order either granting or denying an amended site
11 certificate is as provided in ORS 469.403(3).¹⁵

12 **III. EVALUATION OF COUNCIL STANDARDS**

13
14 As described in Section II.A., Scope of Council Review, all laws and Council standards applicable
15 to an original site certificate application for a solar photovoltaic power generation facility,
16 including all of the Council's general standards in OAR chapter 345, division 22 are applicable to
17 the review of the site and facility components to be included in the proposed new WTSII Site
18 Certificate.

19
20 Consistent with OAR 345-027-0360(1)(c)(C)(ii), for all standards that require evaluation of
21 impacts within an analysis area, the analysis areas include the area within and extending from
22 the proposed amended site boundary for the proposed new WTSII facility (see Section II.A. of
23 this Order)

24
25 This Order includes the Department's analysis of whether the certificate holder and facility,
26 with proposed RFA1 changes, would continue to meet each applicable Council standard (with
27 mitigation and subject to compliance with existing and recommended new and amended
28 conditions, as applicable), based on the information in the record.

29 30 **III.A. GENERAL STANDARD OF REVIEW: OAR 345-022-0000**

31
32 *(1) To issue a site certificate for a proposed facility or to amend a site*
33 *certificate, the Council shall determine that the preponderance of evidence on*
34 *the record supports the following conclusions:*

35
36 *(a) The facility complies with the requirements of the Oregon Energy Facility*
37 *Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the*
38 *standards adopted by the Council pursuant to 469.501 or the overall public*
39 *benefits of the facility outweigh any adverse effects on a resource or interest*

¹³ See Section II.A., *Scope of Council Review*, in this Order.

¹⁴ OAR 345-027-0371(7).

¹⁵ OAR 345-027-0371(8).

1 *protected by the applicable standards the facility does not meet as described*
2 *in section (2);*

3
4 ***(b) Except as provided in OAR 345-022-0030 for land use compliance and***
5 ***except for those statutes and rules for which the decision on compliance has***
6 ***been delegated by the federal government to a state agency other than the***
7 ***Council, the facility complies with all other Oregon statutes and administrative***
8 ***rules identified in the project order, as amended, as applicable to the issuance***
9 ***of a site certificate for the proposed facility. If the Council finds that applicable***
10 ***Oregon statutes and rules, other than those involving federally delegated***
11 ***programs, would impose conflicting requirements, the Council shall resolve***
12 ***the conflict consistent with the public interest. In resolving the conflict, the***
13 ***Council cannot waive any applicable state statute.***

14
15 ****

16
17 ***(4) In making determinations regarding compliance with statutes, rules and***
18 ***ordinances normally administered by other agencies or compliance with***
19 ***requirements of the Council statutes if other agencies have special expertise,***
20 ***the Department of Energy shall consult with such other agencies during the***
21 ***notice of intent, site certificate application and site certificate amendment***
22 ***processes. Nothing in these rules is intended to interfere with the state's***
23 ***implementation of programs delegated to it by the federal government.***¹⁶

24 ***¹⁷

25 26 **III.A.1. Findings of Fact**

27
28 OAR 345-022-0000 provides the Council's General Standard of Review and requires the Council
29 to find that a preponderance of evidence on the record supports the conclusion that the
30 portion of the facility where the proposed construction completion deadline extension is
31 requested (WTSII Facility), would continue to comply with the requirements of EFSC statutes,
32 siting standards adopted by the Council, all other Oregon statutes and administrative rules
33 applicable to the issuance of a new site certificate.

34
35 The requirements of OAR 345-022-0000 are discussed in the sections that follow. The
36 Department consulted other state agencies as well as the Morrow County Planning
37 Departments (reviewing on behalf of the Special Advisory Group –Morrow County Boards of
38 County Commissioner) during its review of pRFA1 to aid in the evaluation of whether the
39 proposed WTSII Facility, with proposed construction completion deadline extension, would
40 continue to satisfy the requirements of applicable statutes, rules and ordinances otherwise

¹⁶ OAR 345-022-0040, effective April 2, 2025.

¹⁷ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

administered by other agencies. Additionally, in many circumstances the Department relies upon these reviewing agencies' special expertise in evaluating compliance with the requirements of Council standards.

Construction Deadlines

RFA1 seeks to extend the construction completion deadline established in Condition GEN-GS-02 from November 22, 2025 to November 22, 2028, applicable to the portions of the unbuilt facility to be included in the new WTSII Site Certificate. This is the first request to extend the construction completion deadline since the original site certificate was issued for WREFIII through the Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate.

OAR 345-027-0385(3) limits the duration of the extension that may be granted to no more than three years from the deadline in effect. Consistent with this provision, the Department recommends Council extend the construction completion deadline by three years, as presented below:

Recommended Amended Condition GEN-GS-02: The certificate holder shall complete construction of ~~solar~~the facility ~~components and its related or supporting facilities, as approved in the Fourth Amended Site Certificate,~~ by November 22, 2028~~5~~. On or before November 22, 2028~~5~~, the certificate holder shall promptly notify the Department of the date of completion of construction.
[Final Order on ASC (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019); AMD1 (2020); AMD 1 (2026)]
[Mandatory Condition OAR 345-025-0006(4)]

Existing Condition GEN-GS-01 establishes the construction commencement deadline as November 22, 2022. This commencement deadline was satisfied in April 2021 with the construction of 50 MWs of solar PV power generating components (i.e., the facility components to be included in the amended WREFIII Site Certificate), which represents a portion or phase of the approved facility. The WREFIII Site Certificate authorizes the facility to be constructed in phases and is reflected through site certificate conditions (e.g., Condition PRE-LU-03, PRE-FW-02, PRE-FW-04) and in the Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility Site Certificate, but was not abundantly clear in the language of Condition GEN-GS-01.¹⁸ To avoid compliance confusion related to the construction commencement deadline for the remaining unbuilt portions of WREFIII (to be included in the new WTSII Site Certificate), the Department recommends Council administratively amend Condition GEN-GS-01 to reflect the previously authorized phasing of construction, as presented below:

Recommended Amended Condition GEN-GS-01: The certificate holder shall begin construction of the facility, facility component or phase, as applicable ~~solar facility~~

¹⁸ WRWAMD4 Final Order on Request for Amendment 4 2019-11-22, p.16, lines 7-10.

~~components and its related or supporting facilities, as approved in the Fourth Amended Site Certificate,~~ by November 22, 2022. On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. [Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020); AMD1 (2026)] [Mandatory Condition OAR 345-025-0006(4)]

The proposed amended and new site certificates will be procedurally and substantively connected such that the status of satisfying the construction commencement deadline with the April 2021 commencement of 50 MWs of the facility remains the same – previously satisfied and continues to be satisfied for the proposed amended and new site certificates, if Council approves RFA1.

III.A.2. Conclusions of Law

Based on the foregoing analysis, recommended findings of fact, conclusions of law, and subject to compliance with existing and recommended new and amended site certificate conditions described above, and in sections III through IV, the Department recommends the Council find that the facility, with proposed RFA1 changes, complies with all laws and Council standards applicable to an original site certificate application, and would continue to comply with the Council's General Standard of Review.

III.B. ORGANIZATIONAL EXPERTISE: OAR 345-022-0010

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

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

1
2 *(3) If the applicant does not itself obtain a state or local government permit or*
3 *approval for which the Council would ordinarily determine compliance but*
4 *instead relies on a permit or approval issued to a third party, the Council, to*
5 *issue a site certificate, must find that the third party has, or has a reasonable*
6 *likelihood of obtaining, the necessary permit or approval, and that the*
7 *applicant has, or has a reasonable likelihood of entering into, a contractual or*
8 *other arrangement with the third party for access to the resource or service*
9 *secured by that permit or approval.*

10
11 *(4) If the applicant relies on a permit or approval issued to a third party and*
12 *the third party does not have the necessary permit or approval at the time the*
13 *Council issues the site certificate, the Council may issue the site certificate*
14 *subject to the condition that the certificate holder shall not commence*
15 *construction or operation as appropriate until the third party has obtained the*
16 *necessary permit or approval and the applicant has a contract or other*
17 *arrangement for access to the resource or service secured by that permit or*
18 *approval.*¹⁹

19 ***20

21 **III.B.1. Findings of Fact**

22
23 Subsections (1) and (2) of the Council's Organizational Expertise standard require that the
24 proposed new certificate holder demonstrate its ability to design, construct operate and retire
25 portions of the unbuilt facility (WTSII) in compliance with Council standards and all site
26 certificate conditions, and in a manner that protects public health and safety, as well as its
27 ability to restore the site to a useful, non-hazardous condition. In determining compliance with
28 the Council's Organizational Expertise standard, Council may consider the proposed certificate
29 holders' experience and past performance in constructing, operating and retiring other
30 facilities.

31 *Relevant Experience and Access to Technical Expertise*

32
33
34 The current certificate holder of the WREFIII facility is Wheatridge Solar Energy Center, LLC,
35 which is not proposed to change. RFA1 proposes a new certificate holder, Wagon Trail Energy
36 Center, LLC for the proposed WTSII facility. Wagon Trail Energy Center, LLC is a project-specific
37 LLC wholly owned by NextEra Energy Resources, LLC (NEER, new certificate holder owner), and
38 relies upon the organizational expertise and experience of its parent company to meet the
39 standard. NEER is the same parent company of the existing certificate holder. NEER will retain

¹⁹ OAR 345-022-0040, effective April 2, 2025.

²⁰ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

ownership of and support the organizational expertise of both the existing and new certificate holders, and respective Site Certificates.²¹

NEER is a regionally diversified company with approximately 5,100 employees dedicated to the production of approximately 34,000 MW, from 189 facilities in 41 states and four Canadian provinces. With more than 10,000 wind turbines in its fleet, NEER's wind generation capacity totals more than 19,000 MW. NEER is also capable of generating more than 1,800 MW of electricity from natural gas facilities, operates three nuclear power plants with a capacity of more than 1,200 MW, and operates more than 8,000 MW of solar energy. Within Oregon, NEER subsidiaries own and operate Stateline 1 and 2 wind energy facilities; the Vansycle II Wind Energy Facility; and Wheatridge Renewable Energy Facility II, III, and East.

The Vice President of NEER affirmed that, "Wagon Trail Energy Center, LLC, will have access to sufficient resources and expertise to construct, own, operate, and maintain the Facility, which resources and expertise may be obtained as services provided by NextEra Energy Resources, LLC."²²

Compliance with Council Standards and Site Certificate Conditions

NEER's Oregon subsidiaries (certificate holders) have received two recorded citations within the last three years.²³ Specifically, in 2023, Vansycle II, LLC received an Oregon Department of Environmental Quality (ODEQ) Pre-Enforcement Notice 2023-PEN-7580 for erosion and sediment control issues at the Vansycle II Wind Repower Project. Corrective actions were undertaken site wide, and as of June 2024, resolution to the non-compliance issue was confirmed by the Department.

In 2025, Wheatridge Solar Energy Center, LLC received an ODEQ Pre-Enforcement Notice 2025-PEN-9727 associated with erosion and sediment control issues at the WREFIII Facility.²⁴ To return the site to a compliant state, the certificate holder is implementing corrective actions and best management practices. Controls have been installed including compacting berms and maintaining berm height, consistent with the approved ESCP and the 1200-C BMP manual. Corrective actions including implementation of an updated Erosion and Sediment Control Plan; a Site-Specific Stabilization Plan incorporating perimeter and source control measures, soil stabilization, seeding, weed control, and monitoring; and commitment to additional site specific measures are currently being applied at the facility.

Given the above compliance history and the new certificate holder's reliance on the parent company, the Department recommends that the Council supplement site certificate conditions

²¹ WREFIIIRFA1 Request for Amendment 1 2026-02-27; Section 6.1.2, p. 24

²² WREFIIIRFA1 Request for Amendment 1 2026-02-27, RAI Responses Attachment D.

²³ WREFIIIRFA1 Request for Amendment 1 2026-02-27; Section 6.1.2.6, p. 26

²⁴ WREFIIIRFA1 Request for Amendment 1 2026-02-27; Section 6.1.2.6, p. 27

1 to authorize the Department and Council to adjust the facility decommissioning estimate and
2 the associated amount of financial assurance the certificate holder must provide, should non-
3 compliance and operability issues lead to a circumstance where the certificate holder is unable
4 to fulfil its obligation to decommission the facility based on a Council approved retirement plan
5 and set of EFSC site certificate conditions.

6
7 The process of designing, constructing and operating a facility in compliance with an EFSC
8 issued Site Certificate is costly. Resolving compliance issues is costly. Decommissioning the
9 WTIS facility and restoring the site to a useful, nonhazardous condition is estimated at
10 approximately \$9.5 million.

11
12 To protect the State from risk that \$9.5 million is no longer adequate to decommission the
13 facility and restore the site due to failure to comply and or operate the facility in a manner that
14 protects public health and safety, the Department recommends Council amend Organizational
15 Expertise Condition 6 (GEN-OE-02), as presented below:²⁵

16
17 **Recommended Amended Organizational Expertise Condition 6 (GEN):** ~~In addition to~~
18 ~~the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or~~
19 ~~circumstances that violate the terms or conditions of the site certificate, the certificate~~
20 ~~holder must report the conditions or circumstances to the Department.~~

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

- 22 a. Report incidents of incidental wildlife observations.
23 b. Report incidents or circumstances that may violate the terms or conditions of the
24 site certificate to the Department. In the report to the Department, the certificate
25 holder shall provide all pertinent facts including an estimate of how long the
26 conditions or circumstances existed, how long they are expected to continue before
27 they can be corrected, and whether the conditions or circumstances were
28 discovered as a result of a regularly scheduled compliance audit;
29 c. Initiate and complete appropriate action to correct the conditions or circumstances
30 and to minimize the possibility of recurrence;
31 d. Submit a written report within 30 days of discovery to the Department. The report
32 must contain:
33 i. A discussion of the cause of the reported conditions or circumstances;
34 ii. The date of discovery of the conditions or circumstances by the responsible
35 party;
36 iii. A description of immediate actions taken to correct the reported conditions or
37 circumstances;

²⁵ As described in Section III.H. Fish and Wildlife Habitat of this Order, the Department recommends Council remove previously imposed Fish and Wildlife Habitat Condition 4 (PRE-FW-02) requiring the certificate holder finalize and implement a Wildlife Monitoring and Mitigation Plan (WMMP) based on lack of necessity. But, recommends that the existing requirement of the certificate holder to report incidental wildlife observations to the Department be maintained. That requirement has been incorporated into the above condition in sub(a).

- 1 iv. A description of actions taken or planned to minimize the possibility of
2 recurrence; and
3 v. For conditions or circumstances that may violate the terms or conditions of a
4 site certificate, an assessment of the impact on the resources considered under
5 the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the
6 reported conditions or circumstances.
7 e. Upon receipt of the written report in sub(c) of this condition, the Department may
8 review the facility record for incidents or circumstances reported or reportable
9 under sub(a) related to public health and safety, the environment, or other
10 resources protected under Council standards. If these incidences are determined by
11 the Department to impact the adequacy of the facility decommissioning cost, the
12 Department or Council may adjust the contingencies identified in Final Order on
13 RFA1 Table 8 and request that the certificate holder promptly provide an updated
14 bond or letter of credit in the adjusted amount.
15 [OAR 345-029-0010, GEN-OE-02; RFA1 (2026)]

16
17 As presented in Section III.G., *Retirement and Financial Assurance*, the Department
18 recommends Council also amend Retirement and Financial Assurance Condition 4 to provide
19 the Department and Council authority to adjust the contingencies applied to the retirement
20 estimate, consistent with amended Organizational Expertise Condition 5(d) above.

21
22 *Shared Facility components*
23

24 As discussed in Section I.B.3. *Shared Related or Supporting Facilities*, Section I.D. *Requested*
25 *Amendment*, and in Section III.G. *Retirement and Financial Assurance*, the previously approved
26 facility components are proposed to be allocated within the site boundaries and site certificates
27 of WREFIII and WTSII. All infrastructure and facility components of the WREFIII and WTSII
28 facilities are shown in Table 2, and in each of the attached draft amended and new site
29 certificates, consistent with the allotment of components associated for each facility for the
30 respective facility decommissioning cost estimates.

31
32 Organizational Expertise Condition 11 (GEN-OE-05) allows the shared use of operational facility
33 components between the certificate holders of the WREFII and WREFIII facilities. As proposed
34 in RFA1, the certificate holder requests Council amend condition GEN-OE-05 to authorize the
35 sharing of operational related or supporting facility components including the WREFIII collector
36 substation, O&M building, access roads, and temporary staging areas, between the WREFI,
37 WREFII, WREFIII and WTSII facilities, as governed by each facility's respective site certificate.

38
39 To support splitting the approved site certificate into two site certificates, the Department
40 recommends Council include these representations in Condition GEN-OE-05, as presented
41 below:

42
43 **Recommended Amended Organizational Expertise Condition 11 (GEN):** The certificate
44 holder is authorized to operationally share related or supporting facilities including the

1 ~~WREFII~~ ~~Wheatridge West~~ collector substation, O&M building, access roads, temporary
2 staging areas, all of which are governed under ~~the both~~ WREFI, ~~and~~ WREFII, WREFIII or
3 WTSII site certificates.

4 a. Within 30 days of use by both certificate holders of the shared facilities, the
5 certificate holder must provide evidence to the Department that the certificate
6 holders of the shared facilities have an executed agreement for shared use of
7 any constructed shared facilities. The Shared Use Agreements must allow
8 operation and maintenance personnel and contractors access to the shared
9 facilities of WREFI, WREFII, WREFIII or WTSII.

10 ~~b. If WREFI, WREFII propose to substantially modify any of the shared facilities listed~~
11 ~~in sub(a) of this condition, each certificate holder shall submit an amendment~~
12 ~~determination request or request for site certificate amendment to obtain a~~
13 ~~determination from the Department on whether a site certificate amendment is~~
14 ~~required or to process an amendment for both site certificates in order to~~
15 ~~accurately account for any significant change in the decommissioning amount~~
16 ~~required under Retirement and Financial Assurance Condition 5.~~

17 c. ~~Prior to facility decommissioning or if facility operations cease, each certificate holder shall~~
18 ~~submit an amendment determination request or request for site certificate amendment to~~
19 ~~document continued ownership and full responsibility, including coverage of full~~
20 ~~decommissioning amount of the shared facilities in the bond or letter of credit pursuant to~~
21 ~~Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are~~
22 ~~decommissioned at different times.~~

23 [GEN-OE-05, Final Order on AMD5 (2020), AMD1 (2020); AMD1 (2026)]

24
25 RFA1 also proposed to remove (b) and (c) of the above condition, which requires that changes
26 or decommissioning of shared facilities be evaluated by each certificate holder through the
27 Council's Amendment Determination Request process. The Department recommends Council
28 agree to remove sub(b) and (c) of the condition because while the facility components may be
29 shared, the compliance and decommissioning obligations are not shared – these responsibilities
30 have been allocated within individual site certificates. Therefore, there is no need to have each
31 certificate holder evaluate changes in shared facilities.

32 33 **III.B.2. Conclusions of Law**

34
35 Based on the foregoing findings of fact, and subject to compliance with the existing and
36 recommended amended conditions presented above, the Department recommends that the
37 Council find that the existing and proposed certificate holders would continue to satisfy the
38 requirements of the Council's Organizational Expertise standard.

39 40 **III.C. STRUCTURAL STANDARD: OAR 345-022-0020**

41
42 *(1) Except for facilities described in sections (2) and (3), to issue a site*
43 *certificate, the Council must find that:*
44

1 (a) The applicant, through appropriate site-specific study, has adequately
2 characterized the seismic hazard risk of the site; and

3
4 (b) The applicant can design, engineer, and construct the facility to avoid
5 dangers to human safety and the environment presented by seismic hazards
6 affecting the site, as identified in subsection (1)(a);

7
8 (c) The applicant, through appropriate site-specific study, has adequately
9 characterized the potential geological and soils hazards of the site and its
10 vicinity that could, in the absence of a seismic event, adversely affect, or be
11 aggravated by, the construction and operation of the proposed facility; and

12
13 (d) The applicant can design, engineer and construct the facility to avoid
14 dangers to human safety and the environment presented by the hazards
15 identified in subsection (c).

16
17 (2) The Council may not impose the Structural Standard in section (1) to
18 approve or deny an application for an energy facility that would produce
19 power from wind, solar or geothermal energy. However, the Council may, to
20 the extent it determines appropriate, apply the requirements of section (1) to
21 impose conditions on a site certificate issued for such a facility.

22
23 (3) The Council may not impose the Structural Standard in section (1) to deny
24 an application for a special criteria facility under OAR 345-015-0310. However,
25 the Council may, to the extent it determines appropriate, apply the
26 requirements of section (1) to impose conditions on a site certificate issued for
27 such a facility.²⁶

28 ***27

29 30 **III.C.1. Findings of Fact**

31
32 The analysis area for the review of seismic and geologic hazards evaluated under the Council's
33 Structural Standard, is the area within the proposed WTSII site boundary.²⁸ To inform the
34 evaluation of seismicity within the site, the certificate holder also assessed earthquakes within
35 50-miles of the site boundary, and faults outside of the site boundary.

36
37 For amendments requesting to extend construction deadlines, the Department and Council
38 evaluate whether there have been "changes in fact or law" since the site certificate was issued

²⁶ OAR 345-022-0040, effective April 2, 2025.

²⁷ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

²⁸ OAR 345-001-0010(35)(c)(C)(ii).

1 to determine whether, based on changes in fact or law, the facility would continue to satisfy
2 requirements of the standard.

3
4 In October 2020, a Site-Specific Geotechnical Investigation was completed at the site by Barr
5 Engineering Co., and authorized by registered professional engineer, Joel E. Bahma (PE: 75488).

6
7 Based on the Site-Specific Geotechnical Investigation, the site is located in a moderately active
8 seismic region. Seismic and Nonseismic Hazards at the site include the potential for moderate
9 to strong shaking, and a limited risk of potential soil collapse due to its composition.

10 Geotechnical borings identified both Loess and the Alkali Canyon Formation at all boring
11 locations. Borings indicated that the Loess at the site was silt and silty sand, and after standard
12 penetration tests (SPT) was found to generally range from 7 to 10 blows per foot (bpf),
13 indicating a loose to medium dense relative density. The Alkali Canyon Formation consisted of
14 cemented, poorly-graded, basaltic gravels and interbedded tuffaceous sand and silt. The SPT
15 values conducted in the Alkali Canyon Formation typically exceeded 30 bpf with many results
16 greater than 50 blows for 6 inches of penetration. These results indicate that the soils have a
17 dense to very dense relative density.

18
19 The Department consulted with DOGAMI in February 2026, where DOGAMI confirmed that the
20 October 2020 Geotechnical Investigation provides geotechnical analyses and recommendations
21 that can be applied to both the WREFIII facility and WTSII facility.

22
23 Council previously imposed Structural Standard Condition 1 (PRE-SS-01), Structural Standard
24 Condition 3 (PRE-SS-02), Structural Standard Condition 4 (PRE-SS-03), and Structural Standard
25 Condition 5 (PRE-SS-04). Structural Standard Conditions 1 - 4 (PRE-SS-01 - 04) require that, prior
26 to construction, the certificate holder obtain approval of a geotechnical investigation protocol
27 from the Department; conduct the site-specific geotechnical investigation based on the
28 protocol; and submit the final report to the Department.

29
30 Structural Standard Condition 2 (GEN-SS-01) establishes general parameters for the certificate
31 holder to design, engineer, and construct the facility in accordance with the current versions of
32 the latest International Building Code, Oregon Structural Specialty Code, and building codes as
33 adopted by the State of Oregon at the time of construction. The certificate holder represents
34 that "all previously imposed Structural Standard] conditions or portions of the conditions are
35 applicable to one or both facilities as proposed."²⁹

36
37 The Department recommends that the Council find that compliance with the aforementioned
38 Structural Standard conditions 1 through 5 (GEN-SS-01, PRE-SS-01 through PRE-SS-04), and
39 compliance with General Standard conditions GEN-GS-08, GEN-GS-09, and GEN-GS-10, will
40 ensure seismic and geologic hazards at the WTIS site are adequately characterized and that the
41 facility is designed, engineered and constructed to avoid dangers to human safety and the
42 environment presented by those hazards. Additionally, the Department recommends Council

²⁹ WREFIIAMD1 RFA1 2026-02-27, Section 6.1.3., p. 31

1 impose Soil Protection Condition 11 and 12, further discussed in Section III.D *Soil Protection* of
2 this order, which requires that the certificate holder conduct all construction activities in
3 compliance with best management practices as provided in the Comprehensive Revegetation
4 and Soil Management Plan required under Condition PRE-SP-05.

6 **III.C.2. Conclusions of Law**

8 Based on the foregoing recommended finding of fact, and in compliance with OAR 345-022-
9 0220(2), the Department recommends Council continue to apply previously imposed conditions
10 in the site certificate to address the Structural Standard.

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

14 *To issue a site certificate, the Council must find that the design, construction*
15 *and operation of the facility, taking into account mitigation, are not likely to*
16 *result in a significant adverse impact to soils including, but not limited to,*
17 *erosion and chemical factors such as salt deposition from cooling towers, land*
18 *application of liquid effluent, and chemical spills.*³⁰

19 ***31

21 **III.D.1. Findings of Fact**

23 The analysis area for the Soil Protection standard is the area within the proposed WTSII site
24 boundary.³² Soils and their characteristics, within the analysis area, were identified based on
25 data from the 2025 NRCS USDA Web Soil Survey database and map viewer.³³

27 Table 6, below presents the major soil types within the analysis area, where the main soil types
28 within the WTSII site boundary are Willis silt loam and Ritzville silt loam.³⁴ Willis silt loam makes
29 up 54 percent of the WTSII site boundary, has a moderately high runoff potential, and severe

³⁰ OAR 345-022-0040, effective April 2, 2025.

³¹ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

³² The existing site boundary includes 2,294 acres. RFA1 proposes to amend the site boundary, resulting in two separate site boundaries for the operational Wheatridge Renewable Energy Facility III (359 acres), and the not yet constructed Wagon Trail Solar II facility (1,935 acres). While the site boundary is proposed to be amended, there are no underlying changes to the site/area included within the site boundaries for the facilities to be governed by the amended and new site certificates.

³³ WREFIIRFA1 Request for Amendment 1 2026-02-27, Section 11.

³⁴ As described in Section II.A Scope of Council Review, under OAR 345-027-0375(2)(a), to issue an amended site certificate, the Council must determine that the preponderance of evidence on the record supports that facility, as amended complies with all applicable laws and Council standards, where Council must apply the *applicable* laws and Council standards in effect on the date the Council issues its final order on the request for amendment. [Emphasis added] The WREFIII facility is not being amended other than to reduce its site boundary and limit its development to the current operations.

hazard for erosion.³⁵ Ritzville silt loam makes up 19 percent of the WTSII site boundary, has a low runoff potential, and a low hazard for erosion.³⁶ RFA1 states that these soils have a K factor (erosion factor that indicates the susceptibility of a soil to sheet and rill erosion by water) that ranges from 0.15 to 0.55, which could be considered moderate to highly erodible, and subject to sheet erosion and rill erosion by water.³⁷ Figure 4, below, illustrates the location of the soil categories within the amended site boundaries and shows Willis silt loam which has severe hazard for erosion in light link and grey.

Table 6: Soil Types in Analysis Area

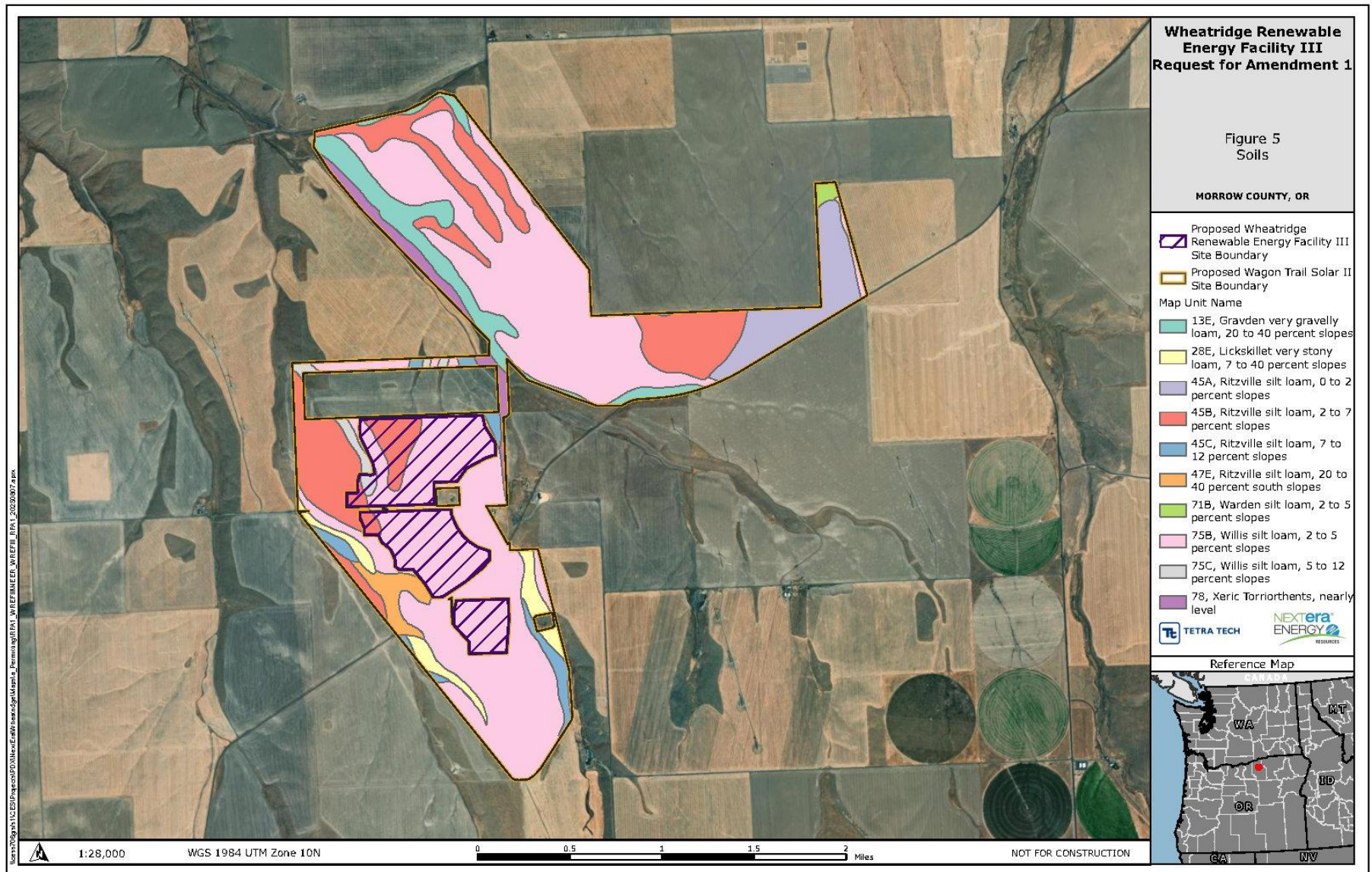
Soil Unit	Percent Slope	Percent of Proposed Wagon Trail Solar II Site Boundary
Willis silt loam	2 to 5 percent	54
Ritzville silt loam	2 to 7 percent	19
Gravden very gravelly loam	20 to 40 percent	8
Ritzville silt loam	0 to 2 percent	7
Lickskillet very stony loam	7 to 40 percent	3
Ritzville silt loam	7 to 12 percent	3
Xeric Torriorthents	Nearly level	3
Ritzville silt loam	20 to 40 percent south slopes	2
Willis silt loam	5 to 12 percent	1
Warden silt loam	2 to 5 percent	0.4
Total		100

³⁵ WRWAMD4Doc15-11 RFA4 Complete RFA4 Exhibit I. Soil Conditions Final 2019-07-01, Table I-1. General Description of Mapped Soil Units in Analysis Area.

³⁶ *Id.*

³⁷ The K factor, or soil erodibility factor, is a quantitative measure of the susceptibility of soil particles to detachment and transport by rainfall and runoff. It reflects the inherent erodibility of a particular soil and is a measure of the rate of erosion per unit erosion index from a standard plot. The K factor ranges from 0.02 to 0.69 and is influenced by factors such as texture, mineralogy, organic matter, structure, permeability, and depth to a limiting layer. Source: <https://biologyinsights.com/how-to-determine-k-factor-methods-and-examples/>

Figure 4: Soil Classification in Analysis Area



Wagon Trail Solar II Construction

WTSII construction activities include clearing and grubbing vegetation and conducting earthwork such as grading, excavating, and filling. These construction activities disturb soils and increase the potential for erosion. Operation of heavy machinery and equipment compacts soils, which can reduce water infiltration and impede plant growth and revegetation. Vehicle and equipment fueling and maintenance activities, as well as the use and storage of small quantities of fuel and other chemicals, increase the risk of spills and soil contamination.

While impacts within the perimeter fenceline (the 1,935 acre site boundary) are treated as a permanent impact under the Fish and Wildlife Habitat standard, and mitigated in the HMP, onsite vegetation and soils are not actually permanently impacted except in areas where permanent infrastructure is located. For instance, the area under the solar panels and along roads are not considered a permanent impact from the perspective of soil restoration, weed management and revegetation to aid with soil reclamation and weed management.

To reduce the potential for soil erosion during Wagon Trail Solar II construction, the certificate holder would obtain and comply with an Erosion and Sediment Control Plan (ESCP), part of the National Pollutant Discharge Elimination System (NPDES) 1200-C construction permit. An ESCP includes procedures and BMPs necessary to meet local erosion and sediment control requirements or stormwater management requirements, such as:

- The preservation of existing vegetation and/or root systems, to the extent practicable.
- The installation of silt fencing throughout the construction area as a perimeter control, material stockpile perimeter control, and on the contour downgradient of excavations.
- The use of straw wattles to decrease the velocity of sheet flow stormwater to prevent erosion along the downgradient edge of access roads adjacent to slopes or sensitive areas.
- The use of mulch, stabilization matting, soil binders, and tackifiers to stabilize areas of soil disturbance quickly and during reseeding.
- Scheduling construction activities to minimize erosion and compaction of soils.
- Measures to stockpile and protect topsoil removed from areas where grading or excavation is required for use in site reclamation and restoration.

Council previously imposed Soil Protection Condition 1 (CON-SP-01) requiring the certificate holder to conduct all work during construction in compliance with the NPDES 1200-C construction permit and ESCP; to minimize impacts from erosion to waters of the state during construction. Under the 1200-C permit, an ESCP can be revised throughout construction to address numerous changes. However, the language of Soil Protection Condition 1 (CON-SP-01) could be interpreted to limit the ESCP to one version – a singular version finalized prior to construction. The existing condition also does not provide the Department the authority to require that changes be implemented in an ESCP. Therefore, the Department recommends Council impose Soil Protection Condition 9 provided below, to authorize the Department to

1 require revisions to the ESCP if determined necessary by the certificate holder, certificate
2 holder's contractor(s) or the Department. Because Council relies on the ESCP to ensure that
3 erosion impacts are minimized, the Department recommends Council delete/remove CON-SP-
4 01 (Soil Protection Condition 1) and replace it with Soil Protection Conditions 8 and 9 (PRE-SP-
5 04 and GEN-SP-01 respectively) as presented below:³⁸

6
7 **Recommended Soil Protection Condition 8 (PRE):** Prior to construction of the facility,
8 facility component or phase, as applicable, the certificate holder shall obtain a NPDES
9 1200-C Permit from DEQ. A copy of the approved permit and attached Erosion and
10 Sediment Control Plan (ESCP) must be submitted to the Department.
11 [PRE-SP-04, Final Order on AMD1 (2026)]

12
13 **Recommended Soil Protection Condition 9 (GEN):** During construction or operation of
14 the facility, facility component or phase, as applicable, the certificate holder shall
15 conduct all work in compliance with the NPDES 1200-C Permit and Erosion and
16 Sediment Control Plan (ESCP) or revised ESCP if applicable. The ESCP shall be revised if
17 determined necessary by the certificate holder, certificate holder's contractor(s) or the
18 Department. Any Department-required ESCP revisions shall be implemented within 14-
19 days, unless otherwise agreed to by the Department based on a good faith effort to
20 address erosion issues.
21 [Final Order on AMD1 (2026), GEN-SP-01]

22
23 The certificate holder relies upon previously adopted Soil Protection Condition 3 (PRE-SP-01),
24 requiring a Spill Prevention Control and Countermeasures (SPCC) Plan be implemented to
25 protect soils from spill related impacts. The condition requires that the construction SPCC be
26 based off of representations made in ASC Exhibit I, which indicate that lubricating oil or
27 hydraulic fluids for construction equipment will not be stored in substantial quantities on-site,
28 but would instead be delivered on an as-needed basis using a specialized vehicle by a licensed
29 contractor. Construction vehicles would be fueled and maintained to the extent practicable in
30 dedicated areas with secondary containment, and away from streams or wetlands. Spill kits
31 containing items such as absorbent pads will be located on equipment and on-site temporary
32 storage to ensure a quick response to spills.³⁹ Soil Protection Condition 3 (PRE-SP-01) references
33 that the SPCC be approved by DEQ, however, DEQ does not approve SPCCs, but relies on
34 established SPCC requirements to be included in any SPCC and has regulatory authority over
35 sites within an SPCC and can conduct inspections. Additionally, Soil Protection Condition 3 (PRE-
36 SP-01) references pre-construction and construction phases, which complicates
37 implementation. Therefore, the Department recommends that the Council amend Soil
38 Protection Condition 3 (PRE-SP-01) and add Soil Protection Condition 10 to be applicable during
39 construction, as provided below:

³⁸ The recommended removal of the previously-imposed condition is shown in Attachment A, the draft site certificate for WTSII.

³⁹ WRWAPDoc139-8 Wheatridge ASC Exhibit I Soils, Section 4.1.5.

Recommended Amended Soil Protection Condition 3 (PRE):

Prior to beginning construction, the certificate holder shall provide a copy of ~~a DEQ approved~~ the construction Spill Prevention Control and Countermeasures (SPCC) plan to the Department, to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate.

[PRE-SP-01; Final Order on ASC (2017), Soil Protection Condition 3, AMD1 (2026)]

Recommended Soil Protection Condition 10 (CON):

The construction Spill Prevention Control and Countermeasures (SPCC) plan approved under PRE-SP-01 shall be implemented during facility construction.

[CON-SP-03, Final Order AMD1 (2026)]

During review of pRFA1, the Department provided the certificate holder with an example of a Comprehensive Revegetation and Soil Management Plan, which aims to consolidate revegetation, weed and soil management plans into one comprehensive plan. The certificate holder updated the plan, calls it a draft Vegetation and Soil Management Plan (VSMP) and submits it as Attachment C to RFA1.

Council previously imposed Soil Protection Condition 4 (PRE-SP-02) which required that a Revegetation Plan (imposed under Fish and Wildlife Habitat Condition 11 in the 2017 Final Order on ASC) include a program to protect and restore agricultural soils temporarily disturbed during facility construction. As discussed below and in Section III.H., *Fish and Wildlife Habitat*, the Department recommends these conditions be removed and replaced with conditions requiring the finalization and implementation of the VSMP, attached to this order as Attachment C. The recommended removal of the previously-imposed conditions is shown in Attachment A to this order. Because soil management and soil restoration are directly associated with successful revegetation of impacted areas, and vegetation management is related to the successful management of weeds at the site, the Department recommends combining all the BMPs into one comprehensive VSMP, rather than several separate plans with overlapping requirements (e.g. Noxious Weed Plan, Fugitive Dust Plan, and Revegetation Plan). Also, while the NPDES 1200-C Permit and ESCP outline BMPs to protect soils and waters of the state from erosion and runoff, because the soils at the site have moderately high runoff potential, and severe hazard for erosion, the Department recommends Council impose the below conditions requiring VSMP be finalized and implemented during construction and operation of the WTSII facility.

The Department makes recommended revisions to the certificate holders VSMP shown in redline/strikeout in Attachment C to this order. One of the primary changes made to the VSMP is the removal and reconciliation distinguishing different actions and success criteria depending on if the impact is considered temporary or permanent and within habitat or agricultural lands. As highlighted above, for solar facilities, the area within the fenceline is considered a permanent impact for Fish and Wildlife Habitat and mitigated because of the removal of the area from functional use. However, restoration and health of soils, revegetation to support soil

1 restoration, and weed management are not dependent on the categorization of temporary or
2 permanent impacts or the type of habitat or agricultural lands. All areas where there is soil that
3 isn't occupied by a permanent facility component can be management for soil, vegetation, and
4 weeds. Other changes made to the VSMP include removing duplicative requirements and
5 specifying what the compliance deliverable is and when it must be provided. Unnecessary
6 narrative text is also removed to reduce the length of the document. Finally, to assist with
7 compliance and implementation the Department has separated the VSMP into a draft
8 Construction Vegetation and Soil Management Plan and draft Operational Vegetation and Soil
9 Management Plan, so operational requirements are removed from the construction plan and
10 vice versa.

11
12 The BMPs and reclamation measures in the VSMP apply to anywhere that will be impacted by
13 construction of the facility, within the fenceline or outside of the fenceline.

14
15 Appendix E of the Comprehensive Plan provides soil monitoring methods that would be used to
16 identify whether construction activities resulted in significant compaction of soils. Pre- and
17 post-construction field measurements of subsurface soil compaction would be collected for all
18 areas where significant vegetation removal or grading activities occur.

19
20 While the NPDES 1200-C Permit and ESCP includes some measures that address construction-
21 related fugitive dust at the site, Appendix D of the VSMP includes a Fugitive Dust Control Plan
22 which includes specific measures to monitor and mitigate fugitive dust including use of U.S.
23 Environmental Protection Agency (EPA) Method 22 measure and monitor dust based on
24 weather and construction activities.

25
26 Appendix F of the VSMP describes the methods that will be used to stabilize disturbed areas
27 following construction activities. This may include the use of straw, hydromulch, or tackifier, or
28 planting areas with winter wheat or sterile triticale. Disturbed areas would then be revegetated
29 using approved seed mix and methods as soon as is practicable following construction.

30
31 The treatment methods, monitoring procedures, and management objectives that will be used
32 to control the introduction and spread of weeds are included in Appendix G of the
33 Comprehensive Plan. Weed Control BMPs required under the plan include flagging and treating
34 areas of noxious weed infestations prior to construction, cleaning vehicles and equipment prior
35 to ground disturbance, strategic use of herbicide, mechanical removal and revegetation of
36 disturbed soils. Additional steps may include monitoring areas of disturbance for noxious weeds
37 after construction, training construction and operations staff and limiting vehicle traffic in
38 noxious weed-infested areas.

39
40 The Department recommends the Council find that the methods, monitoring protocols, and
41 reporting requirements related to revegetation, soil management, dust control, stormwater
42 management, included in the draft VSMP Attachment C-1 and C-2 to this Order, demonstrate
43 that the WTSII facility can be designed, constructed, and operated, in a manner that are not
44 likely to result in a significant adverse impact to soils from erosion, compaction, or topsoil loss.

To ensure the certificate holder finalizes and implements the plan, the Department recommends the Council impose the following conditions:

Recommended Soil Protection Condition 11 (PRE): Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall:

- a. Finalize the draft Construction Vegetation and Soil Management Plan included as Attachment C-1 to the Final Order on AMD1 based on the measures identified in the plan, final facility design, and the approved National Pollutant Discharge Elimination System (NPDES) General Permit 1200-C for the facility. The final Vegetation and Soil Management Plan shall be submitted to the Department for review and approval.
- b. Complete all items included in the Pre-Construction Actions and Compliance Submittals in the final plan, as applicable to the facility components or phase. [PRE-SP-05, Final Order on AMD1 (2026)]

Recommended Soil Protection Condition 12 (CON): During and following construction of the facility, facility component or phase, as applicable, the certificate holder shall conduct all work in compliance with the Construction Vegetation and Soil Management Plan required under Condition PRE-SP-05. [CON-SP-04; Final Order on AMD1 (2026)]

Recommended Soil Protection Condition 13 (PRO): Before beginning operation of the facility, facility component or phase, as applicable, the certificate holder shall finalize the draft Operation Vegetation and Soil Management Plan included as Attachment C-2 to the Final Order on AMD1 based on the measures identified in the plan and final facility design. The final Vegetation and Soil Management Plan shall be submitted to the Department for review and approval. [PRO-SP-02; Final Order on AMD1 (2026)]

Recommended Soil Protection Condition 14 (OPR): During operation of the facility, the certificate holder shall monitor and maintain vegetation, weeds, and any necessary erosion controls in compliance with the Vegetation and Soil Management Plan required under Condition PRO-SP-02. [OPR-SP-02; Final Order on AMD1]

As noted above and in Section III.H., *Fish and Wildlife Habitat*, and Section III.E., *Land Use*, the Department recommends the following previously imposed conditions be removed from the site certificate because the requirements of the conditions would be required in the Comprehensive Plan described above. The removal of the conditions is shown in Attachment A to this order in ~~strikeout~~.

- Fish and Wildlife Habitat Condition 11 (PRE-FW-05), requires the finalization and implementation of a Revegetation Plan.

- Land Use Condition 6 (PRE-LU-03) requires the finalization of a Weed Control Plan in coordination with Morrow County and the implementation of the plan during construction and operation.

Wagon Trail Solar II Operation

Previously-imposed Soil Protection Condition 5 (PRE-SP-01) requires the submission of an operational SPCC plan. The Department recommends Council find that this condition remain applicable to the WTSII facility as written, because it appropriately requires an operational SPCC to protect soil from possible spills.

Previously-imposed Soil Protection Condition 5 (OPR-SP-01) requires inspection and maintenance of roads and other facility components to manage erosion and sediment control, restricts vehicle use to constructed access roads, and requires that if certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. The requirements outlined in OPR-SP-01 applicable to erosion and sediment control for roads would be more effectively implemented in the Comprehensive Plan discussed above. The condition was originally imposed for the wind facility and references turbine pads and includes a sub (c) which applied to the intraconnection line associated with the wind facilities and is no longer applicable. Therefore, the Department recommends Council delete this condition, as shown below and in Attachment A:

Recommended Deleted Soil Protection Condition 6: ~~During facility operation, the certificate holder shall:~~

- ~~a. Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion.~~
- ~~b. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility.~~
- ~~c. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction.~~ Deleted in Final Order on Amendment 1 (2026).

[Final Order on ASC (2017), OPR-SP-01, AMD1 (2020)]

III.D.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and recommended site certificate conditions described above, the Department recommends the Council find that the facility, with proposed construction completion deadline extension, is not likely to result in a significant adverse impact to soils.

1
2 **III.E. LAND USE: OAR 345-022-0030**
3

4 *(1) To issue a site certificate, the Council must find that the proposed facility*
5 *complies with the statewide planning goals adopted by the Land Conservation*
6 *and Development Commission.*
7

8 *(2) The Council shall find that a proposed facility complies with section (1) if:*
9

10 *(a) The applicant elects to obtain local land use approvals under ORS*
11 *469.504(1)(a) and the Council finds that the facility has received local land use*
12 *approval under the acknowledged comprehensive plan and land use*
13 *regulations of the affected local government; or*
14

15 *(b) The applicant elects to obtain a Council determination under ORS*
16 *469.504(1)(b) and the Council determines that:*
17

18 *(A) The proposed facility complies with applicable substantive criteria as*
19 *described in section (3) and the facility complies with any Land Conservation*
20 *and Development Commission administrative rules and goals and any land use*
21 *statutes directly applicable to the facility under ORS 197.646(3);*
22

23 *(B) For a proposed facility that does not comply with one or more of the*
24 *applicable substantive criteria as described in section (3), the facility otherwise*
25 *complies with the statewide planning goals or an exception to any applicable*
26 *statewide planning goal is justified under section (4); or*
27

28 *(C) For a proposed facility that the Council decides, under sections (3) or (6), to*
29 *evaluate against the statewide planning goals, the proposed facility complies*
30 *with the applicable statewide planning goals or that an exception to any*
31 *applicable statewide planning goal is justified under section (4).*
32

33 *(3) As used in this rule, the "applicable substantive criteria" are criteria from*
34 *the affected local government's acknowledged comprehensive plan and land*
35 *use ordinances that are required by the statewide planning goals and that are*
36 *in effect on the date the applicant submits the application. If the special*
37 *advisory group recommends applicable substantive criteria, as described*
38 *under OAR 345-021-0050, the Council shall apply them. If the special advisory*
39 *group does not recommend applicable substantive criteria, the Council shall*
40 *decide either to make its own determination of the applicable substantive*
41 *criteria and apply them or to evaluate the proposed facility against the*
42 *statewide planning goals.*
43

1 (4) The Council may find goal compliance for a proposed facility that does not
2 otherwise comply with one or more statewide planning goals by taking an
3 exception to the applicable goal. Notwithstanding the requirements of ORS
4 197.732, the statewide planning goal pertaining to the exception process or
5 any rules of the Land Conservation and Development Commission pertaining
6 to the exception process, the Council may take an exception to a goal if the
7 Council finds:

8
9 (a) The land subject to the exception is physically developed to the extent that
10 the land is no longer available for uses allowed by the applicable goal;

11
12 (b) The land subject to the exception is irrevocably committed as described by
13 the rules of the Land Conservation and Development Commission to uses not
14 allowed by the applicable goal because existing adjacent uses and other
15 relevant factors make uses allowed by the applicable goal impracticable; or

16
17 (c) The following standards are met:

18
19 (A) Reasons justify why the state policy embodied in the applicable goal
20 should not apply;

21
22 (B) The significant environmental, economic, social and energy consequences
23 anticipated as a result of the proposed facility have been identified and
24 adverse impacts will be mitigated in accordance with rules of the Council
25 applicable to the siting of the proposed facility; and

26
27 (C) The proposed facility is compatible with other adjacent uses or will be
28 made compatible through measures designed to reduce adverse impacts.⁴⁰

29 ***⁴¹

30 31 **III.E.1. Findings of Fact**

32
33 The analysis area for potential land use impacts is the area within and extending one-half mile
34 from the proposed site boundary of WTSII.⁴²

35
36 The WTSII site is in Morrow County, entirely within Exclusive Farm Use (EFU) zoned land. For
37 the purpose of the Land Use standard, the WTSII facility is evaluated as Commercial Utility
38 Facilities for the Purpose of Generating Power for Public Use by Sale.

39

⁴⁰ OAR 345-022-0040, effective April 2, 2025.

⁴¹ The information requirements included in the standard are omitted from the language above but evaluated
within recommending findings of fact below.

⁴² OAR 345-001-0010(35)(c)(C)(ii).

1 *Local Applicable Substantive Criteria*

2
3 For amendments requesting to extend construction deadlines, the Department and Council
4 evaluate whether there have been “changes in fact or law” since the site certificate was issued
5 or most recently amended to determine whether, based on changes in fact or law, the facility
6 (WTSII facility) would continue to satisfy requirements of the standard. Changes in the Morrow
7 County Zoning Ordinance (MCZO) have occurred between the date Request for Amendment 4
8 of the Wheatridge Wind Energy Facility Site Certificate was submitted (December 21, 2018) and
9 the date the preliminary RFA1 currently under review (November 21, 2025) was submitted.⁴³
10 However, none of these changes substantively affect the applicable substantive criteria for the
11 WTSII facility.⁴⁴ Because there are no proposed changes to the site or facility that would affect
12 the facilities compliance with the applicable substantive criteria from the affected local
13 government's acknowledged comprehensive plan and land use ordinance that are required by
14 the statewide planning goals, and because there have been no significant changes to the
15 applicable substantive criteria enacted since the issuance of Fourth Amended Site Certificate of
16 the Wheatridge Wind Energy Facility, the Department recommends that Council continue to
17 rely on its previous findings and conditions with regard to the requirements of the Morrow
18 County Comprehensive Plan and Zoning Ordinance.

19
20 *Directly Applicable State Rules and Statutes*

21
22 Under OAR 345-027-0375(3)(b), any administrative rules and goals adopted by the Land
23 Conservation and Development Commission (LCDC) and any land use statutes directly
24 applicable to the facility under ORS 197.646(3) that are in effect as of the date the Council
25 makes its final decision are applicable to the review of RFA1. In the Final Order on RFA4 of the
26 Wheatridge Wind Energy Facility, the Council found that the minimum standards for siting solar
27 facilities in an exclusive farm use zone under OAR 660-033-0130(38) were directly applicable to
28 the facility.⁴⁵

29
30 On December 6, 2024, LCDC adopted rules that, among other things, supplement OAR 660-033-
31 0130(5) to describe the steps needed to provide a sufficient analysis under the “farm impacts
32 test” required under ORS 215.296 and OAR 660-033-0130(5). The new rules, set forth in OAR
33 660-033-0130(5)(c), became effective on January 1, 2025. The intent of the rule change was to

⁴³ Under the Council’s Land Use standard at OAR 345-022-0030, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. For Council review of a request for amendment, pursuant to OAR 345-027-0375(3)(a) the Council shall apply the applicable substantive criteria under the Land Use standard in effect on the date the certificate holder submitted the request for amendment.

⁴⁴ WREFIIAMD1 Request for Amendment 1, Attachment 4. The certificate holder provided email correspondence from the Morrow County Planning Director Tamra Mabbot dated August 8, 2025, confirming that there had been no substantive changes to the applicable substantive criteria since the approval of RFA4.

⁴⁵ Morrow County amended MCZO based on LCDC’s new eastern Oregon Solar Siting Rules under OAR 660-033-0130(44).

1 incorporate case law guidance from the courts about how to conduct a sufficient farm impacts
2 test analysis. While that common law was in effect at the time the Council issued the Final
3 Order on Amendment 4, because LCDC has since placed these criteria in rule, the Department
4 recommends the Council evaluate the new provisions in OAR 660-033-0130(5)(c) as directly
5 applicable standards under ORS 197.646(3).

6
7 **OAR 660-033-0130**

8
9 * * * * *

10 *(5) Approval requires review by the governing body or its designate under ORS 215.296.*
11 *Uses may be approved only where such uses:*

12
13 *(a) Will not force a significant change in accepted farm or forest practices on*
14 *surrounding lands devoted to farm or forest use; and*

15
16 *(b) Will not significantly increase the cost of accepted farm or forest practices on*
17 *surrounding lands devoted to farm or forest use.*

18
19 The above provisions have often been referred to as the “farm impacts test.” MCZO Section
20 6.025.A(1) and (2) incorporate this test by requiring a demonstration that a proposed use would
21 not force a significant change in accepted farm or forest practices or significantly increase the
22 cost of accepted farm or forest practices on surrounding lands. Therefore, Council previously
23 analyzed the farm impacts test criteria in its analysis of those local ordinances. Council noted
24 that potential impacts to accepted farm practices from construction and operation of the
25 facility include noxious weed dispersal, topsoil loss, erosion, compaction and dust generation,
26 reviewed the certificate holder’s analysis of these potential impacts and found that the facility
27 would not significantly change the accepted farming practices or significantly increase the cost
28 of accepted farming practices within the surrounding area, and therefore would comply with
29 MCZO Section 6.025.A(1) and (2).⁴⁶

30
31 As noted above, LCDC has now supplemented its rules to include the following subsection (c)
32 describing the steps needed to provide a sufficient analysis under the farm impacts test.
33 Because local governments have not yet incorporated the new rules in their land use
34 ordinances, they need to be analyzed here, as part of the Council’s evaluation of directly
35 applicable state rules and statutes.

36
37 *(c) For purposes of subsection (a) and (b), a determination of forcing a significant change*
38 *in accepted farm or forest practices on surrounding lands devoted to farm and forest use*
39 *or a determination of whether the use will significantly increase the cost of accepted*
40 *farm or forest practices on surrounding lands devoted to farm or forest use requires:*
41

⁴⁶ WRWAMD4 Final Order on Request for Amendment 4 2019-11-22, p. 40-42.

1 (A) Identification and description of the surrounding lands, the farm and forest
2 operations on those lands, and the accepted farm practices on each farm operation and
3 the accepted forest practices on each forest operation;

4
5 (B) An assessment of the individual impacts to each farm and forest practice, and
6 whether the proposed use is likely to have an important influence or effect on any of
7 those practices; and

8
9 (C) An assessment of whether all identified impacts of the proposed use when considered
10 together could have a significant impact to any farm or forest operation in the
11 surrounding area in a manner that is likely to have an important influence or effect on
12 that operation.

13
14 (D) For purposes of this subsection, examples of potential impacts for consideration may
15 include but are not limited to traffic, water availability and delivery, introduction of
16 weeds or pests, damage to crops or livestock, litter, trespass, reduction in crop yields, or
17 flooding.

18
19 (E) For purposes of subsection (a) and (b), potential impacts to farm and forest practices
20 or the cost of farm and forest practices, impacts relating to the construction or
21 installation of the proposed use shall be deemed part of the use itself for the purpose of
22 conducting a review under subsections (a) and (b).

23
24 (F) In the consideration of potentially mitigating conditions of approval under ORS
25 215.296(2), the governing body may not impose such a condition upon the owner of the
26 affected farm or forest land or on such land itself, nor compel said owner to accept
27 payment to compensate for the significant changes or significant increases in costs
28 described in subsection (a) and (b).

29
30 Per OAR 660-033-0130(5)(c)(A) and (B), when assessing whether an activity will force a
31 significant change in accepted farm or forest practices on surrounding lands, the surrounding
32 lands must be identified and the individual impacts to each farm and forest practice on those
33 lands assessed.

34
35 In RFFA1, the certificate holder identified the accepted farming practices on surrounding lands
36 as cultivated crop production of dryland winter wheat. The certificate holder then identified the
37 potential adverse impacts arising from availability of irrigation water, increased traffic,
38 increased dust, and spread of invasive weed species, the same impacts previously identified
39 and evaluated by Council in the Final Order on Request for Amendment 4 of the Wheatridge
40 Renewable Energy Facility. The certificate holder then evaluated whether these potential
41 adverse impacts would be considered serious interference with accepted farming practices. As
42 described throughout this Order, the Council previously imposed Land Use Condition 11 (GEN-
43 LU-04) and Land Use Condition 8 (CON-LU-01), requiring the certificate holder to minimize
44 unnecessary impacts on agricultural operations by using the minimum land area necessary for

1 safe construction and operation, siting facilities to minimize disturbance of farm practices, and
2 using existing roads where possible. In addition, the Council imposed Land Use Condition 12
3 (PRE-LU-05) requiring the certificate holder to consult with surrounding landowners on
4 measures to reduce avoid impacts on farming practices.

6 To address erosion, the Council previously imposed Soil Protection Condition 1 and 2 (CON-SP-
7 01 and CON-SP-02), requiring the certificate holder to conduct work in compliance with an
8 Erosion and Sediment Control Plan (ESCP) required as part of the DEQ's 1200-C National
9 Pollutant Discharge Elimination System Construction Stormwater Discharge Permit. As
10 discussed in Section III.D. *Soil Protection*, the Department recommends that these conditions be
11 updated, but the underlying controls remain the same.

13 As discussed in Section III.D, to address the impacts of noxious weeds, the Department
14 recommends that the requirements of the previously imposed condition for a Noxious Weed
15 Plan be incorporated into a Comprehensive Vegetation and Soil Management Plan under Soil
16 Protection Conditions 11, 12, 13 and 14.

18 The accepted farm practices on agricultural lands surrounding the site identified in RFA1 are the
19 same as previously evaluated by Council. Therefore, the Department recommends Council
20 continue to rely on its previously imposed conditions, as summarized above, to find that the
21 facility, with proposed construction completion deadline extension, would not significantly
22 affect surrounding farm practices. Therefore, the Department recommends that Council find
23 the updated requirements of OAR 660-033-0130(5) have been satisfied.

25 The Department recommends the Council find the updated requirements of OAR 660-033-
26 0130(5) have been satisfied because RFA1 identifies and describes the accepted farm practices
27 on agricultural lands surrounding the site, assesses the potential impacts the construction and
28 operation of the facility could have on those uses, and explains why those impacts will not force
29 a significant change in accepted farm or forest practices on surrounding lands nor significantly
30 increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or
31 forest use. Further, the existing site certificate imposes conditions on the certificate holder that
32 will serve to minimize impacts to and ensure that any farm practices will not be significantly
33 affected.

35 **III.E.2. Conclusions of Law**

37 Based on the foregoing recommended findings and the evidence in the record, and subject to
38 compliance with existing and recommended amended site certificate conditions, the
39 Department recommends that the Council finds that the facility, with proposed construction
40 completion deadline extension, continues to comply with the Land Use standard.

42 **III.F. PROTECTED AREAS: OAR 345-022-0040**

1 (1) To issue a site certificate, the Council must find:
2

3 (a) The proposed facility will not be located within the boundaries of a
4 protected area designated on or before the date the application for site
5 certificate or request for amendment was determined to be complete under
6 OAR 345-015-0190 or 345-027-0363;
7

8 (b) The design, construction and operation of the facility, taking into account
9 mitigation, are not likely to result in significant adverse impact to a protected
10 area designated on or before the date the application for site certificate or
11 request for amendment was determined to be complete under OAR 345-015-
12 0190 or 345-027-0363.
13

14 (2) Notwithstanding section (1)(a), the Council may issue a site certificate for:

15 (a) A facility that includes a transmission line, natural gas pipeline, or water
16 pipeline located in a protected area, if the Council determines that other
17 reasonable alternative routes or sites have been studied and that the
18 proposed route or site is likely to result in fewer adverse impacts to resources
19 or interests protected by Council standards; or
20

21 (b) Surface facilities related to an underground gas storage reservoir that have
22 pipelines and injection, withdrawal or monitoring wells and individual
23 wellhead equipment and pumps located in a protected area, if the Council
24 determines that other alternative routes or sites have been studied and are
25 unsuitable.
26

27 (3) The provisions of section (1) do not apply to:
28

29 (a) A transmission line routed within 500 feet of an existing utility right-of-way
30 containing at least one transmission line with a voltage rating of 115 kilovolts
31 or higher; or
32

33 (b) A natural gas pipeline routed within 500 feet of an existing utility right of
34 way containing at least one natural gas pipeline of 8 inches or greater
35 diameter that is operated at a pressure of 125 psig.
36

37 (4) The Council shall apply the version of this rule adopted under
38 Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the
39 review of any Application for Site Certificate or Request for Amendment that
40 was determined to be complete under OAR 345-015-0190 or 345-027-0363
41 before the effective date of this rule. Nothing in this section waives the
42 obligations of the certificate holder and Council to abide by local ordinances,
43 state law, and other rules of the Council for the construction and operation of

energy facilities in effect on the date the site certificate or amended site certificate is executed.⁴⁷

***48

III.F.1. Findings of Fact

The analysis area for protected areas is within and extending 20 miles from the proposed site boundary of WTSII.⁴⁹

Protected Areas in the Analysis Area

There are 6 protected areas in the analysis area, all of which were previously evaluated by Council.

Table 7: Protected Areas in RFA1 Analysis Area

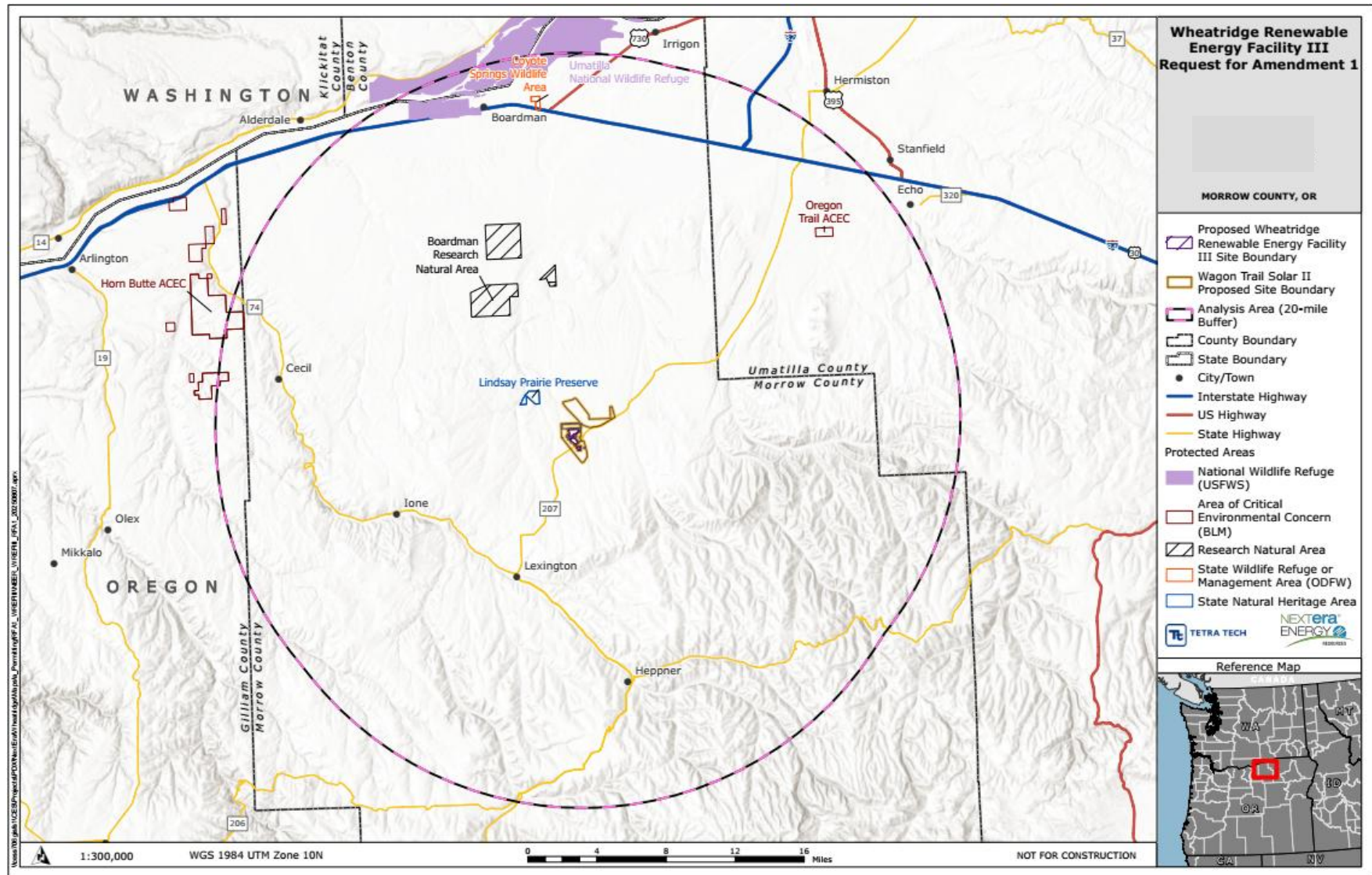
Protected Area per OAR 345-001-0010	Protected Area	Distance/Direction from Site Boundary	Previously Evaluated by EFSC?
345-022-0040(1)(l)	Lindsay Prairie Preserve	1.4 miles; West	Yes
345-022-0040(1)(i)	Boardman RNA (Research Natural Area)	5.9 miles; Northwest	Yes
345-022-0040(1)(i)	Oregon Trail ACEC (Area of Critical Environmental Concern)	15.4 miles; Northeast	Yes
345-022-0040(1)(o)	Coyote Springs Wildlife Management Area	16.8 miles; North	Yes
345-001-0010(26)(e)	Umatilla National Wildlife Refuge	17.3 miles; North	Yes
345-022-0040(1)(i)	Horn Butte ACEC	18.9 miles; Northwest	Yes

⁴⁷ OAR 345-022-0040, effective April 2, 2025.

⁴⁸ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

⁴⁹ OAR 345-027-0360(1)(c)(C)(ii)

Figure 5: Protected Areas Within the Analysis Area



1 Potential Impacts on Protected Areas

2
3 Council previously evaluated the potential impacts of the facility on protected areas in the Final
4 Order on RFA4 and found that no significant impacts to Protected Areas.

5
6 RFA1 does not propose any changes to the facility or components from what has already been
7 approved by Council. The Department recommends that the Council continue to rely on its
8 previous findings of fact and analysis.

9
10 **III.F.2. Conclusions of Law**

11
12 Based on the foregoing analysis, the Department recommends the Council find that the design,
13 construction and operation of the facility, with proposed construction completion deadline
14 extension, are not likely to result in significant adverse impact to any protected areas.

15
16 **III.G. RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050**

17
18 *To issue a site certificate, the Council must find that:*

19
20 *(1) The site, taking into account mitigation, can be restored adequately to a*
21 *useful, non-hazardous condition following permanent cessation of*
22 *construction or operation of the facility.*

23
24 *(2) The applicant has a reasonable likelihood of obtaining a bond or letter of*
25 *credit in a form and amount satisfactory to the Council to restore the site to a*
26 *useful, non-hazardous condition.*⁵⁰

27 ***51

28
29 **III.G.1. Findings of Fact**

30
31 *Restoration of the Site Following Cessation of Construction or Operation*

32
33 RFA1 does not include changes that would alter the design, construction, or operation of the
34 WTSII facility, nor result in any changes to the tasks and actions previously determined
35 adequate to restore the site following cessation of construction or operation.

36
37 The decommissioning tasks and actions previously reviewed by Council for the WREFIII facility
38 include removal of all facilities and foundations, site restoration and revegetation. These same
39 tasks and actions would apply to the WTSII, as a subset area/facility of the previously reviewed
40 WREFIII facility. Specifically, perimeter fencing, module supports, modules, inverters,

⁵⁰ OAR 345-022-0040, effective April 2, 2025.

⁵¹ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

transformers, distributed energy storage systems and inverter and transformer foundations would be entirely removed from the site and transported to a licensed recycling or disposal facility.⁵² Underground collector lines at depths of 3 feet or greater would be abandoned in place, but lateral runs would be removed. All permanently and temporarily disturbed areas would be revegetated to a vegetation level comparable with surrounding land uses.

RFA1 Attachment 9 provides an updated decommissioning cost estimate for the WTSII facility. The decommissioning cost estimate was prepared by TetraTech, the certificate holder's consultant using the same methods and assumptions as reviewed and approved by Council in the Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility. Labor and equipment rates were obtained based on U.S. Department of Labor wage determinations and are based on rates as of 4th Quarter 2025.

Estimated Costs of Site Restoration

RFA1 Attachment 9 presents the decommissioning cost estimate for the WTSII facility, including contractor and Department contingencies, at \$9,474,000 in fourth quarter 2025 dollars (Q4 2025). Contingencies including 10 percent for administrative and management expenses have been included in the estimate. The contingencies cover direct costs that would be borne by the State in the course of managing site restoration and would include the preparation and approval of a final retirement plan, obtaining legal permission to proceed with demolition of the facility, legal expenses for protecting the State's interest, preparing specification bid documents and contracts for demolition work, managing the bidding process, negotiations of contracts, and other tasks. Council typically imposes a 20 percent future development contingency on costs associated with battery energy storage system components given the additional uncertainty and potential environmental hazards associated with battery technologies; 20 percent contingency for the BESS is included in the estimate below.

⁵² WRWAMD4doc 24-1 Final Order on Request for Amendment 4 2019-11-22, Section III.G.

Table 8: WTSII Facility Component Retirement Cost Estimate

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
1.1 Mobilization / Demobilization				
1.1.1 Equipment Mob	1	Lump Sum	61,200.00	61,200.00
1.1.2 Site Facilities	1	Lump Sum	2,200.00	2,200.00
1.1.3 Crew - Mob & Site Setup	3	Day	13,548.63	40,645.89
1.1.4 Crew - Demob & Site Cleanup	2	Day	13,548.63	27,097.26
Subtotal				131,143.15
1.2 Project Site Support				
1.2.1 Site Facilities	6	Month	2,205.00	13,230.00
1.2.2 Field Management	6	Month	54,496.60	326,979.60
Subtotal				340,209.60
1.3. AG Collection Removal				
1.3.1 Conductor Removal	3	Mile	2,790.34	8,371.02
1.3.2 Wood Pole Removal	80	Each	168.72	13,497.60
Subtotal				21,868.62
1.4 BESS Unit Removal				
1.4.1 BESS Unit Removal	26	Each	6,640.08	172,642.08
1.4.2 Inverter Removal	11	Each	2,558.24	28,140.64
1.4.3 Concrete Pad Removal - BESS Units	182	Cubic Yard	41.54	7,560.28
1.4.4 Concrete Pad Removal - Inverters	11	Cubic Yard	41.54	456.94
1.4.5 UG Cable Removal	1	Day	1,969.92	1,969.92
Subtotal				210,769.86
1.5 Inverter / Transformer Removal				
1.5.1 Disconnect Electrical	26	Each	111.39	2,896.14
1.5.2 Loadout Inverter & Transformer	26	Each	208.83	5,429.58
1.5.3 Trucking - Per Load	26	Per Load	1,500.00	39,000.00
Subtotal				47,325.72
1.6 Inverter / Transformer Pad Removal				
1.6.1 Excavate / Remove Foundation - Various Depth	193	Cubic Yard	29.52	5,697.36
1.6.2 Concrete Transport Offsite	193	Cubic Yard	12.02	2,319.86
Subtotal				8,017.22
1.7 Solar Array Retirement				
1.7.1 Fence Removal	72,864	Linear Feet	1.31	95,451.84
1.7.2 Solar Panel Removal & Recycling	261,181	Each	7.03	1,836,102.43
1.7.3 Solar Rack (Trackers) & Post Removal	10,684	Each	295.08	3,152,634.72

Table 8: WTSII Facility Component Retirement Cost Estimate

Task or Component	Quantity	Unit	Unit Cost (\$)	Estimate (\$)
Subtotal				5,084,188.99
1.8 Site Restoration - Partial Site Seeding				
1.8.1 Strip & Decomact Roads	45,936	Linear Feet	1.43	65,688.48
1.8.2 Spot Grade Disturbed Areas	516	Acre	281.33	145,166.28
1.8.3 Solar Rack & Post Removal	516	Acre	1,000.00	516,000.00
Subtotal				726,854.76
Total Decommissioning Cost				6,570,377.92
Contractor Markups				
Home Office, Project Management (5%)			0.05	328,518.90
Contractor OH & Fee (13%)			0.13	896,856.59
Subtotal				1,225,375.48
Total Decommissioning Cost				7,795,753.40
Performance Bond			0.01	77,957.53
Gross Cost				7,873,710.94
	Basis (% of Cost)	Basis (\$)	Contingency	Estimate (\$)
Administration and Project Management	100%	7,873,710.94	0.10	787,371.09
Future Development (Exclude Battery)	97%	7,621,131.71	0.10	762,113.17
Future Development (Battery Only)	3%	252,579.22	0.20	50,515.84
Subtotal				1,600,000.11
TOTAL ESTIMATED COST (\$Q12023)				9,473,711.05
ROUNDED				9,474,000.00
Notes: 1. See ASC RFA1 Attachment 9 for detailed breakdown of tasks, actions and unit costs for the sum total costs presented in this Table. 2. To allow continued use of the land for agricultural or other purposes deemed appropriate at the time of decommissioning purposes, all subsurface features including underground collector lines and concrete foundations associated with the O&M, Solar, Battery, will be removed as described in the Final Order on RFA1 and Final Order on WREFII RFA4, or as agreed with the landowner, in a final Retirement Plan 3. Tasks associated with a Lump Sum unit cost may be calculated using a fraction (in decimal form) of the actual quantities constructed or by using the more detailed breakdown of unit costs associated with the Lump Sum task identified in the cost estimating worksheet in RFA1, Attachment 9.				

1 *Ability of the Certificate Holder to Obtain a Bond or Letter of Credit*

2
3 As described in Section III.B, *Organizational Expertise*, NextEra Energy Resources, LLC (NEER), is
4 the parent company of both Wheatridge Solar Energy Center, LLC and the proposed Wagon
5 Trail Energy Center, LLC.
6

7 RFA1 Attachment 10 includes a financial assurance letter with a Travelers Casualty and Surety
8 Company of America and its affiliates (Travelers) letterhead dated January 28, 2026. The letter
9 indicates that Travelers, a Council-approved financial institution,⁵³ has represented NextEra
10 Energy Resources for its surety bonding for over 10 years. Over that time Travelers has worked
11 with NEER in bonding approximately \$100,000,000 in projects. Travelers indicate that Wagon
12 Trail Energy Center, LLC is qualified to perform for the project, and it would be favorable to
13 providing the bond with an estimated value of approximately \$10,000,000. The letter includes a
14 Power of Attorney granted to the signatory of the letter, Elizabeth Marrero, designating her as
15 true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds,
16 conditional undertakings and other writings obligatory in the nature thereof on behalf of
17 the Companies in their business. The Department recommends that the financial assurance
18 from a Council-approved financial institution supports a finding that the new certificate holder
19 has a likely ability to obtain a bond or letter of credit in the amount estimated to retire the
20 WTSII facility to a useful, non-hazardous condition.
21

22 Under OAR 345-25-0006(8), the Council must impose a condition in each site certificate
23 requiring the certificate holder to submit and maintain a bond or letter of credit in a form and
24 amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. To
25 meet this requirement, Council imposed Retirement and Financial Assurance Conditions 4 and 5
26 (PRE-RF-01 and PRE-RF-02) in the Final Orders for Wheatridge Wind Facility and Final Order on
27 WREFII AMD1. For WTSII, the Department recommends these conditions be deleted and
28 replaced with the below-recommended conditions because the previously-imposed conditions
29 apply to preconstruction, construction, and operation of the facility and to support
30 implementation and compliance with the retirement bonding and adjusting. The Department
31 recommends separate conditions for each phase, as described below. Because WREFIII has
32 been constructed and is in ongoing compliance with Retirement and Financial Assurance
33 Condition 5, the Department does not recommend amending or deleting this condition for the
34 WREFIII site certificate. See Attachment As to this order, for the First Draft Amended Site
35 Certificate for the WREFIII facility and the Draft Site Certificate for the WTSII facility.
36

37 As described above, based on maximum buildout of the facility, facility retirement and site
38 restoration are estimated to cost approximately \$9.5 million in Q4 2025 dollars, imposed under
39 Retirement and Financial Assurance Condition 7, below. Retirement and Financial Assurance
40 Condition 8 and 9, below, apply during construction and operation of the facility and outline the
41 process to annually update the bond or letter of credit for the facility.
42

⁵³ 2025 EFSC Approved Financial Institution List.

1 The Council has approved recent site certificates that include subsection (c) in Retirement and
2 Financial Assurance Conditions applicable to construction and operation, which designates that
3 the Department and Council have “the right to adjust the contingencies, as appropriate and
4 necessary to ensure that costs to restore the site are adequate to maintain health and safety of
5 the public and environment.” The intent of this clause is to provide the Council the ability to
6 adjust contingencies in the event the established decommissioning estimate may no longer be
7 sufficient for site restoration (e.g., because the facility is not operated in compliance with the
8 terms and conditions of the site certificate). To ensure that the certificate holder has the ability
9 to restore the site to a useful, nonhazardous condition, the Department recommends Council
10 authorize review and adjustment of contingencies applied to the decommissioning estimate,
11 based on the Department’s ongoing review of site certificate compliance and the
12 decommissioning estimate. The circumstances that would merit the Department or Council
13 adjusting the contingencies would be if the Department learns of circumstances that
14 demonstrate the existing contingency estimates may not be enough to restore the site to a
15 useful, non-hazardous condition, such as recurring, ongoing, and/or compliance issues related
16 to facility operation that may impact the underlying and/or surrounding land, or issues with
17 health and safety of the public or the environment.

- 18
19 **Recommended Retirement and Financial Assurance Condition 7 (PRE):** Prior to
20 construction of the facility, facility component, or phase, the certificate holder shall:
21 a. Submit to the Department Table 8 (Retirement Table with tasks/unit/unit costs) of the
22 Final Order on AMD1, updated based on final design and phased construction, if
23 applicable. Certificate holder may not make changes to the unit cost without review and
24 approval by the Department. Certificate holder must also request that the Department
25 confirm the present-day inflation adjusted decommissioning estimate, rounded to the
26 nearest \$1,000, to be reflected in the bond or letter of credit in sub c of this condition.
27 b. Incorporate any additional decommissioning costs for facility changes which have been
28 determined by the Department not to require a site certificate amendment.
29 c. Submit to the Department a bond or letter of credit, in the amount affirmed by the
30 Department under (a), based on the Council’s current pre-approved financial institution
31 list and form.
32 [PRE-RF-03; Final Order on AMD1]

- 33
34 **Recommended Retirement and Financial Assurance Condition 8 (CON):** If construction of
35 the facility, facility component, or phase extends more than 12 months, the certificate
36 holder shall:
37 a. Annually adjust the amount of the bond or letter of credit to present dollar value, as
38 determined by the Department.
39 b. Incorporate any additional decommissioning costs for facility changes which have been
40 determined by the Department not to require a site certificate amendment.
41 c. The Department and Council reserve the right to adjust the contingencies, as
42 appropriate and necessary to ensure that costs to restore the site are adequate to
43 maintain health and safety of the public and environment.
44 [CON-RF-01; Final Order on AMD1]

Recommended Retirement and Financial Assurance Condition 9 (OPR): During operation, the certificate holder shall:

- a. Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.
- b. Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.
- c. The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to protect public health and safety or the environment and ensure the certificate holder's bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.

[OPR-RF-02; Final Order on RFA1]

The Council previously imposed the following conditions that relate to the certificate holder's ability to restore the facility site to a useful, non-hazardous condition following permanent cessation of construction or operation. Because these conditions apply to operation and retirement, they continue to apply to both the WTSII and WREFIII facilities.

- Land Use Condition 27 (OPR-LU-06) requires the certificate holder to follow specific site restoration activities in its retirement plan including removing and restoring private access roads unless the landowners directs otherwise, following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses, and providing landowner letters if landowners would like to retain specific facility components such as roads, pads, etc.
- Retirement and Financial Assurance Condition 1 (GEN-RF-01) requires the certificate holder to prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition.
- Retirement and Financial Assurance Condition 2 (RET-RF-01) requires the certificate holder to retire the facility in accordance with a retirement plan approved by the Council.
- Retirement and Financial Assurance Condition 3 (RET-RF-02) outlines requirements and a process to follow if Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan.
- Retirement and Financial Assurance Condition 6 (OPR-RF-01) requires the certificate holder to conduct monthly inspections of the BESS and provide evidence of insurance coverage in its annual report.

III.G.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and recommended new site certificate conditions described above, the Department recommends the Council find

that the amount of the bond or letter of credit is sufficient to adequately restore the site to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility, and that the new certificate holder has a reasonable likelihood of obtaining a bond or letter of credit.

III.H. FISH AND WILDLIFE HABITAT: OAR 345-022-0060

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:

(1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017, and

(2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.⁵⁴

****55*

III.H.1. Findings of Fact

Consistent with the Oregon Department of Fish and Wildlife's (ODFW) habitat mitigation goals and standards under OAR 635-415-0025, the Fish and Wildlife Habitat standard requires the mitigation of impacts to fish and wildlife habitat based on the quantity and quality of the habitat impacted as well as the nature, extent, and duration of the impact. Habitat quality is measured using a habitat classification system based on the function and value the habitat provides to species or groups of species likely to use it. ODFW policy identifies six habitat categories, with Category 1 being the most valuable, and Category 6 the least valuable.

The analysis area for fish and wildlife habitat is the area within the proposed site boundary of the proposed WTSII.⁵⁶

Fish and Wildlife Habitat within the Analysis Area

RFA1 relies upon the Council's prior evaluation in the Final Order on Request for Amendment 4 of the Wheatridge Renewable Energy Facility as well as 2021 preconstruction survey data. Based on a January 7, 2026 between ODOE and ODFW, ODFW confirmed that there have not

⁵⁴ OAR 345-022-0040, effective April 2, 2025.

⁵⁵ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

⁵⁶ OAR 345-001-0010(35)(c)(C)(ii).

been any known changes in habitat or vegetation at the site that could impact the prior evaluation.

Table 9 below summarizes the habitat categorization and habitat subtypes previously identified within the WTSII Analysis Area. Figures 6 and 7 below provide habitat type and categorization maps for the area within the existing site boundary.⁵⁷

Table 9: Habitat Category and subtype within Analysis Area

Habitat Category	Habitat Subtype	Acres within Approved Site Boundary
1	Grassland – Native Perennial	20.9
<i>Category 1 Total</i>		20.9
2	Grassland – Native Perennial	70.7
<i>Category 2 Total</i>		70.7
3	Grassland – Native Perennial	56.2
	Revegetated or other Planted Grassland	141
<i>Category 3 Total</i>		197
4	Grassland – Exotic Annual	316
<i>Category 4 Total</i>		316
6	Developed – Dryland Wheat	1,284
	Developed - other	45.9
<i>Category 6 Total</i>		1,330
Grand Total		1,935
Category 1, 2, 3 and 4 Total		605
Note: Totals in this table may not appear to sum correctly due to rounding.		

⁵⁷ Figures 6 and 7 also denote the division of the existing site boundary into the two proposed, new site boundaries correlated with the WREFIII facility and WTSII facility.

1
2

Figure 7: Habitat Categories within the RFA1 Analysis Area



Potential Habitat Impacts and Mitigation

The mitigation goal for Category 2 habitat is no net loss of either habitat quantity or quality and a net benefit of habitat quantity or quality. To achieve this goal, impacts must be avoided or unavoidable impacts must be mitigated through “reliable in-kind, in-proximity” habitat mitigation to achieve no net loss; and a net benefit of habitat quantity or quality must be provided. The mitigation goal for Category 3 habitat is no net loss of either habitat quantity or quality. The goal is achieved by avoidance of impacts or by mitigation of unavoidable impacts through “reliable in-kind, in-proximity” habitat mitigation. The mitigation goal for Category 4 habitat, similar to the mitigation goal for Category 3 habitat impacts, is no net loss of either habitat quantity or quality. The Category 4 mitigation goal differs from the Category 3 mitigation goal in that achievement may be reached through avoidance of impacts or by mitigation of unavoidable impacts through “reliable in-kind or out-of kind,” and “in- or off-of proximity” habitat mitigation.

Construction and operation of the WTSII facility would result in temporary and permanent habitat impacts to Category 2, Category 3, Category 4, and Category 6 habitat. As presented in Table 10 below, the WTSII facility would temporarily disturb 0.3, 1.3, 0.7, and 6.3 acres of Category 2, 3, 4, and 6 habitats, respectively. WTSII would permanently disturb 1.3, <0.1, 54, and 578 acres of Category 2, 3, 4, and 6 habitat respectively. Impacts to Category 6 habitat do not require compensatory mitigation under the Council’s Fish and Wildlife Habitat standard.

Table 10: WTSII Habitat Disturbance

Habitat Category	Habitat Subtype	Disturbance Acres	
		Temporary	Permanent
2	Grassland – Native Perennial	0.3	1.3
Category 2 subtotal		0.3	1.3
3	Grassland – Native Perennial	0.7	<0.1
	Revegetated or other Planted Grassland	0.7	0
Category 3 subtotal		1.3	<0.1
4	Grassland – Exotic Annual	0.7	54
Category 4 subtotal		0.7	54
6	Developed – Dryland Wheat	4.5	577
	Developed - other	1.8	0.8
Category 6 subtotal		6.3	578
Category 2, 3, and 4 Total =		2.4	55
Note: Totals in this table may not appear to sum correctly due to rounding; <0.1 = greater than zero but less than 0.05.			

1 *Potential Impacts of RFA1 to Habitat and Species*

2
3 As presented in Table 10 above, approximately 55 acres of habitat categories 2, 3 and 4 would
4 be permanently impacted. To mitigate permanent and temporary habitat impacts, Council
5 previously imposed Fish and Wildlife Habitat Condition 10 (PRE-FW-04), requiring the certificate
6 holder to, prior to construction, submit a final Habitat Mitigation Plan (HMP) for review and
7 approval by the Department. A draft HMP for WTSII is provided in Attachment B of this order,
8 which identifies 79.6 acres of suitable in-kind and in-proximity habitat that would be available
9 for mitigating WTSII facility impacts. The draft HMP proposes to meet the Category 2 mitigation
10 goal for quantity based on a 2:1 acreage ratio; and proposes to meet the Category 3 mitigation
11 goal for quantity based on a 1:1 acreage ratio. This results in a mitigation obligation to secure a
12 mitigation area of at least 56 acres. RFA1 includes email correspondence from landowner Karen
13 Kronner confirming that Wheatridge East Wind LLC executed a Conservation Easement in April
14 2024 that includes 56 acres available for WTSII. The draft HMP also includes proposed
15 enhancement actions include restricted grazing practices; weed control; native bunchgrass
16 seeding on approximately 2.6 acres; fire control and habitat protection.

17
18 The Department recommends that the Council find that the mitigation ratios and enhancement
19 actions proposed are consistent with the mitigation goals by category.

20
21 To mitigate temporary habitat impacts, Council previously imposed Fish and Wildlife Habitat
22 condition 11 (PRE-FW-05) requiring revegetation and reclamation of areas temporarily
23 disturbed, in accordance with a Revegetation Plan. As described in Section III.D., *Soil Protection*,
24 the Department recommends the finalization and implementation of a Vegetation and Soil
25 Management Plan (VSMP), included as Attachment C to this order. The VSMP includes
26 measures to record, monitor and mitigate impacts to soils from construction and operation the
27 facility. Because soil management and soil restoration are directly associated with successful
28 revegetation of impacted areas, and vegetation management is related to the successful
29 management of weeds at the site the Department recommends combining all the BMPs into
30 the one Comprehensive Plan, rather than several separate plans with overlapping requirements
31 (e.g. Noxious Weed Plan, Fugitive Dust Plan, and Revegetation Plan). Therefore, to support this
32 condition and to remove duplicative site certificate conditions, the Department recommends
33 Council delete condition PRE-FW-05. Removal of the condition is shown in Attachment A, the
34 draft site certificate for WTSII. Similarly, to avoid duplication in condition requirements, the
35 Department recommends Council remove the obligation in Fish and Wildlife Habitat Condition
36 10 (PRE-FW-04), sub (e)(i) requiring that the final HMP address restoration and revegetation of
37 temporary impacts, as presented in Attachment A, draft WTSII Site Certificate.

38
39 The Council previously imposed Fish and Wildlife Habitat Condition 4 (PRE-FW-02) requiring the
40 certificate holder finalize and implement a Wildlife Monitoring and Mitigation Plan (WMMP).
41 The WMMP requires short- and long-term raptor nest monitoring; WGS monitoring; and
42 reporting of incidental wildlife observations. Other than reporting of incidental wildlife
43 observations, the other monitoring requirements are not needed or justified for the site given
44 the results of desktop and field surveys, as described in this Order. Reporting, by the certificate

holder to the Department, of incidental wildlife observation at the site has been incorporated into recommended Amended Organizational Expertise Condition 6 (GEN-OE-02), as presented in Section III.B. Organizational Expertise of this Order. Therefore, the Department recommends Council remove Fish and Wildlife Habitat Condition 4 (PRE-FW-02) from the WTSII Site Certificate as presented below:

Recommended Deleted of Fish and Wildlife Condition 4 (PRE-FW-02): ~~Prior to construction of the facility, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-1 of the Final Order on Request for Amendment 1 of Wheatridge Renewable Energy Facility II Site Certificate (November 2020), based on the final facility design, as approved by the department in consultation with ODFW.~~

~~a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.~~

~~b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.~~

Deleted in Final Order on Amendment 1 (2026).

[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020), AMD1 (2020); AMD1 (2026)]

The Department also recommends Council remove previously imposed Threatened and Endangered Species Condition 2 (PRE-TE-02) which included duplicate WGS and raptor nest monitoring requirements as required in the above recommended deleted condition.

Similarly, Council previously imposed Fish and Wildlife Habitat Condition 2 (GEN-FW-01) establishing a 20-mile per hour speed limit on new and private access roads associated with the facility. This condition was imposed for the original Wheatridge Wind Energy Facility, which includes 400 MW of wind facility components and associated roads. Because the WTSII facility and associated construction and operation will predominately occur within a perimeter fenceline, there is not a reason to limit construction traffic within the fenceline for the purpose of minimizing wildlife vehicular collision risk. The Department maintains that maintaining vehicular speed is important for fugitive dust control, which is addressed under the Vegetation and Soil Management Plan imposed under Soil Protection Conditions 11, 12, 13 and 14, as described in Section I.D. Soil Protection of this Order.

Recommended Deleted Fish and Wildlife Habitat Condition 1 (GEN): ~~During construction and operation, the certificate holder shall impose a 20-mile per hour speed~~

~~limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility.~~

~~Deleted in Final Order on Amendment 1 (2026)~~

[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2, AMD1 (2026)]

Council previously imposed Fish and Wildlife Habitat Condition 5 (CON-FW-02) requiring that, during construction, the certificate holder limit construction activities within ¼-mile of raptor nests for specifically identified State Sensitive species, during sensitive nesting and breeding seasons. The condition confirms that both pre-construction nest surveys and nest monitoring be based on an ODFW-approved protocol as presented below. ODFW's review of RFA1 identified the buffer size for Ferruginous hawks to be less than what is currently recommended, and therefore, the Department recommends Council amend Fish and Wildlife Condition 5 (CON-FW-02) for WTSII to update the buffer size to match current recommendations, as presented below.

Recommended Amended Condition CON-FW-02: Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys.

During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW-specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.

Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :
Western burrowing owl	0.25 mile	April 1 to August 15
Ferruginous hawk	~~0.25~~ 0.5 mile	March 15 to August 15
Swainson's hawk	0.25 mile	April 1 to August 15

If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance.

[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; ~~AMD3 (2018); AMD4 (2019);~~ AMD1 (2026)]

III.H.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and recommended amended conditions described above, the Department recommends Council find that the design, construction, and operation of the facility, with the requested extension of the construction completion deadline, will continue to be consistent with the mitigation goals and requirements of ODFW's Fish and Wildlife Habitat Mitigation Policy under OAR 635-415-0025. Based on the foregoing analysis, and subject to compliance with the existing and recommended amended and deleted conditions described above, the Department recommends Council find that the design, construction, and operation of the facility, with the requested extension of the construction completion deadline, will continue to be consistent with the mitigation goals and requirements of ODFW's Fish and Wildlife Habitat Mitigation Policy under OAR 635-415-0025.

III.I. THREATENED AND ENDANGERED SPECIES: OAR 345-022-0070

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:

(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:

(a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or

(b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and

(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.⁵⁸

****⁵⁹*

⁵⁸ OAR 345-022-0040, effective April 2, 2025.

⁵⁹ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

1 **III.I.1. Findings of Fact**

2
3 The analysis area for threatened or endangered (T&E) plant and wildlife species is the area
4 within and extending 5 miles from the proposed site boundary of the WTSII facility.⁶⁰
5

6 *Threatened and Endangered Species with Potential to Occur within the Analysis Area*

7
8 One listed T&E mammal, the Washington Ground Squirrel (WAGS), and one listed T&E plant
9 species, Lawrence's milkvetch (*Astragalus collinus* var. *laurentii*) were previously identified as
10 having the potential to occur within the analysis area. There have been no changes to the
11 threatened and endangered species expected to occur within the analysis area since the
12 Council's Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility in
13 November 2019.⁶¹
14

15 *Washington Ground Squirrel*

16
17 Washington Ground Squirrel (WAGS) are a small ground squirrel associated with shrub-steppe
18 habitats of the Columbia Basin ecoregion. In Oregon, the WAGS range extends from Umatilla
19 County, west through Gilliam and Morrow counties, to the John Day River.
20

21 As discussed in Section III.H. *Fish and Wildlife Habitat*, a special status vertebrate wildlife
22 species survey was conducted in 2018, within the WREFIII site boundary. Additional WAGS
23 surveys were conducted during WREFIII preconstruction, to satisfy the requirements of
24 Threatened and Endangered Species Condition 1 (PRE-TE-01) in 2020. WAGS activity was not
25 observed. This condition will apply to the WTSII facility.
26

27 *Lawrence's milkvetch*

28
29 Lawrence's milkvetch is a state-listed threatened plant species under ORS 564.105. Lawrence's
30 milkvetch is a perennial in the pea (Fabaceae) family. It occupies sandy or rocky soils overlying
31 basalt on dry slopes of the Columbia Plateau in northern Oregon.
32

33 Potential impacts from construction and operation of the WREFIII facility were evaluated in
34 WREFII RFA4 Exhibit Q including botanical surveys conducted in 2018 within the analysis area.
35 Threatened and Endangered Species Condition 3 (PRE-TE-03) requires a preconstruction plant
36 survey for Lawrence's milkvetch within 100-feet of temporary and permanent disturbance from
37 all facility components, unless extent of survey area within suitable habitat from temporary and
38 permanent disturbance is otherwise agreed upon by the Department on consultation with the
39 Oregon Department of Agriculture. The certificate holder conducted the plant surveys in 2020,
40 prior to construction of WREFIII, did not observe any individuals of Lawrence's milkvetch. This
41 condition will apply to the WTSII facility.

⁶⁰ OAR 345-001-0010(35)(c)(C)(ii).

⁶¹ WREFIIIRFA1 Request for Amendment 1 2026-02-27; Section 6.1.9, p. 55

1
2 **III.I.2. Conclusions of Law**
3

4 Based on the foregoing recommended findings of fact and conclusions, and subject to
5 compliance with the existing site certificate conditions, the Department recommends that the
6 Council find that the facility, with the requested extension of the construction completion
7 deadline, would continue to comply with the Council's Threatened and Endangered Species
8 standard.
9

10 **III.J. SCENIC RESOURCES: OAR 345-022-0080**
11

12 *(1) To issue a site certificate, the Council must find that the design,*
13 *construction and operation of the facility, taking into account mitigation, are*
14 *not likely to result in significant adverse visual impacts to significant or*
15 *important scenic resources.*
16

17 *(2) The Council may issue a site certificate for a special criteria facility under*
18 *OAR 345-015-0310 without making the findings described in section (1). In*
19 *issuing such a site certificate, the Council may impose conditions of approval*
20 *to minimize the potential significant adverse visual impacts from the design,*
21 *construction, and operation of the facility on significant or important scenic*
22 *resources.*
23

24 *(3) A scenic resource is considered to be significant or important if it is*
25 *identified as significant or important in a current land use management plan*
26 *adopted by one or more local, tribal, state, regional, or federal government or*
27 *agency.*
28

29 *(4) The Council shall apply the version of this rule adopted under*
30 *Administrative Order EFSC 1-2007, filed and effective May 15, 2007, to the*
31 *review of any Application for Site Certificate or Request for Amendment that*
32 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*
33 *before the effective date of this rule. Nothing in this section waives the*
34 *obligations of the certificate holder and Council to abide by local ordinances,*
35 *state law, and other rules of the Council for the construction and operation of*
36 *energy facilities in effect on the date the site certificate or amended site*
37 *certificate is executed.*⁶²
38 ***⁶³
39

⁶² OAR 345-022-0040, effective April 2, 2025.

⁶³ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

III.J.1. Findings of Fact

Scenic Resources in the Analysis Area

The analysis area for the Scenic Resources standard includes the area within and extending 10 miles from the proposed site boundary of the WTSII facility.⁶⁴

For amendments requesting to extend construction deadlines, the Department and Council evaluate whether there have been “changes in fact or law” since the site certificate was issued to determine whether, based on changes in fact or law, the facility would continue to satisfy requirements of the standard. The evaluation provided in RFA4 Exhibit R and Council’s previous findings and conclusions provided in the Final Order on RFA4, were the basis of the evaluation provided in RFA1.

As summarized in Table 11 below, no new significant or important scenic resources were identified as a result of RFA1. Table 11 identifies the land use management plans evaluated for RFA1, and whether any significant or important scenic resource was identified in the plan. If identified, the Table indicates whether the scenic resource(s) is located within the RFA1 analysis area.

Table 11: Land Management Plans and Scenic Resources

Managing Jurisdiction	Management Plan	Scenic Resources Specified in Plan	Scenic Resource identified in Analysis Area
Counties			
Morrow County	Morrow County Comprehensive Plan (2018)	No	No
Umatilla County	Umatilla County Comprehensive Plan (2018)	Yes	No
Cities and Towns			
Ione	City of Ione Comprehensive Plan (1999) and Zoning Ordinance #158	No	No
Lexington	City of Lexington Comprehensive Plan (1979)	No	No
State			
Oregon Department of State Lands	Real Estate Asset Management Plan (2021)	Yes	No
Oregon Parks and Recreation Department	Oregon Natural Areas Plan (2015)	No	No

⁶⁴ OAR 345-027-0360(1)(c)(C)(ii)

Table 11: Land Management Plans and Scenic Resources

Managing Jurisdiction	Management Plan	Scenic Resources Specified in Plan	Scenic Resource identified in Analysis Area
Oregon Department of Transportation	Oregon Highway Plan (1999)	Yes	Yes
Federal			
US Navy	Integrated Natural Resource Management Plan for the Boardman Bombing Range (2012)	No	No
National Parks Service	Comprehensive Management and Use Plan Final Environmental Impact Statement, California National Historic Trail, Pony Express National Historic Trail; Management and Use Plan Update Final Environmental Impact Statement, Oregon National Historic Trail, Mormon Pioneer Trail (1999)	Yes	Yes
USFS/ODOT	Blue Mountain Scenic Byway Interpretive Management Plan (1993)	Yes	No

Based upon review of the applicable land management plans presented in Table 11, there are no new important or significant scenic resources within the RFA1 analysis area.

Council previously found that potential visibility of the facility would not be likely to result in a significant, visual impact to any of the important or significant resources listed in Table 11 above.⁶⁵

III.J.2. Conclusions of Law

Based on the foregoing recommended findings of fact, the Department recommends the Council find that the that the design, construction and operation of the facility, with the requested extension of the construction completion deadline, are not likely to result in significant adverse visual impacts to significant or important scenic resources.

⁶⁵ WRWAMD4 Final Order on Request for Amendment 4 2019-11-22, pg. 101-102.

1 **III.K. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES: OAR 345-022-0090**

2
3 *(1) Except for facilities described in sections (2) and (3), to issue a site*
4 *certificate, the Council must find that the construction and operation of the*
5 *facility, taking into account mitigation, are not likely to result in significant*
6 *adverse impacts to:*

7
8 *(a) Historic, cultural or archaeological resources that have been listed on, or*
9 *would likely be listed on the National Register of Historic Places;*

10
11 *(b) For a facility on private land, archaeological objects, as defined in ORS*
12 *358.905(1)(a), or archaeological sites, as defined in 358.905(1)(c); and*

13
14 *(c) For a facility on public land, archaeological sites, as defined in ORS*
15 *358.905(1)(c).*

16
17 *(2) The Council may issue a site certificate for a facility that would produce*
18 *power from wind, solar or geothermal energy without making the findings*
19 *described in section (1). However, the Council may apply the requirements of*
20 *section (1) to impose conditions on a site certificate issued for such a facility.*

21
22 *(3) The Council may issue a site certificate for a special criteria facility under*
23 *OAR 345-015-0310 without making the findings described in section (1).*
24 *However, the Council may apply the requirements of section (1) to impose*
25 *conditions on a site certificate issued for such a facility.*⁶⁶

26 ***67

27
28 **III.K.1. Findings of Fact**

29
30 The analysis area for the Historic, Cultural and Archaeological Resources standard includes the
31 area within the proposed site boundary of the WTSII facility.⁶⁸

32
33 No new surveys or cultural resources have been documented within the analysis area since the
34 Council prior review in 2019 through the Final Order on Request for Amendment 4 of the
35 Wheatridge Wind Energy Facility. Because RFA1 does not change the location or size of the
36 previously approved site boundary, and the entire site boundary was previously surveyed, the
37 Department recommends Council find that it is appropriate to rely on previously recorded
38 surveys and that it is not likely that there is a change on the ground that would necessitate any

⁶⁶ OAR 345-022-0040, effective April 2, 2025.

⁶⁷ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

⁶⁸ OAR 345-027-0360(1)(c)(C)(ii).

1 additional surveys. Resources identified during 2018/2019 surveys included 4 historic sites, 1
2 archeological site, and 2 archeological objects, described further below.⁶⁹

- 4 • Archeological object (6B2H-MC-ISO-17) is a small agricultural cache of three hay mowers
5 within the proposed solar micrositng corridor
- 6 • Archeological object (WRII-BB-IS-01) is an isolated horseshoe
- 7 • Archeological site (WRII-DM-04) is a historic agricultural access road.

8
9 For RFA4, the certificate holder recommended these resources be not likely eligible for listing
10 on the National Register of Historic Places (NRHP), however, to be conservative, Council
11 assumed that these resources are likely eligible for listing on the NRHP and amended Historic,
12 Cultural and Archeological Resources Condition 3 (CON-HC-01) to require that 200-foot
13 avoidance buffers be observed unless SHPO concurs that he resources are not likely eligible or a
14 resource mitigation plan is proposed and submitted to the Department and SHPO for approval.

15
16 Historic, Cultural and Archaeological Resources Conditions 1 (PRE-HC-01) and 2 (PRE-HC-02) are
17 associated with CON-HC-01 and require the submission of maps and buffer area marking prior
18 to construction. Historic, Cultural, and Archeological Resources Condition 5 (CON-HC-02)
19 requires that all ground-disturbing activities in the immediate area of any archeological or
20 cultural resources found during construction of the facility be halted until a qualified
21 archeologist can evaluate the significance of the find; these conditions remain applicable to
22 WTSII.

23
24 Historic, Cultural, and Archeological Resources Condition 4 (PRE-HC-03) requires that
25 construction personnel are trained by a qualified archaeologist to identify sensitive historic,
26 cultural, and archaeological resources present onsite and on measures to avoid accidental
27 damage to identified resource sites.

28
29 The 2019 surveys and Final Order on AMD4 also evaluated four built historic properties
30 including an in-use, modernized segment of historic road (Lexington-Echo Highway); two in-use
31 modernized segments of historic road (Bombing Range Road; Strawberry Lane); and, historic
32 buildings within a modern farm (Starvation Farms). Based on concurrence from SHPO, none of
33 the four built historic properties are likely eligible for NRHP-listing and are not protected under
34 the Council's standard.⁷⁰

35 36 **III.K.2. Conclusions of Law**

37

⁶⁹ Other cultural resource investigations within 1-mile of the analysis area for WRWAMD4 identified 15
archeological sites and 8 archeological objects; these were evaluated in the 2017 Final Order on ASC.
WRWAMD4doc 24-1 Final Order on Request for Amendment 4 2019-11-22, Section III.K.

⁷⁰ WRWAMD4Doc8 pRFA Reviewing Agency Comment SHPO 2019-07-09 and WRWAMD4Doc7 pRFA Reviewing
Agency Comment SHPO 2019-01-19.

1 Based on the foregoing analysis, and subject to compliance with the existing site certificate
2 conditions described above, the Department recommends the Council find that the
3 construction and operation of the facility, with the requested extension of the construction
4 completion deadline, are not likely to result in significant adverse impacts to historic, cultural or
5 archaeological resources that have been listed on, or would likely be listed on the National
6 Register of Historic Places or other archaeological objects or sites identified under OAR 345-
7 022-0090.

8
9 **III.L. RECREATION: OAR 345-022-0100**

10
11 *(1) To issue a site certificate, the Council must find that the design,*
12 *construction and operation of a facility, taking into account mitigation, are*
13 *not likely to result in a significant adverse impact to important recreational*
14 *opportunities.*

15
16 *(2) The Council must consider the following factors in judging the importance*
17 *of a recreational opportunity:*

18
19 *(a) Any special designation or management of the location;*

20
21 *(b) The degree of demand;*

22
23 *(c) Outstanding or unusual qualities;*

24
25 *(d) Availability or rareness;*

26
27 *(e) Irreplaceability or irretrievability of the opportunity.*

28
29 *(3) The Council may issue a site certificate for a special criteria facility under*
30 *OAR 345-015-0310 without making the findings described in section (1). In*
31 *issuing such a site certificate, the Council may impose conditions of approval*
32 *to minimize the potential significant adverse impacts from the design,*
33 *construction, and operation of the facility on important recreational*
34 *opportunities.*

35
36 *(4) The Council must apply the version of this rule adopted under*
37 *Administrative Order EFSC 1-2002, filed and effective April 3, 2002, to the*
38 *review of any Application for Site Certificate or Request for Amendment that*
39 *was determined to be complete under OAR 345-015-0190 or 345-027-0363*
40 *before the effective date of this rule. Nothing in this section waives the*
41 *obligations of the certificate holder and Council to abide by local ordinances,*
42 *state law, and other rules of the Council for the construction and operation of*

energy facilities in effect on the date the site certificate or amended site certificate is executed.⁷¹

***⁷²

III.L.1. Findings of Fact

The analysis area for the Recreation Standard is 5 miles from the proposed site boundary of the WTSII facility.⁷³

Recreational opportunities within the Analysis Area

In the Final Order on Request for Amendment 4 of the Wheatridge Renewable Energy Facility, the Council evaluated recreational opportunities, and determined six would be considered important under OAR 345-022-0100(2), including:

- Oregon National Historic Trail High-Potential Segment (1.2 miles from site boundary)
- Oregon Trail Well Spring Interpretive Site (1.2 miles from site boundary)
- Echo Meadows Site/Oregon Trail Area of Critical Environmental Concern (2.5 miles from site boundary)
- Blue Mountain State Scenic Byway (OR-74) (2.6 miles from site boundary)
- Morrow County Fairgrounds (3.0 miles from site boundary)
- Willow Creek Water Park (3.0 miles from site boundary)⁷⁴

Neither the certificate holder nor the Department identified any new or previously unevaluated recreational opportunities in the 5-mile analysis area since the Council's prior evaluation.

Potential Impacts to Important Recreation Opportunities

In the Final Order on Request for Amendment 4 of the Wheatridge Renewable Energy Facility, the Council found that the construction and operation of the RFA4 facility components (i.e. the solar arrays) would not be expected to result in any potentially significant impacts to important recreational opportunities. The Department recommends Council rely upon and incorporate by reference its evaluation as presented in Section III.M of the 2018 Final Order on RFA4.⁷⁵

⁷¹ OAR 345-022-0040, effective April 2, 2025.

⁷² The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

⁷³ OAR 345-027-0360(1)(c)(C)(ii)

⁷⁴ WRWAPPDoc196. Final Order on ASC. 2016-05-24. In the Final Order on ASC, the Council disagreed with the certificate holder's representation that Willow Creek Water Park met the criteria for an "important" recreational opportunity. However, the Council included an evaluation of potential impacts to this recreational opportunity.

⁷⁵ WRWAMD4 Final Order on Request for Amendment 4 2019-11-22, pg. 109-116.

1 **III.L.2. Conclusions of Law**

2
3 Based on the foregoing analysis, the Department recommends the Council find that
4 the design, construction and operation of the facility, with the requested extension of
5 the construction completion deadline, are not likely to result in a significant adverse
6 impact to important recreational opportunities.
7

8 **III.M. PUBLIC SERVICES: OAR 345-022-0110**

9
10 *(1) Except for facilities described in sections (2) and (3), to issue a site*
11 *certificate, the Council must find that the construction and operation of the*
12 *facility, taking into account mitigation, are not likely to result in significant*
13 *adverse impact to the ability of public and private providers within the*
14 *analysis area described in the project order to provide: sewers and sewage*
15 *treatment, water, storm water drainage, solid waste management, housing,*
16 *traffic safety, police and fire protection, health care and schools.*
17

18 *(2) The Council may issue a site certificate for a facility that would produce*
19 *power from wind, solar or geothermal energy without making the findings*
20 *described in section (1). However, the Council may apply the requirements of*
21 *section (1) to impose conditions on a site certificate issued for such a facility.*
22

23 *(3) The Council may issue a site certificate for a special criteria facility under*
24 *OAR 345-015-0310 without making the findings described in section (1).*
25 *However, the Council may apply the requirements of section (1) to impose*
26 *conditions on a site certificate issued for such a facility.*⁷⁶
27 ***77

28
29 **III.M.1. Findings of Fact**

30
31 The analysis area for potential impacts to public services is the area within and extending 10-
32 miles from the proposed site boundary of the WTSII facility.⁷⁸ The analysis area includes the
33 cities of Lexington and Heppner, as well as portions of unincorporated Morrow and Umatilla
34 counties. Other communities within the vicinity of the site including, but not limited to Lone and
35 Heppner, could be affected by increased demand for housing and traffic impacts associated
36 with the construction and operation of the WTSII facility.
37

38 **Impact Assessment Assumptions**

39

⁷⁶ OAR 345-022-0040, effective April 2, 2025.

⁷⁷ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

⁷⁸ OAR 345-027-0360(1)(c).

1 In RFA1, the certificate holder relies on its analysis and assumptions conducted for WRW RFA4
2 and maintains that its maximum impact analysis done for RFA4 remains applicable for
3 construction of WTSII and operation of WREFIII and WTSII. Construction of facility components
4 would last up to 12 months.⁷⁹ To complete construction of the solar arrays and battery systems
5 it is estimated that a maximum of 250 workers would be onsite at one time.

6
7 For purposes of the Public Services impact assessment, the certificate holder relies upon the
8 assumptions provided in RFA4 and on the 2017 Final Order on ASC, assuming that
9 approximately 80 percent of the construction workforce hired for construction of the solar
10 arrays will be hired locally (i.e., from within commuting distance of the facility), and the
11 remaining 20 percent of the workforce will be from out of state or longer distance and will
12 temporarily relocate to the facility vicinity.⁸⁰

13
14 The operations and maintenance (O&M) of the proposed solar arrays will require up to two
15 staff. The certificate holder maintains that O&M staff will be hired locally, to the extent that
16 skilled workers are available.

17 *Sewers and Sewage Treatment*

18
19
20 During construction, portable toilets will be provided by a licensed subcontractor, who will be
21 responsible for servicing the toilets at regular intervals and dispose of wastewater in
22 accordance with local jurisdictional regulations.

23
24 The O&M building would have an on-site septic system which would be serviced by licensed
25 companies. The facility would not require sewage treatment, nor require construction or
26 expansion of public stormwater drainage facilities. Therefore, construction and operation of the
27 WTSII facility would not impact public and private providers of sewer, sewage treatment or
28 stormwater drainage.

29 *Water Supply*

30
31
32 During construction of the remaining WTSII facility components, a maximum of 36.3 million
33 gallons (Mgal) of water would be used for dust suppression, road compaction, site preparation,
34 mixing concrete for foundations, fire prevention, and on-site worker drinking and sanitation
35 use. Construction-related water is expected to be obtained from the City of Lone and the City of
36 Lexington the City of Maupin and the City of Wasco⁸¹ under an existing municipal water right.
37 RFA1 Attachment 9 includes letters from the City of Lone indicating its ability to provide the

⁷⁹ WRWAMD4doc 24-1 Final Order on Request for Amendment 4 2019-11-22, p. 114

⁸⁰ Certificate holder relies on assumptions about the labor force for its assessment under the Public Services standard. The Department notes that these assumptions do not guarantee the assumptions are correct.

⁸¹ WREFIIIAMD1 RFA1 Attachment 9, 2027-02-27. Letters from City of Lone indicating its ability to provide the 36.3 Mgal of construction-related water and the City of Lexington indicating it could provide water approximately 1 Mgal a month with seasonal constraints during the summer.

1 36.3 Mgal of construction-related water and the City of Lexington indicating it could provide
2 water approximately 1 Mgal a month with seasonal constraints during the summer.

3
4 To confirm the source for construction-related water and to ensure that impacts to public or
5 private water sources are not impacted by construction of the WTSII facility, the Department
6 recommends Council impose Public Services Condition 24, below. Public Services Condition 24
7 requires the certificate holder to confirm the final water demand based on final facility build
8 out and requires the certificate holder to provide evidence that the final water sources for
9 construction-related water are adequate, and have been legally secured under existing water
10 rights or third-party permits:

11
12 **Recommended Public Services Condition 24 (GEN):** Prior to and during facility
13 construction, as applicable, the certificate holder shall:

- 14 a. Identify all water-related needs and estimate daily and annual water demand for
15 facility construction.
16 b. Provide evidence such as a contract or purchase agreement demonstrating that
17 adequate water supply to meet facility construction demand has been secured and
18 that water for all construction activities will be legally obtained by service providers
19 or third-party permits.

20 [GEN-PS-04; Final Order on AMD1 (2026)]

21
22 Operational water use is estimated to be up to 650,250 gallons of water per year for solar panel
23 washing, assuming panels are washed twice a year.⁸² As discussed in Section IV.C., *Water*
24 *Rights*, WREFIII and WTSII share the O&M building with WREFII and operational water use at
25 the O&M building(s) would be served by onsite, permit-exempt wells and would not result in
26 impacts on the ability of public or private providers of water to deliver services. The O&M
27 building is not a related or supporting facility for WREFIII and WTSII, therefore, site certificate
28 conditions applicable to the O&M building are not applicable to WREFIII or WTSII. The
29 certificate holder does not include verification from water service providers for operation of the
30 WTSII facility, therefore, similar to recommended Public Services Condition 24 above, the
31 Department recommends Council impose a similar condition during operation as provided
32 below:

33
34 **Recommended Public Services Condition 25 (OPR):** During every year of operations, the
35 certificate holder shall:

- 36 a. Identify all water-related needs and estimate daily and annual water demand for
37 facility operations.
38 b. Provide evidence of water sources such as a well log from O&M building(s), or
39 contract or purchase agreement demonstrating that adequate water supply to meet
40 facility operational demand has been secured off-site and that water for all
41 operational activities will be legally obtained by service providers or third-party
42 permits.

⁸² WRWAMD4Doc15-16 RFA4 Complete RFA4 Exhibit O. Water Req Final 2019-07-01, Section 2.1.3.

3 Because the certificate holder demonstrates that it can obtain adequate water supply for the
4 construction and operation of the facility, and subject to the conditions described above, the
5 Department recommends Council find that the construction and operation of the WTSII facility
6 are not likely to result in significant adverse impact to the ability of any public or private water
7 providers to provide services.

8
9 *Stormwater Drainage*

10
11 No drainage district or developed stormwater drainage facilities serve the site except those
12 associated with public roads maintained by Morrow County. Because the WTSII facility will not
13 connect to any developed stormwater drainage system and will not be located within the
14 boundaries of a drainage district, the Department recommends Council find that the facilities
15 are not likely to result in adverse impacts on the ability of any community to provide
16 stormwater drainage services.

17
18 *Solid Waste Management*

19
20 The certificate holder estimates that approximately 14,000 cubic yards of non-hazardous waste
21 will be generated during construction of WTSII.⁸³ Waste materials generated by construction of
22 the WTSII solar components will primarily consist of concrete waste and packaging materials.
23 Non-hazardous solid waste will be disposed of following the Construction Waste Management
24 Plan in Public Service Condition 3 (CON-PS-01) and Waste Minimization Condition 2 (PRE-WM-
25 01).⁸⁴ Solid waste generated from construction also includes dirt and soil excess from access
26 road construction, grading and excavation for the solar array foundations, support structures,
27 and the collector substation expansion. Existing condition Waste Minimization Condition 1
28 (CON-WM-01) requires that the certificate holder provide agreements between contractors and
29 other parties off-site that would receive the earth materials and confirm that all disposal sites
30 have been inspected and approved by the certificate holder's environmental personnel.

31
32 The certificate holder assumes that no more than 2 cubic yards of waste would be produced
33 monthly during operation, which would not impact the capacity at the local landfill. RFA1
34 Attachment 5 includes correspondence with Finley Butte Landfill, where a representative
35 confirms that the landfill will be able to accept the quantities proposed for construction and
36 that the landfill has a lifespan (capacity) and other 175 years.

37
38 Council previously imposed Public Services Condition 5 (GEN-PS-01) requiring that the
39 certificate holder coordinate with its solid waste handler to provide information solicited

⁸³ In RFA1 the certificate holder relies upon the facts/impact assumptions from the Final Order on RFA4, however, in RFA1 Attachment 5, in correspondence with Finley Butte Landfill, the certificate holder represents 14,000 cubic yards of waste generated from construction and not the 2,000 cubic yards presented in RFA4.

⁸⁴ WRWAMD4Doc14-23 RFA4 Complete RFA4 Exhibit V. Waste Final Section 2.1.1. 2019-07-01.

1 through DEQ Recycling Survey to the Morrow County waste shed representative. However, in
2 implementing this condition for the other Wheatridge descendent facilities, the Department
3 has never been able to reach a Morrow County waste shed representative for which to require
4 certificate holders to report. Therefore, the condition is not effective nor necessary to ensure
5 that waste materials are recycled to the maximum extent practicable. The Department
6 recommends Council remove this condition from the WTSII site certificate.

7
8 **Recommended Deleted Public Services Condition 5 (GEN-PS-01):** ~~During construction~~
9 ~~and operation, the certificate holder shall coordinate with its solid waste handler to~~
10 ~~provide the information solicited through the Oregon Department of Environmental~~
11 ~~Quality's Recycling Collector Survey to the Morrow County waste shed representative~~
12 ~~on an annual basis. Deleted in Final Order on Amendment 1 (2026).~~

13 [Final Order on ASC (2017), Public Services Condition 5]
14

15 Lithium-ion system will require regular change out of batteries as they degrade over time, and
16 batteries will be replenished at a rate depending on usage where a battery cycled frequently
17 will need to be replaced more often. The certificate holder explains that a group of
18 approximately 11 lithium-ion battery cells per 1 MW will be replaced approximately every three
19 years over the life of the facility (50 years), and at this replacement rate, approximately 27,500
20 battery racks will be used over operation term of the battery storage systems.⁸⁵ Council
21 previously imposed Organizational Expertise Condition 10 (GEN-OE-04) to ensure the certificate
22 holder utilizes a licensed hauler for battery transport and that the handling guidelines of 49
23 Code of Federal Regulations 173.185 – Department of Transportation Pipeline and Hazardous
24 Material Administration related to the transport of lithium ion batteries is followed.

25
26 Based on the small quantities of waste generated and the local landfill has capacity to accept
27 waste, and in compliance with previously imposed conditions, the Department recommends
28 Council find that the WTSII would not be likely to result in a significant adverse impact on the
29 ability of public and private providers of solid waste management to deliver services.

30 *Traffic Safety* 31 32

33 The primary transportation routes used for construction are I-84 and OR-207, and the following
34 major county roads would convey significant amounts of construction traffic: Bombing Range
35 Road, Big Butter Creek Road, Little Butter Creek Road, Baseline Road, Juniper Lane, Strawberry
36 Lane, and Sand Hollow Road in Morrow County.⁸⁶
37

38 The certificate holder relies upon the assumptions provided in RFA4 which largely rely on
39 information from the 2017 Final Order on ASC, which assumes that approximately 80 percent of
40 the construction workforce hired for construction of the solar arrays will be hired locally (i.e.,

⁸⁵ WRWAMD4Doc14-9 RFA4 Complete RFA4 Exhibit G. Materials Analysis Final, Section 3.2. 2019-07-01.

⁸⁶ WRWAMD4doc 24-1 Final Order on Request for Amendment 4 2019-11-22, Section III.M. Public Services; Traffic Safety.

1 from within commuting distance of the facility), and the remaining 20 percent of the workforce
2 will be from out of state or longer distance and will temporarily relocate to the facility vicinity.⁸⁷
3

4 I-84 and OR-207 are managed by the Oregon Department of Transportation (ODOT) and
5 depending on the segment of these highways, they experience high average annual daily traffic
6 (AADT) volume and have the capacity to add any additional drivers associated with construction
7 of the facility. Regardless of the location where workers reside at, almost all workers local or
8 who move from out of the area, will use the County-managed roads to get to the site (Bombing
9 Range Road, Big Butter Creek Road, Little Butter Creek Road, Baseline Road, Juniper Lane,
10 Strawberry Lane, and Sand Hollow Road in Morrow County). Therefore, assuming a worst case
11 scenario of no carpooling), there would be 250 one way trips and 500 round trips for
12 construction workers a day. Construction traffic relied upon in RFA4 is approximately 5-10
13 trucks per day, primarily related to the delivery of solar module and tracker components and
14 concrete.⁸⁸ The Department highlights that this appears to be an under-estimate and does not
15 include water trucks and deliveries of large construction equipment.
16

17 Council previously imposed Public Services Condition 6 (PRE-PS-01) requiring that, prior to
18 construction, the certificate holder coordinate with ODOT and county road officials to develop
19 and implement a Traffic Management Plan, as approved by the Department, that would include
20 best management practices (BMP's) to minimize potential construction-related traffic impacts.
21 BMP's include maintaining emergency vehicle access to private property, using chase vehicles if
22 required by ODOT, and notifying nearby landowners prior to the start of construction.
23

24 In its comments on pRFA1, Morrow County requests that, as a legal precaution, the county
25 requests that a new RUA be promulgated to ensure the parties responsible are the same as
26 those listed in the new and separate site certificate holders.⁸⁹ Public Services Condition 7 (PRE-
27 PS-02) requires the certificate holder to enter into road use agreements with counties that will
28 outline, at a minimum, a pre-construction assessment of road surfaces, construction
29 monitoring, and post-construction inspection and repair. Council previously imposed Public
30 Services Condition 8 (PRE-PS-03), which requires new road construction to be compliant with
31 the applicable county road design standards.
32

33 The operations and maintenance of the proposed solar arrays and battery storage facilities
34 associated with RFA4 will require up to two additional staff. The certificate holder maintains
35 that O&M staff will be hired locally, to the extent that skilled workers are available. The
36 additional staff hired to operate the solar facilities are not expected to significantly impact
37 existing traffic volumes.
38

⁸⁷ Certificate holder relies on assumptions about the labor force for its assessment under the Public Services standard. The Department notes that these assumptions do not guarantee the assumptions are correct.

⁸⁸ WRWAMD4Doc14-22 RFA4 Complete RFA4 Exhibit U. Public Services Final, Section 3.2.1. 2019-07-01.

⁸⁹ WREFIIIIAMD1 pRFA SAG - Morrow County Comments 2026-01-29.

Based on the findings presented here and compliance with previously imposed conditions, the Department recommends Council find that the construction of WTSII facility would not be likely to result in a significant adverse impact to the ability of public or private providers of traffic safety.

Air Traffic

The Morrow County Lexington Airport is a County-managed public airport located in Lexington, Oregon approximately 7.5 miles southwest of the southern facility site boundary. The West Buttercreek airfield is a private airfield located approximately 9.5 miles northeast of the northern site boundary.⁹⁰ The tallest facility structure would be the poles associated with the 34.5 kV overhead collector lines which would be approximately 60 feet tall. Council previously imposed Public Services Condition 9 (PRE-PS-04) which requires the certificate holder to submit a FAA form 7460-1 to the FAA and the Oregon Department of Aviation (ODAv) in accordance with ORS 836.535(2)(a) requesting a determination of No Hazard in order to allow the agency to evaluate the effect of construction on air safety and navigable airspace. However, because the facility far proximity to airports and the lack of tall facility structures, the Department requested confirmation from ODAv during the review of pRFA1. ODAv confirmed that filing 7460 notices with the FAA and ODAV would not be required for construction of the WTSII facility.⁹¹ Therefore, the Department recommends Council remove PRE-PS-04 as shown below in the draft site certificate:

Recommended Deleted Public Services Condition 9 (PRE-PS-04): ~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall:~~

- ~~a. Complete the Federal Aviation Administration (FAA) Notice Criteria Tool for solar facility coordinates to determine applicability of the FAA 7460 filing. If the FAA Notice Criteria Tool requires FAA filing, the certificate holder will submit to the FAA and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration.~~
- ~~b. Submit to the Oregon Department of Aviation the solar facility coordinates for purposes of an aeronautical study and determination. If the Department, in consultation with the Oregon Department of Aviation, determines that the facility would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction. Deleted in Final Order on Amendment 1 (2026).~~

[Final Order on ASC (2017), Public Services Condition 9; AMD1 (2020); AMD1 (2026)]

⁹⁰ Distances from the site boundary estimated by Department using [ORESAs Oregon Renewable Energy Siting Assessment](#). The Department was unable to confirm if the West Buttercreek airfield is open and operational.

⁹¹ WREFIIIIAMD1 pRFA Reviewing Agency ODAv Comments 2026-02-05.

1 The Department recommends Council find that the WTSII facility would not be likely to result in
2 a significant adverse impact to the ability of public or private providers of air traffic safety.

3
4 *Fire and Police Providers*
5

6 During construction, the greatest risk of fire on the site is from welding and metal cutting for
7 foundation rebar frames, and vehicles and construction equipment use in areas of tall, dry
8 grass.⁹² Other fire hazards associated with construction can result from workers smoking,
9 refueling vehicles and equipment, and operating or parking vehicles and other equipment off
10 roadways in areas of dry grass that could ignite upon contact with hot vehicle parts.

11
12 Fire protection providers for the facility are the Boardman Fire Rescue District (BFRD) location
13 approximately 18 miles away in Boardman, Oregon and Echo Rural Fire Protection District (Echo
14 RFPD) located approximately 23 miles from the facility. RFA1 Attachment 5 includes
15 correspondence from the Fire Chief at BFRD indicating that BFRD would continue to provide
16 emergency services and fire response in conjunction with other local fire agencies for the
17 facility. RFA1 Attachment 5 also includes a letter from Echo RFPD stating that the RDPD does
18 not have any concerns with the facility, and they will respond to any fires or initial emergency
19 response at the site. They continue by stating that a 100-foot vegetative-free area must be
20 maintained around structures, however, it is unclear if they are referring to wind or solar facility
21 components.

22
23 As discussed in Section III.N., *Wildfire Prevention and Risk Mitigation*, the Council's Wildfire
24 Prevention and Risk Mitigation standard is applicable to the WTSII facility during construction
25 and operation of the facility. Construction and operational Wildfire Mitigation Plans (WMPs)
26 are attached to this order as Attachments E-1 and E-2 and are imposed under Wildfire
27 Prevention and Risk Mitigation Conditions 1 through 4. The WMPs include steps to finalize the
28 plans prior to construction and operation of the facility where facility design features would be
29 finalized, including vegetative-free areas around electrical equipment which would reduce
30 wildfire risk from and to the facility. The WMP's include pre-construction and operational
31 trainings, with invitation provided to local fire departments and emergency service providers.

32
33 The WMPs also include restrictions on activities that can occur onsite during fire season and red
34 flag warning events such as restrictions on hot work like welding, vegetation management
35 protocols, agency and landowner consultation, and specifications for fire protection equipment.
36 Because the WMPs include measures that are required in previously-imposed CON-PS-05 and
37 PRO-PS-02, the Department recommends these conditions be removed from the site
38 certificate:

39
40 **Recommended Deleted Public Services Condition 17 (CON-PS-05):** ~~During construction~~
41 ~~the certificate holder must maintain an area clear of vegetation for fire prevention~~
42 ~~around construction sites, including towers and any areas where work includes welding,~~

⁹² WRWAMD4Doc14-3 RFA4 Complete RFA4 Exhibit B. Project Desc Final, Section 2.4. 2019-07-01.

~~cutting, grinding, or other flame or spark producing operations. Deleted in Final Order on Amendment 1 (2026).~~

[Final Order on ASC (2017), Public Services Condition 17, AMD1 (2020); AMD1 (2026)]

Recommended Deleted Public Services Condition 19 (PRO-PS-02): ~~Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first responders included in the Emergency Management Plan. Deleted in Final Order on Amendment 1 (2026).~~

[Final Order on ASC (2017), Public Services Condition 19, AMD1 (2020); AMD1 (2026))]

The Department recommends that the WMPs for facility construction and operation would reduce potential impacts to fire service providers. However, in the conditions addressed below, the Department also recommends that the Construction and Operational Emergency and Safety Management plans would also reduce potential impacts to fire service providers because they require and include agency coordination and copies of any mutual aid agreements entered into.

RFA1 Attachment 5 includes a letter from the Morrow County Sheriff's Office indicating that they are the agency that provides primary law enforcement to the facility. The Sheriff states that they will response to any complaints from the facility and that they do not expect the facility to impact their staff workload.

Previously imposed Public Services Condition 18 (GEN-PS-03) requires that, prior to construction and operation, the certificate holder provide employee fire prevention and response training for facility fire hazards, fire safety, emergency notification procedures, and the use of fire safety equipment. The condition cites to the agencies identified in the Emergency Management Plan developed under Public Services Condition 13. Public Services Condition 13 (PRE-PS-05) is coded as a pre-construction condition, requiring the finalization of an Emergency Management Plan which includes coordination with local fire protection districts; however, the condition also states that the plan shall be maintained onsite and implemented throughout construction and operation of the facility. Similarly, Public Services Condition 20 (PRE-PS-06) is coded for pre-construction and requires the development and implementation of a site health and safety plan that would be applicable to construction, while also stating that the site health and safety plan must be updated on an annual basis, maintained throughout the construction and operation of the facility. The health and safety plan includes information about first aid techniques, what to do in case of an emergency, important telephone numbers, the locations of onsite fire extinguishers, contact information of nearby hospitals, and training on these items. The Department recommends separate conditions that would be applicable to construction and operation of the facility because the safety and fire risks differ during each phase; this also facilitates implementation and compliance with the conditions. As described above, Public Services Condition 18, 13, and 20 have related and overlapping information training requirements.

Previously imposed Public Services Condition 21 (PRE-PS-07) and Public Services Condition 22 (PRO-PS-03) require that all construction and operational workers are certified in first aid,

cardiopulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED), and that an AED is available at all times during construction and operation of the facility. Because this is a typical requirement that appears in contractor and certificate holder emergency and safety management plans, the Department also recommends Public Services Condition 21 (PRE-PS-07) and Public Services Condition 22 (PRO-PS-03) be removed and the same requirements be added to the Construction and Operational Emergency and Safety Management plans addressed below.

Recommended Amended Public Services Condition 13 (PRE-PS-05): Prior to construction, the certificate holder shall ~~submit~~ prepare an Emergency and Safety Management Plan to the Department for review and approval. The Construction Emergency and Safety Management may be the certificate holder or contractors corporate Plan but must include, at a minimum: that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department and Lone Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility. Additional information that shall be included in the plan:

- a. ~~Current~~ Contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information.
- ~~b. Identification of agencies that participated in developing the plan;~~
- c. Identification of agencies and fire protection associations, with contact information, that are designated as first response agencies and ~~or~~ are included in any mutual aid agreements with the facility;
 - i. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.
- ~~d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility;~~
- e. ~~Contact information for each agency listed above;~~
- f. ~~Communication p~~ Protocols for both routine and emergency events and the incident command and notification system to be used in the event of an fire emergency response by multiple agencies is needed at the facility;
- ~~g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and~~

- ~~those still under construction, and a temporary signage system until permanent addresses and signs are in place;~~
- h. The designated meeting location in case of evacuation;
 - i. Location(s) of automated external defibrillator (AED) that must be available on site.
 - j. Staff and contractor training requirements; and frequency of trainings;
 - i. Personnel shall be trained on the measures described in the Emergency and Safety Management Plan and in first aid, cardio pulmonary resuscitation (CPR), and the use of an AED.
 - ii. First aid techniques and locations of first aid kits and AED.
 - iii. Training attendance rosters and training materials must be maintained.
 - k. ~~Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.~~
- [Final Order on ASC (2017), Public Services Condition 13, AMD1 (2020), Final Order on AMD1 (2026)]

Recommended Public Services Condition 26 (CON-PS-06): During construction, the certificate holder and its contractor must implement and adhere to the Construction Emergency and Safety Management Plan finalized in Public Services Condition 13 (PRE-PS-05). The following must be submitted in the semi-annual construction progress report:

- a. Training attendance rosters and copies of trainings materials;
 - b. Any changes to the Construction Emergency and Safety Management Plan.
- [CON-PS-06; Final Order on AMD1 (2026)]

Recommended Deleted Public Services Condition 21 (PRE-PS-07): ~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring. Deleted in Final Order on Amendment 1 (2026).~~

[Final Order on ASC (2017), Public Services Condition 21, AMD1 (2020); **AMD1 (2026)**]

Recommended Deleted Public Services Condition 20 (PRE-PS-06): ~~Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the~~

~~construction and operations and maintenance phases of the facility, and available upon request by the department. Deleted in Final Order on Amendment 1 (2026).~~

[Final Order on ASC (2017), Public Services Condition 20, AMD1 (2020)]

Recommended Deleted Public Services Condition 18 (GEN-PS-03): ~~Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request. Deleted in Final Order on Amendment 1 (2026).~~

[Final Order on ASC (2017), Public Services Condition 18]

RFA1 Attachment 6 includes the certificate holder's parent company corporate Emergency Action Plan (EAP) from 2023 applicable to operation of its facilities. The 2023 EAP is attached to this order as Attachment E. The EAP establishes planned response actions that will be taken by personnel in the event of an emergency situation, including but not limited to fires, site evacuation, natural disasters, medical emergencies, and environmental events. The EAP outlines training requirements for personnel on the Plan, site access for emergency responders and evacuation routes for staff, CPR and first Aid certificate requirements, communication protocols, and record keeping requirements. The EAP is reviewed and updated annually and is considered a "living" document such that revisions over time, based on experiences, will continue to increase the speed of identification of threats and decrease response time.⁹³ As described above, Public Services Condition 18, 13, and 20 included requirements for these measures and blended the applicability of the conditions to construction and operation. The Department recommends Public Services Conditions 27 and 28 below, which require the finalization and implementation of an Operational Emergency and Safety Management Plan which includes the substantive requirements from the previously-imposed conditions. For the purposes of the recommended conditions below, the certificate holder's EAP would meet the requirements of the Operational Emergency and Safety Management if all the measures are included in the plan.

Recommended Public Services Condition 27 (PRO-PS-04): Prior to operation, the certificate holder shall submit an Operational Emergency and Safety Management Plan / Emergency Action Plan (the most current version of Attachment E of the Final Order on RFA1) to the Department for review and approval. The Operational Emergency and Safety Management may be the certificate holder's corporate Plan but must include, at a minimum:

⁹³ RWREIIIAMD1 Request for Amendment 1, 2027-02-27, Attachment 6, Section 3.2.

- 1 a. Contact information of facility personnel available to respond on a 24-hour basis in
2 case of an emergency on the facility site. The contact information must include
3 name, telephone number(s), physical location, and email address for the listed
4 contact(s).
5 b. Identification of agencies and fire protection associations, with contact information,
6 that are designated as first response agencies and are included in any mutual aid
7 agreements with the facility;
8 i. Copies of mutual aid, fire protection association, or other agreements
9 entered into concerning fire protection at the facility site.
10 c. Protocols for both routine and emergency events and the incident command and
11 notification system to be used in the event of an fire emergency response by
12 multiple agencies is needed at the facility;
13 d. The designated meeting location in case of evacuation;
14 e. Location(s) of automated external defibrillator (AED) that must be available on site;
15 f. Staff and contractor training requirements; and frequency of trainings;
16 i. Personnel shall be trained on the measures described in the Emergency and
17 Safety Management Plan and in first aid, cardio pulmonary resuscitation
18 (CPR), and the use of an AED.
19 ii. First aid techniques and locations of first aid kits and AED.
20 iii. Training attendance rosters and training materials must be maintained.
21 [Final Order on AMD1 (2026)]
22

23 **Recommended Public Services Condition 28 (OPR-PS-06):** During operation, the
24 certificate holder must implement and adhere to the Operational Emergency and Safety
25 Management Plan / Emergency Action Plan finalized in Public Services Condition 27
26 (PRO-PS-04). The following must be submitted in the annual report:

- 27 c. Training attendance rosters and copies of trainings materials;
28 d. The most current version of the corporate or applicable Emergency and Safety
29 Management Plan / Emergency Action Plan.
30 [Final Order on AMD1 (2026)]
31

32 **Recommended Deleted Public Services Condition 22 (PRO-PS-03):** ~~Prior to operation,~~
33 ~~the certificate holder must ensure that operations personnel remain current in their first~~
34 ~~aid/CPR/AED certifications throughout the operational life of the facility. The certificate~~
35 ~~holder must retain records of the certifications and provide them to the department~~
36 ~~upon request. The certificate holder shall also ensure that an AED is available onsite at~~
37 ~~all times that operations and maintenance personnel are at the facility. Deleted in Final~~
38 ~~Order on Amendment 1 (2026).~~

39 [Final Order on ASC (2017), Public Services Condition 22; AMD1 (2026)]
40

41 The following conditions remain applicable to the facilities:

- 42 • Public Services Condition 10 (CON-PS-02): during construction certificate holder must
43 provide 24-hour on-site security and shall establish effective communications between
44 on-site security personnel and the Morrow County Sheriff's Office.

- Public Services Condition 12 (OPR-PS-04): during operation, the certificate holder must ensure that law enforcement agencies have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.

The Department recommends Council find that compliance with the proposed, deleted and amended conditions would continue to minimize potential adverse impacts from construction and operation of the facility, with proposed changes, to public and private providers of fire and police protection services.

Housing

In RFA1, the certificate holder relies on the housing analysis done for RFA4, which relies on 2017 US Census and 2016 US Census Estimates for housing occupancy rates and data. The certificate holder maintains that construction workers who are not residents of the area typically stay in temporary accommodations such as hotels or motels, apartments, short-term rental homes, campgrounds, or other areas where workers can park mobile housing (e.g., trailers or recreational vehicles). However, it is the Departments understanding that most construction workers use and stay in hotels and RV parks. The 2019 RFA4 estimates that there were approximately 1,320 vacant rental units available within the analysis area, which includes apartments and house rentals.

Morrow County raises concerns about potential impacts within the County and mitigation of temporary workforce housing. County continues to encourage the developer and contractors to invest in permanent, temporary housing. Additionally, where temporary on-site RV parking is allowed in the Exclusive Farm Use Zone, the county encourages the certificate holder to work with neighboring property owners and identify parcels with potential for RV parking in their County Conditional Use Permit.⁹⁴

During operations, the certificate holder estimates that approximately two additional staff would be necessary to operate the solar facilities. These staffing additions are not expected to significantly impact housing services within the analysis area.

Based upon the discussion provided above, the Department recommends Council find that the construction and operation of the facility are not likely to result in significant adverse impacts to the ability of public and private housing providers to deliver housing.

Schools and Healthcare

Healthcare service providers nearest to the facilities include:

- Pioneer Memorial Hospital (Heppner, OR)
- Good Shepherd Medical Center (Hermiston, OR)

⁹⁴ WREFIIAMD1 pRFA SAG - Morrow County Comments 2026-01-29.

- Mid-Columbia Medical Center (Level III trauma center, the Dalles, OR)
- Oregon Health & Science University Hospital and Legacy Emmanuel Medical Center (for serious injuries needing Life Flight)

The ambulance service provider that services the area is Morrow County Health District's Emergency Medical Services as well as nearby fire districts that have first responder vehicles.

As discussed in the above section, the Department recommends consolidating previously-imposed site certificate conditions requiring a safety and health plan and emergency management plan, as well as conditions requiring first aid and CPR training, into recommended amended Public Services Condition 13, 26, and 27 requiring a Construction and Operational Emergency and Safety Management plans. The finalization and implementation of these plans would ensure that safety and health measures are established and maintained onsite, which would reduce the need for emergency services at the site.

Two school districts are located within the analysis area, Morrow County School District No 1 and Echo School District No. 5 in Umatilla County. Most construction workers would be local residents. Workers from outside the area that are hired for construction are unlikely to relocate with their families, considering the short-term duration solar facility construction. Construction will be temporary, with most of the peak work period will occur during the summer months when school is not in session.

During operations, the certificate holder estimates that approximately two additional staff would be necessary to operate the facilities; these staffing additions are not expected to significantly impact schools within the analysis area.

Based on the discussion provided above and compliance with existing, recommended amended and new certificate conditions described in this section, the Department recommends Council find that the construction and operation of the WTSII facility is not likely to result in significant adverse impacts to the ability of public and private emergency service and educational service providers.

III.M.2. Conclusions of Law

Based on the foregoing analysis, and subject to compliance with the existing and recommended removed, amended, and new site certificate conditions described above, the Department recommends the Council find that construction and operation of the facility, with the requested extension of the construction completion deadline, are not likely to result in significant adverse impacts to the ability of public and private providers to provide the services listed in OAR 345-022-0110.

III.N. WILDFIRE PREVENTION AND RISK MITIGATION: OAR 345-022-0115

1 (1) To issue a site certificate, the Council must find that:

2
3 (a) The applicant has adequately characterized wildfire risk within the analysis
4 area using current data from reputable sources, by identifying:

5
6 (A) Baseline wildfire risk, based on factors that are expected to remain fixed
7 for multiple years, including but not limited to topography, vegetation,
8 existing infrastructure, and climate;

9
10 (B) Seasonal wildfire risk, based on factors that are expected to remain fixed
11 for multiple months but may be dynamic throughout the year, including but
12 not limited to, cumulative precipitation and fuel moisture content;

13
14 (C) Areas subject to a heightened risk of wildfire, based on the information
15 provided under paragraphs (A) and (B) of this subsection;

16
17 (D) High-fire consequence areas, including but not limited to areas containing
18 residences, critical infrastructure, recreation opportunities, timber and
19 agricultural resources, and fire-sensitive wildlife habitat; and

20
21 (E) All data sources and methods used to model and identify risks and areas
22 under paragraphs (A) through (D) of this subsection.

23
24 (b) That the proposed facility will be designed, constructed, and operated in
25 compliance with a Wildfire Mitigation Plan approved by the Council. The
26 Wildfire Mitigation Plan must, at a minimum:

27
28 (A) Identify areas within the site boundary that are subject to a heightened
29 risk of wildfire, using current data from reputable sources, and discuss data
30 and methods used in the analysis;

31
32 (B) Describe the procedures, standards, and time frames that the applicant
33 will use to inspect facility components and manage vegetation in the areas
34 identified under subsection (a) of this section;

35
36 (C) Identify preventative actions and programs that the applicant will carry
37 out to minimize the risk of facility components causing wildfire, including
38 procedures that will be used to adjust operations during periods of heightened
39 wildfire risk;

40
41 (D) Identify procedures to minimize risks to public health and safety, the
42 health and safety of responders, and damages to resources protected by
43 Council standards in the event that a wildfire occurs at the facility site,
44 regardless of ignition source; and

1
2 (E) Describe methods the applicant will use to ensure that updates of the plan
3 incorporate best practices and emerging technologies to minimize and
4 mitigate wildfire risk.

5
6 (2) The Council may issue a site certificate without making the findings under
7 section (1) if it finds that the facility is subject to a Wildfire Protection Plan
8 that has been approved in compliance with OAR chapter 860, division 300. **95
9 ***96

10 11 **III.N.1. Findings of Fact**

12
13 The Wildfire Prevention and Risk Mitigation standard requires the Council to find the applicant
14 has adequately characterized wildfire risk associated with a proposed facility using reputable
15 data sources; and under OAR 345-022-0115(1)(b), that the proposed facility would be operated
16 in compliance with a Council-approved wildfire mitigation plan. As discussed in Section II.A.,
17 *Scope of Review*, under OAR 345-027-0375(2)(b), to issue an amended site certificate for a
18 request for amendment to extend the deadlines for beginning or completing construction, the
19 Council must determine that the preponderance of evidence on the record supports the
20 conclusion that, after considering any changes in facts or law relevant to the proposed
21 amendment since the date the current site certificate was executed, the facility complies with
22 all laws and Council standards applicable to an original site certificate application. Because the
23 wildfire standard was adopted after issuance of the WREFIII site certificate it's a change in law
24 that's relevant to the proposed amendment, the wildfire standard applies to the WTSII facility.

25
26 The analysis area to evaluate potential wildfire risks is the site boundary and one-half mile from
27 the site boundary.⁹⁷ As described above, the wildfire standard is applied to the WTSII facility
28 that has yet to be constructed, however, because the WREFIII site boundary is entirely within
29 the proposed WTSII site boundary, the certificate holder provides its wildfire risk
30 characterization for the "analysis area" defined in RFA1 as the Wildfire Analysis Area (WAA),
31 which consists of the 1,935-acre proposed WTSII site boundary, and the 359-acre proposed
32 WREFIII site boundary, plus a 0.5-mile buffer.⁹⁸

33
34 Based on the certificate holder and Department's assessment of wildfire risk at the site and
35 within the analysis area, as described in the RFA1 and this order, the Department recommends
36 Council find that wildfire fire is moderate during winter (seasonally wetter) months and high
37 during the summer months, during fire season.
38

⁹⁵ OAR 345-022-0040, effective April 2, 2025.

⁹⁶ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

⁹⁷ OAR 345-001-0010(35)(c) and YRBNOIDoc42 SIGNED Project Order w Attachments 2024-01-26.

⁹⁸ WREFIIIIAMD1 Request for Amendment 1 2026-02-27, Section 7.1.15.

Wildfire Risk Analysis

Under OAR 345-022-0115(1)(a), a certificate holder must adequately characterize the wildfire risk within the analysis area using reputable sources to describe Baseline Wildfire Risk, Seasonal Wildfire Risk, Areas Subject to Heightened Risk of Wildfire, and High-fire Consequence Areas. Each of these are discussed in detail in this section with a description of the data source, as necessary to support the findings and conclusions. The data sources used to evaluate wildfire risk are listed in RFA1, Section 11.0 and Section 7.1.15.5 and include but are not limited to:

- Community Wildfire Protection Plan Planning (CWPP), 2025a Tool Oregon Explorer;
- July 2019 Fish and Wildlife Habitat field surveys (Exhibit P of RFA 4) updated in 2025 taking into account development of WREF I, II, and III;
- 2025 National Interagency Fire Center WFIGS Interagency Fire Perimeters;
- National Oceanic and Atmospheric Administration (NOAA) 2025b. U.S. Climate Normals Quick Access. Station: Condon station;
- 2018 USFS, Pacific Northwest Quantitative Wildfire Risk Assessment: Methods and Results;
- Conservation Biology Institute 2020 data;
- 2024 National Wildfire Coordinating Group, Fuels: Surface Fuel Model Descriptions
- 2019 Morrow County Community Wildfire Protection Plan (CWPP)⁹⁹

Baseline and Seasonal Wildfire Risk

Baseline wildfire risk within the analysis area is evaluated based on factors expected to remain fixed for multiple years, including topography of the site, vegetation, existing infrastructure, regional climate, and burn probability. These are discussed in RFA1, Section 7.1.15.1, incorporated herein and summarized, in part, below.

Depending on wind, wildfires tend to travel quicker up steeper slopes and slower on the flatter portions of land. All of the area within the site boundary have slopes that range from 0 to 25 degrees. The area within the site boundary is primarily composed of dryland wheat, exotic annual grassland, revegetated grassland, and native perennial grasslands. The 2025 CWPP Planning Tool provides data and mapping of fuel model (FM) groups which describe the fire-carrying fuel type of surface fuel; reflective of vegetation type. Fifty-six percent of the vegetation within the analysis area is classified as FM 102 – low load, dry climate grass and 34 percent is classified as FM 242 – agricultural lands considered burnable wheat fields. Seventy-eight percent of the analysis area has an average flame length of 2 to 4 feet, and 13 percent is modeled to have an average flame length of 4 to 6 feet. Based on NOAA climate data between 1991 to 2020 for Heppner, the driest months on average are July, August, and September, typical for this region.

⁹⁹https://www.morrowcountyor.gov/sites/default/files/fileattachments/planning/page/15251/2019_cwpp_final.pdf accessed 12-29-2025.

Existing infrastructure within the site boundaries includes OR-207 running southwest to northeast, bisecting the site. Other roads within or in the vicinity of the facility are Strawberry East Road running east to west, Little Juniper Lane running southwest to northeast, and Bombing Range Road running north to south. Existing operational energy facilities include Wheatridge Renewable Energy Facility I and II, and the Wagon Trail Solar Project. Each of these facilities includes electrical equipment such as wind turbines, solar panels, transformers, and substations. The EFSC energy facilities also have associated transmission lines and there are existing transmission lines that are adjacent to the roads within the analysis area. There are four residences, groups of agricultural buildings and siloes within and directly adjacent to the southern site boundary for WTSII (also adjacent to the WREFIII facility).

Areas Subject to Heightened Risk of Wildfire and High-Fire Consequence Areas

High-fire consequence areas include areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat.

Existing infrastructure within the wildfire analysis area is described above. 2026 CWPP data provides a layer showing “Wildfire Risk to Individual Highly Valued Resources,” specifically “Wildfire Risk to Infrastructure and Wildfire Risk to People and Property,” as illustrated in RFA1 Figure 11E and 11F.¹⁰⁰ The 2026 CWPP Mapping tool provides Integrated Expected Wildfire Risk is a representation of cumulative risk at any location based on which highly valued resources and assets (HVRAs) are present, fire intensity, and the likelihood of a fire occurring (burn probability). The integrated risk maps synthesize risk across all resources and assets present at a specific location, and the result is either net beneficial or net adverse impacts. Areas that do not have data available represent that not all resources and assets are present at every location, and the integrated wildfire risk class at a specific location reflects only the resources and assets located there. Integrated Expected Wildfire Risk data is provided in Table 12 below. Based on the updated data, the majority (41 percent) of the analysis area is mapped as having a rating of High Loss for the cumulative risk at any location based on which highly valued resources and assets and approximately 32 percent mapped as approximately 32 percent Moderate Loss.

Table 12: 2026 Integrated Expected Wildfire Risk

Integrated Expected Wildfire Risk	Acres of Analysis Area	Percent of Analysis Area
Very High	412	5.5 %
High Loss	3,082	41.4 %
Moderate	2,355	31.6 %

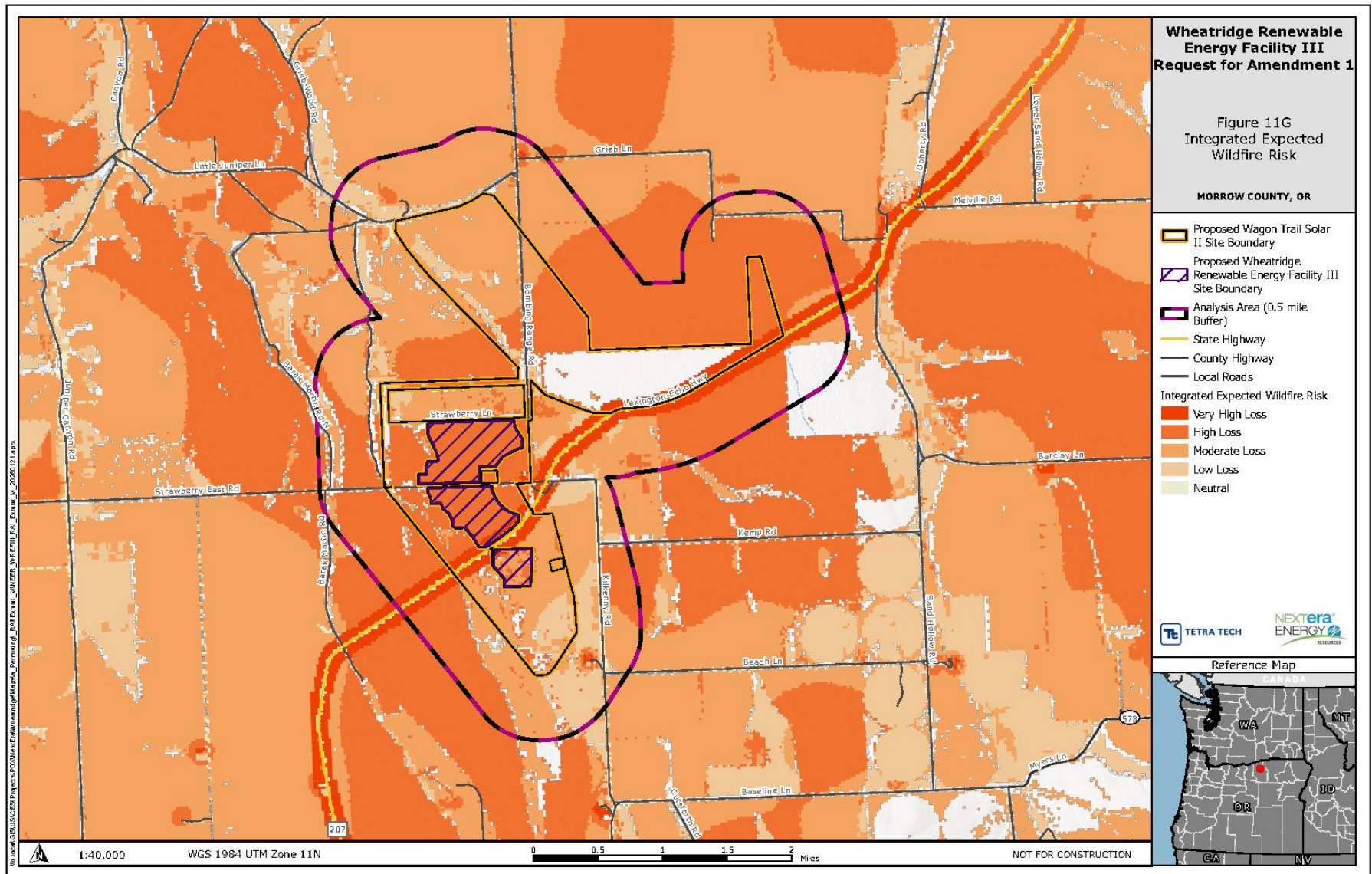
¹⁰⁰ Note that the majority of the analysis area does not have high value assets or resources including infrastructure; this is represented under the “no data” risk rating.

**Table 12: 2026 Integrated Expected
Wildfire Risk**

Integrated Expected Wildfire Risk	Acres of Analysis Area	Percent of Analysis Area
Low Loss	653	8.8 %
Neutral	174	2.3 %
Low Benefit	0	0.0
Moderate	0	0.0
High	0	0.0
No Data	775	10.4 %
Total	100 %	7,450
Source: RFA1, Table 17		

- 1
- 2 Figure 8 below is an illustration of the Integrated Expected Wildfire Risk within the analysis
- 3 area. The areas where there is an expectation of High or Very High Loss follow and overlay in
- 4 areas where there are residences or existing infrastructure.

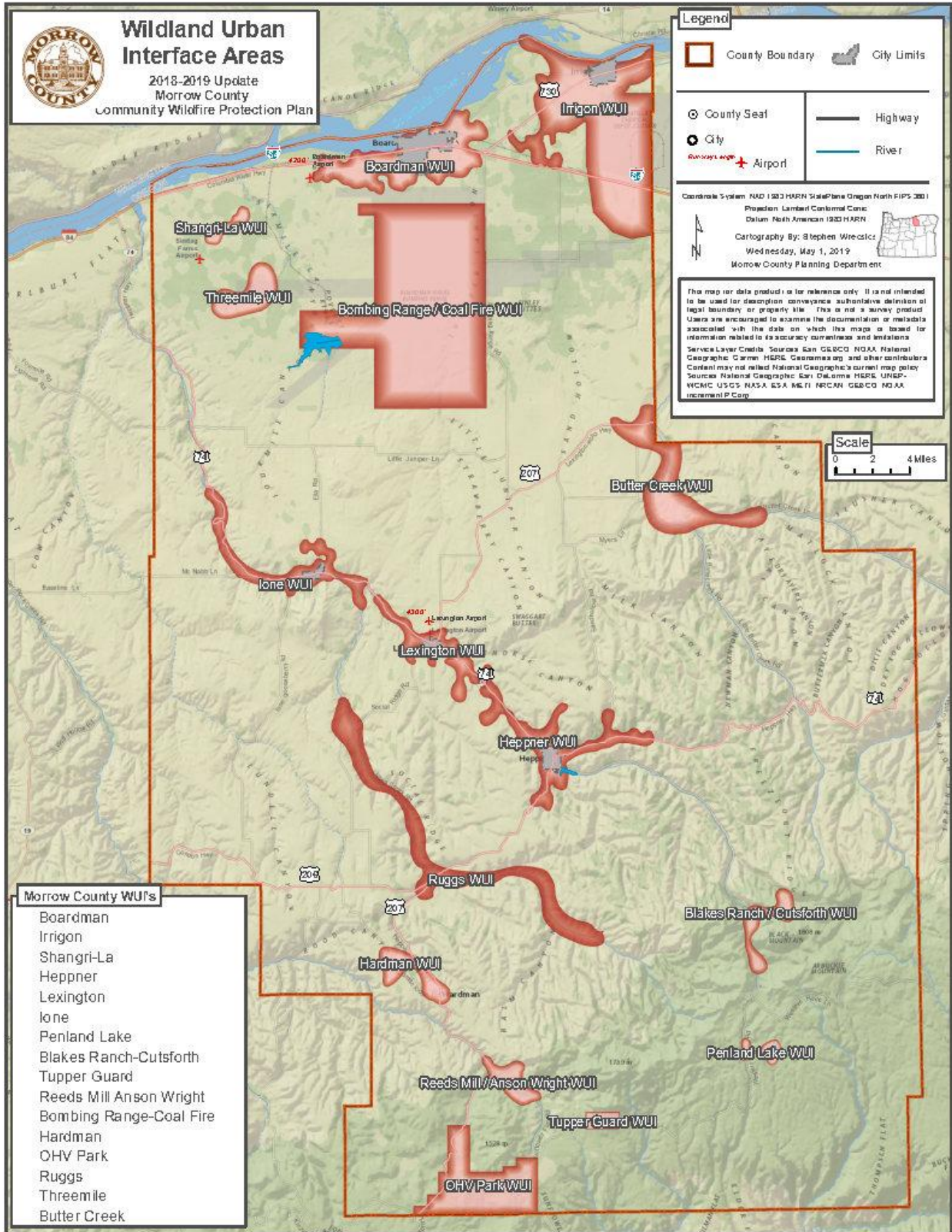
Figure 8: Integrated Expected Wildfire Risk within Analysis Area



1 The 2019 Morrow County Community Wildfire Protection Plan (Morrow County CWPP)
2 describes the agencies and local jurisdictions responsible for wildfire protection in
3 Morrow County and explains the pertinent programs and laws associated with wildfire issues
4 and offers action items designed to reduce the wildfire risk for Morrow County as a whole, as
5 well as specific zones and communities. The Morrow County CWPP identifies wildland urban
6 interface areas (WUIs) which are based on the actual distribution of structures and
7 communities adjacent to or intermixed with wildland fuels. The management objective in the
8 wildland-urban interface zone is to enhance fire suppression capabilities by modifying fire
9 behavior inside the zone and providing a safe and effective area for fire suppression
10 activities.¹⁰¹ Figure 9 below shows WUIs in Morrow County; the proposed facility site
11 boundaries are directly adjacent to the Bombing Range / Coal Fire WUI, which is a federally
12 owned land which hosts the Naval Weapons Systems Training Facility Boardman, is managed
13 for wildfire conservation, and is not populated with civilian communities.
14

¹⁰¹https://www.morrowcountyor.gov/sites/default/files/fileattachments/planning/page/15251/2019_cwpp_final.pdf P. 16.

Figure 9: Morrow County WUIs



Based on the certificate holder and Department assessment of wildfire risk at the site and within the analysis area, as described in RFA1 and this order, the Department recommends Council find that wildfire fire is high during the summer months and fire season and is moderate during the winter and wetter seasons.

Wildfire Mitigation Plans

Under OAR 345-022-0115(1)(b), Council must find that the facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan (WMP) approved by Council. The certificate holder provides a Construction and Operational WMP for WTSII in RFA1 as Attachments 7 and 8.

Facility Design

Facility design standards and measures that would minimize wildfire risk include but are not limited to the following:

- Up to 16-foot-wide service and access roads, graveled or paved.
- Site access points (total number to be determined prior to construction).
- Fenced areas around the operations and maintenance (O&M) building, collector substation, and battery energy storage system (BESS) will be graveled, with no vegetation present.
- Smoke/fire detectors will be placed around the site that will be tied to the supervisory control and data acquisition (SCADA) system and will contact local firefighting services.
- O&M building will have basic firefighting equipment for use on site during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.
- Fire sensors, alarms, and aerosol fire extinguishing systems in every battery container.
- The perimeter fencing will have vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate.

Construction and Operational WMP Finalization, Wildfire Risk Minimization Preventative Actions, Programs, and Procedures

The following measures are the same for both the WTSII Construction and Operational WMPs and therefore are discussed together in this subsection. Construction and operational-specific measures are provided below this section, in advance of their respective conditions. The Construction and Operational WMP are attached to this order as Attachment E-1 and Attachment E-2 and the areas that are highlighted in yellow are the areas that would be updated prior to construction and operation.

1 The draft Construction and Operational WMPs would be finalized prior to construction and
2 operation.¹⁰² Finalization of the WMPs includes updating wildfire risk at the site and submitting
3 site maps that identify access details and the location of fire protection equipment, and
4 updated emergency contact information to emergency agencies. Both the Construction and
5 Operational WMPs include pre-construction/pre-operational onsite trainings with contractors,
6 local fire departments, the Department, emergency service professionals, and the applicant.
7 Also designated in the WMPs, annual training would be held during construction and operation
8 that will provide emergency response and fire training to local first responders.

9
10 Additionally, prior to construction and operation, the certificate holder must mail a letter to
11 residences within the 0.5-mile wildfire analysis area which would provide the facility contact
12 information and encourage individuals to sign up for the county's emergency notification
13 system.

14
15 Section 3.6 of the Construction WMP and Section 3.5 of the Operational WMP include
16 definitions for fire precaution levels and associated restrictions during fire season. The fire
17 precaution levels include non-fire season, fire season, fire weather watch, and red flag weather
18 warning, where the red flag weather warning would be the most restrictive for activities that
19 may increase the risk of wildfire. Examples of fire season restrictions include maintaining a fire
20 watch, driving and parking only on gravel surfaces, and limitations on hot work. The applicant
21 will maintain a log of when construction and operational activities are impacted by the fire
22 season restrictions.

23
24 Section 3.3 of the Construction and Operational WMP outlines the specifications for fire
25 protection equipment that is maintained on site, which include fire extinguishers, hand tools,
26 pails and drip cans. During fire season, on site water source(s), such as water trucks must be on
27 site and equipment with a pump, hose and nozzle. All internal combustion engines must be
28 equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrestor.

29 30 Construction

31
32 The preventative actions, programs and procedures that manage vegetation and minimize
33 wildfire risk during construction activities in the draft WMP include:

- 34
35 • Fire season, Red Flag Warnings and weather conditions that produce an increased risk of
36 fire danger will be monitored and communicated to staff.

¹⁰² Although both the construction and operational WMPs must be finalized prior to construction and operation, the Recommended Wildfire Prevention and Risk Mitigation Conditions do not label the WMPs as "Final". This is because, as designated in the WMP's, the WMP's may be updated and amended to address changes in wildfire risk at the site over time, therefore, there may be several iterations of the WMPs during construction and the life of the facility.

- Best management practices (BMPs) that minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented such as vegetation wetting, no idling vehicles and limited off-road travel.
- Vegetation will be limited to a height of 10-12 inches and will be mowed in advance of fire season or according to any fire restrictions.
- Vegetation buildup in the fence line(s), shall be removed.
- Personnel will be trained in the RACE (Remove, Alarm, Confine and Extinguish or Evacuate) and the use of fire protection equipment.

During facility construction, in the semi-annual construction progress report, the certificate holder will provide updates of the performance of the WMP including any changes of wildfire risk at the site, facility contact information, and training logs. The log of any changes in construction activities due to Fire Season Restrictions, as designated in Section 3.6, will be provided to the Department during onsite or remote inspections, or upon request.

The Department recommends Council impose the two conditions below to require the draft WMP be finalized prior to facility construction and be implemented during construction activities. WMP finalization is necessary to reflect final facility design, completion of coordination with local fire departments and updating of the wildfire risk assessment based on available data at that time.

Recommended Wildfire Prevention and Risk Mitigation Condition 1 (PRE): Prior to facility construction, the certificate holder shall finalize and submit a Construction Wildfire Mitigation Plan (WMP), Attachment E-1 to the Final Order on RFA1 to the Department for review and approval.
[PRE-WF-01; Final Order on AMD1]

Recommended Wildfire Prevention and Risk Mitigation Condition 2 (CON): During facility construction, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under PRE-WF-01.
[CON-WF-01; Final Order on AMD1]

Operation

The procedures, standards, timeframes for facility component inspections and vegetation management in the operational WMP will be finalized based on the final facility design and based on manufacture recommendations the applicant will provide an updated Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*. Table 2 of the operational WMP is a template that will be filled out including details about the facility components, inspection procedures, inspection frequency, the standard of inspection/maintenance, and the maintenance schedule. As described in the WMP Section 4.0, this table, or a version with similar information would be provided annually during operations

1 and would also include the date and personnel who completed the inspection and
2 maintenance, inspection/maintenance results.

3
4 During operations, the certificate holder or its contractor will conduct vegetation management
5 inspections twice a year; once prior to the summer months when fire risk is heightened. During
6 these inspections, the technician will ensure vegetation setbacks from installed equipment are
7 adequate and will enact vegetation control measures if needed. Vegetation control includes:

- 8 • Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12
9 inches from electrical equipment;
- 10 • At no point shall vegetation come in contact with electrical equipment;
- 11 • Vegetation buildup in the fence line(s), shall be removed;
- 12 • Any vegetation removed from the site will be disposed of and not stored onsite. The
13 applicant and contractors will prevent the accumulation of combustible “burn piles” on
14 site.

15
16 Annual reporting requirements and amendments to the WMP are addressed in Section 4.0 of
17 the WMP. Reporting requirements listed above will be provided in the annual report submitted
18 to the Department. This information may be used by the Department and certificate holder to
19 establish the performance of the WMP. The certificate holder will also evaluate the WMP
20 annually to determine if updates to the WMP are necessary to address wildfire risk. To require
21 that the Operational WMP is finalized prior to operation and implemented during operation,
22 the Council imposes the below conditions. WMP finalization is necessary to reflect final facility
23 design, any fire prevention measures determined in coordination with local fire departments
24 and updating the wildfire risk assessment based on available data at that time.

25
26 **Recommended Wildfire Prevention and Risk Mitigation Condition 3 (PRO):** Prior to
27 facility operation, the certificate holder shall finalize and submit an Operational Wildfire
28 Mitigation Plan (WMP), Attachment E-2 to the Final Order on ASC to the Department for
29 review and approval.
30 [PRO-WF-01; Final Order on AMD1]

31
32 **Recommended Wildfire Prevention and Risk Mitigation Condition 4 (OPR):** During
33 facility operation, the certificate holder shall require onsite contractors and employees
34 to adhere to the Operational Wildfire Mitigation Plan (WMP) approved under PRO-WF-
35 01.
36 [OPR-WF-01; Final Order on AMD1]

37
38 The Department recommends Council find that the Construction and Operational WMP for
39 WTSII identifies areas subject to heightened wildfire risk, contain sufficient procedures to
40 minimize wildfire risk, identify procedures to minimize risks to public health and safety as well
41 as first responders, contains procedures for inspections, maintenance and vegetation
42 management, and contain measures to ensure the plan is updated.

1 **III.N.2. Conclusions of Law**

2
3 Based on the foregoing analysis, and subject to compliance with the recommended site
4 certificate conditions described above, the Department recommends the Council find that the
5 certificate holder has adequately characterized wildfire risk within the analysis area using
6 current data from reputable sources, and that, subject to Council approval, the WTSII facility
7 will be designed, constructed, and operated in compliance with the Wildfire Mitigation Plans.
8

9 **III.O. WASTE MINIMIZATION: OAR 345-022-0120**

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

12 *(a) The applicant's solid waste and wastewater plans are likely to minimize*
13 *generation of solid waste and wastewater in the construction and operation*
14 *of the facility, and when solid waste or wastewater is generated, to result in*
15 *recycling and reuse of such wastes;*
16

17 *(b) The applicant's plans to manage the accumulation, storage, disposal and*
18 *transportation of waste generated by the construction and operation of the*
19 *facility are likely to result in minimal adverse impact on surrounding and*
20 *adjacent areas.*

21 *(2) The Council may issue a site certificate for a facility that would produce*
22 *power from wind, solar or geothermal energy without making the findings*
23 *described in section (1). However, the Council may apply the requirements of*
24 *section (1) to impose conditions on a site certificate issued for such a facility.*

25 *(3) The Council may issue a site certificate for a special criteria facility under*
26 *OAR 345-015-0310 without making the findings described in section (1).*
27 *However, the Council may apply the requirements of section (1) to impose*
28 *conditions on a site certificate issued for such a facility.*¹⁰³
29 ***¹⁰⁴

30 **III.O.1. Findings of Fact**

31
32 *Construction*
33

34 The certificate holder relies upon the evaluation and facts as used in the Final Order on RFA4
35 which provided estimates for the combined WREFII and proposed WTSII facilities. Construction
36 of the WTSII solar facility components would generate approximately 2,000 cubic yards of solid
37 waste predominately in the form of concrete waste, packaging materials and small amounts of

¹⁰³ OAR 345-022-0040, effective April 2, 2025.

¹⁰⁴ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

1 dirt and rock spoils. Construction would generate sanitary wastewater and concrete washwater
2 during concrete production for foundations. Council previously imposed Waste Minimization
3 Condition 2 (PRE-WM-01) and Public Service Condition 3 (CON-PS-01) requiring that the
4 certificate holder, prior to construction, develop a waste management plan, to be implemented
5 during construction. The conditions require that the plan include measures for recycling and
6 segregating waste, and discharging concrete wash water onsite, when possible.

7
8 Based on the low level of construction-related waste and wastewater anticipated during
9 construction, and compliance with previously imposed conditions, the Department
10 recommends Council find that construction of the WTSII facility components would continue to
11 minimize and manage solid waste and wastewater, resulting in minimal adverse impacts on
12 surrounding and adjacent areas from construction of the facility.

13 14 *Operations*

15
16 Operation of the WTSII facilities is expected to generate small amounts of solid waste, in
17 quantities of approximately 2 cubic yards per month, from packing materials for replacement
18 equipment components and office-related waste.¹⁰⁵ During ongoing operations and
19 maintenance, regular replacement of batteries would occur as they degrade over time,
20 estimated to result in replacement of 11 battery racks per 1 MW every 3 years for the life of the
21 facility. Spent batteries would be transported and disposed of at a landfill permitted to handle
22 such waste by a licensed third-party entity. Waste generated from solar arrays would be
23 recycled where feasible.

24
25 Council previously imposed Public Services Condition 4 (OPR-PS-03) requiring that, during
26 operation, the certificate holder implement a waste management plan. The condition requires
27 that the certificate holder train employees to minimize and recycle solid waste; segregate
28 hazardous and non-hazardous waste; and utilize a licensed waste hauler for offsite removal and
29 transport to a licensed waste management facility.¹⁰⁶ Based on compliance with the previously
30 imposed condition, and minimal amounts of operational solid waste, the Department
31 recommends Council find that the WTSII facility would minimize and manage solid waste and
32 wastewater, resulting in minimal adverse impacts on surrounding and adjacent areas from
33 operation of the solar facilities.

34
35 Organizational Expertise Condition 10 requires that, during construction and operation of the
36 WTIIIS facility, the certificate holder provide evidence to the Department that a contractual

¹⁰⁵ WRWAMD4doc 24-1 Final Order on Request for Amendment 4 2019-11-22, Section III.N.

¹⁰⁶ WRWAMD4. pRFA SAG Comments Morrow County 2019-02-21. In a comment provided during review of pRFA4, Morrow County Planning Director Carla McClane requested that the Council consider a new or revised condition to address disposal of photovoltaic components. However, Council previously imposed Public Services Condition 4 (OPR-PS-03) which would apply to the disposal of photovoltaic components and would ensure that materials are recycling to the extent feasible and disposed of at a facility permitted to handle such waste. Therefore, the Council does not impose additional conditions to address this comment.

1 agreement has been obtained for transport and disposal of battery and battery waste by a
2 licensed hauler and continues to apply to WREFIII and WTSII.

4 **III.O.2. Conclusions of Law**

6 Based on the foregoing analysis, and subject to compliance with the existing site certificate
7 conditions described above, the Department recommends the Council find that the certificate
8 holder's solid waste and wastewater plans are likely to minimize generation of solid waste and
9 wastewater in the construction and operation of the facility, with the requested extension of
10 the construction completion deadline, result in recycling and reuse of such wastes, and will
11 manage the accumulation, storage, disposal and transportation of wastes in a manner that will
12 result in minimal adverse impacts to surrounding and adjacent areas.

14 **III.P. SITING STANDARDS FOR TRANSMISSION LINES: OAR 345-024-0090**

16 *To issue a site certificate for a facility that includes any transmission line under*
17 *Council jurisdiction, the Council must find that the applicant:*

19 *(1) Can design, construct and operate the proposed transmission line so that*
20 *alternating current electric fields do not exceed 9 kV per meter at one meter*
21 *above the ground surface in areas accessible to the public;*

23 *(2) Can design, construct and operate the proposed transmission line so that*
24 *induced currents resulting from the transmission line and related or*
25 *supporting facilities will be as low as reasonably achievable.¹⁰⁷*

26 ***108

28 **III.P.1. Findings of Fact**

30 The Siting Standard for Transmission Lines under OAR 345-024-0090(1) establishes a limit for
31 electric fields from transmission lines of not more than 9-kV per meter at one meter above the
32 ground surface *in areas that are accessible to the public* [Emphasis added]. Section (2) of the
33 rule requires implementation of measures to reduce the risk of induced current.

35 RFA1 does not propose any changes to the approved site boundary, micrositing corridor, or
36 physical components.

38 *Electro-magnetic fields*

¹⁰⁷ OAR 345-022-0040, effective April 2, 2025.

¹⁰⁸ The information requirements included in the standard are omitted from the language above but evaluated within recommending findings of fact below.

1 In the Final Order on RFA4 of the WWEF, Council found that subject to Siting Standards for
2 Transmission Lines Condition 1 (CON-TL-01), and Siting Standards for Transmission Lines
3 Condition 2 (PRE-TL-01), the facility could be designed, constructed, and operated so that
4 alternating current electric fields do not exceed 9-kV per meter at one meter above the ground
5 surface in areas accessible to the public.

6
7 Condition CON-TL-01 requires the certificate holder to implement safety protocol during
8 construction to reduce or manage human exposure to electromagnetic fields. Condition PRE-TL-
9 01 requires the certificate holder to prior to construction, schedule a time to brief the OPUC
10 Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter
11 860, Division 024 during design, construction, operations, and maintenance of the facilities.

12
13 Council previously adopted Siting Standards for Transmission Lines Condition 3 (OPR-TL-01)
14 requiring the certificate holder to provide ongoing updates during facility operations to OPUC
15 staff about compliance with OAR Chapter 860, Division 024; ORS 758.013 filings to the Public
16 Utility Commission; and providing OPUC maps, drawings and plans of transmission lines and
17 routes and installation of electrical supply lines.

18
19 Based on the scope of RFA1 and continued compliance with conditions PRE-TL-01, CON-TL-01
20 and OPR-TL-01, the Department recommends Council maintain its previous findings pertaining
21 to electro-magnetic fields, as made in its November 22, 2019 Final Order on RFA4 of the WWEF.

22 23 **III.P.2. Conclusions of Law**

24
25 Based on the foregoing analysis, the Department recommends the Council find that the existing
26 site certificate conditions listed above, the certificate holder can design, construct, and operate
27 the facility, with the requested extension of the construction completion deadline, so that
28 alternating current electric fields do not exceed 9-kV per meter at one meter above the ground
29 surface in areas accessible to the public and that induced currents resulting from transmission
30 lines will be as low as reasonably achievable.

31 **IV. EVALUATION OF OTHER APPLICABLE REGULATORY REQUIREMENTS**

32 33 **IV.A. Noise Control Regulations: OAR 340-035-0035**

34
35 *(1) Standards and Regulations:*

36
37 * * * * *

38 *(b) New Noise Sources*

39 *(B) New Sources Located on Previously Unused Site:*

40
41 *(i) No person owning or controlling a new industrial or commercial noise*
42 *source located on a previously unused industrial or commercial site shall cause*
43 *or permit the operation of that noise source if the noise levels generated or*

1 indirectly caused by that noise source increase the ambient statistical noise
2 levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels
3 specified in Table 8, as measured at an appropriate measurement point, as
4 specified in subsection (3)(b) of this rule, except as specified in subparagraph
5 (1)(b)(B)(iii).
6

7 (ii) The ambient statistical noise level of a new industrial or commercial noise
8 source on a previously unused industrial or commercial site shall include all
9 noises generated or indirectly caused by or attributable to that source
10 including all of its related activities. Sources exempted from the requirements
11 of section (1) of this rule, which are identified in subsections (5)(b) - (f), (j), and
12 (k) of this rule, shall not be excluded from this ambient measurement.
13 ***

14
15 (iii) For noise levels generated or caused by a wind or solar energy facility:
16

17 (I) The increase in ambient statistical noise levels is based on an assumed background
18 L50 ambient noise level of 26 dBA or the actual ambient background level. The person
19 owning the wind or solar energy facility may conduct measurements to determine the
20 actual ambient L10 and L50 background level.
21

22 (II) The "actual ambient background level" is the measured noise level at the appropriate
23 measurement point as specified in subsection (3)(b) of this rule using generally accepted
24 noise engineering measurement practices. Background noise measurements shall be
25 obtained at the appropriate measurement point, and for wind energy facilities
26 synchronized with wind speed measurements of hub height conditions at the nearest
27 wind turbine location. "Actual ambient background level" does not include noise
28 generated or caused by the proposed wind or solar energy facility.
29

30 (III) The noise levels from a wind or solar energy facility may increase the ambient
31 statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits
32 specified in Table 8), if the person who owns the noise sensitive property executes a
33 legally effective easement or real covenant that benefits the property on which the wind
34 or solar energy facility is located. The easement or covenant must authorize the wind or
35 solar energy facility to increase the ambient statistical noise levels, L10 or L50 on the
36 sensitive property by more than 10 dBA at the appropriate measurement point.***
37

38 (3) Measurement:
39

40 (a) Sound measurements procedures shall conform to those procedures which
41 are adopted by the Commission and set forth in Sound Measurement
42 Procedures Manual (NPCS-1), or to such other procedures as are approved in
43 writing by the Department;
44

1 (b) Unless otherwise specified, the appropriate measurement point shall be
2 that point on the noise sensitive property, described below, which is further
3 from the noise source:

4
5 A. 25 feet (7.6 meters) toward the noise source from that point on the noise
6 sensitive building nearest the noise source;

7
8 B. That point on the noise sensitive property line nearest the noise source.

9
10 * * * * *

11
12 (5) Exemptions: Except as otherwise provided in subparagraph (1)(b)(B)(ii) of
13 this rule, the rules in section (1) of this rule shall not apply to:

14
15 * * *

16
17 (c) Sounds created by the tires or motor used to propel any road vehicle
18 complying with the noise standards for road vehicles;

19
20 * * *

21 (g) Sounds that originate on construction sites.

22
23 ***

24
25 (k) Sounds created by the operation of road vehicle auxiliary equipment
26 complying with the noise rules for such equipment as specified in OAR 340-
27 035-0030(1)(e);

28
29 * * *

30 Council has the authority to interpret and implement other state agency and Commission rules
31 and statutes that are relevant to the siting of an energy facility,¹⁰⁹ including noise rules adopted

¹⁰⁹ See ORS 469.310 (stating that the legislative policy behind EFSC was to establish “a comprehensive system for the siting, monitoring and regulating of the location, construction and operation of all energy facilities in this state”) and ORS 469.401(3) (giving EFSC the authority to bind other state agencies as to the approval of a facility).

by the Environmental Quality Commission and previously administered by the Department of Environmental Quality (DEQ).^{110, 111}

IV.A.1. Findings of Fact

On October 17, 2024, OAR 340-035-0035 was amended to allow solar facilities to demonstrate compliance with the noise control regulations in the same manner as wind facilities. As described below, the amended rule expands the ways in which a facility may demonstrate compliance and does not affect the Council’s earlier findings. The analysis area for evaluating compliance with the ODEQ noise rules includes the area within and extending 1-mile from the WREFII site boundary.¹¹² As described in Section II.A., *Scope of Review*, of this order, because the WREFIII facility as proposed in RFA1 is operational, the focus of compliance with the DEQ Noise Rules in the Section below focuses on the proposed WTSII facility which has yet to be constructed.

Exempt Construction Noise

Under OAR 340-035-0035(5), noise generated during construction is exempt from the requirement to meet DEQ’s noise standards. Nonetheless, construction-related noise impacts are evaluated under the Council’s Protected Area, Scenic Resources, and Recreation standards, as provided in Sections IV.F., IV.J., and IV.L of this order. To support the evaluation required under those standards, the approach and results of predicted construction-noise impacts is evaluated in this section.

Table 13, below, lists the typical sound levels associated with common construction equipment at various distances. For reference, classroom chatter has an approximate dBA of 70 and a soft whisper is a dBA of approximately 40.¹¹³

Table 13: Estimated Lmax Sound Pressure Levels from Construction Equipment

Equipment	Estimated Sound Pressure Level at 50 feet (dBA)	Estimated Sound Pressure Level at 2,000 feet (dBA)
Forklift	80	48

¹¹⁰ The Environmental Quality Commission and the DEQ suspended their own administration of the noise program because in 1991 the state legislature withdrew all funding for implementing and administering the program. A July 2003 DEQ Management Directive provides information on DEQ’s former Noise Control Program and how DEQ staff should respond to noise inquiries and complaints. The Directive states (among other items) that the Energy Facility Siting Council (EFSC), under the Department of Energy, is authorized to approve the siting of large energy facilities in the State and that EFSC staff review applications to ensure that proposed facilities meet the State noise regulations.

¹¹¹ “We (the Oregon Supreme Court) conclude that EFSC had the authority to grant (1) an exception to the noise standards under OAR 340-035-0035(6)(a), and (2) a variance under OAR 340-035-0100 and ORS 467.060.” B2HAPPDoc7 Supreme Court Decision Stop B2H Coalition v. Dept. of Energy 2023-03-09, pp 805-807.

¹¹² OAR 345-027-0360(1)(c)(C)(iii)

¹¹³ <https://www.osha.gov/noise>.

Table 13: Estimated Lmax Sound Pressure Levels from Construction Equipment

Equipment	Estimated Sound Pressure Level at 50 feet (dBA)	Estimated Sound Pressure Level at 2,000 feet (dBA)
Backhoe	80	48
Grader	85	53
Man basket	85	53
Dozer	83 - 88	51 - 56
Loader	83 - 88	51 - 56
Scissor Lift	85	53
Truck	84	52
Welder	73	41
Compressor	80	48
Concrete Pump	77	45
Crane	85	42

Source: WRWAMD4Doc15-25 RFA4 Complete RFA4 Exhibit X. Noise Final 2019-07-01; Bolt, Beranek, and Newman, Inc. 1977, FHWA 1992, FHWA 2006.

Construction noise would occur during daytime hours, would be temporary, and attenuates with distance from the facility. As discussed below, there are 9 noise sensitive properties within the noise analysis area, however, as noted above, construction noise is exempt from the noise standards pursuant to OAR 340-035-0035(5)(g) and (h). Therefore, the ability of construction-related noise to comply with DEQ noise control regulations is not evaluated further.

Council previously imposed Noise Control Condition 1 (CON-NC-01), which requires that during construction the certificate holder must enforce speed limits, equip noise-producing construction equipment and vehicles using internal combustion engines with mufflers and noise muffling devices, only use alarms and horns for safety purposes, and establish and maintain a noise complaint responses system. The Department highlights that several of these requirements overlap with measures already imposed or recommended in a site certificate condition, such as speed limits and restrictions on internal combustion engines as designated in the wildfire mitigation plan. Additionally, as shown in Figure 10, below, there are no NSRs located near the proposed location of the WTSII solar array and therefore it is not likely that these measures would reduce noise at NSRs within the analysis area, therefore the Department recommends Council remove Noise Control Condition 1 from the WTSII site certificate.

Recommended Deleted Noise Control Condition 1 (CON-NC-01):

- ~~a. Establish and enforce construction site and access road speed limits;~~
- ~~b. Utilize electrically powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;~~
- ~~c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;~~

- ~~d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;~~
- ~~e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,~~
- ~~f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request. Deleted in Final Order on Amendment 1 (2026).~~
- [Final Order on ASC (2017), Noise Control Condition 1]

Operational Noise

Noise generated by a new industrial or commercial source located on a previously unused site must comply with two standards: the “ambient noise degradation standard” and the “maximum allowable noise standard.” Under the ambient noise degradation standard, facility-generated noise must not increase the ambient hourly L10 or L50 noise levels at any noise sensitive property by more than 10 dBA. Under the maximum allowable noise standard at OAR 340-035-0035(1)(b)(B)(i), new industrial or commercial noise sources may not exceed the noise levels specified in the noise rules, as represented in Table 14 below (50 dBA representing the lowest standard). The WTSII facility would be a new industrial or commercial noise source located on a previously unused industrial or commercial site subject to the noise standards established under OAR 340-035-0035(1)(b)(B).

Table 14: Statistical Noise Limits for New Industrial and Commercial Noise Sources

Statistical Descriptor ¹	Maximum Permissible Hourly Statistical Noise Levels (dBA)	
	Daytime (7:00 AM - 10:00 PM)	Nighttime (10:00 PM - 7:00 AM)
L50	55	50
L10	60	55
L1	75	60

Notes:

1. The hourly L50, L10 and L1 noise levels are defined as the noise levels equaled or exceeded 50 percent, 10 percent, and 1 percent of the hour, respectively.

Source: OAR 340-035-0035, Table 8

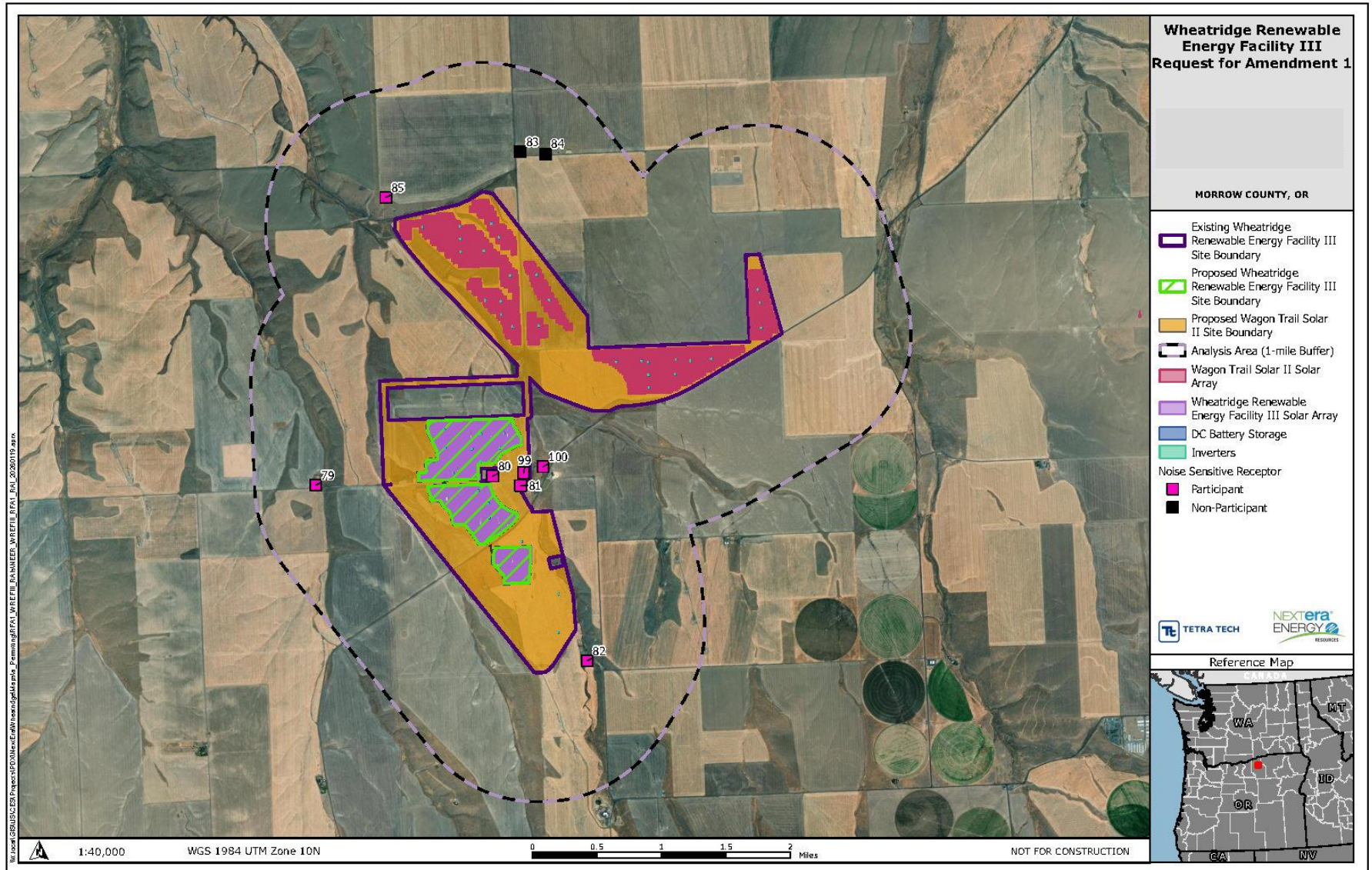
1
2 The noise limits apply at an appropriate measurement point on noise sensitive properties or
3 Noise Sensitive Receptors (NSRs), such as dwellings, schools, churches, hospitals, or public
4 libraries.¹¹⁴ As noted above, there are 9 NSRs within the 1-mile analysis area from WTSII. Three
5 of the NSRs (NSR-80, 81, and 99) are located inside the site boundary and seven NSRs are
6 participating landowners.¹¹⁵ The certificate holder confirms that there are no new NSRs in the
7 analysis area from the last time it evaluated noise for RFA4 in 2019.¹¹⁶ Figure 10, below,
8 illustrates the location of the NSRs within the analysis area and whether or not the NSR is a
9 participating landowner; which as described below, is not weighed when finding compliance
10 with the rules.
11
12
13

¹¹⁴ “Noise sensitive property” is defined in OAR 340-035-0015(38) as “real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activities is not Noise Sensitive Property unless it meets the above criteria in more than an incidental manner.”

¹¹⁵ The appropriate measurement point is defined as the farther from the noise source of 25 feet toward the noise source from that NSR, or the point on the noise sensitive property line nearest the noise source using the DEQ Commission approved Sound Measurement Procedures Manual, NPC-1 (Manual), unless other measurement points are specified or other measurement procedures are approved in writing by the Department, respectively, or an applicant may use the assumed 26 dBA for the ambient noise levels.

¹¹⁶ WREFIIIAMD1 Request for Amendment 2027-02-27, Section 7.1.17.3.

Figure 10: NSRs in the Analysis Area



Under OAR 340-035-0035(1)(b)(B)(iii), the increase in ambient statistical noise levels that result from a solar facility may be based on actual measurements or may be based on an assumed ambient background level of 26 dBA. The certificate holder relies upon the noise analysis done for RFA4 in 2029 which assumed an ambient noise of 26 dBA. Noise-generating equipment associated with proposed facility operation would include substation transformers, inverters and transformers for the solar arrays, cooling systems necessary for the battery storage systems, and transmission line corona noise. The BESS unit sound power information is based on manufacturer data testing in accordance with ISO 3744: 2011-02. The sound power level data used as inputs for the acoustic modeling analysis for RFA4, assumed the maximum number of noise-generating equipment listed below:¹¹⁷

- 41 inverters, each at 73 dBA
- 41 distribution transformers, each at 77 dBA
- 1 substation transformer at 98 dBA
- 82 heating, ventilation and air conditioning units, each at 85 dBA

Acoustic modeling was performed using the Computer Aided Noise Abatement (CadnaA) software program was used for RFA4 to calculate received sound levels at identified noise sensitive receptors within the analysis area. Topographical information was imported into the acoustic model using U.S. Geological Survey 10- meter digital elevation models to accurately represent terrain in three dimensions.

The Department recommends that it's appropriate to continue to rely on the RFA4 noise modeling because there are not any new NSRs within the analysis area that could be impacted, and that the previous noise analysis included facility components that were associated with solar facility and with the adjacent wind facilities, modeling a maximum noise scenario at that point in time. The noise generating components associated with the WREFIII and WTSII facilities are less than the maximum modeled for RFA4.

Modeling results are provided in Table 15, below, and indicate that the WTSII facility can comply with the 50 dBA L₅₀ nighttime maximum permissible noise level prescribed by ODEQ because the loudest modeled noise level at a NSR is 48 dBA, less than the 50 dBA threshold. Therefore, the Department recommends that Council find that because the maximum L50 sound levels would be less than the "Table 8" maximum allowable sound level, the WTSII facility would be in compliance with the maximum allowable sound level standard identified in OAR 340-035-0035(1)(b)(B)(i). As shown in Table 15, below, there are seven predicted exceedances of the 10 dBA ambient degradation standard at NSR IDs 79, 80, 81, 82, 85, 99, and 100. The other two NSRs are modeled to be at 10 dBA, however, as noted above and cited by the certificate holder, expected noise levels are anticipated to be less because noise generating

¹¹⁷ WRWAMD4Doc15-25 RFA4 Complete RFA4 Exhibit X. Noise Final 2019-07-01, Table X-4 and Table X-5. The projected operational noise levels are based on manufacturer sound power level data.

- 1 equipment would be less and noise attenuates (or lessens) with distance, topography and
- 2 vegetative screening.

Table 15: Results of RFA4 Noise Assessment Applicable to WTSII

NSR ID	Participant Status	Background Sound Level (dBA)	Solar Facility Noise (dBA)*	Cumulative Assessment (Background Wind Facility Plus Solar Facility Noise) (dBA) ¹	Increase over Baseline (dBA)
79	Participant	26	20	48	22
80	Participant	26	36	46	20
81	Participant	26	26	43	17
82	Participant	26	21	46	20
83	Non-Participant	26	19	36	10
84	Non-Participant	26	18	35	10
85	Participant	26	20	39	13
99	Participant	26	27	43	17
100	Participant	26	26	43	17

Notes:

1. Note that modeled noise levels include 400 MWs of previously approved wind energy generation components. This is a result of the procedural history for the project, where even though the facility and site certificates have been split over time, the Department and Council still require that the larger of the approved facility impacts be taken into consideration so as not to arbitrarily bi-furcate or minimize impacts from site certificate splitting.

*Expected noise levels are anticipated to be less.

Source: RFA4 Attachment 12.

- 3
- 4 The 10 dBA anti-ambient noise degradation standard is modeled to be exceeded at seven NSRs.
- 5 Under OAR 340-035-0035(1)(b)(B)(iii), the noise levels from a solar facility may increase the
- 6 ambient statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits
- 7 specified in Table 8), if the person who owns the NSR executes a legally effective easement or
- 8 real covenant that benefits the property on which the facility is located (benefits the certificate
- 9 holder/operation of the facility).¹¹⁸ The Department emphasizes that the rule applies to owners
- 10 of NSRs, regardless of whether or not they are a participating landowner, so if there is an
- 11 exceedance to the noise standards at a non-participating landowner, the certificate holder
- 12 would need to execute an easement with that landowner. The certificate holder indicates that
- 13 it would update its noise analysis prior to construction and rely on easements or “noise
- 14 waivers” to address any exceedances of the 10 dBA ambient antidegradation standard and that

¹¹⁸ The easement or covenant must authorize the energy facility to increase the ambient statistical noise levels, L10 or L50 on the sensitive property by more than 10 dBA at the appropriate measurement point.

these would be provided prior to construction. Council previously imposed Noise Control Condition 2, which already requires the items described above. The Department recommends administrative edits to the condition as provided below.

Recommended Amended Noise Control Condition 2 (PRE): Prior to construction, the certificate holder shall provide to the ~~the~~ Department:

- a. Information that identifies the final design locations of all facility components to be built at the facility;
- b. The maximum sound power level for the facility components including transformers ~~(substation and solar array)~~, invertors, battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the ~~the~~ Department;
- c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the ~~the~~ Department that the total noise generated by the facility (including transformers, inverters and battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below.
- d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii) ~~(iii)~~, a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the solar energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

[PRE-NC-01; Final Order on ASC (2017); AMD3 (2018); AMD1 (2020); AMD1 (2026)]

Council previously imposed Noise Control Condition 4 and 5 requiring that the certificate holder develop and maintain an operational noise complaint system and, if complaints are received, the certificate holder may be required to develop a monitoring plan for noise. Because there are two non-participating NSRs that are near the anti-ambient noise degradation standard threshold, these conditions would still apply to the WTSII facility.

IV.A.2. Conclusions of Law

1 Based on the foregoing analysis, and subject to compliance with the removed, existing, and
2 recommended amended site certificate condition described above, the Department
3 recommends the Council find that the facility, with the requested extension of the construction
4 completion deadline, will comply with the applicable Noise Control Regulations in OAR 340-
5 035-0035.

6 7 **IV.B. Removal-Fill Law**

8
9 The Oregon Removal-Fill Law (Oregon Revised Statutes] 196.795 through 196.990) and
10 Department of State Lands (DSL) regulations (OAR 141-085-0500 through 141-085-0785)
11 require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered
12 within any “waters of the state.” (WOS)¹¹⁹ The Council, in consultation with DSL, must
13 determine whether a removal-fill permit is needed and if so, whether a removal-fill permit
14 should be issued.

15 16 **IV.B.1. Findings of Fact**

17
18 The analysis area for wetlands and other waters of the state is the area within proposed site
19 boundary of the WTSII facility.¹²⁰

20
21 Locations of wetlands and WOS located within the site boundary for WTSII were delineated
22 through a literature review and field investigations in preparation for RFA4. The literature
23 review of potentially jurisdictional wetlands and WOS included an evaluation of multiple
24 existing data sources including the Natural Resource Conservation Service’s (NRCS) 2018
25 National Hydrography Dataset and Web Soil Survey, U.S. Fish and Wildlife Service’s 2018
26 National Wetlands Inventory, NRCS’s 2018 Web Soil Survey, and 2016 Aerial Photography from
27 U.S. Department of Agriculture’s Farm Service Agency. Based on the literature review, there
28 were no wetlands, hydric soils or perennial streams identified within the proposed new site
29 boundary area.

30
31 Pedestrian-level field investigations with the site boundary were conducted on August 22-23,
32 2018 and November 9, 2018 and in 2011; 2,294 acres were field surveyed.¹²¹

¹¹⁹ ORS 196.800(15) defines “Waters of this state.” The term includes wetlands and certain other waterbodies.

¹²⁰ OAR 345-027-0360(1)(c)(C)(ii).

¹²¹ Pedestrian level-field investigations were conducted in accordance with methodology provided by the 1987 U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual as well as the USACE Arid West Regional Supplement; and, OAR 141-090, Administrative Rules for Wetland Delineation Report Requirements and for Jurisdictional Determinations for the Purpose of Regulating Fill and Removal within Waters of the State; 1979 Classification of Wetlands and Deepwater Habitats of the United States; and, 2015 Streamflow Duration Assessment Method for the Pacific Northwest. WRWAMD4Doc 24 Final Order on Request for Amendment 4 2019-11-22 (clean), Section III.Q.3.

1 The results of the field surveys were that no wetlands or jurisdictional waters were present
2 within the site boundary.¹²² Because there were no wetlands or WOS, no removal fill permit has
3 been identified as necessary. Field surveys identified seven ephemeral streams and one
4 roadside drainage ditch, none which DSL confirmed do not qualify as a jurisdictional water. On
5 April 18, 2019, DSL issued a letter concurring with the wetland and waterway boundaries
6 mapped by the certificate letter.¹²³ The concurrence letter is valid through April 18, 2024.

7
8 Because the previous results from the wetland field delineations indicated that no wetlands or
9 WOS were present within the site boundary, and DSL concurred with the wetland delineation
10 report, the Department recommends Council find that it is not likely that wetlands or WOS
11 would be present today within the WTSII site boundary, therefore no removal fill permit would
12 be necessary. However, because the DSL concurrence letter and field survey results have
13 expired, the Department recommends that, prior to construction of the WTSII facility, the
14 certificate holder conduct a desktop analysis to determine if there may be newly identified
15 wetlands or WOS, and if so, that the area be delineated to determine if there would be impacts
16 to wetlands or WOS.

17
18 **Recommended Removal Fill Condition 1 (PRE-RFL-01):** Prior to construction of the
19 facility, facility component or phase, the certificate holder shall conduct a desktop
20 evaluation to determine if wetlands or waters of the state (WOS) are present within the
21 site boundary. If the desktop evaluation shows that wetlands or WOS are within
22 proximity to ground disturbance, the certificate holder must conduct a field survey and
23 submit a wetland delineation report to DSL for a DSL concurrence letter and
24 demonstrate that impacts to wetland or WOS would be less than 50 cubic yards or that
25 a removal fill permit may be necessary.

26 [Final Order on AMD1 (2026)]

27
28 Based on the certificate holder's evaluation and DSL's prior concurrence that jurisdictional
29 waters were not present within the WTSII site boundary, the Department recommends that the
30 Council find that construction and operation of facility, proposed RFA4 facility components
31 would not result in potential impacts to jurisdictional wetlands and WOS; and would not
32 require a removal-fill permit.

33 34 **IV.B.2. Conclusions of Law**

35
36 Based on the recommended findings of fact and compliance with the recommended condition
37 of approval, the Department recommends the Council conclude that the design, construction,
38 and operation of the facility would not require a removal fill permit because of the avoidance of
39 impacts to wetlands and WOS, therefore the facility, with the requested extension of the

¹²² WRWAMD4Doc15-12 RFA4 Complete RFA4 Exhibit J Wetlands and Waters Final 2019-07-01, Section 3.4.2: Results.

¹²³ WRWAMD4 pRFA Wetland Delineation DSL Concurrence 2019-04-18.

1 construction completion deadline, complies with the applicable portions of the requirements of
2 ORS 196.795 through 196.990 and OAR chapter 141, division 085.

4 **IV.C. Water Rights**

6 Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources
7 Department (OWRD) administers water rights for appropriation and use of the water resources
8 of the state. Under OAR 345-022-0000(1)(b), the Council must determine whether the
9 proposed facility would comply with statutes and administrative rules identified in the Project
10 Order. If a proposed facility needs a groundwater permit, surface water permit, or water right
11 transfer, a decision on authorizing such a permit rests with the Council.

13 **IV.C.1. Findings of Fact**

15 In RFA1, the certificate holder relies on its analysis and assumptions conducted for RFA4 and
16 maintains that its maximum impact analysis done for RFA4 remains applicable for construction
17 and operation of WTSII. The WTSII facility will not rely upon a groundwater permit, surface
18 water permit, or water right transfer. During construction of the remaining WTSII facility
19 components, a maximum of 36.3 million gallons (Mgal) of water would be used for dust
20 suppression, road compaction, site preparation, mixing concrete for foundations, fire
21 prevention, and on-site worker drinking and sanitation use. Construction-related water is
22 expected to be obtained from the City of Lone and the City of Lexington, the City of Maupin and
23 the City of Wasco¹²⁴ under an existing municipal water right.¹²⁵

25 As discussed in Section IV.M., *Public Services*, under Public Services Condition 24 (GEN-PS-04),
26 the Department recommends Council require that prior to construction, final water demand
27 based on final facility build out will be confirmed, and the certificate holder must provide
28 evidence that the final water sources for construction-related water are adequate and have
29 been legally secured under existing water rights or third-party permits.

31 Operational water use is estimated to be up to 650,250 gallons of water per year for solar panel
32 washing, assuming panels are washed twice a year. The distributed battery storage system will
33 not require any water during operations.¹²⁶ Operational water use at the O&M building(s)

¹²⁴ RFA1 Attachment 9 includes letters from the City of Lone indicating its ability to provide the 36.3 Mgal of construction-related water and the City of Lexington indicating it could provide water approximately 1 Mgal a month with seasonal constraints during the summer.

¹²⁵ Under OWRD rules, examples of municipal water use include but are not limited to domestic water use, irrigation of lawns and gardens, commercial water use, industrial water use, fire protection, irrigation, and other water uses. Council has previously found, and affirmed by OWRD that water use for the construction and operation for the proposed facility qualifies under OAR 690-300-0010(25) as “industrial water use”, which includes the use of water associated with the processing or manufacture of a product, such as the construction, operation, and maintenance of an industrial site like a solar facility. The Department recommends Council continue to find that the solar facility, is an industrial or commercial use, qualifies as a municipal use under OWRD rules.

¹²⁶ WRWAMD4Doc15-16 RFA4 Complete RFA4 Exhibit O. Water Req Final 2019-07-01, Section 2.1.3.

1 would be served by onsite, permit-exempt wells and would not result in impacts on the ability
2 of public or private providers of water to deliver services.¹²⁷ WREFIII and WTSII share the O&M
3 building with WREFII, however, the O&M building is not a related or supporting facility for
4 WREFIII and WTSII. Therefore, typical conditions associated with exempt uses of ground water
5 wells include which include any single industrial or commercial purpose in an amount not
6 exceeding 5,000 gallons a day,¹²⁸ are not applicable to WTSII.¹²⁹ Section IV.M., *Public Services*,
7 under Public Services Condition 25 (OPR-PS-05), the Department recommends Council require
8 the certificate holder to confirm the totals and sources of significant water used from the
9 operation of the WTSII facilities.

10
11 The Department recommends Council find that because the certificate holder relies on
12 previously approved maximum water use during facility construction and operation and
13 represents that neither the certificate holder nor a third-party contractor will require a
14 groundwater permit, surface water permit, or water right transfer for construction or operation
15 of the facility, that no such permit is necessary for the construction or operation of the
16 facilities.

17 18 **IV.C.2. Conclusions of Law**

19
20 Based on the foregoing recommended findings of fact, the Department recommends that the
21 Council finds that the facility, with the requested extension of the construction completion
22 deadline, will not need a groundwater permit, surface water permit, or water right transfer.

¹²⁷ WRWAMD4Doc 24 Final Order on Request for Amendment 4 2019-11-22 (clean), Section IV.M., Public Services; Water.

¹²⁸ ORS 537.545(1)(f).

¹²⁹ Under OWRD rules, wells that use less than 5,000 gallons of water per day for a single industrial or commercial purpose are exempt from registration, permits, or ground water right certificates. ORS 537.545(5) through (7), the landowner where an exempt well is constructed must file a record of the well, with appropriate fee, with the OWRD. The provisions of ORS 537.545 require the owner of the land on which an exempt well is drilled provide to the OWRD a map showing the exact location of the well, as well as pay a recording fee to OWRD. ORS 537.765 requires a well log containing specific information described in ORS 537.765 to be filed with the Water Resources Commission when a new exempt well is drilled, or an existing well is altered, converted, or abandoned.

1 **V. PROPOSED CONCLUSIONS AND ORDER**

2
3 Based on the recommended findings of fact and conclusions of law included in this order, under
4 OAR 345-027-0375, the Department recommends Council find that the preponderance of
5 evidence on the record, including the record of RFA1, and the record of the *Final Order on*
6 *Request for Amendment 4*, supports the following conclusions:
7

- 8 1. The facility, with the proposed construction completion deadline extension,
9 complies with the requirements of the Energy Facility Siting Statutes ORS 469.300 to
10 469.520.
11
12 2. The facility, with the proposed construction completion deadline extension,
13 complies with all applicable standards adopted by Council pursuant to ORS 469.501,
14 in effect on the date Council issues its Final Order on the Amendment.
15
16 3. After considering any changes in facts or law relevant to the proposed amendment
17 since the date the current site certificate was executed, the facility complies with all
18 laws and Council standards applicable to an original site certificate application.
19
20 4. The proposed RFA1 changes comply with the applicable substantive criteria under
21 the Council's Land Use standard, as described in OAR 345-022-0030, from the date
22 RFA1 was submitted.
23

24 Accordingly, the Department recommends Council find that the facility, with the proposed
25 construction completion deadline extension, complies with the General Standard of Review
26 OAR 345-022-0000 and OAR 345-027-0375. The Department recommends that the Council find,
27 based on a preponderance of the evidence on the record, that the site certificate may be
28 amended as requested.
29

30 The Department therefore recommends that the Council approve Request for Amendment 1 of
31 the Wheatridge Renewable Energy Facility III Site Certificate and issue the First Amended Site
32 Certificate for Wheatridge Renewable Energy Facility III and new site certificate for Wagon Trail
33 Solar II, as included as Attachment A to this Order.
34

35 Issued February 27, 2026
36

37 OREGON DEPARTMENT OF ENERGY

38 *Todd Cornett*

39 [Todd Cornett \(Feb 27, 2026 16:32:06 PST\)](#)

40 Todd Cornett, Assistant Director For Siting
41
42

1 **ATTACHMENTS**

2
3 Attachment 1: Reviewing Agency Comments on RFA1

4 Attachment 2: Public Comments on Proposed Order [*Place Holder*]

5
6 **Wheatridge Renewable Energy Facility III**

7 Attachment A: Draft First Amended Site Certificate (red-line)

8
9 **Wagon Trail Solar II**

10 Attachment A: Draft Site Certificate (red-line)

11 Attachment B: Draft Habitat Mitigation Plan

12 Attachment C-1: Draft Construction Vegetation and Soil Management Plan

13 Attachment C-2: Draft Operation Vegetation and Soil Management Plan [*Place Holder*]

14 Attachment D: NEER Emergency Action Plan

15 Attachment E-1: Draft Construction Wildfire Mitigation Plan

16 Attachment E-2: Draft Operational Wildfire Mitigation Plan

17 Attachment F: Decommissioning Cost Estimate and Assumptions

Attachment 1: Reviewing Agency Comments on RFA1

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From: [SOMERS Lindsay N * ODFW](#)
Sent: Monday, January 5, 2026 9:36 AM
To: [CHERRY Steve P * ODFW](#); [MCVEIGH-WALKER Chase * ODOE](#); [THOMPSON Jeremy L * ODFW](#)
Cc: [ESTERSON Sarah * ODOE](#)
Subject: RE: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility III

Hi Chase,

Any of those times work for my schedule this week.

I am looking through your attachments and redlines (pRFA, reveg, wmp, etc) so far nothing has jumped out as a concern, but I can get any comments back to you before we meet. I responded to your questions below, but if you need any follow-up before meeting with the certificate holder just give me a call.

Is there any reason to suspect that Habitat categorization/assessment may have changed from what was previously...especially considering the presence of WGS -albeit restricted to a peninsula of Native perennial grassland within the larger area of dryland wheat? I agree with Steve's response below that there hasn't likely been any major changes to the habitat in the area, the results of any updated WGS surveys will be the driver of changes in habitat categorization/assessment (if needed? Latest report was 2020?).

Are the buffer zones and nesting/breeding details still accurate? Recommendation for buffers have increased for Ferruginous hawk, but all other details match current recommendations.

Western burrowing owl: 0.25 mile, April 1-August 15

Ferruginous hawk: ~~0.25~~ **0.5 mile**, March 15 to August 15

Swainson's hawk: 0.25 mile, April 1 to August 15

Lindsay

Lindsay Somers
Habitat Biologist-John Day Watershed
Oregon Department of Fish and Wildlife
73471 Mytinger Ln
Pendleton, OR 97801
Office: 541-388-6294
Cell: 541-314-1236

From: CHERRY Steve P * ODFW <Steve.P.CHERRY@odfw.oregon.gov>
Sent: Friday, January 2, 2026 4:35 PM
To: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; SOMERS Lindsay N * ODFW <Lindsay.N.Somers@odfw.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: RE: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility III

Chase in regards to your question below:

Based on the habitat survey conducted in 2020, and in compliance with Condition "PRE-FW-01" (submitted in 2021), there is known WGS within the site boundary. Is there any reason to suspect that Habitat categorization/assessment may have changed from what was previously...especially considering the presence of WGS -albeit restricted to a peninsula of Native perennial grassland within the larger area of dryland wheat?

I don't think they probably need to revisit the habitat classifications on the solar portion of this request unless they want to. The only real change probably here would be if they turned some more ground into dryland wheat. However, if this process gets them outside their three year window of when WGS surveys were last completed then I think they would need complete another round of surveys to see if there are any changes to the WGS locations and that would change the habitat classification. I hope that makes sense. Let me know if you have any questions.

Steve

From: MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>
Sent: Friday, January 2, 2026 4:12 PM
To: CHERRY Steve P * ODFW <Steve.P.CHERRY@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; SOMERS Lindsay N * ODFW <Lindsay.N.Somers@odfw.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Subject: FW: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility III

Good afternoon and Happy 2026, Steve, Lindsay, and Jeremy!

We are really hoping to coordinate a call between ODFW, the Department, and the Certificate Holder in the coming week to discuss (among other things) the weed control plan, revegetation plan, and Habitat mitigation plan. I will reach out to the certificate holder to check on their availability also, and will schedule a TEAMS call once I hear back from all parties.

Are there any days/times that work best for your schedules? We are most available the following days/times:

- **Wednesday (1/7/2026)** – between 10am and 1:00pm, and after 2:00pm
- **Thursday (1/8/2026)** – between 11:00am and 2:00pm
- **Friday (1/9/2026)** – before 10:00am

Below, I have provided key details about the preliminary Request for Amendment 1– along with a couple preliminary questions for you (**in bold**) – and can compile your responses into a formal letter/consultation document once received.

Facility Overview - Wheatridge Renewable Energy Facility III
(description includes details of the existing/operational facility, and what was approved- but not yet constructed)

- Energy Facility*
- 150 MW solar power generation facility (50 MWs in operation)
 - 2,294 acre site boundary

Related or Supporting Facilities

- 41 distributed sites of sites of lithium-ion batteries (not yet built)
- Wheatridge West Collector Substation Expansion (not yet built)
- 34.5 kV electrical collection system
- Service Roads, Gates, and Fencing

Shared (WREFI, WREFII and WREFIII) Related or Supporting Facilities

- a collector substation
- access roads
- temporary laydown areas
- the O&M building
- Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII (not yet built)

Amendment Request (scope of review):

pRFA1 seeks Council approval for the following changes to the site certificate:

1. Split the approved facility into two separate facilities; each with their own site boundary and certificate holder under separate site certificates. The split would amend the current site certificate and create one new site certificate.
2. Extend the construction completion deadline by three years; which requires ODOE to evaluate changes in fact or law (and policy/interpretation of law) that may impact the previous evaluation
3. Amend several conditions to be consistent with the site certificate split.

Details to consider:

- pRFA1 states that a field-based habitat survey was conducted by Tetra Tech within the Survey Area on May 12 and 13, 2020. Habitat categorization and habitat subtype s previously identified within the analysis area include the following:
 - Category 1 Habitat:
 - Grassland – Native Perennial
 - Category 2 habitat:
 - Grassland – Native Perennial
 - Category 3 habitat:
 - Revegetated or other Planted Grassland
 - Grassland – Native Perennial
 - Category 4 habitat:
 - Grassland – Exotic Annual
 - Shrub-Steppe – Big Basin Sagebrush
 - Category 6 habitat:
 - Developed – Dryland Wheat
 - Developed – other

Based on the habitat survey conducted in 2020, and in compliance with Condition "PRE-FW-01" (submitted in 2021), there is known WGS within the site boundary. Is there any reason to suspect that Habitat categorization/assessment may have changed from what was previously...especially considering the presence of WGS -albeit restricted to a peninsula of Native perennial grassland within the larger area of dryland wheat?

Habitat mitigation:

(from Wheatridge Renewable Energy Facility III February 2020 draft Habitat Mitigation Plan)

"The Certificate Holder has secured an option agreement for up to 300 acres to be placed into a conservation easement where the HMA will be located...The Certificate Holder has identified a 187.9-acre parcel of suitable in-kind and in-proximity habitat on 2,100 acres of private land along Rock Creek in Gilliam County within which they will establish an HMA."

The Department has requested that the certificate holder provide evidence that the Habitat Mitigation Area (HMA) is still available for use as a mitigation site for the WTSII facility.

Site Certificate Conditions:

Aside from a minor edit (deletion of reference to construction laydown yards retained post construction) in Condition PRE-FW-01, the certificate holder has not recommended/requested any amendments to existing Fish and Wildlife Habitat conditions, or Threatened and Endangered Species conditions for either facility. That said, **Condition "CON-FW-02" includes buffer zones and avoidance measures around active nest sites of state sensitive species. Are the buffer zones and nesting/breeding details still accurate?**

Email Attachments and review/comment request:

Lastly, I have included a couple attachments to this email (proposed 'redlined' Site Certificate for the proposed Wagon Trail Solar II facility - with comments from Sarah on specific Fish and Wildlife Habitat conditions; two Figures (Figures 8a and 8b) from the pRFA1 – for your reference; the most current (redlined) Habitat Mitigation Plan for Wheatridge Renewable Energy Facility III – Submitted as a preconstruction condition submittal in August 2021, as well as the most current Weed Control Plan, Revegetation Plan, and Wildlife Monitoring and Mitigation Plan). Please utilize and review any/all of the attached documents, and feel free to provide comments on the pRFA1, site certificate conditions, or the attached plans.

Thank you very much, and talk to you soon!

Regards,
-Chase



Chase McVeigh-Walker

Senior Siting Analyst

Pronouns: he/him/his

550 Capitol St. NE | Salem, OR 97301

P: 971-600-5323

P (In Oregon): 800-221-8035



Stay connected!

From: MCVEIGH-WALKER Chase * ODOE

Sent: Tuesday, December 2, 2025 5:38 PM

To: ISAAC Patty * DEQ <Patty.ISAACK@deq.oregon.gov>; 'svelund.greg@deq.state.or.us' <svelund.greg@deq.state.or.us>; KENNEDY Mike * DEQ <Mike.KENNEDY@deq.oregon.gov>; MCCLAUGHRY Jason * DGMI <Jason.MCCLAUGHRY@dogami.oregon.gov>; 'dawn.hert@dcd.oregon.gov' <dawn.hert@dcd.oregon.gov>; 'hilary.foote@dcd.oregon.gov' <hilary.foote@dcd.oregon.gov>; 'jon.jinings@dcd.oregon.gov' <jon.jinings@dcd.oregon.gov>; BLEAKNEY Leann <bleakney@nwcouncil.org>; 'jason.cane@osp.oregon.gov' <jason.cane@osp.oregon.gov>; HAWKINS Chad * OSFM <Chad.Hawkins@osfm.oregon.gov>; 'osfm.ofc@osp.oregon.gov' <osfm.ofc@osp.oregon.gov>; BROWN Jordan A * ODA <Jordan.A.BROWN@oda.oregon.gov>; ABERCROMBIE Troy * ODA <Troy.ABERCROMBIE@oda.oregon.gov>; PIKE Brandon <Brandon.PIKE@odav.oregon.gov>; CHERRY Steve P * ODFW <Steve.PCHERRY@odfw.oregon.gov>; THOMPSON Jeremy L * ODFW <Jeremy.L.THOMPSON@odfw.oregon.gov>; SOMERS Lindsay N * ODFW <Lindsay.N.Somers@odfw.oregon.gov>; HOLSCHBACH Tim J * ODF <Tim.J.HOLSCHBACH@odf.oregon.gov>; TOKARCZYK John A * ODF <John.A.TOKARCZYK@odf.oregon.gov>; 'daniel.hubner@oregon.gov' <daniel.hubner@oregon.gov>; RASHID Yassir * PUC <Yassir.RASHID@puc.oregon.gov>; MULDOON Matt * PUC <Matt.MULDOON@puc.oregon.gov>; BJORK Mary F * WRD <Mary.F.BJORK@water.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; EVANS Daniel * DSL <Daniel.EVANS@dsl.oregon.gov>; FITZGERALD Richard W * DSL

<Richard.W.FITZGERALD@dsl.oregon.gov>

Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>

Subject: FW: Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility III

Good evening,

Below, please find a "Courtesy email" sent earlier today providing notice of the receipt of the Preliminary Request for Amendment 1 (pRFA) for the Wheatridge Renewable Energy Facility III. The pRFA and the public notice are available to download and view from the Department's website at: <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/WREFIII.aspx>.

Thank you, and please do not hesitate to contact me with any questions.

-Chase



Chase McVeigh-Walker

Senior Siting Analyst

Pronouns: he/him/his

550 Capitol St. NE | Salem, OR 97301

P: 971-600-5323

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Email Summary of Public Notice of Receipt of Preliminary Request for Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility III

On November 21, 2025, the Oregon Department of Energy received preliminary Request for Amendment 1 of the Site Certificate for the Wheatridge Renewable Energy Facility III (pRFA1). In pRFA1, Wheatridge Solar Energy Center, LLC, the certificate holder, requests the Energy Facility Siting Council's approval to: extend the construction deadline; split the approved facility into two facilities, each with their own site certificate; and Amend several conditions to be consistent with the site certificate split .

The pRFA1 and Public Notice of Receipt of the pRFA1 are available on the [Department's website](#).

The Wheatridge Renewable Energy Facility III is a 50 megawatt (MW) solar energy generation facility on 357 acres (0.5 sq. miles) of private land within an approximately 2,294 acre site boundary.

Please note, this notice is to provide early notification of this amendment request. There is no comment period associated with this phase of review. A comment period will occur later in the process.

For more information about pRFA1, please contact Chase McVeigh-Walker, Senior Siting Analyst, via phone, fax, email, or mail:

Chase McVeigh-Walker, Senior Siting Analyst

550 Capitol Street NE

Salem, OR 97301

Phone: (971) 600-5323

Fax: (503) 373-7806

Email: chase.mcveigh-walker@energy.oregon.gov

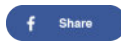
You received this notice either because you previously signed up for email updates through GovDelivery or ClickDimensions related to specific siting projects or all Energy Facility Siting Council activities (the "General List"). You will automatically receive all future notices per your request or GovDelivery/ClickDimensions choices, unless you unsubscribe [via ClickDimensions](#) or by contacting the Department.

If you have any questions or comments about ClickDimensions please feel free to contact the Department's Administrative Assistant, Nancy Hatch at

503-428-7905, toll-free in Oregon at 800-221-8035, or email to nancy.hatch@energy.oregon.gov.

Oregon Department of Energy
Leading Oregon to a safe, equitable, clean, and sustainable energy future.

The Oregon Department of Energy helps Oregonians make informed decisions and maintain a resilient and affordable energy system. We advance solutions to shape an equitable clean energy transition, protect the environment and public health, and responsibly balance energy needs and impacts for current and future generations.



AskEnergy@oregon.gov | 503-378-4040 | 550 Capitol St. NE in Salem
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From: [Tamra Mabbott](#)
Sent: Thursday, January 29, 2026 8:12 AM
To: [MCVEIGH-WALKER Chase](#) * [ODOE](#)
Cc: [Valerie Ballard](#); [Clint Shoemake](#)
Subject: Fw: signed letter to EFSC
Attachments: [BOC Signed Letter ODOE Wheatridge.pdf](#)

Hello Chase -please see the signed letter. Thank you for your help with this, especially identifying and discussing the target issues.
Cordially, Tamra

Tamra Mabbott

Planning Director | Planning Department

Morrow County, Oregon | [45.8958, -119.4986](#)

MA: P.O. Box 40, Irrigon Oregon 97844

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BOARD OF COMMISSIONERS

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January 21, 2026

Chase McVeigh-Walker
Siting Analyst, Oregon Department of Energy
550 Capitol Street N.E., 1st Floor
Salem, OR 97301

RE: Wheatridge Renewable Energy Facility III (WREFIII), Request for Amendment 1 (RFA1)

Dear Mr. McVeigh-Walker:

Thank you for reaching out and soliciting comments from Morrow County on Nextera's pRFA1. We understand the amendment applies to approximately 100 MW (50 MW are already in operation) of a solar power generation facility located within the 2,294-acre site boundary. The amendment request would split the approved facility into two separate facilities, each with its own site boundary and certificate holder under separate site certificates. The split would amend the current site certificate and create one new site certificate. If approved, the request would extend the construction completion deadline by three years, which requires ODOE to evaluate changes in fact or law that may impact the previous evaluation. The request would necessarily require several conditions to be amended, consistent with the site certificates.

The applicable standards and comments the county previously submitted remain, with the following additions.

Land Use

In August 2025, our Planning Director correctly notified the certificate holder that the applicable substantive criteria to be evaluated for this amendment had not changed. However, since that time, Morrow County has adopted the new eastern Oregon Solar Siting Rules (OAR 660-033-0130(44), which are in place in addition to the solar standards found in OAR 660-033-0130(38). See Morrow County Zoning Ordinance Section 3.010(E)(17). Given that the effective date of the county's code amendment was after NextEra submitted their application November 2025, the new rule may not apply under OAR 345-022-0030(3)¹

¹ OAR 345-022-0030(3) As used in this rule, the "applicable substantive criteria" are criteria from the affected local government's acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-015-0180, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.

Weed Abatement

County requests one change to ensure compliance with conditions relative to weed prevention and abatement. Namely, that the company and contractor allow the county weed supervisor to inspect the source of hay and straw before it is applied to the ground.

Road Impacts

Nextera has a Road Use Agreement (RUA); however, as a legal precaution, the county requests that a new RUA be promulgated to ensure the parties responsible are the same as those listed in the new and separate site certificate holders.

Fire Suppression

County understands that newly adopted EFSC fire suppression standards will apply.

Temporary Workforce Housing

The existing Site Certificate nominally addresses the impacts and mitigation of temporary workforce housing. County continues to encourage the developer and contractors to invest in permanent and temporary housing. Additionally, where temporary on-site RV parking is allowed in the Exclusive Farm Use Zone, the county encourages Nextera to work with neighboring property owners and identify parcels with potential for RV parking in their County Conditional Use Permit.

For questions or additional information, please contact Tamra Mabbott, Planning Director, at 541-922-4624 or tmabbott@morrowcountyor.gov, Eric Imes, Public Works Director, at (541) 989-8584 eimes@morrowcountyor.gov or Corey Sweeney, Weed Program Manager at (541) 240-1743.

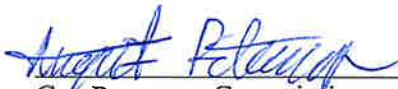
Sincerely,



David Sykes, Chair



Jeff Wenholz, Commissioner



Gus Peterson, Commissioner

Cc: Tamra Mabbott, Planning Director
Eric Imes, Public Works Director
Corey Sweeney, Weed Program Manager
Steve Freeland, Emergency Manager

From: [PIKE Brandon](#)
Sent: Thursday, February 5, 2026 11:36 AM
To: [TARDAEWETHER Kellen](#) * [ODOE](#)
Cc: [ESTERSON Sarah](#) * [ODOE](#); [MCVEIGH-WALKER Chase](#) * [ODOE](#)
Subject: RE: Wheatridge Renewable III Solar Facility pRFA1 Review Question

Hi Kellen,

Thanks for your patience on this. To make sure I'm understanding the situation correctly—the project in question (Wagon Trail II) would occur in the area shown in yellow on your PDF, and the tallest structures would be around 60 feet tall.

If that's the case, you're correct that filing 7460 notices with the FAA and ODAV would *not* be required. Let me know if you need anything further from me.

Best,

**BRANDON
PIKE**
OREGON DEPARTMENT
OF AVIATION (ODAV)
AVIATION PLANNER



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From: TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>
Sent: Wednesday, January 28, 2026 1:15 PM
To: PIKE Brandon <Brandon.PIKE@odav.oregon.gov>
Cc: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>; MCVEIGH-WALKER Chase * ODOE <Chase.MCVEIGH-WALKER@energy.oregon.gov>
Subject: Wheatridge Renewable III Solar Facility pRFA1 Review Question

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Brandon,

I'm helping with the draft proposed order (DPO) for request for amendment 1 for the Wheatridge Renewable Energy Facility III. Wheatridge Renewable Energy Facility III is an approved 2,294-acre solar facility that has a portion (359 acres) that is built and in operation. RFA1 requests to split the operational portion of the facility and the unbuilt portion of the facility (the remaining 1,935 acres - called Wagon Trail II) into two site certificates and then extend the construction deadlines for the unbuilt (Wagon Trail II) facility.

There is an existing site certificate condition that requires they conduct a FAA 7460 filing for the Wagon Trail II facility. However, in my review, it doesn't appear that the condition requiring a future review of a FAA 7460 filing would be necessary.

It appears that the closest airport is the Morrow County Lexington Airport approximately 7.5 miles southwest of the facility. There is also the West Buttercreek airfield approximately 9.5 miles northeast facility, but it doesn't appear to be operational. Here is an [Online Map](#) of the facility and I've also attached a PDF of the general facility location.

The tallest facility structures are associated with the 34.5 kV overhead collector lines which may be up to 60 feet tall. Could you confirm whether ODAv agrees that future 7460 review would not be needed for the Wagon Trail II facility?

Please let us know if you need any additional information to evaluate the proposal/question. If you have everything you need, we would love a response by next week sometime if possible.

Kellen



Kellen Tardaewether

Senior Siting Analyst

550 Capitol St. NE Salem, OR

97301

C: 503-586-6551

P (In Oregon): 800-221-8035



Stay connected!

Attachment 2: Public Comments on Proposed Order [*Place Holder*]

Wheatridge Renewable Energy Facility III (WREFIII)

Attachment A: Draft First Amended Site Certificate (red-line)

Attachment A: Draft First Amended Site Certificate (red-line)

ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

**Draft First Amended Site Certificate for the
Wheatridge Renewable Energy Facility III**

ISSUANCE DATE(S)

Site Certificate

November 19, 2020

First Amended Site Certificate

DATE, 2026

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WHEATRIDGE RENEWABLE ENERGY FACILITY III SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II
WREFIII	Wheatridge Renewable Energy Facility III
WREFE	Wheatridge Renewable Energy Facility East

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge Solar Energy Center, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Renewable Energy Facility III (facility) at the below described site within Morrow County subject to the conditions set forth herein.

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Wind Energy Facility, incorporated herein by this reference: ~~(1a)~~ the *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); ~~(2b)~~ *Final Order on Request for Transfer* issued on July 27, 2017; ~~(3c)~~ *Final Order on Request for Amendment 3* issued on November 16, 2018; ~~(4d)~~ *Final Order on Request for Amendment 2* issued on December 14, 2018; *Final Order on Request for Amendment 4* issued on November 22, 2019; and ~~(5e)~~ *Final Order on Request for Amendment 5* issued May 22, 2020. In addition, the findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Renewable Energy Facility II (WREFII), incorporated herein by this reference: (1) *Final Order on Request for Amendment 1* issued November 19, 2020; and the *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility III (WREFIII) Site Certificate* issued on DATE, 2026.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following-~~documents approved for WREFII~~, in order of priority: (1) *Final Order on Request for Amendment 1 of the WREFIII Site Certificate*; (2) *Final Order on Request for Amendment 1 of the WREFII Site Certificate*; ~~and for the Wheatridge Wind Energy Facility, in order of priority:~~ ~~(23)~~ *Final Order on Request for Amendment 5*; ~~(34)~~ *Final Order on Request for Amendment 4*; ~~(45)~~ *Final Order on Request for Amendment 2*; ~~(56)~~ *Final Order on Request for Amendment 3*; ~~(67)~~ *Final Order on Request for Amendment 1*; ~~(78)~~ *Final Order on the Application*, and ~~(69)~~ the record of the proceedings that led to the above referenced orders.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits

issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0410 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

2.0 Facility Location

The Wheatridge Renewable Energy Facility III (WREFIII), is a solar facility generating up to ~~1~~150 MW of solar energy. The energy facility and its related or supporting facilities are located within Morrow

County. The site boundary, as defined in OAR 345-001-0010, encompasses approximately ~~2,294~~359 acres of private land and includes ~~two~~ solar array facilities and distributed energy storage within micrositing corridors, related or supporting facilities, including 34.5 kV collector lines above or below ground within a perimeter fence and outside a fenced area ~~in two routes~~, service roads, ~~5-acre substation~~, and ~~41-15~~ distributed battery storage sites for lithium-ion batteries proposed by the certificate holder, as approved by the Council.¹ Shared (WREFI, WREFII and WREFIII) Related or Supporting Facilities is discussed further in Section 3.3 below.

WREFIII components are located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII.

2.1 Site Boundary

The site boundary encompasses a total of ~~2,294~~359 acres of privately owned land. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

Table 1. Location of Site Boundary by Township, Range and Section

Township	Range	Section(s)
~~1N~~	~~25E~~	~~13, 24~~
1N	26E	~~6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30~~

For this facility, the certificate holder requested that the site boundary represent the “micrositing corridor” for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

2.2 Micrositing Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related or supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

Micrositing corridors for solar facility components, as presented in Figure 1 *Solar Micrositing Corridors* of this amended site certificate, ~~include the area for Solar Array 1 and Solar Array 2~~, which includes private access roads, service roads, a 34.5 kV collection system, gates and perimeter security fence.

¹ Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

3.0 Facility Description

The facility includes solar energy generation components, each with related or supporting facilities. The energy generation capacity of the facility at full build out by the specified construction completion deadlines is ~~1~~50 MW. Solar energy facility components are further described in Section 3.2 and 3.2.1 of this site certificate.

As presented in the ASC, the facility will be constructed in phases. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

3.1 Solar Energy Facility Components

The construction commencement deadline for the 150 MW solar energy facility and its related or supporting facilities must begin by November 22, 2022 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before November 22, 2025 (under General Standard Condition 2 (GEN-GS-02)).

Solar energy facility components ~~include up to two solar arrays~~ are located ~~within Wheatridge West~~, entirely within Morrow County, on Exclusive Farm Use zoned land. The solar arrays consist of photovoltaic panels mounted onto tracking modules and arranged in strings within the solar microsite corridors. Strings of modules are connected by electrical collector lines and inverters that convert the direct current power generated by panels to alternating current power. Transformers placed near the inverters step up power to 34.5 kV for transmission to ~~the Wheatridge West substation~~ WREFII. The maximum layout including total number of modules, configuration, dimensions, total energy generating capacity and mounting system of solar array components shall be substantially as described in Request for Amendment 4.

Photovoltaic Modules and Racking

Each solar module is approximately 6 feet by 3 feet, placed on a nonspecular, galvanized steel rack. Each set of approximately 70 racked modules is mounted approximately 5 feet off the ground on a single-axis tracker that would rotate 60 degrees to the east and west. Each tracker is supported by steel posts; post depth varies depending on soil conditions, but the posts are typically placed 8 feet below the surface. The maximum of height of the modules at full tilt would be approximately 16 feet.

Combiner Boxes, Inverters and Transformers

The current produced by solar modules is in the form of direct current (DC). Within each module block, several DC electrical conduits (cables on the back of the modules) aggregate electricity produced from each of the modules into a combiner box. Approximately 18 combiner boxes are located throughout each module block for a total of approximately ~~740-348~~ combiner boxes. The photovoltaic modules are arranged into blocks, with each block connecting via collector lines to approximately ~~41-15~~ modular inverter enclosures. Inverters convert DC current into alternating current (AC) power to then be transmitted to the grid. The inverter AC output voltage (480 volts) is stepped up to a higher voltage (34.5 kilovolts [kV]) by approximately ~~41-15~~ pad-mounted transformers designed to integrate with the inverter.

3.1.1 Related or Supporting Facility to Solar Energy Facility Components

Related or supporting facilities associated with the solar facility must begin construction by the dates described in General Standard Condition 1 (GEN-GS-01) and construction must be completed, substantially as described below, by the deadline established in General Standard Condition 2 (GEN-GS-02).

Electrical Collection System

Electricity generated from the solar energy facility components are aggregated via underground 34.5 kV cables to an above- or belowground 34.5 kV collector line that interconnect to ~~Wheatridge West~~WREFII collector substation. Underground AC electrical cables are buried to a minimum of 3 feet. Overhead collector lines are supported by a wooden or steel monopole structure, with foundations extending 6 feet in depth and structure height of approximately 60 feet above ground. The collection system also includes up to 13 miles of underground two 34.5 kV collector line ~~routes outside of the perimeter fenceline; one route extends approximately 2.32 miles from Solar Array 1 to Wheatridge West collector substation. The second collector line interconnects Solar Array 1 to Solar Array 2 and extends approximately 0.66 miles along Bombing Range Road.~~

Service Roads, Gates, and Fencing

Service roads, approximately 16-feet wide and 3.2 miles total, located within and around the perimeter of the proposed solar arrays, and within the solar micrositing corridors, to facilitate access for construction and maintenance purposes. Vegetation is cleared and maintained along perimeter roads to provide a vegetation clearance area extending 100-feet wide for fire safety. Internal roads are all-weather, compacted gravel and approximately 20 feet wide, with an internal turning radius of 28 feet. Vegetation maintenance along solar array interior roads includes mowing to a height no more than 3 inches.

The perimeter service road is bordered by 5.6 miles of a 7 or 8-foot-high chain-link security fence. There is also a locked security entrance gates to allow vehicle and pedestrian access.

~~Wheatridge West Collector Substation Expansion~~

~~Wheatridge West collector substation (by Strawberry Lane) includes 10 acres, 5 of which accommodate electrical equipment such as an additional transformer, switches, protective relay and metering equipment needed to handle the power generated by the solar energy facility components.~~

Battery Storage System Sites – Distributed Locations (AC Coupled)

Solar energy facility components include approximately 41-15 distributed sites of sites of lithium-ion batteries housed within concrete containers or similar containment throughout and within the solar array fencelines. Each container measures up to 12 feet wide, 36 feet long and 10 feet tall. Lithium-ion battery storage systems are modular systems. Each module contains multiple smaller battery cells, each measuring up to 3.2 by 7 centimeters. Modules are contained in anchored racks within the concrete containers; typically, each rack houses 12 battery modules along with a switchgear assembly. Cooling equipment is located either on top of the concrete containers or along the side.

3.2 Shared (WREFI, WREFII ~~and~~, WREFIII and WTSII) Related or Supporting Facilities

Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, ~~and~~ WREFIII and WTSII. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under the relevant/applicable ~~both~~ site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities with the WREFI and WREFII facilities, including the Introduction Line, WREFII - Wheatridge West collector substation, O&M building temporary laydown areas, and access roads. These related or supporting facilities are ~~also~~ included in both WREFI and WREFII site certificates. The certificate holder is also authorized to share related or supporting facilities with Wagon Trail Solar II, including access roads. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are ~~shared split accordingly~~ between certificate holders and their associated site certificates. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, the applicable/relevant ~~both~~ certificate holder ~~is/are~~ obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

4.0 Site Certificate Conditions

4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)². The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate.

² The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder shall begin construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2022. On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. [Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	The certificate holder shall complete construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On or before November 22, 2025, the certificate holder shall promptly notify the Department of the date of completion of construction. [Final Order on ASC (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019); AMD1 (2020)] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-03	The certificate holder shall design, construct, operate, and retire the facility: - Substantially as described in the site certificate; - In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and - In compliance with all applicable permit requirements of other state agencies. [Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3)]
GEN-GS-04	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: - The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site; or - The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. [Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)]
GEN-GS-05	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)]

GEN-GS-06	The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant. [Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)]
GEN-GS-07	Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)]
GEN-GS-08	The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence. [Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)]
GEN-GS-09	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions. [Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)]
GEN-GS-10	The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)]
GEN-GS-11	Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)]
GEN-GS-12	Deleted in <i>Final Order on Amendment 1</i> dated November 2020 [Final Order on ASC (2017), Site Specific Condition 1; AMD1 (2020)] [OAR 345-025-0010(5)]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Final Order on ASC (2017), Organizational Expertise Condition 5]
GEN-OE-02	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department.

	[Final Order on ASC (2017), Organizational Expertise Condition 6]
GEN-OE-03	During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC. [Final Order on AMD1 (2017), Organizational Expertise Condition 9]
GEN-OE-04	The certificate holder shall: - Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. - Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. [Final Order on AMD2 (2018), Organizational Expertise Condition 10]
GEN-OE-05	The certificate holder is authorized to <u>operationally</u> share related or supporting facilities including the <u>Interconnection Line, WREFII Wheatridge West collector substation, O&M building, access roads, temporary staging areas, all of which are governed either under both WREFI, and WREFII, WREFIII or WTSII site certificates.</u> - Within 30 days of use by ~~both~~ certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. <u>The Shared Use Agreements must allow operation and maintenance personnel and contractors access to the shared facilities of WREFI, WREFII, WREFIII or WTSII.</u> ~~If WREFI or WREFII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5.~~ ~~Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times.~~ [Final Order on AMD5 (2020); Organizational Expertise Condition 11; AMD1 (2020); <u>AMD1 (2026)</u>]

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. [Final Order on ASC (2017), Structural Standard Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN-LU-01	The certificate holder shall design the facility to comply with the following setback distances in Morrow County: a-d. Deleted in Final Order on Amendment 1 dated November 2020. e. Solar facility components shall be setback: 20 feet from property fronting on a local minor collector road rights of way; 30 feet from property fronting on a major collector road right of way; and 80 feet from an arterial road right of way, unless other provisions for combining access are provided and approved by the county. f. East and west sides of solar facility components shall be setback 20 feet from adjacent land uses except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet. g. North side of solar facility components shall be setback a minimum of 25 feet from any abutting property or taxlot. [Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020)]
GEN-LU-02	During design and construction of the facility, the certificate holder shall: a. Obtain an access permit for changes in access on Morrow County roads; and b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. [Final Order on ASC (2017), Land Use Condition 4]
GEN-LU-03	During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate: a. Paint the towers in alternating bands of white and red or aviation orange; or b. Install aviation lighting as recommended by the Federal Aviation Administration. [Final Order on ASC (2017), Land Use Condition 9]
GEN-LU-04	The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall: a. Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices; b. Deleted in <i>Final Order on Amendment 1</i> dated November 2020. c. Site solar array collector lines, if aboveground, within or adjacent to an existing road, railroad or transmission line right-of-way; parallel to an existing transmission corridor; or co-located with existing transmission line or each other, unless not technically feasible due to lack of availability, geographic constraints, engineering limitations, or other reasons as agreed upon by the Department consistent with this condition. d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible. [Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020)]
GEN-LU-05 - 10	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Conditions 14, 16, 20, 22, 24 and 28]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	

GEN-RF-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 1] [Mandatory Condition OAR 345-025-0006(7)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2]
GEN-FW-02	The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures: - Outdoor night lighting at the ~~collector substations and~~ battery storage systems must be - The minimum number and intensity required for safety and security; - Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and - Have motion sensors and switches to keep lights turned off when not needed. [Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018); AMD1 (2020)]
GEN-SR-02	The certificate holder shall: - Design and construct the battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape; - Deleted in Final Order on Amendment 1 dated November 2020. - Finish ~~substation structures and~~ battery storage systems utilizing neutral colors to blend with the surrounding landscape; - Minimize use of lighting and design lighting to prevent offsite glare; - Not display advertising or commercial signage on any part of the proposed facility; - Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment; - Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and - Restore and revegetate temporary impact areas as soon as practicable following completion of construction. [Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018), AMD1 (2020)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
GEN-PS-01	During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis. [Final Order on ASC (2017), Public Services Condition 5]

GEN-PS-02	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Services Condition 11]
GEN-PS-03	Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC (2017), Public Services Condition 18]
GEN-PS-04	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on AMD2 (2018), Public Services Condition 23]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
GEN-WF-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3]
GEN-WF-02	The certificate holder shall notify the department and the Morrow County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5; AMD1 (2020)]

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors. [Final Order on ASC (2017), Organizational Expertise Condition 1; AMD1 (2020)]
PRE-OE-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions. [Final Order on ASC (2017), Organizational Expertise Condition 2, AMD1 (2020)]
PRE-OE-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order on ASC (2017), Organizational Expertise Condition 3, AMD1 (2020)]
PRE-OE-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than \$250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction. [Final Order on ASC (2017), Organizational Expertise Condition 4, AMD1 (2020)]
PRE-OE-05	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder must provide the department and Morrow County with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s). [Final Order on ASC (2017), Organizational Expertise Condition 7, AMD1 (2020)]
PRE-OE-06	The certificate holder must: - Prior to construction of solar facility components approved in the Fourth Amended Site Certificate, provide to the Department a list of all third-party permits that would normally be governed by the site certificate and that are necessary for construction and operation (e.g. Water Pollution Control Facilities Permit, Air Contaminant Discharge Permit, Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department. - During construction and operation, promptly report to the Department if any third-party permits referenced in sub(b) of this condition have been cited for a Notice of Violation. [Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020), AMD1 (2020)]

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]

PRE-SS-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must: - Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report. - Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information: - Subsurface soil and geologic conditions of the site boundary - Define and delineate geological and geotechnical hazards, and means to mitigate these hazards - Geotechnical design criteria and data for the foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilities - Design data for installation of underground and overhead collector lines, and overhead transmission lines - Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI - Investigations of the swell and collapse potential of loess soils within the site boundary. [Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018), AMD1 (2020)]
PRE-SS-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility. [Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020), AMD1 (2020)]
PRE-SS-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site solar arrays appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work. [Final Order on ASC (2017), Structural Standard Condition 4, AMD1 (2020)]
PRE-SS-04	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas. [Final Order on ASC (2017), Structural Standard Condition 5, AMD1 (2020)]

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRE-SP-01	Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate. [Final Order on ASC (2017), Soil Protection Condition 3]
PRE-SP-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Soil Protection Condition 4, AMD1 (2020)]
PRE-SP-03	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Soil Protection Condition 7]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall complete the following: - Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and - Obtain all other necessary local permits, including building permits. - Provide the county with a building permit application, a third party technical report which includes: - Evaluates fire hazards and; - Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. - The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. [Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018)]
PRE-LU-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015. [Final Order on ASC (2017), Land Use Condition 5, AMD1 (2020)]
PRE-LU-03	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow County weed control requirements to be approved by the department. The department shall consult with Morrow County and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020), AMD1 (2020)]
PRE-LU-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 7, AMD1 (2020)]

PRE-LU-05	Prior to beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020), AMD1 (2020)]
PRE-LU-06	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction. [Final Order on ASC (2017), Land Use Condition 13, AMD1 (2020)]
PRE-LU-07	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018)]
PRE-LU-08	Prior to facility construction of the facility, facility component or phase, as applicable, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner. [Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019), AMD1 (2020)]
PRE-LU-09	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Condition 21]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RF-01	Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 4, AMD1] [Mandatory Condition OAR 345-025-0006(8)]
PRE-RF-02	Before beginning construction of solar energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the solar facility components is \$9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance based on the line items and unit costs presented in Table 4 of the <i>Final Order on Amendment 4</i> (November 2019), and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: 1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council. 2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: i. Adjust the amount of the bond or letter of credit (expressed in Q4 2018 dollars for solar facility components)) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and

	using the fourth quarter 2018 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust fourth quarter 2018 dollars to present value. ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount. 3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. 4. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020), AMD1 (2020)]

STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01	Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources. The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micro-siting of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for all facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1, AMD1 (2020)]
PRE-FW-02	Prior to construction of the facility, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-1 of the <i>Final Order on Request for Amendment 1 of Wheatridge Renewable Energy Facility II Site Certificate</i> (November 2020), based on the final facility design, as approved by the department in consultation with ODFW. a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility. b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree

	to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020), AMD1 (2020)]
PRE-FW-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8, AMD1 (2020)]
PRE-FW-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan, substantially as presented in Attachment C-1 of the <i>Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate</i> (November 2020). The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP. - The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. - The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1. - The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan. - The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format. - The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: - Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction. - The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction. - The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area. - The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation

	goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity. h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10, AMD1 (2020)]
PRE-FW-05	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D-1 of the <i>Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate</i> (November 2020), from the Department, in consultation with Morrow County and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020), AMD1 (2020)]
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
PRE-TE-01	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction. [Final Order on ASC (2017), Threatened and Endangered Species Condition 1, AMD1 (2020)]
PRE-TE-02	In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-1 of the <i>Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate</i> (November 2020), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as

	well. These newly discovered colonies shall also be included in any future WGS monitoring activities. [Final Order on ASC (2017), Threatened and Endangered Species Condition 2]
PRE-TE-03	To avoid potential impacts to Laurent’s milkvetch, the certificate holder must: - Conduct preconstruction plant surveys for Laurent’s milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone. - Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations. - If herbicides are used to control weeds, the certificate holder shall follow the manufacturer’s guidelines in establishing a buffer area around confirmed populations of Laurent’s milkvetch. Herbicides must not be used within the established buffers. - If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to: - Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance; - A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted; - An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard; - Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species. - The Department’s review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department’s determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request. [Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

PRE-HC-01	Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2018-2020 for historic, cultural, and archaeological resources. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1, AMD1 (2020)]
PRE-HC-02	Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or

	archaeological resource sites (including those of unknown age) on construction maps and drawings as “no entry” areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2, AMD1 (2020)]
PRE-HC-03	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4, AMD1 (2020)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRE-PS-01	Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility. In addition, the certificate holder shall include the following information in the plan: - Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads; - A policy of including traffic control procedures in contract specifications for construction of the facility; - Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles; - A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County Public Works Department; - A policy to encourage and promote carpooling for the construction workforce; and - Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points. [Final Order on ASC (2017), Public Services Condition 6, AMD1 (2020)]
PRE-PS-02	Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County must be submitted to the department before beginning construction. If required by Morrow County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility. [Final Order on ASC (2017), Public Services Condition 7, AMD1 (2020)]
PRE-PS-03	The certificate holder shall design and construct new access roads and private road improvements to standards approved by Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Morrow County Public Works Department. [Final Order on ASC (2017), Public Services Condition 8, AMD1 (2020)]

PRE-PS-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall: - Complete the Federal Aviation Administration (FAA) Notice Criteria Tool for solar facility coordinates to determine applicability of the FAA 7460 filing. If the FAA Notice Criteria Tool requires FAA filing, the certificate holder will submit to the FAA and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration. - Submit to the Oregon Department of Aviation the solar facility coordinates for purposes of an aeronautical study and determination. If the Department, in consultation with the Oregon Department of Aviation, determines that the facility would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction. [Final Order on ASC (2017), Public Services Condition 9; AMD1 (2020)]
PRE-PS-05	Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department and Lone Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility. Additional information that shall be included in the plan: - Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information. - Identification of agencies that participated in developing the plan; - Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; - A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; - Contact information for each agency listed above; - Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility; - Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place; - The designated meeting location in case of evacuation; - Staff training requirements; and - Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site. [Final Order on ASC (2017), Public Services Condition 13, AMD1 (2020)]

PRE-PS-06	Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department. [Final Order on ASC (2017), Public Services Condition 20, AMD1 (2020)]
PRE-PS-07	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring. [Final Order on ASC (2017), Public Services Condition 21, AMD1 (2020)]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
PRE-WM-01	Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details: a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards b. Description of waste segregation methods for recycling or disposal. c. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 2, AMD1 (2020)]
PRE-WM-02	Prior to construction, the certificate holder shall investigate and confirm that no surface waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction. [Final Order on ASC (2017), Waste Minimization Condition 3, AMD1 (2020)]

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
PRE-TL-01	Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities. [Final Order on ASC (2017), Siting Standard Condition 2]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
PRE-NC-01	Prior to construction, the certificate holder shall provide to the department: - Information that identifies the final design locations of all facility components to be built at the facility; - The maximum sound power level for the facility components including transformers (substation and solar array), invertors, battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department; - The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including transformers, inverters and battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. - For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the solar energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. [Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018), AMD1 (2020)]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Final Order on ASC (2017), Soil Protection Condition 1]
CON-SP-02	During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP. [Final Order on ASC (2017), Soil Protection Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	During construction, the certificate holder shall comply with the following requirements: a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks. b. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. c. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. d. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. [Final Order on ASC (2017), Land Use Condition 8]
CON-LU-02	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Condition 17]
CON-LU-03	During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable. [Final Order on ASC (2017), Land Use Condition 19]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]

CON-FW-02	Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys. During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW-specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities. <table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table> If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]	Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :	Western burrowing owl	0.25 mile	April 1 to August 15	Ferruginous hawk	0.25 mile	March 15 to August 15	Swainson’s hawk	0.25 mile	April 1 to August 15
Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :											
Western burrowing owl	0.25 mile	April 1 to August 15											
Ferruginous hawk	0.25 mile	March 15 to August 15											
Swainson’s hawk	0.25 mile	April 1 to August 15											
CON-FW-03	During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]												
CON-FW-04	During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9]												

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

CON-HC-01	Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WR11-BB-IS-01, WR11-DM-04) are concurred not likely National Register of Historic Places (NRHP) eligible through SHPO review or a Historic, Cultural, and Archeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the NRHP unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]
CON-HC-02	During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]

CON-PS-01	During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2: - Recycling steel and other metal scrap. - Recycling wood waste. - Recycling packaging wastes such as paper and cardboard. - Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. - Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.

	f. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible. [Final Order on ASC (2017), Public Services Condition 3]
CON-PS-02	During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office. [Final Order on ASC (2017), Public Services Condition 10, AMD1 (2020)]
CON-PS-03 - 04	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Services Conditions 14 and 16]
CON-PS-05	During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations. [Final Order on ASC (2017), Public Services Condition 17, AMD1 (2020)]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities: a. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and, b. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 1]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
CON-WF-01 and -02	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Conditions 1 and 4]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
CON-TL-01	During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including: a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line. b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground. c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground. d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)).

	e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public. g. Deleted in <i>Final Order on Amendment 1</i> dated November 2020. h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable. i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)). j. Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019), AMD1 (2020)]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
CON-NC-01	During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall: a. Establish and enforce construction site and access road speed limits; b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible; c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties; d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only; e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and, f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request. [Final Order on ASC (2017), Noise Control Condition 1]

4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRO-SP-01	Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs: • Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142 • Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment • Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each O&M building, substation and battery storage system components • Restriction limiting onsite storage of diesel fuel or gasoline • Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment • Preventative measures and procedures to avoid spills - o Procedures for chemical storage - o Procedures for chemical transfer - o Procedures for chemical transportation - o Procedures for fueling and maintenance of equipment and vehicles - o Employee training and education • Clean-up and response procedures, in case of an accidental spill or release • Proper storage procedures • Reporting procedures in case of an accidental spill or release [Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Services Condition 15, AMD1 (2020)]
PRO-PS-02	Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. [Final Order on ASC (2017), Public Services Condition 19, AMD1 (2020)]
PRO-PS-03	Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility. [Final Order on ASC (2017), Public Services Condition 22]

4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR-SP-01	During facility operation, the certificate holder shall: - Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. - Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility. - If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. [Final Order on ASC (2017), Soil Protection Condition 6, AMD1 (2020)]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 2]
OPR-LU-02	During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Land Use Condition 10]
OPR-LU-03	Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County. [Final Order on ASC (2017), Land Use Condition 23, AMD1 (2020)]
OPR-LU-04	Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Morrow County. [Final Order on ASC (2017), Land Use Condition 25, AMD1 (2020)]

OPR-LU-05	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Condition 26]
OPR-LU-06	Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-025-0006(9) or its equivalent: 1. Dismantle aboveground equipment and remove concrete pads to a depth of at least three feet below the surface grade. 2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses. 3. Deleted in <i>Final Order on Amendment 1</i> dated November 2020. 4. Remove and restore private access roads unless the landowners directs otherwise. 5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses. 6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. 7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone. [Final Order on ASC (2017), Land Use Condition 27, AMD1 (2020)]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
OPR-RF-01	During facility operation, the certificate holder shall: a. Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department. b. Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion. [Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
OPR-PS-01 - 02	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Services Conditions 1 and 2]
OPR-PS-03	a. Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following: 1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements. 2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste. 3. Recycling paper products, metals, glass, and plastics. 4. Recycling used oil and hydraulic fluid. 5. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by

	facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements. 6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. b. During operation, the certificate holder shall implement the approved Operational Waste Management Plan. [Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018)]
OPR-PS-04	During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site. [Final Order on ASC (2017), Public Services Condition 12]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
OPR-WF-01	During operation, the certificate holder shall ensure ~~each~~ facility ~~substation and~~ battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
OPR-TL-01	During operation, the certificate holder shall: (1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement. (2) File the following required information with the Commission: a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year: i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and ii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public. iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric

	power line must notify the commission of the change as soon as practicable, but no later than within 90 days. iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3] (3) Provide OPUC Safety Staff with: a. Maps and Drawings of routes and installation of electrical supply lines showing: • Transmission lines and structures (over 50,000 Volts) • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts) • Substations, roads and highways • Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). [Final Order on ASC (2017), Siting Standard Condition 3]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
OPR-NC-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Noise Control Condition 3]
OPR-NC-02	During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint. [Final Order on ASC (2017), Noise Control Condition 4]
OPR-NC-03	During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder. [Final Order on ASC (2017), Noise Control Condition 5]

4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	

RET-RF-01	The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]
RET-RF-02	If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]

5.0 Successors and Assigns

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

6.0 Severability and Construction

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

7.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wheatridge Solar Energy Center, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder owner).

ENERGY FACILITY SITING COUNCIL

WHEATRIDGE SOLAR ENERGY CENTER, LLC

By: _____
Chair
Oregon Energy Facility Siting Council

By: _____

Date: _____

Date: _____

Attachment A
WREFIII Site Boundary Map

Attachment A: Draft Site Certificate (red-line)

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

**Site Certificate for the
Wagon Trail Solar II**

ISSUANCE DATES

Site Certificate TBD

ISSUANCE DATE HISTORY UNDER WHEATRIDGE RENEWABLE ENERGY FACILITY III

Site Certificate November 19, 2020

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WAGON TRAIL SOLAR II SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II
WREFIII	Wheatridge Renewable Energy Facility III
WREFE	Wheatridge Renewable Energy Facility East
<u>WTSII</u>	<u>Wagon Trail Solar II</u>

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wagon Trail Energy Center, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wagon Trail Solar II (facility) at the below described site within Morrow County subject to the conditions set forth herein.

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Wind Energy Facility, incorporated herein by this reference: ~~(1a)~~ the *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); ~~(2b)~~ *Final Order on Request for Transfer* issued on July 27, 2017; ~~(3c)~~ *Final Order on Request for Amendment 3* issued on November 16, 2018; ~~(4d)~~ *Final Order on Request for Amendment 2* issued on December 14, 2018; *Final Order on Request for Amendment 4* issued on November 22, 2019; ~~and (5e)~~ *Final Order on Request for Amendment 5* issued May 22, 2020. In addition, the findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents approved for the Wheatridge Renewable Energy Facility II (WREFII), incorporated herein by this reference: (1) *Final Order on Request for Amendment 1* issued November 19, 2020; and the *Final Order on Request for Amendment 1 of the Wheatridge Renewable Energy Facility III (WREFIII) Site Certificate* issued on DATE, 2026.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following- ~~documents approved for WREFII~~, in order of priority: (1) *Final Order on Request for Amendment 1 of the WREFIII Site Certificate*; (2) *Final Order on Request for Amendment 1 of the WREFII Site Certificate*; ~~(3) and for the Wheatridge Wind Energy Facility, in order of priority: (2) *Final Order on Request for Amendment 5 of the Wheatridge Wind Energy Facility*; (34) *Final Order on Request for Amendment 4 of the Wheatridge Wind Energy Facility*; (45) *Final Order on Request for Amendment 23 of the Wheatridge Wind Energy Facility*; (56) *Final Order on Request for Amendment 32 of the Wheatridge Wind Energy Facility*; (67) *Final Order on Request for Amendment 1 of the Wheatridge Wind Energy Facility*; (78) *Final Order on the Application*, and (69) the record of the proceedings that led to the above referenced orders.-~~

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building

code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0410 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

2.0 Facility Location

~~The Wagon Trail Solar II (WTSII)~~~~The Wheatridge Renewable Energy Facility III (WREFIII)~~, is a solar facility generating up to ~~150~~100 MW of solar energy. The energy facility and its related or supporting facilities are located within Morrow County. The site boundary, as defined in OAR 345-001-0010, encompasses approximately ~~2,294~~1,935 acres of private land and includes ~~two~~ solar array facilities and distributed energy storage within micro siting corridors, related or supporting facilities, including 34.5 kV collector lines above or below ground within a perimeter fence and outside a fenced area ~~in two routes~~, service roads, 5 acre substation, and ~~41~~26 distributed battery storage sites for lithium-ion batteries proposed by the certificate holder, as approved by the Council.¹ Shared (WREFI, WREFII and WREFIII) Related or Supporting Facilities is discussed further in Section 3.3 below.

WREFIII components are located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII.

2.1 Site Boundary

The site boundary encompasses a total of ~~2,294~~1,935 acres of privately owned land. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

Table 1. Location of Site Boundary by Township, Range and Section

Township	Range	Section(s)
1N	25E	13, 24
1N	26E	6, 7, 8, 9, 16, 17, 18, 19, 20, ~~21~~ , 29, 30

For this facility, the certificate holder requested that the site boundary represent the “micro siting corridor” for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micro siting corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

2.2 Micro siting Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related or supporting facilities within a micro siting corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

Micro siting corridors for solar facility components, as presented in Figure 1 *Solar Micro siting Corridors* of this ~~amended~~ site certificate, ~~which~~ includes private access roads, service roads, a 34.5 kV

¹ Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

collection system, gates and perimeter security fence.

3.0 Facility Description

The facility includes solar energy generation components, each with related or supporting facilities. The energy generation capacity of the facility at full build out by the specified construction completion deadlines is ~~150~~100 MW. Solar energy facility components are further described in Section 3.2 and 3.2.1 of this site certificate.

As presented in the ASC, the facility will be constructed in phases. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

3.1 Solar Energy Facility Components

The construction commencement deadline for the ~~150~~100 MW solar energy facility and its related or supporting facilities must begin by November 22, 2022- (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before November 22, ~~2025~~2028 (under General Standard Condition 2 (GEN-GS-02)).

Solar energy facility components ~~include up to two solar arrays~~are located ~~within Wheatridge West,~~ entirely within Morrow County, on Exclusive Farm Use zoned land. The solar arrays consist of photovoltaic panels mounted onto tracking modules and arranged in strings within the solar microsite corridors. Strings of modules are connected by electrical collector lines and inverters that convert the direct current power generated by panels to alternating current power. Transformers placed near the inverters step up power to 34.5 kV for transmission to the Wheatridge ~~West~~ Renewable Energy Facility II (WREFII) substation. The maximum layout including total number of modules, configuration, dimensions, total energy generating capacity and mounting system of solar array components shall be substantially as described in Request for Amendment 4.

Photovoltaic Modules and Racking

Each solar module is approximately 6 feet by 3 feet, placed on a nonspecular, galvanized steel rack. Each set of approximately 70 racked modules is mounted approximately 5 feet off the ground on a single-axis tracker that would rotate 60 degrees to the east and west. Each tracker is supported by steel posts; post depth varies depending on soil conditions, but the posts are typically placed 8 feet below the surface. The maximum of height of the modules at full tilt would be approximately 16 feet.

Combiner Boxes, Inverters and Transformers

The current produced by solar modules is in the form of direct current (DC). Within each module block, several DC electrical conduits (cables on the back of the modules) aggregate electricity produced from each of the modules into a combiner box. Approximately 18 combiner boxes are located throughout each module block for a total of approximately ~~740~~392 combiner boxes. The photovoltaic modules are arranged into blocks, with each block connecting via collector lines to approximately ~~41~~26 modular inverter enclosures. Inverters convert DC current into alternating current (AC) power to then be transmitted to the grid. The inverter AC output voltage (480 volts) is stepped up to a higher voltage (34.5 kilovolts [kV]) by approximately ~~41~~26 pad-mounted transformers designed to integrate with the inverter.

3.1.1 Related or Supporting Facility to Solar Energy Facility Components

Related or supporting facilities associated with the solar facility must begin construction by the dates described in General Standard Condition 1 (GEN-GS-01) and construction must be completed, substantially as described below, by the deadline stated in General Standard Condition 2 (GEN-GS-02).

Electrical Collection System

Electricity generated from the solar energy facility components are aggregated via underground 34.5 kV cables to an above- or belowground 34.5 kV collector line that interconnect to ~~Wheatridge West~~WREFII collector substation. Underground AC electrical cables are buried to a minimum of 3 feet. Overhead collector lines are supported by a wooden or steel monopole structure, with foundations extending 6 feet in depth and structure height of approximately 60 feet above ground. The collection system also includes up to two 34.5 kV collector line routes outside of the perimeter fenceline; one route extends approximately 2.32 miles from ~~Solar Array 1 to Wheatridge West~~Wagon Trail Solar II to the WREFII to the WREFII collector substation. The second collector line interconnects ~~Solar Array 1~~Wagon Trail Solar II to ~~Solar Array 2~~WREFII, and extends approximately 0.66 miles along Bombing Range Road.

Service Roads, Gates, and Fencing

Service roads, approximately 16-foot wide and 8.7 miles in total, located within and around the perimeter of the proposed solar arrays, and within the solar micro-siting corridors, to facilitate access for construction and maintenance purposes. Vegetation is cleared and maintained along perimeter roads to provide a vegetation clearance area extending 100-foot wide for fire safety. Internal roads are all-weather, compacted gravel and approximately 20 feet wide, with an internal turning radius of 28 feet. Vegetation maintenance along solar array interior roads includes mowing to a height no more than 3 inches.

The perimeter service road is bordered by 13.8 miles of a 7 or 8-foot-high chain-link security fence. There is also a locked security entrance gates to allow vehicle and pedestrian access.

~~Wheatridge West Collector Substation Expansion~~

~~Wheatridge West collector substation (by Strawberry Lane) includes 10 acres, 5 of which accommodate electrical equipment such as an additional transformer, switches, protective relay and metering equipment needed to handle the power generated by the solar energy facility components.~~

Battery Storage System Sites – Distributed Locations (AC Coupled)

Solar energy facility components include approximately 41-26 distributed sites of sites of lithium-ion batteries housed within concrete containers or similar containment throughout and within the solar array fencelines. Each container measures up to 12 feet wide, 36 feet long and 10 feet tall. Lithium-ion battery storage systems are modular systems. Each module contains multiple smaller battery cells, each measuring up to 3.2 by 7 centimeters. Modules are contained in anchored racks within the concrete containers; typically, each rack houses 12 battery modules along with a switchgear assembly. Cooling equipment is located either on top of the concrete containers or along the side.

3.2 Shared (WREFI, WREFII, WREFIII and WTSII~~and WREFIII~~) Related or Supporting Facilities

Previously approved facility components that are shared between WREFII and ~~WREFIII~~ Wagon Trail Solar II include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and ~~WREFIII~~ Wagon Trail Solar II site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, ~~and~~ WREFIII and Wagon Trail Solar II. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under the relevant/applicable ~~both~~ site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities with the WREFI and WREFII facilities, including the Intraconnection Line, WREFII ~~Wheatridge West~~ collector substation, O&M building temporary laydown areas, and access roads. These related or supporting facilities are also included in both WREFI and WREFII site certificates. The certificate holder is also authorized to share related or supporting facilities with WREFIII, including access roads. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities ~~are shared~~ is split accordingly between certificate holders and their associated site certificates. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, the applicable/relevant ~~both~~ certificate holders ~~are~~ is obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

4.0 Site Certificate Conditions

4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)². The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate.

² The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	The certificate holder shall begin construction of ~~the facility, facility component or phase, as applicable solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate,~~ by November 22, 2022. On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. [Final Order on ASC (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019); AMD1 (2020); <u>AMD1 (2026)</u>] [Mandatory Condition OAR 345-025-0006(4)]
GEN-GS-02	The certificate holder shall complete construction of ~~solar the facility components, and its related or supporting facilities as approved the Fourth Amended Site Certificate,~~ by November 22, ~~2025~~<u>2028</u>. On or before November 22, ~~2025~~<u>2028</u>, the certificate holder shall promptly notify the Department of the date of completion of construction. [Final Order on ASC (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019); AMD1 (2020); <u>AMD1 (2026)</u>] [Mandatory Condition OAR 345-025-0006(4), <u>AMD1 (2026)</u>]
GEN-GS-03	The certificate holder shall design, construct, operate, and retire the facility: - Substantially as described in the site certificate; - In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and - In compliance with all applicable permit requirements of other state agencies. [Final Order on ASC (2017), Mandatory Condition 2] [OAR 345-025-0006(3)]
GEN-GS-04	Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: - The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site; or - The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. [Final Order on ASC (2017), Mandatory Condition 3] [OAR 345-025-0006(5)]
GEN-GS-05	If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345-025-0000(6)]

GEN-GS-06	The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant. [Final Order on ASC (2017), Mandatory Condition 5] [OAR 345-025-0006(10)]
GEN-GS-07	Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. [Final Order on ASC (2017), Mandatory Condition 6] [OAR 345--025-0006(11)]
GEN-GS-08	The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence. [Final Order on ASC (2017), Mandatory Condition 7] [OAR 345-025-0006(12)]
GEN-GS-09	The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions. [Final Order on ASC (2017), Mandatory Condition 8] [OAR 345-025-0006(13)]
GEN-GS-10	The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Final Order on ASC (2017), Mandatory Condition 9] [OAR 345-025-0006(14)]
GEN-GS-11	Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), Mandatory Condition 10] [OAR 345-025-0006(15)]
GEN-GS-12	Deleted in <i>Final Order on Amendment 1</i> dated November 2020 [Final Order on ASC (2017), Site Specific Condition 1; AMD1 (2020)] [OAR 345-025-0010(5)]
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder. [Final Order on ASC (2017), Organizational Expertise Condition 5]

GEN-OE-02	~~In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department.~~ <u>The certificate holder shall, as soon as reasonably possible:</u> <u>Report incidents of incidental wildlife observations.</u> <u>Report incidents or circumstances that may violate the terms or conditions of the site certificate to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;</u> <u>Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;</u> <u>Submit a written report within 30 days of discovery to the Department. The report must contain:</u> <u>A discussion of the cause of the reported conditions or circumstances;</u> <u>The date of discovery of the conditions or circumstances by the responsible party;</u> <u>A description of immediate actions taken to correct the reported conditions or circumstances;</u> <u>A description of actions taken or planned to minimize the possibility of recurrence; and</u> <u>For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.</u> <u>Upon receipt of the written report in sub(c) of this condition, the Department may review the facility record for incidents or circumstances reported or reportable under sub(a) related to public health and safety, the environment, or other resources protected under Council standards. If these incidences are determined by the Department to impact the adequacy of the facility decommissioning cost, the Department or Council may adjust the contingencies identified in Final Order on RFA1 Table 8 and request that the certificate holder promptly provide an updated bond or letter of credit in the adjusted amount.</u> [Final Order on ASC (2017), <u>AMD1 (2026)</u>, Organizational Expertise Condition 6]
GEN-OE-03	During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC. [Final Order on AMD1 (2017), Organizational Expertise Condition 9]
GEN-OE-04	The certificate holder shall: - Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. - Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185.

	[Final Order on AMD2 (2018), Organizational Expertise Condition 10]
GEN-OE-05	The certificate holder is authorized to <u>operationally</u> share related or supporting facilities including the <u>WREFII Wheatridge West</u> collector substation, <u>O&M building</u>, access roads, temporary staging areas, all of which are governed under ~~both~~ WREFI, ~~and~~ WREFII, <u>WREFIII or WTSII</u> site certificates. a. Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities. <u>The Shared Use Agreements must allow operation and maintenance personnel and contractors access to the shared facilities of WREFI, WREFII, WREFIII or WTSII.</u> ~~b. If WREFI or WREFII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5.~~ ~~c. Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times.~~ [Final Order on AMD5 (2020); Organizational Expertise Condition 11; AMD1 (2020); <u>AMD1 (2026)</u>]

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]

GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. [Final Order on ASC (2017), Structural Standard Condition 2]

Soil Protection (SP) [OAR 345-022-0022]

GEN-SP-01	<u>During construction or operation of the facility or phase of the facility, as applicable, the certificate holder shall conduct all work in compliance with the NPDES 1200-C Permit and Erosion and Sediment Control Plan (ESCP) or revised ESCP if applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department. Any Department-required ESCP revisions shall be implemented within 14-days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues.</u> <u>[Final Order on AMD1 (2026), Soil Protection Condition 9]</u>

STANDARD: LAND USE (LU) [OAR 345-022-0030]

GEN-LU-01	The certificate holder shall design the facility to comply with the following setback distances in Morrow County: a-d. Deleted in Final Order on Amendment 1 dated November 2020. e. Solar facility components shall be setback: 20 feet from property fronting on a local minor collector road rights of way; 30 feet from property fronting on a major collector road right of way; and 80 feet from an arterial road right of way, unless other provisions for combining access are provided and approved by the county. f. East and west sides of solar facility components shall be setback 20 feet from adjacent land uses except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.

	g. North side of solar facility components shall be setback a minimum of 25 feet from any abutting property or taxlot. [Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020); AMD1 (2020)]
GEN-LU-02	During design and construction of the facility, the certificate holder shall: - Obtain an access permit for changes in access on Morrow County roads; and - Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. [Final Order on ASC (2017), Land Use Condition 4]
GEN-LU-03	During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate: - Paint the towers in alternating bands of white and red or aviation orange; or - Install aviation lighting as recommended by the Federal Aviation Administration. [Final Order on ASC (2017), Land Use Condition 9]
GEN-LU-04	The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall: - Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices; - Deleted in <i>Final Order on Amendment 1</i> dated November 2020. - Site solar array collector lines, if aboveground, within or adjacent to an existing road, railroad or transmission line right-of-way; parallel to an existing transmission corridor; or co-located with existing transmission line or each other, unless not technically feasible due to lack of availability, geographic constraints, engineering limitations, or other reasons as agreed upon by the Department consistent with this condition. - Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible. [Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019); AMD1 (2020)]
GEN-LU-05 - 10	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Conditions 14, 16, 20, 22, 24 and 28]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RF-01	The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 1] [Mandatory Condition OAR 345-025-0006(7)]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	~~During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility. Deleted in <i>Final Order on Amendment 1</i> (2026)~~ [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 2, <u>AMD1 (2026)</u>]
GEN-FW-02	The certificate holder shall construct all overhead collector ~~and transmission intraconnection lines~~ in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 6]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	

GEN-SR-01	To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures: a. Outdoor night lighting at the collector substations and battery storage systems must be i. The minimum number and intensity required for safety and security; ii. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and iii. Have motion sensors and switches to keep lights turned off when not needed. [Final Order on ASC (2017), Scenic Resources Condition 1, AMD2 (2018); AMD1 (2020)]
GEN-SR-02	The certificate holder shall: a. Design and construct the battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape; - b-c. Deleted in Final Order on Amendment 1 dated November 2020. d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape; e. Minimize use of lighting and design lighting to prevent offsite glare; f. Not display advertising or commercial signage on any part of the proposed facility; g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment; h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction. [Final Order on ASC (2017), Scenic Resources Condition 2, AMD2 (2018), AMD1 (2020)]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
GEN-PS-01	~~During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis. Deleted in Final Order on Amendment 1 (2026)~~ [Final Order on ASC (2017), Public Services Condition 5, <u>AMD1 (2026)</u>]
GEN-PS-02	Deleted in Final Order on Amendment 1 dated November 2020. [Final Order on ASC (2017), Public Services Condition 11]
GEN-PS-03	~~Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on-site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request. Deleted in Final Order on Amendment 1 (2026).~~ [Final Order on ASC (2017), Public Services Condition 18, <u>AMD1 (2026)</u>]
GEN-PS-04	Deleted in Final Order on Amendment 1 dated November 2020. [Final Order on AMD2 (2018), Public Services Condition 23]
<u>GEN-PS-04</u>	<u>Prior to and during facility construction, as applicable, the certificate holder shall:</u>

	a. <u>Identify all water-related needs and estimate daily and annual water demand for facility construction.</u> b. <u>Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet facility construction demand has been secured and that water for all construction activities will be legally obtained by service providers or third-party permits.</u> [Final Order on AMD1 (2026), Public Services Condition 24]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
GEN-WF-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 3]
GEN-WF-02	The certificate holder shall notify the department and the Morrow County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 5; AMD1 (2020)]

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors. [Final Order on ASC (2017), Organizational Expertise Condition 1; AMD1 (2020)]
PRE-OE-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions. [Final Order on ASC (2017), Organizational Expertise Condition 2, AMD1 (2020)]
PRE-OE-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. [Final Order on ASC (2017), Organizational Expertise Condition 3, AMD1 (2020)]
PRE-OE-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than \$250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction.

	[Final Order on ASC (2017), Organizational Expertise Condition 4, AMD1 (2020)]
PRE-OE-05	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder must provide the department and Morrow County with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s). [Final Order on ASC (2017), Organizational Expertise Condition 7, AMD1 (2020)]
PRE-OE-06	The certificate holder must: - Prior to construction of solar facility components approved in the Fourth Amended Site Certificate, provide to the Department a list of all third-party permits that would normally be governed by the site certificate and that are necessary for construction and operation (e.g. Water Pollution Control Facilities Permit, Air Contaminant Discharge Permit, Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department. - During construction and operation, promptly report to the Department if any third-party permits referenced in sub(b) of this condition have been cited for a Notice of Violation. [Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020), AMD1 (2020)]
STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
PRE-SS-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder must: - Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report. - Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information: - Subsurface soil and geologic conditions of the site boundary - Define and delineate geological and geotechnical hazards, and means to mitigate these hazards - Geotechnical design criteria and data for the foundations of substations, ~~O&M buildings~~, battery storage systems, roads, and other related and supporting facilities - Design data for installation of underground and overhead collector lines, and overhead transmission lines - Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI - Investigations of the swell and collapse potential of loess soils within the site boundary. [Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018), AMD1 (2020)]
PRE-SS-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary. The investigation shall include a description of the potentially active faults, their potential risk to

	the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility. [Final Order on ASC (2017), Structural Standard Condition 3; AMD5 (2020), AMD1 (2020)]
PRE-SS-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site solar arrays appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work. [Final Order on ASC (2017), Structural Standard Condition 4, AMD1 (2020)]
PRE-SS-04	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas. [Final Order on ASC (2017), Structural Standard Condition 5, AMD1 (2020)]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRE-SP-01	Prior to beginning construction, the certificate holder shall provide a copy ~~of of a DEQ-~~ ~~approved~~ <u>the</u> construction Spill Prevention Control and Countermeasures (SPCC) plan <u>to the</u> <u>Department</u> , to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate. [Final Order on ASC (2017), Soil Protection Condition 3; <u>AMD1 (2026)</u>]
PRE-SP-02	~~Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11. Deleted in Final Order on Amendment 1 (2026)~~ [Final Order on ASC (2017), Soil Protection Condition 4, AMD1 (2020), <u>AMD1 (2026)</u>]
PRE-SP-03	~~Deleted in Final Order on Amendment 1 dated November 2020.~~ ~~[Final Order on ASC (2017), Soil Protection Condition 7]~~
<u>PRE-SP-04</u>	<u>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall obtain a NPDES 1200-C Permit from DEQ. A copy of the approved permit and attached Erosion and Sediment Control Plan (ESCP) must be submitted to the Department.</u> <u>[Final Order on AMD1 (2026), Soil Protection Condition 8]</u>
<u>PRE-SP-05</u>	<u>Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall:</u> <u>a. Finalize the draft Construction Vegetation and Soil Management Plan included as Attachment C-1 to the Final Order on AMD1 based on the measures identified in the plan, final facility design, and the approved National Pollutant Discharge Elimination System (NPDES) General Permit 1200-C for the facility. The final Vegetation and Soil Management Plan shall be submitted to the Department for review and approval.</u> <u>b. Complete all items included in the Pre-Construction Actions and Compliance Submittals in the final plan, as applicable to the facility components or phase.</u> <u>[Final Order on AMD1 (2026), Soil Protection Condition 11]</u>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	

PRE-LU-01	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall complete the following: - Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and - Obtain all other necessary local permits, including building permits. - Provide the county with a building permit application, a third party technical report which includes: - Evaluates fire hazards and; - Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. - The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. [Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018)]
PRE-LU-02	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015. [Final Order on ASC (2017), Land Use Condition 5, AMD1 (2020)]
PRE-LU-03	~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow County weed control requirements to be approved by the department. The department shall consult with Morrow County and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. Deleted in Final Order on Amendment 1 (2026)~~ [Final Order on ASC (2017), Land Use Condition 6; AMD5 (2020), AMD1 (2020), <u>AMD1 (2026)</u>]
PRE-LU-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Final Order on ASC (2017), Land Use Condition 7, AMD1 (2020)]
PRE-LU-05	Prior to beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020), AMD1 (2020)]
PRE-LU-06	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction. [Final Order on ASC (2017), Land Use Condition 13, AMD1 (2020)]
PRE-LU-07	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018)]
PRE-LU-08	Prior to facility construction of the facility, facility component or phase, as applicable, the certificate holder shall install gates and no trespassing signs at all private access roads

	established or improved for the purpose of facility construction and operation if requested by the underlying landowner. [Final Order on ASC (2017), Land Use Condition 18; AMD4 (2019), AMD1 (2020)]

PRE-LU-09	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Condition 21]

STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]

PRE-RF-01	~~Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. Deleted in <i>Final Order on Amendment 1</i> (2026)~~ [Final Order on ASC (2017), Retirement and Financial Assurance Condition 4, AMD1] [Mandatory Condition OAR 345-025-0006(8), <u>AMD1 (2026)</u>]

PRE-RF-02	~~Before beginning construction of solar energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the solar facility components is \$9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance based on the line items and unit costs presented in Table 4 of the <i>Final Order on Amendment 4</i> (November 2019), and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition:~~ ~~1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council.~~ ~~2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:~~ ~~i. Adjust the amount of the bond or letter of credit (expressed in Q4 2018 dollars for solar facility components) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the fourth quarter 2018 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust fourth quarter 2018 dollars to present value.~~ ~~ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount.~~ ~~3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.~~ ~~4.1. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site Deleted in <i>Final Order on Amendment 1</i> (2026).~~ [Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020), AMD1 (2020), <u>AMD1 (2026)</u>]

<u>PRE-RF-03</u>	<u>Retirement and Financial Assurance Condition 7 (PRE): Prior to construction of the facility, facility component, or phase, the certificate holder shall:</u> a. <u>Submit to the Department Table 8 (Retirement Table with tasks/unit/unit costs) of the Final Order on AMD1, updated based on final design and phased construction, if applicable.</u>

	<u>Certificate holder may not make changes to the unit cost without review and approval by the Department. Certificate holder must also request that the Department confirm the present-day inflation adjusted decommissioning estimate, rounded to the nearest \$1,000, to be reflected in the bond or letter of credit in sub c of this condition.</u> b. <u>Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.</u> c. <u>Submit to the Department a bond or letter of credit, in the amount affirmed by the Department under (a), based on the Council’s current pre-approved financial institution list and form.</u> <u>[Retirement and Financial Assurance Condition 7; Final Order on AMD1 (2026),]</u>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
PRE-FW-01	~~Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources.~~ ~~The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micro-siting of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for all facility components. If construction laydown yards are to be retained post-construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.~~ ~~In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat. Deleted in <i>Final Order on Amendment 1 (2026)</i>~~ <u>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 1, AMD1 (2020), AMD1 (2026)]</u>
PRE-FW-02	~~Prior to construction of the facility, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-1 of the <i>Final Order on Request for Amendment 1 of Wheatridge Renewable Energy Facility II Site Certificate</i> (November 2020), based on the final facility design, as approved by the department in consultation with ODFW.~~ a. ~~The final WMMP must be submitted and ODOE’s concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.~~ b. ~~The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments,~~

	~~and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.~~ ~~Deleted in Final Order on Amendment 1 (2026).~~ [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020), AMD1 (2020); <u>AMD1 (2026)</u>]
PRE-FW-03	Prior to construction of the facility, facility component or phase, as applicable, -the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 8, AMD1 (2020)]
PRE-FW-04	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan, substantially as presented in Attachment C-1 of the <i>Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate</i> (November 2020). The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP. - The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. - The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1. - The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan. - The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format. - The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: ~~Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.~~ i. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.

	f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area. g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity. h. ~~The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department.~~ [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 10, AMD1 (2020)]
PRE-FW-05	~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D-1 of the Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate (November 2020), from the Department, in consultation with Morrow County and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. Deleted in Final Order on Amendment 1 (2026).~~ [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020), AMD1 (2020), <u>AMD1 (2026)</u>]

STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]

PRE-TE-01	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur. The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW. The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction. [Final Order on ASC (2017), Threatened and Endangered Species Condition 1, AMD1 (2020)]

PRE-TE-02	~~In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F-1 of the Final Order on Amendment 1 of the Wheatridge Renewable Energy Facility II Site Certificate (November 2020), based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.~~ [Final Order on ASC (2017), Threatened and Endangered Species Condition 2, AMD1 (2026)]
PRE-TE-03	To avoid potential impacts to Laurent’s milkvetch, the certificate holder must: i. Conduct preconstruction plant surveys for ~~Laurent’s~~ <u>Lawrence’s</u> milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone. ii. Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations. iii. If herbicides are used to control weeds, the certificate holder shall follow the manufacturer’s guidelines in establishing a buffer area around confirmed populations of Laurent’s milkvetch. Herbicides must not be used within the established buffers. iv. If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to: • Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance; • A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted; • An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard; • Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species.

	The Department’s review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department’s determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request. [Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

PRE-HC-01	Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2018-2020 for historic, cultural, and archaeological resources. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1, AMD1 (2020)]
PRE-HC-02	Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings as “no entry” areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2, AMD1 (2020)]
PRE-HC-03	Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4, AMD1 (2020)]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]

	Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility. In addition, the certificate holder shall include the following information in the plan:
PRE-PS-01	- Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads; - A policy of including traffic control procedures in contract specifications for construction of the facility; - Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles; - A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County Public Works Department; - A policy to encourage and promote carpooling for the construction workforce; and

	f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points. [Final Order on ASC (2017), Public Services Condition 6, AMD1 (2020)]
PRE-PS-02	Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County must be submitted to the department before beginning construction. If required by Morrow County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility. [Final Order on ASC (2017), Public Services Condition 7, AMD1 (2020)]
PRE-PS-03	The certificate holder shall design and construct new access roads and private road improvements to standards approved by Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Morrow County Public Works Department. [Final Order on ASC (2017), Public Services Condition 8, AMD1 (2020)]
PRE-PS-04	~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall:~~ ~~a. Complete the Federal Aviation Administration (FAA) Notice Criteria Tool for solar facility coordinates to determine applicability of the FAA 7460 filing. If the FAA Notice Criteria Tool requires FAA filing, the certificate holder will submit to the FAA and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration.~~ ~~b. Submit to the Oregon Department of Aviation the solar facility coordinates for purposes of an aeronautical study and determination. If the Department, in consultation with the Oregon Department of Aviation, determines that the facility would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.~~ ~~Deleted in Final Order on Amendment 1 (2026)~~ [Final Order on ASC (2017), Public Services Condition 9; AMD1 (2020); <u>AMD1 (2026)</u>]
PRE-PS-05	Prior to construction, the certificate holder shall ~~submit~~ <u>prepare</u> an Emergency and Safety Management Plan ~~to the Department, for review and approval. The Construction Emergency and Safety Management may be the certificate holder or contractors corporate Plan but must include, at a minimum that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department and Lone Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility.~~ ~~Additional information that shall be included in the plan:~~ a. ~~Current~~ contact information of ~~at least two~~ facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). ~~An updated list must be provided to the fire protection agencies immediately upon any change~~

	of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information. ~~b. Identification of agencies that participated in developing the plan;~~ ~~c.b. Identification of agencies and fire protection associations, with contact information, that are designated as first response agencies and or are included in any mutual aid agreements with the facility;~~ ~~c. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility;~~ ~~i. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site;~~ ~~d. Contact information for each agency listed above;~~ ~~e.d. Communication protocols for both routine and emergency events and the incident command and notification system to be used in the event of an fire-emergency response by multiple agencies is needed at the facility;~~ ~~f. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place;~~ ~~g.e. The designated meeting location in case of evacuation;~~ ~~f. Location(s) of automated external defibrillator (AED) that must be available onsite.~~ ~~g. Staff and contractor training requirements; and frequency of trainings;~~ ~~i. Personnel shall be trained on the measures described in the Emergency and Safety Management Plan and in first aid, cardiopulmonary resuscitation (CPR), and the use of an AED.~~ ~~ii. First aid techniques and locations of first aid kits and AED.~~ ~~iii. Training attendance rosters and training materials must be maintained.~~ ~~h. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.~~ [Final Order on ASC (2017), Public Services Condition 13, AMD1 (2020), <u>AMD1 (2026)</u>]
PRE-PS-06	~~Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.~~ ~~Deleted in Final Order on Amendment 1 (2026).~~ [Final Order on ASC (2017), Public Services Condition 20, AMD1 (2020); <u>AMD1 (2026)</u>]
PRE-PS-07	~~Before beginning construction of the facility, facility component or phase, as applicable, the certificate holder shall ensure that all construction workers are certified in first aid, cardio-pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department.~~

	~~upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring.~~ ~~Deleted in Final Order on Amendment 1 (2026).~~ [Final Order on ASC (2017), Public Services Condition 21, AMD1 (2020); ~~AMD1 (2026)~~]
STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]	
PRE-WF-01	<u>Prior to facility construction, the certificate holder shall finalize and submit a Construction Wildfire Mitigation Plan (WMP), Attachment E-1 to the Final Order on RFA1 to the Department for review and approval.</u> <u>[Wildfire Prevention and Risk Mitigation Condition 1; Final Order on AMD1 (2026)]</u>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
PRE-WM-01	Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details: - Specification of the number and types of waste containers to be maintained at construction sites and construction yards - Description of waste segregation methods for recycling or disposal. - Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 2, AMD1 (2020)]
PRE-WM-02	Prior to construction, the certificate holder shall investigate and confirm that no surface waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction. [Final Order on ASC (2017), Waste Minimization Condition 3, AMD1 (2020)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
PRE-TL-01	Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities. [Final Order on ASC (2017), Siting Standard Condition 2]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
PRE-NC-01	Prior to construction, the certificate holder shall provide to the ~~department~~Department: - Information that identifies the final design locations of all facility components to be built at the facility; - The maximum sound power level for the facility components including transformers-~~(substation and solar array)~~, invertors, battery storage cooling system selected for the facility

	based on manufacturers' warranties or confirmed by other means acceptable to the ~~department~~Department; c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the ~~department~~Department that the total noise generated by the facility (including transformers, inverters and battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(~~III~~), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L₁₀ and L₅₀ by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the solar energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. [Final Order on ASC (2017), Noise Control Condition 2; AMD3 (2018), AMD1 (2020); <u>AMD1 (2026)</u>]
<u>STANDARD: REMOVAL FILL LAW (RFL) [OAR 141-085-0500 - 0785]</u>	
<u>PRE-RFL-01</u>	<u>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall conduct a desktop evaluation to determine if wetlands or waters of the state (WOS) are present within the site boundary. If the desktop evaluation shows that wetlands or WOS are within proximity to ground disturbance, the certificate holder must conduct a field survey and submit a wetland delineation report to DSL for a DSL concurrence letter and demonstrate that impacts to wetland or WOS would be less than 50 cubic yards or that a removal fill permit may be necessary.</u> <u>[Removal Fill Condition 1; Final Order on AMD1 (2026)]</u>

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
<u>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</u>	
CON-SP-01	<u>During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System-Construction Stormwater Discharge General Permit 1200-C. Deleted in Final Order on Amendment 1 (2026).</u> [Final Order on ASC (2017), Soil Protection Condition 1]

CON-SP-02	During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP. [Final Order on ASC (2017), Soil Protection Condition 2]
<u>CON-SP-03</u>	<u>The construction Spill Prevention Control and Countermeasures (SPCC) plan approved under PRE-SP-01 shall be implemented during facility construction.</u> <u>[Soil Protection Condition 10; Final Order on AMD1 (2026)]</u>
<u>CON-SP-04</u>	<u>During and following construction of the facility, facility component or phase, as applicable, the certificate holder shall conduct all work in compliance with the Construction Vegetation and Soil Management Plan required under Condition PRE-SP-05.</u> <u>[Soil Protection Condition 12; Final Order on AMD1 (2026)]</u>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	During construction, the certificate holder shall comply with the following requirements: a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks. b. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. c. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. d. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. [Final Order on ASC (2017), Land Use Condition 8]
CON-LU-02	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Land Use Condition 17]
CON-LU-03	During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable. [Final Order on ASC (2017), Land Use Condition 19]
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
<u>CON-RF-01</u>	<u>If construction of the facility, facility component, or phase extends more than 12 months, the certificate holder shall:</u> a. <u>Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.</u> b. <u>Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.</u> c. <u>The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.</u> <u>[Retirement and Financial Assurance Condition 8; Final Order on AMD1 (2026)]</u>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]

CON-FW-02	Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys. During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW-specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities. <table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>~~0.25~~0.5 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table> If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019); ~~AMD1 (2026)~~]	Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :	Western burrowing owl	0.25 mile	April 1 to August 15	Ferruginous hawk	~~0.25~~ 0.5 mile	March 15 to August 15	Swainson’s hawk	0.25 mile	April 1 to August 15
Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :											
Western burrowing owl	0.25 mile	April 1 to August 15											
Ferruginous hawk	~~0.25~~ 0.5 mile	March 15 to August 15											
Swainson’s hawk	0.25 mile	April 1 to August 15											
CON-FW-03	During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]												
CON-FW-04	During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 9]												

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]	
CON-HC-01	Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WR11-BB-IS-01, WR11-DM-04) are concurred not likely National Register of Historic Places (NRHP) eligible through SHPO review or a Historic, Cultural, and Archaeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the NRHP unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]
CON-HC-02	During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 5]
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
CON-PS-01	During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2: - Recycling steel and other metal scrap. - Recycling wood waste. - Recycling packaging wastes such as paper and cardboard. - Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. - Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for

	disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. f. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible. [Final Order on ASC (2017), Public Services Condition 3]
CON-PS-02	During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office. [Final Order on ASC (2017), Public Services Condition 10, AMD1 (2020)]
CON-PS-03 - 04	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Services Conditions 14 and 16]
CON-PS-05	~~During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations. Deleted in <i>Final Order on Amendment 1</i> (2026).~~ [Final Order on ASC (2017), Public Services Condition 17, AMD1 (2020); <u>AMD1 (2026)</u>]
<u>CON-PS-04</u>	<u>During construction, the certificate holder and its contractor must implement and adhere to the Construction Emergency and Safety Management Plan finalized in Public Services Condition 13 (PRE-PS-05). The following must be submitted in the semi-annual construction progress report:</u> a. <u>Training attendance rosters and copies of trainings materials;</u> b. <u>Any changes to the Construction Emergency and Safety Management Plan.</u> [Final Order on AMD1 (2026), Soil Protection Condition 12]
STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]	
<u>CON-WF-01</u>	<u>During facility construction, the certificate holder shall require onsite contractors and employees to adhere to the Construction Wildfire Mitigation Plan (WMP) approved under PRE-WF-01.</u> [Final Order on AMD1 (2026), Wildfire Prevention and Risk Mitigation Condition 2]
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities: a. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and, b. Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a). [Final Order on ASC (2017), Waste Minimization Condition 1]
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
CON-WF-01 and -02	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Conditions 1 and 4]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
CON-TL-01	During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including:

	a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line. b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground. c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground. d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)). e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public. g. Deleted in <i>Final Order on Amendment 1</i> dated November 2020. h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable. i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)). j. Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard For Transmission Lines Condition 1; AMD4 (2019), AMD1 (2020)]

STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

CON-NC-01	~~During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:~~ ~~a. Establish and enforce construction site and access road speed limits;~~ ~~b. Utilize electrically powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;~~ ~~c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;~~ ~~d. Utilize noise producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;~~ ~~e. Equip all noise producing construction equipment and vehicles using internal combustion engines with mufflers, air inlet silencers where appropriate, and any other shrouds, shields, or other noise reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,~~ ~~f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process~~

~~to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request. Deleted in Final Order on Amendment 1 (2026).~~

[Final Order on ASC (2017), Noise Control Condition 1]

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4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRO-SP-01	Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs: • Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142 • Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment • Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at ~~each O&M building~~, substation and battery storage system components • Restriction limiting onsite storage of diesel fuel or gasoline • Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment • Preventative measures and procedures to avoid spills - o Procedures for chemical storage - o Procedures for chemical transfer - o Procedures for chemical transportation - o Procedures for fueling and maintenance of equipment and vehicles - o Employee training and education • Clean-up and response procedures, in case of an accidental spill or release • Proper storage procedures • Reporting procedures in case of an accidental spill or release [Final Order on ASC (2017), Soil Protection Condition 5; AMD2 (2017)]
<u>PRO-SP-02</u>	<u>Before beginning operation of the facility, facility component or phase, as applicable, the certificate holder shall finalize the draft Operation Vegetation and Soil Management Plan included as Attachment C-2 to the Final Order on AMD1 based on the measures identified in the plan and final facility design. The final Vegetation and Soil Management Plan shall be submitted to the Department for review and approval.</u> <u>[Final Order on AMD1 (2026), Soil Protection Condition 13]</u>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Services Condition 15, AMD1 (2020)]
PRO-PS-02	~~Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first responders included in the Emergency Management Plan. Deleted in Final Order on Amendment 1 (2026).~~ [Final Order on ASC (2017), Public Services Condition 19, AMD1 (2020); <u>AMD1 (2026))</u>]

PRO-PS-03	~~Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility.~~ <u>Deleted in Final Order on Amendment 1 (2026).</u> [Final Order on ASC (2017), Public Services Condition 22]
PRO-PS-04	<u>Prior to operation, the certificate holder shall submit an Operational Emergency and Safety Management Plan / Emergency Action Plan (the most current version of Attachment E of the Final Order on RFA1) to the Department for review and approval. The Operational Emergency and Safety Management may be the certificate holder's corporate Plan but must include, at a minimum:</u> <u>a. Contact information of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s).</u> <u>b. Identification of agencies and fire protection associations, with contact information, that are designated as first response agencies and are included in any mutual aid agreements with the facility:</u> <u>i. Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.</u> <u>b-c. Protocols for both routine and emergency events and the incident command and notification system to be used in the event of an fire emergency response by multiple agencies is needed at the facility;</u> <u>c-d. The designated meeting location in case of evacuation;</u> <u>d-e. Location(s) of automated external defibrillator (AED) that must be available on site;</u> <u>f. Staff and contractor training requirements; and frequency of trainings;</u> <u>i. Personnel shall be trained on the measures described in the Emergency and Safety Management Plan and in first aid, cardio pulmonary resuscitation (CPR), and the use of an AED.</u> <u>ii. First aid techniques and locations of first aid kits and AED.</u> <u>iii. Training attendance rosters and training materials must be maintained.</u> <u>[Final Order on AMD1 (2026), Public Services Condition 27]</u>
STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]	
PRO-WF-01	<u>Prior to facility operation, the certificate holder shall finalize and submit an Operational Wildfire Mitigation Plan (WMP), Attachment E-2 to the Final Order on ASC to the Department for review and approval.</u> <u>[Wildfire Prevention and Risk Mitigation Condition 3; Final Order on AMD1 (2026)]</u>

4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Final Order on ASC (2017), Mandatory Condition 1] [OAR 345-025-0006(2)]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR-SP-01	~~During facility operation, the certificate holder shall:~~ ~~a. Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion.~~ ~~b. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility.~~ ~~c.a. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. Deleted in Final Order on Amendment 1 (2026).~~ [Final Order on ASC (2017), Soil Protection Condition 6, AMD1 (2020); ~~AMD1 (2026)~~]
<u>OPR-SP-02</u>	<u>During operation of the facility, the certificate holder shall monitor and maintain vegetation, weeds, and any necessary erosion controls in compliance with the Vegetation and Soil Management Plan required under Condition PRO-SP-02.</u> <u>[Final Order on AMD1 (2026), Soil Protection Condition 14]</u>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County. [Final Order on ASC (2017), Land Use Condition 2]
OPR-LU-02	During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. [Final Order on ASC (2017), Land Use Condition 10]
OPR-LU-03	Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County. [Final Order on ASC (2017), Land Use Condition 23, AMD1 (2020)]
OPR-LU-04	Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Morrow County. [Final Order on ASC (2017), Land Use Condition 25, AMD1 (2020)]
OPR-LU-05	Deleted in <i>Final Order on Amendment 1</i> dated November 2020.

	[Final Order on ASC (2017), Land Use Condition 26]
OPR-LU-06	Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-025-0006(9) or its equivalent: 1. Dismantle aboveground equipment and remove concrete pads to a depth of at least three feet below the surface grade. 2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses. 3. Deleted in <i>Final Order on Amendment 1</i> dated November 2020. 4. Remove and restore private access roads unless the landowners directs otherwise. 5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses. 6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. 7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone. [Final Order on ASC (2017), Land Use Condition 27, AMD1 (2020)]
<i>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</i>	
OPR-RF-01	During facility operation, the certificate holder shall: a. Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department. b. Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion. [Final Order on AMD2 (2018), Retirement and Financial Assurance Condition 6]
<u>OPR-RF-02</u>	<u>During operation, the certificate holder shall:</u> a. <u>Annually adjust the amount of the bond or letter of credit to present dollar value, as determined by the Department.</u> b. <u>Incorporate any additional decommissioning costs for facility changes which have been determined by the Department not to require a site certificate amendment.</u> c. <u>The Department and Council reserve the right to adjust the contingencies, as appropriate and necessary to protect public health and safety or the environment and ensure the certificate holder's bond or letter of credit is sufficient to restore the site to a useful, non-hazardous condition.</u> <u>[Final Order on RFA1 (2026), Retirement and Financial Assurance Condition 9]</u>.
<i>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</i>	
OPR-PS-01 - 02	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Public Services Conditions 1 and 2]
OPR-PS-03	a. Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following:

	1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements. 2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste. 3. Recycling paper products, metals, glass, and plastics. 4. Recycling used oil and hydraulic fluid. 5. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements. 6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. b. During operation, the certificate holder shall implement the approved Operational Waste Management Plan. [Final Order on ASC (2017), Public Services Condition 4; AMD2 (2018)]
OPR-PS-04	During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site. [Final Order on ASC (2017), Public Services Condition 12]
<u>OPR-PS-05</u>	<u>During every year of operations, the certificate holder shall:</u> a. <u>Identify all water-related needs and estimate daily and annual water demand for facility operations.</u> b. <u>Provide evidence of water sources such as a well log from O&M building(s), or contract or purchase agreement demonstrating that adequate water supply to meet facility operational demand has been secured off-site and that water for all operational activities will be legally obtained by service providers or third-party permits.</u> [Final Order on AMD1 (2026), Public Services Condition 25]
<u>OPR-PS-06</u>	<u>During operation, the certificate holder must implement and adhere to the Operational Emergency and Safety Management Plan / Emergency Action Plan finalized in Public Services Condition 27 (PRO-PS-04). The following must be submitted in the annual report:</u> a. <u>Training attendance rosters and copies of trainings materials;</u> b. <u>The most current version of the corporate or applicable Emergency and Safety Management Plan / Emergency Action Plan.</u> [Final Order on AMD1 (2026), Public Services Condition 28].
STANDARD: WILDFIRE PREVENTION AND RISK MITIGATION (WF) [OAR 345-022-0115]	
<u>OPR-WF-01</u>	<u>During facility operation, the certificate holder shall require onsite contractors and employees to adhere to the Operational Wildfire Mitigation Plan (WMP) approved under PRO-WF-01.</u> [Wildfire Prevention and Risk Mitigation Condition 4; Final Order on AMD1 (2026)]

STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
OPR-WF-01	During operation, the certificate holder shall ensure each facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards. [Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
OPR-TL-01	During operation, the certificate holder shall: (1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement. (2) File the following required information with the Commission: a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year: i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and ii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public. iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days. iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3] (3) Provide OPUC Safety Staff with: a. Maps and Drawings of routes and installation of electrical supply lines showing: • Transmission lines and structures (over 50,000 Volts) • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts) • Substations, roads and highways • Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). [Final Order on ASC (2017), Siting Standard Condition 3]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
OPR-NC-01	Deleted in <i>Final Order on Amendment 1</i> dated November 2020. [Final Order on ASC (2017), Noise Control Condition 3]

OPR-NC-02	During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint. [Final Order on ASC (2017), Noise Control Condition 4]
OPR-NC-03	During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder. [Final Order on ASC (2017), Noise Control Condition 5]

4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RF-01	The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-025-0006(9). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]

RET-RF-02	If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-025-0006(9), the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [Final Order on ASC (2017), Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]

5.0 Successors and Assigns

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

6.0 Severability and Construction

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

7.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Wagon Trail Energy Center, LLC, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder owner).

ENERGY FACILITY SITING COUNCIL

WAGON TRAIL ENERGY CENTER, LLC

By: _____

By: _____

Chair

Oregon Energy Facility Siting Council

Date: _____

Date: _____

Attachment A
~~WREF~~WTSII Site Boundary Map

Attachment B: Draft Habitat Mitigation Plan

Wagon Trail Solar II

Draft Habitat Mitigation Plan

Prepared for
Wagon Trail Energy Center, LLC

Prepared by



Tetra Tech, Inc.

February 2026

Document History

Date	Description
March 2020	Approved at the March 13, 2020, Energy Facility Siting Council meeting as part of the Wheatridge Energy Facility III Site Certificate.
February 2026	Amended in response to General Comment #2 of the Oregon Department of Energy's Request for Additional Information for the Wheatridge Renewable Energy Facility III Preliminary Request for Amendment 1.

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Figure 1. Conservation Easement Areas – **Confidential**

1.0 Introduction

This draft Habitat Mitigation Plan (HMP) was prepared by Wagon Trail Energy Center, LLC (Certificate Holder), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NEER or Certificate Holder Owner) to provide concepts for meeting the habitat mitigation needs of Wagon Trail Solar II Facility (Facility). The Certificate Holder conducted habitat categorization surveys and other biological studies to define habitat categorization of the Facility in accordance with the Oregon Department of Fish and Wildlife's (ODFW) Fish and Wildlife Habitat Mitigation Policy, Oregon Administrative Rule (OAR) 635-415-0000 through 0025. The Certificate Holder's goal is to reduce and eliminate the impact of the Facility over time by preserving and maintaining in-kind habitat in the Columbia Basin Ecoregion.

2.0 Habitat Categories and Habitat Types

A pre-construction habitat survey will be conducted to verify habitat subtypes and habitat categories of all areas to be affected by the Facility. The ODFW Fish and Wildlife Habitat Mitigation Policy provides a framework to categorize habitats based on type, quality, availability, and usefulness/importance to wildlife, and establishes mitigation goals and implementation standards for each. Table 1 defines each of the six habitat category types as presented in the ODFW Habitat Mitigation Policy.

Table 1. ODFW Habitat Categories

Category Type	Definition ¹	Mitigation Goal
1	Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.	The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality.
2	Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.	The mitigation goal if impacts are unavoidable is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.
3	Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.	The mitigation goal is no net loss of either habitat quantity or quality.
4	Important habitat for fish and wildlife species.	The mitigation goal is no net loss of either habitat quantity or quality.
5	Habitat for fish and wildlife having high potential to become either essential or important habitat.	The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.

Category Type	Definition ¹	Mitigation Goal
6	Habitat that has low potential to become essential or important habitat for fish and wildlife.	The mitigation goal is to minimize impacts.
1. Source: OAR 635-415-0025.		

3.0 Temporary and Permanent Disturbance

Disturbance may be permanent or temporary. Permanent disturbances are defined as disturbances that will exist for the life of the Facility. Temporary disturbances are disturbances that will last for a time less than the life of the Facility. The duration of temporary disturbance to habitat will vary by habitat subtype. For example, the recovery period for agricultural areas that were temporarily disturbed could be as short as 1 to 3 years, grasslands generally recover within 3 to 7 years, and shrublands may require 10 to 50 years to recover (with longer recovery periods associated with disturbances to mature sagebrush habitats). The Certificate Holder will restore temporary disturbance areas consistent with the Vegetation and Soil Management Plan.

Category 1 habitat includes habitat within 785 feet of documented Washington ground squirrel (*Urocitellus washingtoni*) colonies. Category 1 habitat occurs within the Site Boundary, but the Facility is designed and micrositied to avoid Category 1 habitat. Therefore, there are no disturbances to Category 1 habitat. Category 2 habitat occurs in the Site Boundary and will be impacted by the Facility. Category 2 habitat is associated with areas of potential Washington ground squirrel use. Areas of potential ground squirrel use are adjacent to and within 4,921 feet (1.5 kilometers [km]) of ground squirrel Category 1 habitat, but not occupied by any squirrels either for burrowing or foraging, which is of similar habitat type and quality to the adjacent Washington ground squirrel Category 1 habitat. Category 3, 4, and 6 habitat will also be impacted by the Facility, while Category 5 habitat is not identified in the Site Boundary. Table 2 shows permanent and temporary disturbance acres in each habitat category by subtype for the Facility.

Table 2. Temporary and Permanent Disturbance by Habitat Category and Subtype

Habitat Category and Subtype	Acres in Site Boundary	Disturbance (acres) ¹	
		Temporary	Permanent
Category 1			
Grassland-Native Perennial	20.9	N/A	N/A
Subtotal Category 1	20.9	N/A	N/A
Category 2			
Grassland-Native Perennial	70.7	0.3	1.3
Subtotal Category 2	70.7	0.3	1.3
Category 3			
Developed-Revegetated or Other Planted Grassland	141	0.7	<0.1
Grassland-Native Perennial	56.2	0.7	N/A

Habitat Category and Subtype	Acres in Site Boundary	Disturbance (acres) ¹	
		Temporary	Permanent
Subtotal Category 3	197	1.3	<0.1
Category 4			
Grassland-Exotic Annual	316	0.7	54
Subtotal Category 4	316	0.7	54
Category 6			
Developed-Dryland Wheat	1,284	4.5	577
Developed-Other	45.9	1.8	0.8
Subtotal Category 6	1,330	6.3	578
Total	1,935	8.7	633
1. Totals in this table may not be precise due to rounding. N/A = not applicable; <0.1 = greater than zero but less than 0.05			

4.0 Methods for Calculating Mitigation

Table 3 shows methods for calculating mitigation for permanent disturbance and Table 4 shows methods for calculating mitigation for temporary disturbance. The Certificate Holder is not proposing compensatory mitigation under the ODFW Fish and Wildlife Habitat Mitigation Policy for disturbance to Category 6 habitat.

Table 3. Calculating Mitigation for Permanent Disturbance

Habitat Category	Disturbance Acres	Mitigation Ratio	Mitigation Need	Mitigation Description
Category 2	1.3	2:1	2.6	The mitigation goal for Category 2 habitat is “no net loss” and “net benefit.” Accordingly, mitigation for permanent disturbance to Category 2 habitat needs to demonstrate a net benefit in quality or quantity.
Category 3 and Category 4	54.0	1:1	54.0	The mitigation goal for Category 3 & 4 habitat is “no net loss” in quantity or quality.
Category 6	578	0:1	0	The mitigation goal for disturbance to Category 6 habitat is minimization; no compensatory mitigation proposed.
Total	633	-	56.6	

Table 4. Calculating Mitigation for Temporary Disturbance

Habitat Category	Habitat Subtype	Disturbance Acres	Mitigation Ratio ¹	Mitigation Need	Mitigation Description
Category 2	Grassland-Native Perennial	0.3	0:1	0	The mitigation goal for Category 2 habitat is “no net loss” and “net benefit.” All areas of temporary disturbance would be restored at the site of impact to meet the “no net loss” requirement. The proposed mitigation ratio for permanent disturbance to grasslands would meet the “net benefit” requirement for all disturbance to Category 2 grasslands.
Category 3	Grassland-Native Perennial, Developed-Revegetated or Other Planted Grassland	1.3	0:1	0	The mitigation goal for Category 3 and 4 habitat is “no net loss” in quantity or quality. Depending on the habitat subtype temporarily disturbed, the proposed mitigation ratio would result in an equal or lesser amount of acreage of mitigation than what is impacted by the project. Combined with restoration of temporary disturbances, the proposed mitigation ratio is intended to account for the temporary loss of habitat functionality and meet the “no net loss” goal. Temporary disturbances to Category 3 and Category 4 Grasslands are not mitigated beyond restoration.
Category 4	Grassland-Exotic Annual	0.7	0:1	0	
Category 6	Developed-Dryland Wheat, Developed-Other	6.3	0:1	0	The mitigation goal for Category 6 habitat is minimization; no compensatory mitigation is proposed.
Total		8.7	-	0	

5.0 Habitat Mitigation Area

The Habitat Mitigation Area (HMA) is the area where the Certificate Holder is proposing to perform enhancement and preservation actions to address the mitigation need for the Facility (Tables 3 and 4). The HMA must be large enough and have the characteristics to meet the standards set in OAR 635-415-0025.

According to ODFW standards, areas appropriate for mitigation of Category 2 and Category 3 habitat disturbance must provide “in-kind” mitigation that is “in-proximity” to the Facility and has potential for habitat enhancement. The Certificate Holder identified privately owned land that contains native and revegetated uplands of interest and importance for conservation. The Certificate Holder also looked for land that is within designated mule deer winter range. The Certificate Holder identified up to 79.6 acres that are available as mitigation for the Facility (Figure 1). The Certificate Holder has a previously executed conservation easement for 460 acres, of which 380 acres are accounted for across four different HMAs (Figure 1), resulting in 79.6 acres remaining in the executed conservation easement to use as an HMA to fulfill other mitigation requirements in part or whole.

5.1 Habitat Assessment and Mitigation Accounting

The Certificate Holder identified 79.6 acres of suitable in-kind and in-proximity habitat that is available for mitigation for Facility impacts on 2,100 acres of private land (Table 5; i.e., within the Olex Property Boundary depicted in Figure 1) along Rock Creek in Gilliam County. The Certificate Holder will establish an HMA for the Facility within this area, alongside HMAs established for the Wheatridge Renewable Energy Facility I, II, III, and East (Figure 1). The primary habitat subtypes consist of Category 2 Native Perennial Grassland and Shrub-steppe Mosaic. The total number of acres to be set aside in the HMA will be determined and updated prior to construction when the Facility layout and mitigation needs are finalized.

Table 5. Habitat Category and Habitat Subtypes within the HMA

Habitat Category	Habitat Subtype	Area (Acres)
2	Native Perennial Grassland and Shrub-steppe Mosaic	77.1
	Old Field	2.5
	Developed	0.1
	TOTAL	79.6

Wildlife species usage of the approximately 2,100-acre property in which the HMA lies has been recorded for the past 11 years and is similar to what has been recorded during surveys of Wheatridge West. There are 152 bird species recorded from the property containing the HMA. This includes special status nesting bird species such as grasshopper sparrow. Several species of raptors, including golden eagle and ferruginous hawk, have been documented hunting on the property containing the HMA and some species nest onsite or in the general area. Mule deer and occasionally elk are observed wintering in the HMA and nearby. Wind-blown ridges and south-facing slopes provide for early green-up big game forage. Other long-term conserved habitat (approximately 324 acres) consisting of Native Perennial Grassland and Shrub-steppe Mosaic, cliffs and escarpments along canyons is nearby (Figure 1). The property supports documented Washington ground squirrel use areas and habitat. With the addition of this HMA, a larger more contiguous tract of preserved habitat will be available for wildlife that provides important functionality and connectivity along Rock Creek in the Columbia Plateau.

5.2 Habitat Enhancement Actions

Habitat designated for mitigation will be conserved and protected from alteration for the life of the Facility. Final detailed enhancement actions and monitoring procedures will be designed in consultation with the ODFW and biologists familiar with the HMA. Besides such legal protection to ensure no development, potential enhancement actions for the HMA include the following.

- **Grazing** – Grazing practices will be compatible with conservation. Wildlife habitat values have priority and livestock grazing will be reduced or restricted from the HMA to ensure that habitat is maximally useful to wildlife, livestock grazing can be used as a wildlife habitat enhancement tool.
- **Weed Control** – The Certificate Holder will work with the landowner to monitor and control or eradicate State and County-designated noxious weeds impacting wildlife habitat quality.
- **Native bunchgrass seeding** – Native bunchgrasses will be seeded in reasonable proportion to the acres of functional native grassland habitat lost through Facility construction (2.6 acres). Native grassland plugs can be planted in sensitive areas where seeding is not appropriate.
- **Fire Control** – A fire response and control plan will be in place and applied to the HMA. It will include fire prevention measures, methods to detect fires, and a protocol for fire response and suppression.
- **Habitat protection** – Restrict any uses of the mitigation area that would be inconsistent with the goals of no net loss of habitats in Categories 2, 3, and 4 and a net benefit to Category 2 habitat quantity or quality.

Enhancement activities will be performed on an appropriate portion of the HMA to meet the required mitigation goals.

5.3 HMA Monitoring

The Certificate Holder will hire a qualified, independent investigator (wildlife biologist, botanist, or revegetation specialist) to conduct monitoring at the HMA and the success of its protection and (within applicable acres) enhancements. Monitoring duration is for the life of the Facility, with annual monitoring occurring over the first 5 years. After Year 5, a long-term monitoring plan will be developed in consultation with ODOE and ODFW. At a minimum, annual monitoring for the first 5 years will include assessments of:

- Description of the amount and quality of vegetation at the HMA;
- Description of year-to-date climate data;
- Success of weed control measures;
- Degree of recovery of native grasses and forbs following disturbances such as habitat enhancement actions, fire, or erosion; and
- Wildlife observed and notes on special status species (wildlife and plants) encountered during routine monitoring.

Percent cover of native grasses in seeded areas will be measured using quadrat surveys (Elzinga et al. 1998, NRCS and BLM 1996, USFS 2006). Using this method, vegetative cover will be documented within 3-foot by 3-foot quadrats placed at 10-foot intervals along a 100 foot transect. Within each quadrat, the percent cover of vegetative species, bare ground, and litter will be recorded.

Methods and results of all monitoring and mitigation/enhancement measures undertaken since the last monitoring report will be reported to ODOE and ODFW.

5.4 HMA Success Criteria

The goal of habitat mitigation described herein is to protect and enhance a sufficient quantity of habitat to meet ODFW standards of no net loss of habitat Category 3 and Category 4 and a net gain in habitat quantity and quality of Category 2. Habitat protection alone—apart from enhancement—is not sufficient to meet the net-benefit criterion for Category 2 habitat. The entire HMA is within Category 2 mule deer winter range, so modifying the category through habitat enhancement actions is not possible. However, habitat enhancement actions will be implemented, and progress can be monitored against baseline conditions to determine success. It is also assumed that the Category 2 habitat in the HMA is currently functioning at a higher quality than the Category 2 habitat being disturbed at the Facility because the HMA contains a greater acreage of contiguous native grassland and shrub-steppe mosaic compared to what is being impacted by the Facility. Table 6 shows success criteria for the habitat enhancement actions proposed in Section 6.2.

Table 6. HMA Success Criteria

Habitat Enhancement Action	Success Criteria
Grazing practices compatible with conservation	The Easement terms state that grazing, nature study, and other land uses are permitted provided that conservation and wildlife habitat values and wildlife use shall take precedence and priority where such uses are or may be deemed incompatible. Under the current ownership, no grazing is expected. If grazing is used in the future, monitoring of shrub recruitment and recruitment of other desirable shrub-steppe species can occur through photo point monitoring and qualitative observations.
Weed control	Control of noxious weeds at the HMA. Photo point monitoring will show that known sites of noxious weeds are not expanding or have been reduced or eliminated. Chemical control is the most likely method to be used; however, mechanical control methods may also be used depending on site-specific conditions.
Native bunchgrass seeding	Successful seeding of native bunchgrasses on an appropriate acreage to be determined prior to construction. Seeding of native bunchgrasses will be considered successful if percent cover of native grasses increases within 5 years of treatment as measured along transects.
Fire response plan	Deliver a fire response plan for the HMA to the North Gilliam County Rural Fire Protection District.
Modification of winter human activities	Minimize human disturbance on the HMA from December 1 to March 31. Schedule routine ranch activities to be performed during other times of the year. There are no public roads or access points in or adjacent to the HMA. Ensure that signage where public roads intersect with access points to the property within which the HMA is located are clearly marked as private property with no trespassing.

6.0 Implementation Schedule

Table 7 includes a schedule for implementation of all mitigation actions, including those covered in other compliance plans.

Table 7. Mitigation Implementation Schedule

Mitigation Action	Schedule	Associated Plan
Restoration and revegetation of temporary construction-related impacts at the Facility.	As soon as possible following construction. Late fall seeding, just before the soil freezes, is typical when seeding grasses in the Columbia basin shrub-steppe ecoregion. Seeding can occur through late winter.	Vegetation and Soil Management Plan
Monitoring revegetation success at the Facility.	Annually for the first 5 years. Annual monitoring is anticipated to occur in spring. The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Vegetation and Soil Management Plan
Monitoring weed control in the Facility revegetation areas.	Annually for the first 5 years. Early detection is paramount for successful weed control. Therefore, monitoring may occur earlier in the growing season and again during revegetation monitoring. Reporting on noxious weeds will be included in the revegetation annual monitoring report. The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Vegetation and Soil Management Plan
Securing the conservation easement establishing the HMA.	Prior to commencing construction.	Habitat Mitigation Plan
Performing habitat enhancement actions at the HMA.	Concurrently with construction.	Habitat Mitigation Plan
Monitoring habitat enhancement actions at the HMA.	Annually for the first 5 years. Annual monitoring is anticipated to occur in spring. The Certificate Holder will consult with ODOE and ODFW to design a long-term monitoring schedule.	Habitat Mitigation Plan

7.0 Amendment of the HMP

The final HMP may be amended from time to time by agreement of the Certificate Holder and the Energy Facility Siting Council (EFSC). Such amendments may be made without amendment of the Site Certificate. EFSC authorizes ODOE to agree to amendments to this plan. ODOE shall notify EFSC

of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this plan agreed to by ODOE.

8.0 References

Elzinga, C. L., D.W. Salzer, and J.W. Willoughby. 1998. Measuring and Monitoring Plant Populations. Bureau of Land Management, National Business Center. Denver, CO.

NRCS and BLM (Natural Resources Conservation Service and Bureau of Land Management). 1996. Revised in 1997 and 1999. Sampling Vegetation Attributes. Interagency Technical Reference 1734-4. Denver, CO.

USFS (U.S. Forest Service). 2006. FIREMON: Fire Effects Monitoring and Inventory System. General Technical Report RMRS-GTR-164-CD. U.S Forest Service, Rocky Mountain Research Station.

Confidential
Figure

Attachment C: Draft Vegetation and Soil Management Plan

Wagon Trail Solar II

Draft Solar Vegetation and Soil Management Plan

**Prepared for
Wagon Trail Energy Center, LLC**

Prepared by



Tetra Tech, Inc.

February 2026

Amended by the Department February 2026

Document History

Date	Description
February 2026	Submitted in response to General Comment #2 of ODOE's Request for Additional Information, for the Wheatridge Renewable Energy Facility III Preliminary Request for Amendment 1. <u>Submitted as part of WREFIII RFA1 for the WTSII facility.</u>

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Acronyms and Abbreviations

Certificate Holder	Wagon Trail Energy Center, LLC
BESS	battery energy storage system
BMP	best management practice
County	Morrow County
EFSC	Oregon Energy Facility Siting Council
EMC	Environmental Monitoring Contractor
EPC	Engineering, Procurement, and Construction Contractor
ESCP	Erosion and Sediment Control Plan
Facility	Wagon Trail Solar II
gen-tie	generation tie
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
OAR	Oregon Administrative Rule
ODA	Oregon Department of Agriculture
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
OSWB	Oregon State Weed Board
RACM	Reasonable Available Control Measures
RC	Revegetation Contractor
VSMP	Vegetation and Soil Management Plan
WC	Weed Control Contractor

1.0 Introduction and Plan Goals

This Vegetation and Soil Management Plan (VSMP) was prepared by Wagon Trail Energy Center, LLC (Certificate Holder), a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC (NEER or Certificate Holder Owner) to serve as a primary source of commitments related to revegetation, soil management, dust control, stormwater management, and noxious weed control through the pre-construction, construction, and operations phases for the Wagon Trail Solar II (Facility), located in Morrow County, Oregon.¹ ~~This VSMP was developed to demonstrate compliance with applicable state and local laws and regulations. Specifically, the~~ **The actions described in this VSMP are intended to increase the probability of revegetation success, reduce erosion and fugitive dust, protect topsoil for future agricultural use on agricultural land, prevent and address the establishment and spread of noxious weeds, minimize fire risk, and maintain beneficial vegetation at the Facility.**

~~For solar facilities, while impacts within the perimeter fenceline are treated as a permanent impact under the F&W Habitat standard, and mitigated in the HMP, onsite vegetation and soils are not actually permanently impacted and therefore related impacts must still be minimized and mitigated.~~

For ease of implementation and compliance tracking, this document is structured to identify actionable items by phase and typical sequencing within each phase, with additional details provided as appendices and/or incorporated by reference. This VSMP will be updated, as necessary, in coordination with the Oregon Department of Energy (ODOE) and applicable agencies as specified below prior to construction **and operation** to reflect the final layout of the Facility and additional details only available once an Engineering, Procurement, and Construction Contractor (EPC) has been identified.

1.1 Plan Finalization

Table 1 identifies information that must be incorporated into the VSMP before beginning any phase of construction.

Table 1. Action Items for Plan Finalization

¹ Request for Amendment (RFA) 1 for the Wheatridge Renewable Energy Facility III ~~proposes to~~ split the constructed/operational portion from the remaining undeveloped portion, and created a new site certificate for the Wagon Trail Solar II (Facility). Therefore the Facility comprises the approved, but not yet constructed ~~(in 2026)~~, 100-megawatt (MW) solar photovoltaic energy generation component of the Wheatridge Renewable Energy Facility III.

Action	Timeframe	Implemented By	Review/ Verification
~~Notify ODOE of identity of EMC, EPC, RC, and WC.¹ Provide evidence that each contractor meets the minimum qualifications described in Appendix A.~~	~~Plan Finalization~~	~~Certificate Holder~~	~~ODOE~~
~~In preparation of the final VSMP, certificate holder is encouraged to coordinate with ODOE, ODA, ODFW, Morrow County (County). Once finalized submit VSMP to ODOE for approval, and to ODA, ODFW, Morrow County (County) for consultation.~~	~~Plan Finalization (prior to construction/operation)~~	~~Certificate Holder~~	~~Approval - ODOE, Consultation - ODA, ODFW, Morrow County (County)~~
~~Update Appendix A, Table A-1 with the name and contact information of EMC, EPC, RC, and WC.¹ Provide evidence that each contractor meets the minimum qualifications described in Appendix A, name and contact information for each contractor.~~	~~Plan Finalization~~	~~Certificate Holder~~	~~ODOE~~
Update Section 6.0, Table 5 with operations long-term vegetation management ~~details from Public Utility Commission (PUC)-approved vegetation management plan including monitoring for Wildfire Management Plan vegetation criteria consistent with vegetation management designated in the Operational WMP.~~	~~Plan Finalization~~ Prior to Operations	EMC	ODOE
~~Update Appendix B, Table B-1 with temporary and permanent disturbance acres by habitat subtype for the final design.~~	~~Plan Finalization~~	~~EMC~~	~~ODOE~~
Update Appendix B with a construction plan and maps based on final design, expected disturbance levels, and sequencing of construction.	Plan Finalization	EMC	ODOE, ~~ODA, ODFW, Morrow County (County)~~
~~Update Attach in Appendix C with the approved National Pollutant Discharge Elimination System (NPDES) 1200-C permit and Erosion and Sediment Control Plan (ESCP). Incorporate all stormwater control and treatment best management practices (BMPs) required by the 1200-C permit, and any supplemental BMPs required by this into this VSMP, into ESCP.~~	~~Plan Finalization~~	~~EPC~~	~~ODOE~~
Update Appendix D with construction dust control measures. Include contact information and procedures for Dust Control Hotline.	Plan Finalization	EPC	ODOE
~~Consult with ODOE, ODFW, ODA, County Weed Department, and/or the seed supplier to determine the optimal timing for seed application based on climatic conditions of the particular year when construction and revegetation efforts will be implemented. Seeding from September to March is typically recommended.~~	~~Plan Finalization~~	~~Certificate Holder & EMC~~	~~ODOE, County~~

Action	Timeframe	Implemented By	Review/ Verification
<u>Update Appendix E with proposed baseline soil compaction sample locations. Collect baseline soil compaction measurements within all anticipated Level 3 and 4 Disturbance Areas (described in Appendix B) using the protocol described in Appendix E. Update Appendix E with proposed baseline soil compaction sample locations</u>	Plan Finalization	Certificate Holder & EMC	ODOE
<u>Update Appendix E with vegetation management measures that are consistent with wildfire mitigation plans.</u>	<u>Plan Finalization</u>	<u>Certificate Holder & EMC</u>	<u>ODOE</u>
Update Appendix G, Table G-1 with noxious weeds observed during pre-construction surveys.	Plan Finalization	EMC	ODOE
Update timing and treatment methods for each identified weed species of concern in Appendix G after consulting with the County Weed Department.	Plan Finalization	WC & EMC	ODOE, County
<u>Coordinate the construction schedule and sequence with landowners to maintain land in current production and weed control until the end of the last growing season prior to construction. Include any measures to minimize impacts to adjacent agricultural operations or landowners in the final VSMP.</u>	<u>Plan Finalization</u>	<u>Certificate holder & EPC</u>	<u>ODOE</u>
1. EMC = Environmental Monitoring Contractor; EPC = Engineering, Procurement, and Construction Contractor; RC = Revegetation Contractor; WC = Weed Control Contractor			

2.0 Definitions

Definitions applicable to this VSMP are provided in Table 2~~Table-2~~, below.

Table 2. Definitions for the Wagon Trail Solar II

Term	Definition
Facility	Wagon Trail Solar II
Facility Components	Photovoltaic solar energy generation, BESS, and other components.
<u>Solar Micrositing Area/ Site Boundary</u>	<u>Maximum area where Solar Components may be constructed and operational activities can occur.</u>
~~Permanent~~ -Disturbance Area	Any area ~~permanently occupied by the Facility Components, including all areas within~~ <u>impacted by construction of the facility within and outside</u> the fence line of a solar array.
Sensitive Soils	Soils that are highly susceptible to erosion from water, fugitive dust propagation, compaction, or other impacts as described in Appendix E.
Solar Components	Components related to photovoltaic solar energy generation <u>and BESS.</u>

Term	Definition
Temporary Disturbance Area	Any area that is disturbed during construction of the Facility Components but will not be permanently occupied during operations.
Weed Management Area	Disturbance area associated with Facility ComponentsArea within the fenceline and a 10-foot buffer outside of fenceline, if accessible.
Wildlife Habitat	Any undeveloped, non-agricultural areas, including but not limited to areas mapped as grassland, sagebrush shrub steppe, or riparian habitat, prior to construction of the Facility.

3.0—Plan Goals and Management Objectives

~~This VSMP was developed to demonstrate compliance with applicable state and local laws and regulations. Specifically, the actions described in this VSMP are intended to increase the probability of revegetation success, reduce erosion and fugitive dust, protect topsoil for future agricultural use on agricultural land, prevent and address the establishment and spread of noxious weeds, minimize fire risk, and maintain beneficial vegetation at the Facility.~~

~~The Facility is located on privately owned agricultural land used primarily for dryland wheat production with areas of native perennial and exotic annual grassland. Sensitive soils are present throughout the Facility with moderate susceptibility to erosion from wind and water. To ensure that the area can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the Facility Components, Permanent Disturbance Areas in wildlife habitat will be revegetated for the purposes of soil stabilization to reduce erosion, dust pollution, topsoil depletion, and the potential for invasion by noxious weeds and other invasive plants. Cropland outside the Solar Components fenceline will be returned to landowner control and will not be revegetated by the Certificate Holder.~~

~~To minimize impacts to agricultural uses and habitat in Temporary Disturbance Areas, soil disturbance and vegetation removal will be minimized and reasonable efforts will be made to restore vegetation and soils in agricultural areas and wildlife habitat to their pre-disturbance condition. BMPs will be implemented to minimize erosion and prevent the introduction or spread of noxious weeds and other invasive plants in both wildlife habitat and temporarily disturbed developed areas (i.e., existing roads, rock quarries).~~

4.03.0 Pre-Construction Compliance Actions and Compliance Submittals

~~Error! Reference source not found. Table 3 outlines tasks, actions, and submittals related to revegetation, soil management, dust control, stormwater management, and noxious weed control that must be completed before beginning construction.~~

Table 3. Pre-construction Compliance Action Checklist and Compliance Verification

Action	Timeframe	Implemented By	Review/ <u>Compliance</u> Verification
Provide Final VSMP to ~~all participating parties~~ <u>ODA, ODFW, Morrow County (County).</u>	At least 30 days prior to construction	Certificate Holder	<u>Provide copies of transmittals to</u> ODOE
Hold a kick-off meeting with the EMC, EPC, County, and ODOE. <u>Meeting may be in-person or remote.</u>	<u>Prior to listed in this table Environmental Training</u> ~~At least 14 days prior to construction.~~	Certificate Holder	ODOE <u>will attend</u>
<u>Provide information about target noxious weed species at the operations and maintenance buildings.</u>	<u>Prior to construction</u>	<u>EPC</u>	<u>EMC & ODOE to confirm on site</u>
~~Collect baseline soil compaction measurements within all anticipated Level 3 and 4 Disturbance Areas (described in Appendix B) using the protocol described in Appendix E. Submit baseline soil compaction measurement results to ODOE.~~	~~Prior to construction~~	<u>EMC</u>	<u>ODOE</u>
<u>Flag sensitive environmental resources (e.g., historic, cultural and archeological resources; active raptor nests; delineated wetlands and waterways) and noxious weed infestations to alert construction personnel of avoidance areas or management requirements.</u>	<u>Prior to construction</u>	<u>EMC</u>	<u>EMC & ODOE to confirm on site as needed</u>
Complete installation of stormwater, erosion, and sediment controls as required by the 1200-C permit. See Appendix C.	<u>Prior</u> ~~During~~ <u>to</u> construction	EPC	<u>EMC & ODOE to confirm on site as needed</u> ~~ODOE~~
~~Coordinate the construction schedule and sequence with landowners to maintain land in current production and weed control until the end of the last growing season prior to construction.~~	~~Prior to construction~~	~~Certificate Holder~~	<u>ODOE</u>
Conduct Environmental Training at the Facility with contractors, construction personnel, and environmental inspector(s), inviting specialty contractors, Oregon Department of Agriculture (ODA), Oregon Department of Fish and Wildlife (ODFW), the County, and ODOE. The training must cover all aspects of this VSMP and other requirements applicable to construction, including but not limited to: • Roles and responsibilities • Implementation of avoidance buffers for sensitive resources (e.g., flagging) • Methods for identifying and preventing the spread of noxious and invasive weeds	Prior to construction	Certificate Holder & <u>EMC</u>	ODOE <u>will attend.</u> <u>Provide records demonstrating that all contractor personnel have attended on-site Environmental</u>

Table 3. Pre-construction ~~Compliance Action~~ Checklist and Compliance Verification

Action	Timeframe	Implemented By	~~Review/Compliance~~ Verification
- BMPs for soil protection and erosion control under the 1200-C permit ~~Fire prevention practices during construction~~ <u>Training may be separate or overlap or occur with pre-construction training required in the wildfire mitigation plan with emergency personnel.</u>			<u>Training described above.</u>
~~Provide records demonstrating that all contractor personnel have attended on-site Environmental Training described above.~~	~~Prior to construction~~	~~Certificate Holder~~	~~ODOE~~
~~Provide the Appendix G Weed Control Plan to the County Weed Department for review and concurrence with treatment guidelines.~~	~~Prior to construction~~	~~Certificate Holder~~	~~ODOE, County~~
Treat noxious weeds within the Weed Management Area in accordance with methods in Appendix G.	Prior to construction	WC	<u>Provide evidence to ODOE, including what types of treatments in which areas that existing noxious weeds have been identified and treated in accordance with methods in Appendix G. ODOE</u>
~~Provide evidence that existing noxious weeds have been identified and treated in accordance with methods in Appendix G.~~	~~Prior to construction~~	~~Certificate Holder~~	~~ODOE~~

5.04.0 Construction ~~Compliance~~ Actions and Compliance Submittals

Error! Reference source not found. ~~Table 4~~ outlines actions, ~~monitoring, and submittals~~, needed ~~for to demonstrate~~ compliance during construction ~~related to revegetation, soil management, dust control, stormwater management, and noxious weed control~~. This list includes actions applicable throughout construction as well as actions required as construction nears completion and revegetation commences in preparation for entering the operations phase.

Table 4. Construction ~~Checklist and Compliance Verification~~ **Compliance Checklist**

Action	Timeframe	Responsible Party	Review/Compliance Verification
During Construction Mobilization			
~~Provide information about target noxious weed species at the operations and maintenance buildings.~~	~~During construction~~	~~EPC~~	~~EMC & ODOE~~
Ensure a copy of this VSMP and a description of any additional fugitive dust control requirements are available at the Facility.	During construction	EPC	<u>EMC & ODOE to confirm on site</u> ~~EMC & ODOE~~
Prominently display Dust Control Hotline signs, providing direct access to the Certificate Holder Site Manager.	During construction	EPC	<u>EMC & ODOE to confirm on site</u> ~~EMC & ODOE~~
~~Flag sensitive environmental resources (e.g., historic, cultural and archeological resources; active raptor nests; delineated wetlands and waterways) and noxious weed infestations to alert construction personnel of avoidance areas or management requirements.~~	~~Prior to construction~~	~~EMC~~	~~ODOE~~
During Ground-Disturbing Activities			
In Disturbance Level 3, 4, and 5 areas (described in Appendix B), stockpile excavated soils by soil horizon to replace in the same order and prevent mixing of topsoil and subsoils. Put conserved topsoil back in place prior to revegetation activities.	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~
Do not move topsoil and other soil from areas with noxious weeds to areas without noxious weeds; instead, return these soils to their previous location during reclamation activities to reduce the transport of weed seeds, roots, or rhizomes.	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~

Table 4. Construction ~~Checklist and Compliance Verification~~ Compliance Checklist

Action	Timeframe	Responsible Party	Review/Compliance Verification
Use appropriate erosion and sediment control practices, as required by the 1200-C permit (Appendix C).	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~
Limit vehicle access to designated routes, whether existing roads or newly constructed roads, and the outer limits of construction disturbances per the final design for the Facility Components; limit vehicle traffic in areas with noxious weeds.	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~
Require construction vehicles to pass through a wheel wash station at vehicle ingress/egress points each time they enter or exit the Facility.	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~
Clean vehicles and equipment associated with ground disturbance and movement of topsoil utilizing a mobile wash station after performing work in areas with noxious weeds and prior to performing work in areas without noxious weeds.	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~
Implement appropriate BMPs, <u>as designated in this VSMP</u> , to control any dust generated by construction activities, such as applying water or stabilizers to roads and disturbed soil areas.	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~

Table 4. Construction ~~Checklist and Compliance Verification~~ Compliance Checklist

Action	Timeframe	Responsible Party	Review/Compliance Verification
Maintain records of U.S. Environmental Protection Agency (EPA) Method 22 (ODEQ 2019) monitoring.	During construction	EPC	<u>EMC & ODOE to confirm on site ongoing as needed. Submit to ODOE upon request.</u> ~~EMC & ODOE~~
After grading is complete but prior to installation of Facility Components, apply temporary or permanent soil stabilization, as described in Appendix F.	During construction	RC	<u>EMC & ODOE to confirm on site ongoing as needed.</u> ~~EMC & ODOE~~
Monitor the Weed Management Area for noxious weeds during and after construction and implement control measures as described in Appendix G.	During and following construction	EMC & Certificate Holder	<u>EMC & ODOE to confirm on site ongoing as needed.</u> ~~ODOE~~
~~Conduct compliance monitoring to ensure that contractors are complying with noxious weed prevention measures in this VSMP. Facilitate coordination meetings with ODOE and County Weed Department, train all personnel to maintain tracking sheets, conduct routine check-in calls with the construction team, and document communication with landowners prior to chemical application. Maintain records and provide ODOE with copies of these records annually during construction. If the Certificate Holder contracts with the County Weed Department to perform weed control at the Facility, then monitoring records will include a statement that the county agency performed the work.~~	~~During construction~~	~~EMC~~	~~ODOE, County~~
~~If construction extends into the growing season prior to the commercial date of operations and formal post-construction weed monitoring, conduct informal but comprehensive weed surveys to inform adaptive management. Weed monitoring may be conducted as part of routine environmental monitoring to be completed at least monthly from April to October.~~	~~During construction~~	~~EMC~~	~~ODOE~~
Soil Stabilization and Reclamation			

Table 4. Construction ~~Checklist and Compliance Verification~~ **Compliance Checklist**

Action	Timeframe	Responsible Party	Review/Compliance Verification
~~Coordinate with landowner or farm operator to identify the preferred approach for soil stabilization on agricultural land until routine seeding and tillage resumes. Soil stabilization may include applying unseeded hydromulch or crimping in weed-free straw until seeding can occur. Landowner may choose to assume responsibility for soil stabilization. Agricultural lands will be restored to landowner satisfaction.~~	~~During and following construction~~	~~Certificate Holder~~	~~EMC & ODOE~~
~~Request Meeting~~ with ODOE, ~~in coordination with WC~~ , ODFW and County Weed Department to review the actual extent and condition of disturbed areas and confirm revegetation methods to be implemented.	After each phase of construction is complete and before revegetation	Certificate Holder	ODOE, ODFW, <u>EMC</u> , County <u>to attend, if available</u>
In areas with noxious weeds where soil was removed, return soils to their previous location during reclamation activities to reduce transport of weed seeds, roots, or rhizomes.	During reclamation	EPC	<u>EMC & ODOE</u> <u>EMC & ODOE to confirm on site ongoing as needed.</u>
Treat noxious weeds ~~in the Weed Management Area~~ using methods described in Appendix G ~~and in consultation with the County Weed Department as necessary~~ . No weed treatment will occur in agricultural lands without landowner permission.	Before reclamation and revegetation	WC	<u>EMC & ODOE to confirm on site ongoing as needed.</u> <u>EMC & ODOE</u>
De-compact soil by mechanical scarification (tilling or ripping the soil) to an appropriate depth as described in Appendix F. Soil amendment, such as addition of organic matter (compost), may also be necessary to alleviate compaction.	Prior to revegetation	EPC	<u>EMC & ODOE to confirm on site ongoing as needed.</u> <u>EMC & ODOE</u>
Complete post-construction soil compaction testing in all Level 3 and 4 Disturbance Areas in spring or late fall in accordance with Appendix E. ~~Submit results to ODOE for review and approval.~~	After reclamation and before revegetation	EMC & Certificate Holder	<u>Submit results to ODOE for review and approval.</u> <u>ODOE</u>

Table 4. Construction ~~Checklist and Compliance Verification~~ Compliance Checklist

Action	Timeframe	Responsible Party	Review/Compliance Verification
Perform soil preparation prior to seeding using methods described in Appendix F.	Before revegetation	EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> EMC & ODOE
~~Prevent conditions favorable for noxious weed germination by revegetating as soon as practicable.~~	~~After reclamation~~	~~RC~~	~~ODOE~~
Revegetation of ~~Permanent~~ Disturbance Areas			
Following completion of construction phases, seed undeveloped ~~Permanent~~ Disturbance Areas in accordance with methods described in Appendix F.	During revegetation	RC	<u>EMC & ODOE to confirm on site ongoing as needed</u> EMC & ODOE
Revegetation of Agricultural Temporary Disturbance Areas			
~~Coordinate with the landowner or farm operator to identify the preferred approach for revegetating agricultural land. Landowner may choose to assume responsibility for revegetation. Agricultural lands will be restored to landowner satisfaction.~~	~~During revegetation, following each construction phase~~	~~Certificate Holder, EPC~~	~~EMC & ODOE~~
~~Report to ODOE on the success of agricultural land restoration efforts; provide evidence that landowner or farm operator is satisfied with restoration.~~	~~During & following construction~~	~~Certificate Holder~~	~~EMC & ODOE~~
Revegetation of Non-Agricultural Temporary Disturbance Areas			
~~Reseed areas of temporary disturbance outside of agricultural lands, as described in Appendix F.~~	~~During revegetation, following each construction phase~~	~~RC~~	~~EMC & ODOE~~
If straw is needed and certified weed-free straw is unavailable, identify a local source of straw and obtain approval for its use by ODOE in consultation with the County Weed Department.	Before revegetation	RC or EPC	<u>Submit to ODOE for ODOE approval in consultation with</u> County

Table 4. Construction ~~Checklist and Compliance Verification~~ **Compliance Checklist**

Action	Timeframe	Responsible Party	Review/ ~~Compliance~~ Verification
~~Consult with ODOE, ODFW, ODA, County Weed Department, and/or the seed supplier to determine the optimal timing for seed application based on climatic conditions of the particular year when construction and revegetation efforts are implemented. Seeding from September to March is typically recommended.~~	Before revegetation	RC & EMC	ODOE, ODFW, ODA, County
Stabilize seeded areas to facilitate establishment by applying seedless, certified weed-free hydromulch containing a tackifier or crimped weed-free straw.	During revegetation	RC or EPC	<u>EMC & ODOE to confirm on site ongoing as needed</u> ~~EMC & ODOE~~
Maintain records of revegetation efforts in all ~~Temporary and Permanent~~ Disturbance Areas ~~and update ODOE monthly as revegetation work occurs.~~	Monthly during revegetation	EMC	<u>EMC & ODOE to confirm on site ongoing as needed. Submit to ODOE monthly or as directed by ODOE</u> ~~ODOE~~

6.05.0 Operation Actions and Compliance Submittals

Error! Reference source not found. Table 5 summarizes actions monitoring, and submittals needed to demonstrate compliance during operations ~~related to revegetation, stormwater management, and noxious weed control.~~ This list includes actions applicable throughout operations as well as actions required only initially following construction; ~~for example, through the Notice of Termination (NOT) for Coverage under a NPDES Permit.~~ Soil management and dust control measures are not included in Table 5 because they are addressed during prior phases.

Table 5. Operations ~~Checklist and Compliance Verification~~ **Compliance Checklist**

Action	Timeframe	Responsible Party	~~ReviewCom~~ ~~pliance-/~~ Verification
YEAR 1 ~~to~~ YEAR 2			
Conduct seasonal monitoring of ~~Permanent~~ Disturbance Areas ~~in April-May to visually assess the following:~~ ~~a. Establishment of seeded species;~~ ~~b. Inspection of areas of bare soil for erosion; and~~ ~~c. Presence of noxious weeds according to Appendix E~~	Initiate within 60 days of the completion of revegetation and conduct once per season in the first year following construction	EMC	~~Submit to~~ ~~ODOE after~~ ~~monitoring~~ ~~report is~~ ~~prepared~~
Inspect and maintain stormwater measures as required in the 1200-C permit.	During operations, ~~prior to achieving NOT~~ ~~for the NPDES~~	Certificate Holder & EMC	~~EMC & ODOE~~ ~~to confirm on~~ ~~site ongoing~~ ~~as~~ ~~neededODOE~~
Inspect and maintain any permanent stormwater management infrastructure. Inspect project facilities (e.g., roads) for erosion issues.	During operations, ~~after achieving NOT for~~ ~~the NPDES~~	Certificate Holder	~~EMC & ODOE~~ ~~to confirm on~~ ~~site ongoing~~ ~~as~~ ~~neededODOE~~
~~YEARS 2 to 6~~DURING OPERATIONS			
Conduct annual ~~management and~~ monitoring ~~in April-May of Permanent~~ Disturbance Areas to ~~document against baseline measurements and~~ assess whether ~~revegetation, soil restoration and weed management meets success~~ ~~criteria~~ efforts and success criteria are achieved (Appendices ~~EB, and F, and G~~). ~~Compile actions taken to restore soils and manage vegetation and weeds into one~~ <u>Soil Condition, Weed Control and Revegetation Monitoring Report, or similar.</u>	Annually ~~for 5 years in April-May or June,~~ ~~beginning the first year after revegetation~~	EMC	~~Submit to~~ ~~ODOE once~~ ~~Soil~~ ~~Condition,~~ ~~Weed Control~~ ~~and~~ ~~Revegetation~~ ~~Monitoring~~ ~~Report is~~ ~~complete~~ ~~(May-June)~~

Table 5. Operations Checklist and Compliance Verification ~~Compliance Checklist~~

Action	Timeframe	Responsible Party	~~ReviewCom~~ <u>pliance /</u> Verification
~~Monitor revegetated Temporarily Disturbance Areas to determine if revegetated areas are meeting success criteria as described in Appendix F, unless the landowner converted the area to land uses that preclude meeting revegetation success criteria.~~	~~Annually for 5 years in May or June, beginning the first year after revegetation~~	~~EMC~~	~~ODOE~~
~~Determine and report on whether success criteria have been met or are trending towards being met (see Appendix F for report content and success criteria) for Temporary and Permanent Disturbance Areas. Final determination of whether the Certificate Holder is in compliance with revegetation obligations will be made by ODOE. Remedial actions and/or additional monitoring for areas may be required in areas that have been determined by ODOE not to have met the success criteria.~~	~~Annually for 5 years in May or June, beginning the first year after revegetation and for the life of the Facility on a schedule to be determined in consultation with ODOE~~	~~EMC~~	~~ODOE~~
If ~~a~~ revegetated areas <u>are</u> ~~is~~ damaged by wildfire, develop a plan, subject to ODOE approval, to address the damaged area. Continue to monitor and report on revegetation progress ~~during the remainder of the 5-year monitoring period in~~ <u>the annual monitoring report</u> . Report to ODOE within 72 hours of discovery.	During the first 5 years following revegetation if wildfire occurs	EMC	<u>Submit to ODOE if applicable and then annually as applicable.</u>
~~Monitor noxious weeds and summarize monitoring results in annual reports that describe noxious weeds identified, treatments implemented, treatment efficacy, and recommendations for additional treatments. Submit reports to ODOE, ODA, ODFW, and the County annually.~~	~~During first 5 years of operations~~	~~Certificate Holder & EMC~~	~~ODOE, ODA, ODFW, County~~
~~Implement the measures outlined in Appendix F to address vegetation management to reduce wildfire risk.~~	~~During operations~~	~~EMC~~	~~ODOE~~
~~Provide records demonstrating that all Facility personnel have been trained~~ <u>Annually train personnel</u> on noxious weed <u>identification and</u> control.	Annually during operations	Certificate Holder	<u>ODOE Provide records demonstrating that personnel have attended Training.</u>

Table 5. Operations Checklist and Compliance Verification ~~Compliance Checklist~~

Action	Timeframe	Responsible Party	~~Review~~ <u>Compliance /</u> Verification
~~Monitor noxious weeds within the Weed Management Area for the life of the Facility to inform control measures as described in Appendix G. Assess the success of noxious weed treatments and document any new noxious weed infestations observed.~~	During operations	Certificate Holder & EMC	ODOE
Control noxious weeds as described in the ~~long-term~~ weed control plan. Maintain ongoing communication with landowners and the County Weed Department regarding noxious weeds at the Facility. Control noxious weeds reported by landowners on a case-by-case basis and prepare a summary of measures taken for that landowner, <u>if applicable</u> .	During operations	Certificate Holder	<u>Submit to</u> ODOE, ~~County~~ <u>as needed</u>
~~Consult with the County Weed Department on timing, method, and application rates for weed species of concern, to allow for adaptive weed management given changes in weed control effectiveness from noxious weed species tolerance to herbicide treatment over time. Report results of the consultation to ODOE within 30 days. Any alternative control methods can be proposed by the Certificate Holder or its contractors, subject to approval by the County Weed Department.~~	Every fall season during operations	Certificate Holder	ODOE, County
~~Design a long-term vegetation monitoring plan in consultation with ODOE. Submit updates to this VSMP based on Section 6.0 Plan Updates and Amendment to address any outstanding or ongoing issues with soils, weeds, or revegetation.~~	~~After 5th year of annual monitoring~~ Ongoing	EMC	<u>Submit to</u> ODOE, <u>as needed</u>
~~Consult with ODOE, ODA, and the County Weed Department to design a long-term weed control plan as needed based on the success of control efforts.~~	After 5th year of annual monitoring	Certificate Holder	ODOE, ODA, County

7.06.0 Plan Updates and Amendment

Information from the annual reporting and from the certificate holder or Department review monitoring reporting or site visits may be used to establish the performance of this Plan. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure this Plan is effective at restoring soils, management vegetation and controlling weeds..

This VSMP may be amended from time to time by agreement of the Certificate Holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting in its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this VSMP. ODOE will notify EFSC of all VSMP amendments, and EFSC retains the authority to approve, reject, or modify any amendment agreed to by ODOE.

8.07.0 References

ODEQ (Oregon Department of Environmental Quality). 2019. OAR 340-208-0210 EPA Method 22.
<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=256141>

Appendix A. Roles and Qualifications

Roles and Responsibilities

The Certificate Holder is the overall responsible party for construction and operation of the Facility Components and implementation of this Vegetation and Soil Management Plan (VSMP). However, the Certificate Holder may use contractors to complete tasks associated with this VSMP.

Responsible parties and their roles are described in Table A-1. Minimum qualifications for contractors are provided in Table A-2.

Table A-1. Roles and Responsibilities

Responsible Party	Name and Contact Information	Role
Certificate Holder	Wagon Trail Energy Center, LLC	Responsible for compliance with all condition requirements, hiring contractors that meet the minimum qualifications described in Appendix A, and ensuring that all contractors perform work in accordance with the requirements of this VSMP.
Engineering, Procurement, and Construction Contractor (EPC)	Name: Contact Person: Address: Phone: Email:	Responsible for implementing best management practices (BMPs) and other measures specified in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit and this VSMP to minimize impacts during construction, as well as for performing restoration and revegetation actions, as identified in this VSMP.
Revegetation Contractor (RC)	Name: Contact Person: Address: Phone: Email:	Responsible for performing revegetation actions during and immediately after construction, as described in this VSMP.
Weed Control Contractor (WC)	Name: Contact Person: Address: Phone: Email:	Responsible for performing weed control actions in the Weed Management Area, as described in this VSMP. <u>If the Certificate Holder contracts with the County Weed Department to perform weed control at the Facility, then monitoring records will include a statement that the county agency performed the work.</u>

Responsible Party	Name and Contact Information	Role
Environmental Monitoring Contractor (EMC)	Name: Contact Person: Address: Phone: Email:	Responsible for conducting environmental monitoring and documenting compliance with aspects of this VSMP during and following construction, including conducting revegetation, dust, soil, stormwater, and noxious weed monitoring. <u>Conduct compliance monitoring to ensure that contractors are complying with noxious weed prevention measures in this VSMP. Facilitate coordination meetings with ODOE and County Weed Department, train all personnel to maintain tracking sheets, conduct routine check-in calls with the construction team, and document communication with landowners prior to chemical application. Maintain records and provide ODOE with copies of these records at a frequency designated by ODOE. If the Certificate Holder contracts with the County Weed Department to perform weed control at the Facility, then monitoring records will include a statement that the county agency performed the work.</u>
Oregon Department of Energy (ODOE)	Oregon Department of Energy Compliance Specialist 550 Capitol St. NE Salem, OR 97301 Phone: Email:	Responsible for providing technical input on proposed BMPs and other measures to minimize impacts and for validating all compliance deliverables described in this VSMP. ODOE may utilize contractors to meet its responsibilities under this VSMP during some or all phases.
Morrow County (County)	Morrow County Weed Department Corey Sweeney, Weed Program Manager 365 West Highway 74 Lexington, OR 97839 (541) 989-9500 mcweed@co.morrow.or.us	Responsible for providing input on weed control and other actions described in this VSMP and its implementation as needed. The County will also attend calls with ODOE and other agencies as needed <u>and as available.</u>

Table A-2. Contractor Minimum Qualifications

Contractor	Role	Minimum Qualification
Engineering, Procurement, and Construction Contractor (EPC)	Responsible for implementing best management practices (BMPs) and other measures specified in the National Pollutant Discharge Elimination System (NPDES) 1200-C permit and this VSMP to minimize impacts during construction, as well as for performing restoration and revegetation actions.	Minimum qualifications for the EPC include: • Experience implementing measures in the NPDES 1200-C permit; • Demonstration of sufficient resources and staffing for anticipated BMP installations and maintenance; and • Experience in coordination with agencies and private landowners.
Revegetation Contractor (RC)	Responsible for performing revegetation actions during and immediately after construction.	The Certificate Holder will ensure that the RC has the following minimum qualifications: • ~~Demonstrated experience in the Columbia Plateau;~~ • Experience in native plant, non-native and invasive plants, and noxious weed identification and management; • Experience in revegetating natural areas; • Experience with soil preparation and applicable seeding methods; • Experience in documenting revegetation actions and providing progress reports; • Experience in coordination with agencies and private landowners; and • No recent (within one year) violations on the contractor's record.
Weed Control Contractor (WC)	Responsible for performing weed control prior to, during, and after construction within the disturbance area and a 10-foot buffer (Weed Management Area).	The Certificate Holder will ensure that noxious weed management actions will be conducted by specialists with the following qualifications: • Experience in native plant, non-native and invasive plants, and noxious weed identification in ~~the Columbia Plateau Ecoregion~~ Oregon; • Experience in noxious weed mapping; • If chemical control is used, specialists must possess a Commercial or Public Pesticide Applicator License from the Oregon Department of Agriculture or possess an Immediately Supervised Pesticide Trainee License and be supervised by a licensed applicator; • Training in noxious weed management or Integrated Pest Management with an emphasis in noxious weeds; • Experience in coordination with agencies and private landowners; and

Contractor	Role	Minimum Qualification
		No recent (within one year) violations on the contractor's record.
Environmental Monitoring Contractor (EMC)	Responsible for conducting environmental monitoring and documenting compliance with aspects of this VSMP during and following construction, including conducting revegetation, dust, soil, stormwater, and noxious weed monitoring as described below.	Minimum qualifications for the EMC include: - Have an active certification recognized in the 1200-C permit (e.g., Certified Erosion and Sediment Control Lead); - Experience implementing and monitoring measures in the 1200-C permit; ~~Experience and~~ knowledge of U.S. Environmental Protection Agency Method 22 (ODEQ 2019)¹ with respect to the general procedures for determining the presence of visible emissions; - Experience in native plant, non-native and invasive plants, and noxious weed identification and management; - Experience in noxious weed mapping; - Training in noxious weed management or Integrated Pest Management with an emphasis in noxious weeds; and - Experience in coordination with agency and private landowners. The EMC will include a qualified botanist or revegetation specialist who will be responsible for monitoring and reporting on revegetation success.
1. ODEQ 2019. OAR 340-208-0210 EPA Method 22. https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=256141		

Appendix B. Construction Plan

Disturbance Acreage

Acres of temporary and permanent disturbance to habitat subtypes associated with Facility construction and operation are provided in Table B-1.

Table B-1. Acres of Temporary and Permanent Disturbance

ODFW-Habitat Category	Habitat-Type	Habitat-Subtype	Temporary Disturbance (acres)	Permanent Disturbance (acres)
2	Grassland	Native Perennial	0.3	1.3
3	Developed	Revegetated or Other Planted Grassland	0.7	<0.1
	Grassland	Native Perennial	0.7	N/A
	Category 3 Subtotal		1.3	<0.1
4	Grassland	Exotic Annual	0.7	54
6	Developed	Dryland Wheat	4.5	577
	Developed	Other	1.8	0.8
	Category 6 Subtotal		6.3	578
Total			8.7	633
Note: Totals in this table may not appear to sum correctly due to rounding. N/A = not applicable; <0.1 = greater than zero but less than 0.05				

Disturbance Levels

Revegetation and soil stabilization needs will be determined by a combination of topography, soil type, disturbance level, and existing vegetative cover.

Disturbance levels will primarily be determined by conditions such as slope, gradient, and existing vegetation. As much as is feasible, use of heavy machinery and soil disturbance should be conducted on dry soil. Disturbance of saturated soil has a much greater risk of compaction and requires more effort to revegetate and control weedy species. Disturbance levels are defined as follows and depicted in Figure B-1:

- Level 1 – Mowing:** Mowing is used to conserve vegetative resources within a facility. Vegetation will be limited to a height of 12 inches and mowed to no less than 6 inches during construction. Mowing to no less than 6 inches protects perennial grass crowns and allows grasses to regenerate. Depending on facility objectives, vegetation can be allowed to reach a normal height or kept trimmed to a height between 6 inches and the plant's full height potential. Crushing of vegetation will be minimal and this disturbance level is designed to have a minimal impact on existing vegetation. This method is least likely to result in invasions of undesirable plant species.

- *Level 2 – Overland Drive and Crush:* Disturbance caused by accessing a facility without significantly modifying the landscape. Vegetation is crushed to the ground, but no surface soil is removed so root structures are left intact. Even though vegetation may be damaged or destroyed, the surface soil and seed bank remain in place. Some crushed vegetation will likely sprout after disturbance ceases. These activities would result in minimal to moderate disturbance. This type of disturbance will result in a faster recovery time for vegetation compared to Levels 3 and 4. Soil seed banks remain largely in place, perennial vegetation can grow back, and minimal external efforts are necessary. This method is less likely to result in invasions of undesirable plant species compared to Levels 3 and 4.
- *Level 3 – Clear and Cut:* Disturbance caused by accessing the facility including having to remove all vegetation to improve or provide suitable access for equipment. All vegetation is removed, soils are compacted, and the root zone or soil A-horizon may be disturbed, but no subsurface soil is removed. Clear and cut activities would result in moderate disturbance. This type of disturbance will result in moderate recovery times for vegetation. This method has a moderate risk for invasion of undesirable plant species. An example is imprinting to crush vegetation down into the soil or incidental grading and smoothing of surface soils.
- *Level 4 – Clear and Cut with Soil Removal:* Disturbance is caused by removing all vegetation in the impact zone, soils are compacted, and surface soil and subsoil are displaced. These activities result in heavy disturbance. This type of disturbance results in an extensive recovery time for vegetation and is most likely to lead to invasions of undesirable plant species, which can result in lengthy and expensive control efforts. Includes disc-and-roll construction and other traditional construction methods where soils are disturbed and no vegetation is left intact. This category includes all work requiring the segregation and replacement of topsoil.
- *Level 5 – Development Footprint:* Disturbance is caused by removing all vegetation and covering the area surface with gravel, concrete, or other vegetation-free surfaces, or where the intended function of a specific area necessitates it remain unvegetated. This disturbance level includes roads, graveled lots, fire breaks, utility pole pads, and the areas underlying any component installed on a foundation. This level does not include vegetated areas under solar arrays. This type of disturbance will result in a complete loss of vegetation and will be required to be monitored and kept free of noxious weeds and other vegetation for the life of the facility.

Maps showing the expected disturbance levels in ~~Temporary and Permanent Disturbance Areas within the site boundary/micrositing area in relation to~~ showing existing vegetation type, ~~habitat type~~, and areas with sensitive soils are provided in Figure B-1 below. Maps can also be attached to the final VSMP.

[to be inserted at plan finalization]

Figure B-1. Disturbance Levels in ~~Temporary and Permanent Disturbance Areas in Relation to Existing~~within the Site Boundary/Micrositing Area with Vegetation Type, ~~Habitat Type, and Areas~~ with Sensitive Soils

Appendix C. 1200-C Permit and Erosion and Sediment Control Plan

To be added at plan finalization

Appendix D. Fugitive Dust Control Plan

To manage fugitive dust from construction, the Certificate Holder and its contractors will generally follow the Dust Control Plan Flow Chart (Figure D-1).

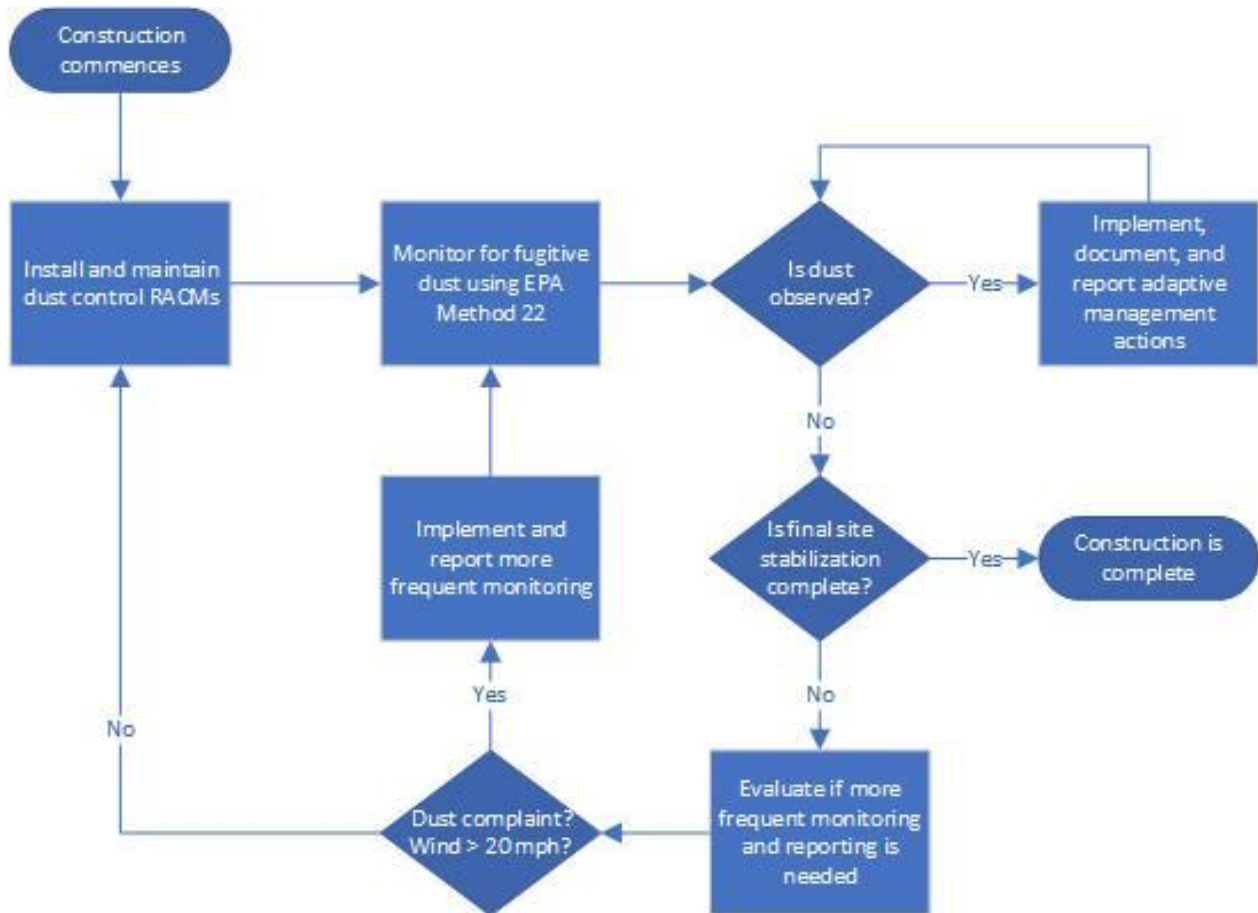


Figure D-1. Dust Control Plan Flow Chart

Fugitive Dust Monitoring and Reasonable Available Control Measures (RACMs)

Visual monitoring required by the 1200-C permit must occur at least once every 14 calendar days. However, because Oregon Administrative Rule (OAR) 340-208-0210 restricts visible fugitive emissions on a continuous standard to a maximum of **18 seconds in any 6-minute period** and fugitive dust emissions may provide an immediate public safety concern, this VSMP requires that fugitive dust be monitored and controlled on an ongoing basis (Table D-1).

Monitoring for fugitive dust emissions will include:

- Use of U.S. Environmental Protection Agency (EPA) Method 22 (ODEQ 2019), as specified in OAR 340-208-0210, **at least once per day during the dry season, during peak construction activities.**

- The observation will be performed during times of peak construction activity at the downwind facility boundary.
- Recording observations in a fugitive dust inspection log kept at the Facility and digitally, described below.

Triggers for additional, more frequent monitoring will include:

- Observation of visible fugitive dust emissions by the Environmental Inspector, contractor(s), agency, or Certificate Holder staff,
- Wind speeds or gusts greater than 20 miles per hour, or
- Receipt of complaints or concerns through the Project Dust Control Hotline or other means.

Table D-1. Fugitive Dust Sources and Reasonable Available Control Measures (RACMs)

Construction Phase	RACM(s)	Supplemental RACM(s)
All Phases of Construction	Daily fugitive dust monitoring and record keeping.	Increase frequency of monitoring.
	Prominent display of Dust Control Hotline signs, providing direct access to the Environmental Inspector.	If established, proactive engagement with Community Action Council.
	Worker Environmental Awareness Program training for all construction employees.	Additional trainings and refreshers for employees.
	Maintain stockpile of best management practices (BMPs) at the Facility, including sufficient palliatives for a single treatment of all access roads and sufficient palliatives, mulch, and/or hydromulch for a minimum of 25 percent of the total disturbed area, and machinery for application.	Increase stockpile of palliatives, mulch, and/or hydromulch and add additional BMPs.
	Documentation and reporting of adaptive management actions.	Development and submittal of revised Fugitive Dust Control Plan.
Facility Access	Install and maintain stabilized construction entrances at ingress/egress locations and restrict traffic to these locations.	Add additional construction entrance BMPs (e.g., wheel wash).
	Daily sweeping up of sediment from paved surfaces utilizing vacuum sweeper with HEPA filtration.	Increase sweeper frequency.
	Access roads will be graveled.	Road maintenance and reapplication of gravel.
	Access roads will be stabilized with water or palliative sufficient to eliminate visible and sustained dust from vehicular travel and wind erosion. Reapply stabilization as necessary to maintain dust-free condition.	If water is unavailable or ineffective, or if water use is limited by any agency or regulation, access roads will be stabilized with longer-lasting palliatives.
	Restrict construction traffic to established and stabilized access routes.	Install fencing or barricades to prevent traffic outside of established routes.

Construction Phase	RACM(s)	Supplemental RACM(s)
	Limit traffic speeds to 15 miles per hour on stabilized unpaved roads within the facility as long as such speeds do not create significant visible dust emissions. Traffic speed signs will be displayed prominently at all entrances and exits.	Limit traffic speeds within the facility to 5 or 10 miles per hour.
	Minimize disturbance areas and soil exposure to the maximum extent feasible.	Limit work to a portion of the disturbed area until all disturbed areas receive temporary or final stabilization.
	When wind speeds or gusts exceed 15 miles per hour, minimize new disturbances to the extent possible and/or mobilize additional water trucks or palliatives to minimize fugitive dust from exposed surfaces.	Stop all ground disturbing activities and apply additional dust control measures until measures are effective or wind speeds slow and fugitive emissions stop.
	Separate and cover or otherwise stabilize topsoil to preserve it until it is replaced during revegetation.	Increase maintenance frequency for topsoil cover/stabilization. Combine methods, such as mulch plus tackifier.
	Stabilize exposed soils within the timeframes established in the 1200-C permit. Stabilize exposed soils in stages based on soil conditions and weather.	Stabilize exposed soils more frequently, even if additional work is anticipated within the timeframe established in the 1200-C permit. Reapply stabilization measures following any additional disturbances.
	Temporarily stabilize exposed surfaces to prohibit significant and sustained visible fugitive dust from wind erosion. Utilize BMPs such as mulch, hydromulch with or without seeds, tackifier, spreading stone or gravel, and trackwalking.	Combine stabilization methods, such as mulch plus tackifier, or trackwalking plus hydromulch. Increase frequency of maintenance of stabilization.
	Seed exposed surfaces during the appropriate season with approved temporary or permanent seed mixes.	Reapply seed to newly disturbed areas or areas with poor germination. Use temporary seeding even if additional work is anticipated before final stabilization. Use irrigation to enhance seeding success.
Removing and Hauling Sand, Soil, or Other Loose Materials	Gate seals should be tight on dump trucks. Soil load will be kept below 6 inches of the freeboard of the truck. Drop heights will be minimized when loaders dump soil into trucks. Gate seals will be checked and tight on dump trucks. All trucks on highways must be fully covered and secured.	Cover haul trucks with a tarp or other suitable cover.

Fugitive Dust Reporting

A dust inspection log will be completed after each dust inspection. Log records will be kept digitally and included in construction monitoring reports as described in Appendix E of this VSMP. This log will include all information required in EPA Method 22. Photos and/or video taken during the observation period to document conditions will be available digitally to the Oregon Department of

Energy upon request. Any documented exceedance events will include a detailed explanation of RACMs implemented for corrective action and the results of subsequent monitoring demonstrating fugitive dust has returned to below exceedance thresholds.

Appendix E. Environmental Monitoring Methods

The Environmental Monitoring Contractor (EMC) will be present during construction activities that involve ground disturbance, grading, weed treatments, vegetation removal, and high traffic volumes and is responsible for monitoring and recording construction activity to ensure compliance with this VSMP.

In addition, the EMC will:

- Assist contractor(s) for the direction of water trucks, civil activities, and road maintenance to reduce fugitive dust and erosion issues.
- Identify when reasonably available and best available control measures are not adequate, as designated in Appendix D.
- Maintain dust inspection and noxious weed logs and reporting designated in this VSMP.

Specific protocols and requirements for testing and monitoring to be performed prior to and during construction and revegetation efforts are described in the sections that follow.

Baseline Soil Monitoring Protocol

The EMC will conduct pre- and post-construction soil compaction testing in all anticipated Level 3 and 4 Disturbance Areas, and any areas consisting of soils with low soil compaction resistance. If disturbance level maps are not available at the time of pre-construction monitoring, the Certificate Holder may choose to base sample locations on the overall anticipated disturbance area (i.e., regardless of level of disturbance).

- Soil compaction sample locations will be evenly distributed across the disturbance area at a rate of 1 sample per ~~50~~ 200 acres. Sample locations will be stratified by soil type to ensure a minimum of three sample locations in each soil type and a representative density of sample locations in major soil types. ~~Additionally,~~
- ~~s~~Sample locations will be selected to avoid infrastructure such as inverters and roads where revegetation will not occur.
- Soil compaction measurements and location photographs will be collected at all sample locations prior to ground disturbing activities and again at the same locations post reclamation but prior to revegetation.
- Sample locations are identified in Figure E-1, below. Figures can also be attached to this VSMP.

Soil Compaction Testing

Soil Compaction testing will be conducted at least 60 days after construction activities in an area are completed. Soil compaction testing must occur annually until soil conditions are restored to pre-construction conditions and vegetation is established.

Test Methods

Soil Compaction Testing will be conducted using the following standard methods (NRCS 2020; Duiker 2025):

- The surveyor will measure soil resistance using a penetrometer.

- Resistance will be measured at 3-inch intervals to 12 inches or until the meter goes above 300 pounds per square inch (3, 6, 9, and 12 inches if soils allow).
- Three penetrometer readings will be collected and averaged at each sample location.
- Measurements will be conducted in conditions favorable to soil testing (e.g., non-saturated or frozen soils).

Results

Testing results will be provided ~~to the Oregon Department of Energy (ODOE) in the Final Construction VSMP~~ prior to construction, in construction reporting, and the final Operational VSMP after reclamation but before revegetation, and in operational vegetation monitoring report.

[to be inserted at plan finalization]

Figure E-1. Soil Compaction Sample Locations

Baseline Noxious Weed Protocol

Prior to construction of Facility Components, the EMC will conduct pre-construction baseline noxious weed surveys (See Appendix G for species of concern, however, all weeds and invasives must be documented) in all Disturbance Areas following methods described below.

Baseline locations must be selected by their representation of optimal vegetative cover representative varying topography for the site, and must be at a minimum of (20) locations for each 1,000 acres impacted, or as agreed to by the Department prior to construction.

Existing weed infestations must be separately documented collecting the data listed below.

Data collected will include:

- Noxious species observed;
- Whether or not it is a state or County listed species
- Percent cover of vegetation including noxious weeds; and
- Percent cover of litter and bare soil,
- Professional opinion and description of whether the vegetative cover is ideal or representative for the area and concerns about certain types or abundance of weeds,
- Photographs and GIS data must be provided included,

Baseline locations must be provided on maps.

Noxious Weed Monitoring Reports

During construction of the facility, the Certificate Holder or EC will monitor Disturbance Areas inside and outside the fenceline (as applicable) for the presence and spread of noxious weeds and invasive species. Disturbed areas within and outside the fenceline (as applicable) will be monitored by a qualified investigator annually, beginning the first year after construction. It is recommended to combine monitoring of weeds with vegetation and soils.

The Certificate Holder will monitor Disturbance Areas to assess the following:

- Noxious species observed;
- Whether or not it is a state or County listed species
- Percent cover of vegetation including noxious weeds; and
- Percent cover of litter and bare soil,
- Professional opinion and description of whether the vegetative cover is ideal or representative for the area and concerns about certain types or abundance of weeds,
- Photographs and GIS data must be provided included,

Weed inspections will occur within the disturbance areas within and outside the fenceline Weed Management Area through visual inspection while driving or walking. During the construction phase, the Environmental Monitoring Contractor (EMC) will conduct periodic monitoring of noxious weeds. Noxious weeds observed during construction will be treated with mechanical or

chemical treatments or other best management practices, as applicable. If construction extends into the growing season prior to the commercial date of operations and formal post-construction weed monitoring, the EMC will conduct informal but comprehensive weed surveys to inform adaptive management. In addition, weed monitoring may be conducted by the EMC as part of routine construction environmental monitoring monthly from April to October.

The EMC will conduct annual post-construction noxious weed monitoring within the Weed Management Area starting the first growing season after construction to map the extent of all noxious weed occurrences and identify areas for treatment. Results will be summarized in annual monitoring reports that describe treatments performed, treatment efficacy, recommendations to improve efficacy (if necessary), and any new noxious weed occurrences. Reports will be submitted to ODOE, ODFW, and the County annually. The Certificate Holder will be responsible for treating all noxious weeds observed within the Weed Management disturbance Areas.

Based on the success of control efforts after the ~~second~~^{fifth} year of monitoring, the Certificate Holder will consult with ODOE and the County Weed Department to determine if the monitoring cycle can be reduced for Year 3 through Year 5. After 5 years of monitoring, the Certificate Holder will design a long-term weed control plan in consultation with ODOE and the County Weed Department. The Certificate Holder will maintain ongoing communication with individual landowners, the County Weed Department, and ODOE regarding noxious weeds within the Weed Management Area.

Landowners may also contact the Certificate Holder directly to report the presence of noxious weeds related to Solar Component activity. The Certificate Holder will control reported noxious weeds on a case-by-case basis and prepare a summary of measures taken for that landowner. During the Facility operational period, the Certificate Holder will control noxious weeds as described in the long-term weed control plan. The Certificate Holder will report the investigator's findings and recommendations regarding weed control in the Facility's annual report required by Oregon Administrative Rule 345-026-0080.

Baseline Vegetation ~~Conditions~~Protocol

Prior to construction of Facility Components, the EMC will conduct pre-construction baseline habitat surveys for all Temporary~~vegetation surveys in all~~ Disturbance Areas following methods described below.

Baseline locations must be selected by their representation of optimal vegetative cover, representative varying topography for the site, and must be at a minimum of (20) locations for each 1,000 acres impacted, or as agreed to by the Department prior to construction.

Data collected will include:

- Vascular plant species observed;
- Percent cover of vegetation including noxious weeds; and
- Percent cover of litter and bare soil,

- Professional opinion and description of whether the vegetative cover is ideal or representative for the area.
- Photographs and GIS data must be provided included.
- Baseline locations must be provided on maps.-

Revegetation Monitoring

The Certificate Holder will monitor revegetated areas as described below, unless the landowner converted an area to a use that precludes meeting revegetation success criteria such as cropland. The Certificate Holder should coordinate grazing timing and intensity with the landowner so that it does not preclude revegetation success. Revegetated areas will be monitored by a qualified investigator in May or June annually for 5 years, beginning the first year after seeding.

Temporary Disturbance Areas

Reference and Revegetation Transects

Establish 50-meter reference and revegetation transects for each temporarily disturbed wildlife habitat subtype and category with at least 0.5 acres of temporary disturbance as described below. Establish one reference transect for every temporarily disturbed wildlife habitat subtype and category. Reference transects are intended to be representative of baseline conditions for the revegetation effort.

Establish revegetation transects randomly in every wildlife habitat subtype and category that will be temporarily disturbed by construction using existing habitat mapping. Transect locations and/or lengths may need to be adjusted to account for linear features whose disturbance footprint may be too narrow or too short to meaningfully place a transect. Determine the number of transects as follows:

- ~~Less than 0.5 acres of temporary disturbance = 0 transects~~
- ~~0.5 to 5 acres of temporary disturbance = 1 transect~~
- ~~6 to 10 acres of temporary disturbance = 2 transects~~
- ~~For each additional 10 acres of disturbance, one additional transect will be added (e.g., 11–20 acres of disturbance = 3 transects, 21–30 acres = 4 transects, etc.)~~

Temporary Disturbance Area Monitoring Methods

Vegetation will be measured quantitatively using the line-point intercept (LPI) method combined with a belt transect to document species richness and sagebrush density, where necessary (Elzinga et al. 1998; MacKinnon et al. 2011). The LPI method is described in detail in the *Monitoring Manual for Grassland, Shrubland, and Savanna Ecosystems, Volume I* (Herrick et al. 2021). The surveyor will drop a narrow pin perpendicular to the ground at 1-meter intervals along a 50-meter transect and record up to four plant species that intercept the pin in order of interception as well as the soil surface type (bare soil, litter, rock, moss, or biotic crust) where the pin touches the ground. Once all 50 points have been collected, the surveyor will walk back along the transect and record any additional species observed within 1 meter on either side of the transect. The surveyor will take a photo from the

transect start point, looking down the length of the transect. For transects in sagebrush shrub-steppe habitat, the surveyor will record the number of sagebrush individuals by size class (i.e., less than 1 foot tall, between 1 and 2 feet tall, and greater than 2 feet tall) occurring within 1 meter on either side of the 50-meter transect.

Following field surveys, foliar cover will be determined by multiplying the number of top hits for each species by two. Cover of bare soil will be determined by counting every point in which bare soil was recorded as a surface type and no plants were intercepted and multiply this number by two. Species richness will be determined by counting all species that were recorded at a point or along the belt transect. Sagebrush density per square meter will be calculated by dividing the number of sagebrush plants counted on a transect (100 square meters total) by 100.

Permanent Monitoring in Disturbance Areas

Following implementation of revegetation efforts, the Certificate Holder or EC will monitor revegetated ~~Permanent~~ Disturbance Areas inside and outside the fenceline (as applicable) as described below. Revegetated areas will be monitored by a qualified investigator annually ~~for 5 years~~, beginning the first year after seeding. It is recommended to combine monitoring of vegetation with soils and weeds. If success criteria are met in the first 5 years, then long-term vegetation monitoring will be determined in consultation with ODOE to document and manage vegetation to reduce wildfire risk.

The Certificate Holder will monitor ~~Permanent~~ Disturbance Areas to assess the following:

- Dominant species composition;
- Relative cover of desirable and undesirable forbs and grasses;
- Percent cover of bare soil;
- Degree of erosion;
- Presence of noxious weeds (see weed monitoring); and
- Qualitative assessment of overall vigor of vegetation within revegetated areas.
- Photographs and GIS data must be provided.

~~The Environmental Monitoring Contractor (EMC) will monitor revegetated Permanent Disturbance~~

~~The EMC will visit and document the baseline locations and conduct a meandering survey. Areas with a meander survey beginning within 60 days of the completion of initial revegetation.~~

During the meander survey, the EMC will walk in revegetated ~~Permanent~~ Disturbance Areas and document the assessment items listed above using photos and spatial data collection. Areas of erosion and significant patches of bare soil will be mapped and photographed. ~~The EMC will record dominant species, overall percent cover of forbs and grasses, and general notes about plant vigor.~~

Monitoring will be conducted at least once per season during the first year following construction. ~~After the first complete year of monitoring, the Certificate Holder will consult with ODOE to determine if the monitoring cycle can be reduced based on revegetation progress. After 5 years of monitoring, the Certificate Holder will design a long-term monitoring plan in consultation with ODOE. And then annually during the growing season, April-May.~~

The Certificate Holder will monitor revegetated areas, unless the landowner converted an area to a use that precludes meeting revegetation success criteria such as cropland (if applicable).

The Certificate Holder must coordinate any approved grazing timing and intensity with the landowner and ODFW so that it does not preclude revegetation success.

Revegetation Records

The EMC will maintain records of revegetation efforts in Disturbance Areas and update ODOE monthly as revegetation work occurs. Revegetation records will include:

- a. Date construction phase was completed;
- b. Description and photos of the affected area;
- c. Date revegetation was initiated;
- d. Description of the revegetation effort, including methods and timing;
- e. Supporting figures representing the location, acres affected, and pre-disturbance condition of the revegetation area; and
- a.—

Revegetation Monitoring Reports

Revegetation monitoring reports will be prepared and submitted to ODOE annually ~~for 5 years following revegetation.~~ The first monitoring report will include a detailed description and timeline of revegetation methods that were implemented including species, amounts, and locations of seed applications and dates revegetation work was performed. Annual monitoring reports will include:

- a. Maps of revegetated areas and disturbance levels;
- b. Monitoring methods;
- c. Local climatic data (i.e., precipitation, temperature) for the monitoring year and deviation from the historical average;
- d. Results of monitoring efforts;
- e. Photos of ~~Temporary Disturbance Area~~ transects and representative overview photos of revegetated areas;
- f. Assessment of whether revegetated areas are trending toward meeting success ~~criteria;~~
- ~~g. Assessment of factors impacting the ability of revegetated areas to trend towards meeting the success criteria; and~~
- ~~h.g.~~ Recommendations for remedial actions, if any. If applicable, provide recommendations for reseedling, weed control, or other remedial measures for areas ~~(either permanently or temporarily disturbed)~~ that are not showing progress toward meeting success criteria. Include adaptive management measures taken in the next monitoring report.

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Appendix F. Revegetation and Soil Stabilization Methods

Soil Stabilization

- The Engineering, Procurement, and Construction Contractor (EPC) will use appropriate erosion and sediment control practices (i.e., seeded or unseeded hydromulch, tackifier, weed-free erosion control blankets, weed-free or locally sourced straw mulch) to maintain topsoil during construction in Temporary and Permanent Disturbance Areas.
- After grading is complete but prior to installation of Facility Components, apply temporary or permanent soil stabilization.
- If seeding is used for temporary soil stabilization, seed areas with less than 70 percent vegetative cover with a non-invasive, non-persistent cover crop such as winter wheat or sterile triticale. Select cover crop based on the time of year; for example, winter wheat or sterile triticale can be seeded from fall to early spring, while peas should be seeded in spring. Tillage radish and sunflowers can be seeded in spring to reduce compaction but are not suitable options for soil stability. Establishment of a cover crop will stabilize soils and suppress noxious weed infestations to reduce erosion and facilitate revegetation of desired plant species.

Soil Reclamation

In areas where soil is removed during construction, the following measures will be taken where appropriate:

- During construction, excavated topsoil will be stockpiled separately from subsoil and replaced in proper order with topsoil on the surface to maintain soil productivity. Stockpiled soil will be put back in place prior to revegetation activities.
- Topsoil and other soils from noxious weed infested areas will not be moved outside infested areas and will be returned to their previous location during reclamation activities to eliminate the transport of weed seeds, roots, or rhizomes. Noxious weed occurrences will be flagged and monitored for compliance.

Soil Preparation

- Ensure that soils from weed infested areas are treated with pre- or post-emergent herbicide as needed prior to initiation of revegetation efforts, depending on location-specific conditions.
- Prior to final regrade and revegetation efforts, any weeds that have grown during periods of construction dormancy should be treated as described in Appendix G.
- Perform soil preparation using methods described below. Consider location-specific factors including slope, soil type, size of area, and erosion potential when determining methods.
 - Soil Roughening: Also known as imprinting, tracking, or track walking, soil roughening is a temporary erosion control practice and seedbed preparation technique implemented when grading a slope (EPA 2021). This technique involves creating grooved soil surface with depressions running parallel to the hill contour to promote

seed germination and provide moderate erosion control while vegetation is established. Tracking with heavy equipment may compact the soil and inhibit root penetration; this can be mitigated by using lighter-weight equipment and not tracking saturated soil. Soil roughening should be done prior to applying hydromulch, straw mulch, or installing erosion best management practices. Seed and mulch roughened areas as soon as possible to obtain optimum seed germination and growth (ODOT 2023).

- Deep Tilling: Reduce soil compaction by fracturing restrictive soil layers in areas where compaction levels inhibit plant growth (NRCS 2022). Deep tillage is only suitable in areas outside of solar arrays and where solar infrastructure is not present (i.e., temporary roads) and should be conducted after construction and prior to revegetation when soil moisture is at 30-50 percent of field capacity.
- Decompaction: Where soil compaction testing in areas with Level 3 and 4 disturbance demonstrates that soils are compacted greater than 300 pounds per square inch (psi), then remediation activities may be completed in those areas prior to the construction contractor moving to a new location or off-site as described in Table F-1. Areas with intact vegetation (typically in areas with Level 1 or 2 disturbance) will not be decompacted to avoid additional soil disturbance and erosion risk. Locations where baseline monitoring indicated that soils were compacted more than 300 psi prior to construction will only be decompacted as needed based on field assessment of likely vegetation success (see Table F-1).
 - o Remediation activities may include mechanical scarification (e.g., tilling or ripping the soil) to an appropriate depth to reduce the potential effects of compaction, to maintain soil productivity, and reduce the potential for erosion on compacted soils. Dry soils should be de-compacted using an agricultural disc, soil ripper, or similar equipment.
- Prepare salvaged topsoil into a firm, fine-textured seedbed before seeding or planting (ODOT 2023). Loosen the top 1 to 2 inches of the soil surface by shallow tilling with a disc, followed by harrow or drag if necessary and where feasible with construction equipment. If soil is assessed as too soft by the Revegetation Contractor or the Environmental Monitoring Contractor (EMC), firm with a roller or cultipacker.

Table F-1. Decompaction Actions by Disturbance Level

Disturbance Level	Baseline Soil Compaction Level	
	Under 300 psi	Over 300 psi
1 – Mowing	If intact, living vegetation present, then no action; confirm vegetation success in next growing season. If bare soil, revegetate as described in the following section.	If intact, living vegetation present, then no action; confirm vegetation success in next growing season. If bare soil, decompact prior to revegetation.
2 – Overland Drive and Crush	If intact, living vegetation present, then no action; confirm vegetation success in next growing season. If bare soil, revegetate as described in the following section.	If intact, living vegetation present, then no action; confirm vegetation success in next growing season. If bare soil, decompact prior to revegetation.
3 – Clear and Cut	Revegetate as described in the following section.	Decompact prior to revegetation.
4 – Clear and Cut with Soil Removal	Revegetate as described in the following section.	Decompact prior to revegetation.

Revegetation Methods

- The Certificate Holder will restore ~~temporarily~~ disturbed areas by re-establishing slope, surface stability, and drainage features, as needed, followed by soil preparation and seeding as described below.
- Revegetation will begin as soon as feasible after completion of each construction phase. Seeding and planting will be done in a timely manner and in the appropriate season to facilitate germination and establishment of seeded species.
- Following seeding, stabilize seeded areas to facilitate establishment by applying seedless, certified weed-free hydromulch containing a tackifier or crimped weed-free straw.
- Cropland outside the Solar Components fenceline will be returned to landowner control and will not be revegetated by the Certificate Holder.
- Revegetation methods for each disturbance level were developed to tailor revegetation to specific conditions (Table F-2).

Table F-2. Revegetation Methods by Disturbance Level

Disturbance Level	Soil Reclamation	Site Preparation	Seeding
1 – Mowing	No soil disturbance. Retain existing vegetation to prevent erosion.	Weed control.	Seed if necessary to achieve success criteria.
2 – Overland Drive and Crush	No soil disturbance. Retain existing vegetation and implement erosion control practices.	Weed control.	Seed if necessary to achieve success criteria.
3 – Clear and Cut	Track or decompact soil as necessary. Implement erosion control practices.	Weed control. Seed cover crop if necessary to stabilize soil. Prepare firm, fine-textured seedbed prior to seeding.	Required
4 – Clear and Cut with Soil Removal	Stockpile topsoil separately from subsoil and stabilize during construction. Regrade and replace subsoil then topsoil prior to seeding. Track or decompact soil as necessary. Implement erosion control practices.	Weed control. Regrade and add soil amendments if necessary. Seed cover crop if necessary to stabilize soil. Prepare firm, fine-textured seedbed prior to seeding.	Required

Seed Mix and Shrub Planting

The NW Dryland Standard Mix from Nutrien Ag Solutions was used to revegetate the Wheatridge Renewable Energy Facility (WREF) III. A similar seed mix will be used to revegetate temporarily disturbed wildlife habitat and Permanent Disturbance Areas within the Wagon Trail Solar II Facility (Facility; Table F-3). Initial seeding will use a grass-only mix to maximize flexibility for weed control. Forbs may be seeded after two or three years if revegetation areas are not trending towards meeting the success criteria for native forbs. Shrub planting may be proposed for revegetation of temporarily disturbed shrub-steppe habitat, if applicable. The Certificate Holder will make all attempts to procure the approved seed mix or obtain approval from ODOE prior to making substitutions if species are not available at the time of procurement.

Table F-3. Revegetation Seed Mix

Common Name	Scientific Name	Percent Pure Seed
'Columbia' bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>	30
'Sierra Vista' sheep fescue	<i>Festuca ovina</i>	20
'Sodar' streambank wheatgrass	<i>Elymus lanceolatus</i> ssp. <i>lanceolatus</i>	20
'Sherman' big bluegrass	<i>Poa secunda</i> ssp. <i>juncifolia</i>	19
'Secar' Snake River wheatgrass	<i>Elymus wawawaiensis</i>	10

Seeding Methods

Four common seed application methods that may be used for revegetation include broadcast seeding, drill seeding, imprint seeding, and hydroseeding; each of these are discussed further below. Other seeding methods may be proposed for review and approval prior to revegetation efforts. When feasible for **Permanent** Disturbance Areas within the Solar Components, the area will be seeded after grading is complete but before placement of Solar Components to provide flexibility in seed application methods. In those instances where seeding occurs prior to installation of components, follow-up seeding will occur in areas temporarily disturbed by component installation and any areas that are deficient in vegetation after construction is complete.

Broadcast Seeding

Broadcast seeding is the application of seed directly to the ground surface. This method may be chosen for areas with shallow and rocky soils, and the type of broadcast spreader depends on the size of the area to be seeded and the terrain. In this method, seed is broadcast at 20-24 pounds of pure live seed per acre, or twice the recommended rate for drill seeding. Immediately following seed application, hydromulch or certified weed-free straw would be applied at a rate of approximately 2 tons per acre. Broadcast seeding will not be employed if winds exceed 5 miles per hour. If certified weed-free straw is unavailable, the Certificate Holder or EPC will identify a local source of straw. The local source of the straw will be approved by the County Weed Department and the Oregon Department of Fish and Wildlife (ODFW) prior to purchase. This straw will either be crimped into the ground or applied with a tackifier.

Drill Seeding

Drill seeding can be used for large areas with deep soils and moderate to gentle terrain to accommodate mechanical equipment. This method provides the advantage of planting the seed at a uniform depth and may provide better soil to seed contact. Using a range seed drill, seeds will be sown at 12-14 pounds pure live seed per acre or according to application rates recommended by the seed supplier. Drill seeding will be difficult after Solar Components have been installed, so it will primarily be used if seeding occurs after grading is complete but before components are installed, or in areas that were temporarily disturbed during construction that do not have any permanent infrastructure (e.g., temporary access roads, laydown areas).

Imprint Seeding

Imprint seeding is a no-till drill seeding method used to restore grasslands in areas with low annual precipitation. Seeds will be sown at 12 pounds pure live seed per acre or according to application rates recommended by the seed supplier. The seeder consists of a heavy metal drum roller with V-shaped, angled teeth and a seed agitator box. The teeth create V-shaped troughs with a depth of 4-7 inches to collect rainwater. The rolling drum presses the seed into the soil, insuring good seed-to-soil contact. The troughs collect rainwater for seed germination and seedling growth. Imprint seeders can be used on steep slopes and do not require seed bed preparation before seeding. Seeding can occur on soils with light to moderate vegetative cover, with the vegetation acting as a mulch, preventing soil erosion until seedlings are established. Imprint seeders do not work well in

areas with shrubs or heavy vegetation cover. Heavily compacted soils may need to be ripped or de-compacted before seeding.

Hydroseeding

Hydroseeding is most applicable for areas where drill or broadcast seeding machinery cannot access; this usually includes steep slopes or narrow terrain but can be used in all terrains. Soil bed preparation is crucial for growth success and frequently includes tracking perpendicular to the slope to create micro conditions for seed. Flat grading and compaction are not recommended. Seeding rates increase by 30 to 50 percent of broadcast seeding rates (i.e., 30 pounds pure live seed per acre) per consultation with ODFW. Prior to hydroseeding, the tackifier will be reviewed and approved in consultation with the Oregon Department of Energy (ODOE). Fertilizer should not be used when hydroseeding wildlife habitat.

Revegetation Records

~~The EMC will maintain records of revegetation efforts in all Temporary and Permanent Disturbance Areas and update ODOE monthly as revegetation work occurs. Revegetation records will include:~~

- ~~b. Date construction phase was completed;~~
- ~~c. Acreage of each disturbance level;~~
- ~~d. Description and photos of the affected area;~~
- ~~e. Date revegetation was initiated;~~
- ~~f. Description of the revegetation effort, including methods and timing;~~
- ~~g. Supporting figures representing the location, acres affected, and pre-disturbance condition of the revegetation area; and~~
- ~~h. Confirmation from the landowner that temporary disturbances in cropland have been satisfactorily restored.~~

Success Criteria for Temporary Disturbance Areas

~~Reclamation of Temporary Disturbance Areas on agricultural lands will be considered complete after the land is returned to farm operations and landowners provide written confirmation that they are satisfied that any impacts to soil productivity have been addressed. The Certificate Holder will provide evidence that landowners are satisfied after one crop cycle.~~

~~In wildlife habitat, the Certificate Holder will make reasonable efforts to restore vegetation and soils to their pre-disturbance condition. The following success criteria will be evaluated using monitoring methods described in Appendix E:~~

- ~~a. **Native Shrubs:** For habitat subtypes with sagebrush, sagebrush density averaged across revegetation transects by habitat subtype and category should be at least 50 percent of corresponding reference transects within 5 years. For all habitat subtypes, shrub species richness on revegetation transects should at least equal shrub species richness on reference transects.~~

- ~~b. **Native and Desirable Forbs:** Cover of native and desirable (i.e., non-native species included in the seed mix) forbs, averaged across revegetation transects by habitat subtype and category, will be at least 75 percent of corresponding reference transects within 5 years.~~
- ~~c. **Native and Desirable Grasses:** Cover and richness of native and desirable (i.e., non-native species included in the seed mix) grasses, averaged across revegetation transects by habitat subtype and category, will be at least 85 percent of corresponding reference transects within 5 years.~~
- ~~d. **Noxious Weeds:** Presence and cover of noxious weeds on revegetation transects is 75 percent or less than that of corresponding reference transects.~~

Permanent Disturbance Area Management

During operation of the Facility, vegetation will be managed to minimize fire risk and erosion by maintaining low growing vegetation under the Solar Components. [See the applicable wildfire mitigation plan.](#)

~~***Use of Domestic Sheep and Goats for Vegetation Management***~~

~~The Certificate Holder may keep or use domestic sheep, goats, or other livestock at the Facility for vegetation control or other purposes. A Grazing Management Plan will be developed prior to grazing livestock at the Facility to describe practices and controls that will be implemented to prevent zoonotic disease transmission to wild sheep populations. ODOE may impose additional requirements to prevent zoonotic disease transmission based on consultation with ODFW. These requirements would not apply to landowners grazing livestock outside the Facility Components in accordance with their leases.~~

Success Criteria for Permanent Disturbance Areas

The Certificate Holder will establish uniform (i.e., evenly distributed, without large bare areas) perennial, non-invasive vegetation that provides 70 percent or more cover on all exposed areas within the Solar Components in compliance with the soil protection standard (Oregon Administrative Rule [OAR] 345-022-0022); National Pollutant Discharge Elimination System 1200-C permit requirements; and County requirements.

Use of Domestic Sheep and Goats for Vegetation Management

The Certificate Holder may keep or use domestic sheep, goats, or other livestock at the Facility for vegetation control or other purposes. A Grazing Management Plan will be developed prior to grazing livestock at the Facility to describe practices and controls that will be implemented to prevent zoonotic disease transmission to wild sheep populations. ODOE may impose additional requirements to prevent zoonotic disease transmission based on consultation with ODFW. These requirements would not apply to landowners grazing livestock outside the Facility Components in accordance with their leases.

Integrated Vegetation Management

To support reclamation success and reduce wildfire risk throughout all phases (i.e., both construction and operations) of the Facility, vegetation management will be consistent with the Construction Wildfire Mitigation Plan, Operations Wildfire Management Plan, and Grazing Management Plan. In the interim, while those plans are being finalized, this section establishes minimum vegetation management and fire prevention requirements that will apply during construction and operation of the Facility. Vegetation will be managed in accordance with the facility Wildfire Mitigation Plan and applicable provisions of the 2025 Oregon Fire Code, Section 1205.5.1 (Oregon State Fire Marshall 2025):

“A clear brush free area of 10 feet shall be required around the perimeter of the ground-mounted photovoltaic arrays or as determined by the fire code official. A maintained vegetative surface or noncombustible base, approved by the fire code official, shall be installed and maintained under the photovoltaic arrays and associated electrical equipment installations.”

A summary of vegetation management, vegetative free areas, fire breaks will be provided in the Final VSMP below:

• XX

• XX

These measures are intended to minimize ignition potential, maintain defensible space, support consistent vegetation control, and outline inspection practices that will contribute to long-term fire resiliency. At a minimum, the following criteria will be met:

a. **Vegetation Height and Clearance**

- ~~Vegetation within the fenceline will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.~~
- ~~Vegetation exceeding this height will be mowed or removed prior to local Oregon Department of Forestry (ODF) or County-issued fire restrictions.~~
- ~~At no time will vegetation come into contact with electrical infrastructure, inverters, or cable runs.~~
- ~~Vegetation height will be maintained by mowing, chemical spray, grazing, or other vegetation management techniques. A Grazing Management Plan will be developed if necessary.~~
- ~~A minimum 10-foot non-combustible, vegetation-free defensible space will be maintained along the fenced perimeter of the Facility Components.~~
- ~~Vegetation along service roads will be managed by mowing or other vegetation removal.~~

b. ~~Fuel and Debris Management~~

- ~~• Vegetation and debris removed from the Facility will be disposed of off-site and will not be stored at the Facility.~~
- ~~• The Certificate Holder and contractors will prevent accumulation of combustible materials or “burn piles.”~~
- ~~• Inspections will ensure that fence lines, service roads, and work areas remain clear of dry vegetation, woody debris, or stored materials that could create fuel continuity during fire season.~~
- ~~• All newly constructed or maintained service roads within the Facility will maintain a minimum 16-foot width of graveled, all-weather surface to facilitate emergency response access.~~

c. ~~Designated Noncombustible Areas~~

- ~~• All-weather service roads will be compacted soil or gravel and maintained in good condition.~~
- ~~• A graveled or earthen surface buffer will be maintained within the fenced perimeter of the inverter/transformer pads, and BESS.~~
- ~~• A graveled perimeter will be maintained around parking areas and the operations and maintenance building.~~
- ~~• Parking and laydown areas will consist of compacted soil, gravel, or other non-combustible material to reduce ignition potential from vehicles and equipment.~~

d. ~~Standards and Continuous Improvement:~~ ~~Vegetation management and fire prevention measures will be reviewed annually to ensure continued compliance with applicable codes and evolving best practices, including:~~

- ~~• North American Electric Reliability Corporation (NERC) FAC-003-0—Vegetation Management Standard for Transmission Lines~~
- ~~• Oregon Fire Code and National Fire Protection Association (NFPA) Standards relevant to energy facilities~~
- ~~• OAR Chapter 477 and 629-043—ODF Fire Prevention Standards~~
- ~~• OAR 860-024—Public Utility Commission (PUC) Electrical Safety Standards~~
- ~~• American Clean Power (ACP) and Avian Power Line Interaction Committee (APLIC) industry best practices~~

~~The Certificate Holder will evaluate new technologies, standards, and operational lessons learned each year to incorporate applicable improvements into this VSMP or the future Operations Wildfire Management Plan.~~

Adaptive Management

After each monitoring visit, the EMC will report to the Certificate Holder regarding revegetation progress. If applicable, the EMC will make recommendations to the Certificate Holder for reseeding,

weed control, or other adaptive management for areas that are not showing progress toward meeting the success criteria. The Certificate Holder will include the EMC's recommendations for adaptive management and measures taken in that year's monitoring report. ODOE may require reseeding or other remedial measures in cases where success criteria have not been met.

References

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Appendix G. Weed Control Plan

Regulatory Framework

The Oregon Department of Agriculture (ODA) and the Morrow County Weed Department maintain lists and classifications of noxious weeds. Although not all listed noxious weeds occur in the vicinity of the Facility, the Certificate Holder and its contractors should be aware of the entire list while monitoring and controlling weeds.

State of Oregon

In Oregon, a noxious weed is defined under Oregon Revised Statutes (ORS) 569.175 as “a terrestrial, aquatic, or marine plant designated by the State Weed Board under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs.” Noxious weeds have been declared by ORS 569.350 as a menace to public welfare, and control of these plants is the responsibility of private landowners and operators, as well as county, state, and federal governments.

The Oregon State Weed Board (OSWB) was created by ODA under ORS 569.600. OSWB provides recommendations for noxious weed control at the state level and is responsible for updating the State Noxious Weed List. The OSWB and the ODA classify noxious weeds in Oregon in accordance with the ODA Noxious Weed Classification System; there are three designations under the State’s system (ODA 2025):

- **A-Listed Weed:** A weed of known economic importance which occurs in the state in small enough infestations to make eradication or containment possible; or is not known to occur, but its presence in neighboring states makes future occurrence in Oregon seem imminent.
 - **Recommended Action:** Focus on prevention of new infestations through vector control, certification programs, education, outreach and surveys. New and existing infestations are prioritized for eradication or intensive control when and where found. Regionally focused, species-specific Statewide Management Strategies for A-listed weeds may be developed as necessary.
- **B-Listed Weed:** A weed of economic importance that is regionally abundant but may have limited distribution in some counties.
 - **Recommended Action:** Limited to intensive control at the state, county, or regional level as determined on a site-specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.
- **T-Designated Weed:** A designated group of weed species selected from the B list as a focus for prevention and control by the Noxious Weed Control Program. T-designated noxious weeds are determined by the OSWB and management actions are prioritized and informed by species-specific T-List Statewide Management Strategies created and maintained by the ODA. Action against these weeds will receive priority in accordance with the recommendations of the Statewide Management Strategy.

Morrow County

The Morrow County noxious weed list defines weeds of significance with two categories (Morrow County 2026):

- **A List:** Noxious weeds. Any plant that is determined by the weed advisory board, and so declared by the County Board of Commissioners to be injurious to public health, crops, livestock, land or property under provisions of Oregon State Statute and thus mandated for control.
- **B List:** Weeds of Economic Importance. Weeds of limited distribution in the county and subject to intensive control or eradication where feasible.

Noxious Weeds Identified at the Facility

Noxious weed data from 2019 to 2025 was reviewed to develop a list of noxious weeds mapped within the Facility (Table G-1). Table G-1 will be updated with results from pre-construction surveys. [See Appendix E.](#)

[The certificate holder may be responsible for managing weed and invasive species that are not listed on the state or County’s weed list, particularly if the species is a concern for wildfire.](#)

Table G-1. Noxious Weeds Observed at the Facility

Scientific Name	Common Name	Status	
		State	County
<i>Aegilops cylindrica</i>	jointed goat grass	B	B
<i>Bassia (Kochia) scoparia</i>	kochia	B	B
<i>Centaurea diffusa</i>	diffuse knapweed	B	B
<i>Centaurea solstitialis</i>	yellow starthistle	B	A
<i>Centaurea stoebe</i> ssp. <i>micranthos</i>	spotted knapweed	B(T)	B
<i>Centromadia (Hemizonia) pungens</i>	common spikeweed	Not Listed	A
<i>Chondrilla juncea</i>	rush skeletonweed	B(T)	A
<i>Onopordum acanthium</i>	Scotch thistle	B	A
<i>Secale cereale</i>	cereal rye	Not Listed	B
Sources: ODA 2025a. Morrow County 2026.			

Weed Management

Noxious weed control methods for the Weed Management Area (i.e., the disturbance area associated with the Facility Components plus a 10-foot buffer) described in this VSMP were developed utilizing information from the ODA Noxious Weed Control Program and the Morrow County Weed Department. Management of noxious weeds will be considered throughout all stages of construction and operation of the Facility Components and will include:

- **Prevention:** Implement measures to prevent the spread of noxious weeds during construction, operation, and maintenance activities.
- **Control:** Treat noxious weed populations with their appropriate control methods, at appropriate time intervals.
- **Monitoring:** Assess noxious weed changes within the Weed Management Area over time and ensuring that legacy as well as new weed populations are not increasing their distribution.

The Certificate Holder's objective is to prevent the introduction of new noxious weed populations and spread of existing noxious weed populations. The methods described above in this VSMP and supplemented below will be implemented to minimize the spread of noxious weeds during construction activities. New noxious weeds detected within the Weed Management Area during post-construction revegetation will be considered a result of construction activities and will be controlled accordingly.

Management Objectives

Management objectives will be based on the classification status of a species and frequency of observations (Table G-2). Classification status will be determined based on the highest status identified by the state or county weed list unless recommended otherwise by the County. Management objectives for unlisted species will be determined on a case-by-case basis based on need for control (e.g., fire control, etc.)

Table G-2. Management Objectives

Weed Classification	Years		
	0	1-5	6+
A or B(T)	Begin control prior to construction and continue throughout construction.	Intensive control with the goal to eradicate within first 5 years of operations. Prevent new infestations.	Intensive control and eradication for life of Facility. Prevent new infestations.
B	Begin control prior to construction on a case-by-case basis and continue throughout construction.	Intensive control on a case-by-case basis with the goal to eradicate within first 5 years of operations. Prevent new infestations.	Monitor and manage to prevent new populations or spread of existing populations.
Invasive Annual Grasses	Monitor and manage to minimize wildfire risk.	Monitor and manage to minimize wildfire risk.	Monitor and manage to minimize wildfire risk.

Prevention

The following best management practices will be implemented to prevent the spread of noxious weeds during construction activities, revegetation efforts, and operation and maintenance activities.

- Flag areas of noxious weed infestations prior to construction, where appropriate, to alert construction personnel;

- Limit vehicle access to designated routes, whether existing roads or newly constructed roads, and the outer limits of construction disturbances per the final design for the Facility;
- Limit vehicle traffic in areas with noxious weeds;
- Require construction vehicles to pass through a wheel wash station the first time they enter the Facility or return to the Facility from another project;
- Clean vehicles and equipment associated with ground disturbance and movement of topsoil utilizing a mobile wash station after performing work in noxious weed-infested areas and prior to performing work in non-infested areas;
- Topsoil and other soils from noxious weed-infested areas will not be moved outside of the infested areas and will be returned to its previous location during reclamation activities;
- Treat soils from infested areas with a pre- or post-emergent herbicide as needed prior to initiation of revegetation efforts, depending on site-specific conditions;
- Limit movement of topsoil and other soils from non-infested areas to eliminate the transport of weed seeds, roots, or rhizomes;
- Provide information regarding target noxious weed species at the operations and maintenance building;
- Treat noxious weeds in weed management areas via biological, mechanical, or chemical control (see Section 5.3);
- Prevent conditions favorable for noxious weed germination and spread by revegetating temporarily disturbed areas as soon as possible;
- Monitor weed management areas for noxious weeds after construction (see Section 6.0), during the normal course of revegetation maintenance of temporary workspaces, and implementing control measures as appropriate;
- Revegetate disturbance areas with appropriate, local native seed or native plants; when these are not available, non-invasive, and non-persistent non-native species may be used; and
- Inspect and certify that the seed and straw mulch used for Facility rehabilitation and revegetation are free of noxious weed seed and propagules.

Control Methods

Control of noxious weeds and other invasive weed species within weed management areas will be implemented through biological, mechanical, or chemical control measures. The control method used will depend on the weed species and size of infestation, time of year, proximity to intact native habitats, and resources available (Tu et al. 2001). Generally, mechanical control is best suited for small infestations of tap-rooted weeds that can be hand pulled or large occurrences in areas where mowing or soil disturbance is acceptable. Chemical control is used for most occurrences of perennial weeds with rhizomes or stolons and large occurrences of any weed in areas where

mowing or soil disturbance are not recommended. Successful noxious weed control programs typically combine multiple treatment strategies (USEPA 2008).

Biological

Biological control involves the use of prescribed insects, fungi, and livestock to control noxious weeds to achieve management objectives. Biological control methods are typically targeted to a specific species or plant to control its persistence. They are also used for maintenance in targeted areas for vegetation management control in height and density that includes mitigating fire risk and erosion. Biological control is environmentally friendly and should be the first consideration when applicable.

Use of Domestic Sheep and Goats for Vegetation Management

The Certificate Holder may keep or use domestic sheep, goats, or other livestock at the Facility for vegetation control or other purposes. A Grazing Management Plan will be developed prior to grazing livestock at the Facility to describe practices and controls that will be implemented to prevent zoonotic disease transmission to wild sheep populations. ODOE may impose additional requirements to prevent zoonotic disease transmission based on consultation with ODFW. These requirements would not apply to landowners grazing livestock outside the Facility Components in accordance with their leases.

Mechanical

Mechanical treatment will be the preferred method of treatment for existing noxious weed populations where appropriate within the Weed Management Area. Mechanical control methods rely on removal of plants, seed heads, and/or cutting roots with a shovel or other hand tools or equipment that can be used to remove, mow, or disc noxious weed populations. Hand removal of plants is also included under this treatment method. Mechanical methods are useful for smaller, isolated populations of noxious weeds in areas of sensitive habitats. Additionally, hand removal of small infestations can minimize soil disturbance, allowing desirable species to remain and limiting conditions favorable for noxious weeds.

Some rhizomatous plants can spread by discing or tillage because they reproduce vegetatively from small root fragments. As such, implementation of discing will be species-specific and avoided in areas where it will be counter-productive. If discing is employed in areas that will be revegetated following construction, subsequent seeding will be conducted to re-establish desirable vegetative cover that will stabilize the soils and slow the potential re-invasion of noxious weeds. Discing, tilling, or other mechanical treatments that disturb the soil surface within native habitats will also be avoided in favor of herbicide application, which is an effective means of reducing the size of noxious weed populations as well as preventing the establishment of new infestations.

Chemical

Chemical control can effectively remove noxious weeds through use of selective herbicides when mechanical control is not feasible. The specific herbicide used and the timing of application will be chosen based on the specific noxious weed being treated, as appropriate herbicides differ between

species and types of plants (i.e., dicots such as rush skeletonweed versus monocots such as jointed goatgrass).

Herbicides will be applied to identified, treatable, noxious weed infestations. The Certificate Holder or their contractors will coordinate with the County Weed Department to determine which populations are treatable and will notify landowners of proposed herbicide use on their lands prior to application. If a noxious weed population is deemed to be untreatable (e.g., too widespread and established in an area to successfully control), the Certificate Holder will implement the applicable prevention measures discussed in this VSMP, subject to approval by the Oregon Department of Energy (ODOE) and the County Weed Department. Herbicide application will be performed within the appropriate season to achieve desired results, as approved by ODOE and the County Weed Department. No weed treatment will occur in agricultural lands without landowner permission.

Herbicide Application and Handling

Herbicide application will occur within the appropriate season and during the appropriate timeframe to achieve desired results, as approved by ODOE and the County Weed Department. Herbicide application will adhere to U.S. Environmental Protection Agency and ODA standards. Only those herbicides that are approved by the U.S. Environmental Protection Agency and ODA will be used. In general, application of herbicides will not occur when the following conditions exist:

- Wind velocity exceeds 15 miles per hour for granular application, or exceeds 10 miles per hour for liquid applications;
- Snow or ice covers the foliage of target species; or
- Adverse weather conditions are forecasted within the next few days.

Hand application methods (e.g., backpack spraying) may be used in roadless areas or in rough terrain. Vehicle-mounted sprayers (e.g., handgun, boom, and injector) will be used mainly in open areas that are readily accessible by vehicle. Calibration checks of equipment will be conducted prior to spraying activities, as well as periodically throughout use, to ensure that appropriate application rates are achieved.

Herbicides will be transported and used in accordance with all manufacturers' label recommendations and warnings.

~~with the following stipulations:~~

- ~~• Only the quantity needed for that day's work will be transported.~~
- ~~• Concentrate will be transported in approved containers only, and in a manner that will prevent spilling, stored separately from food, clothing, and safety equipment.~~
- ~~• Mixing will be done at a distance greater than 200 feet from open or flowing water, wetlands, or other sensitive species' habitat. No herbicides will be applied at these areas unless authorized by the appropriate regulatory agencies.~~
- ~~• All herbicide equipment and containers will be inspected daily for leaks.~~

- ~~Herbicide use will be in accordance with all manufacturers' label recommendations and warnings.~~

Herbicide Spills and Cleanups

All appropriate precautions will be taken to avoid herbicide spills. In the event of a spill, cleanup will be immediate. Contractors will keep spill kits in their vehicles to allow for quick and effective response to spills. Herbicide spills will be managed in accordance with the facility SPCC.

~~Items included in the spill kit will be:~~

- ~~Protective clothing and gloves;~~
- ~~Adsorptive clay, "kitty litter," or other commercial adsorbent;~~
- ~~Plastic bags and a bucket;~~
- ~~A shovel;~~
- ~~A fiber brush and screw-in handle;~~
- ~~A dustpan;~~
- ~~Caution tape;~~
- ~~Highway flares (use on existing hard-top roads only); and~~
- ~~Detergent.~~

~~Response to an herbicide spill will vary with the size and location of the spill, but general procedures include:~~

- ~~Stopping the leak;~~
- ~~Containing the spilled material;~~
- ~~Traffic control;~~
- ~~Dressing the clean-up team in protective clothing;~~
- ~~Cleaning up and removing the spilled herbicide, as well as the contaminated adsorptive material and soil; and~~
- ~~Transporting spilled herbicide and contaminated material to an authorized disposal site.~~

Herbicide Spill Reporting

All herbicide contractors will have readily available copies of the appropriate material safety data sheets for the herbicides used at their disposal and will keep copies of the safety data sheets in the application vehicle. If an herbicide spill of any size occurs, the appropriate agency and spill coordinators will be notified promptly. In case of a spill into wetlands and waterbodies, the appropriate federal, state, and county agencies will be notified immediately. All herbicide spills equal to or greater than 200 pounds or 25 gallons of pesticide residue will be reported to the Oregon Emergency Response System in accordance with applicable laws and requirements (Oregon

Administrative Rules 340-142-0050). The Certificate Holder will report all herbicide spills to ODOE by phone or email within 72 hours with follow-up reporting as appropriate. Incidents will also be summarized in the annual operations report.

Special Considerations

Special consideration will be provided to perennial, intermittent, and ephemeral streams/draws during treatment activities. No herbicide will be sprayed where the drift can enter standing water or saturated soil. It will be the herbicide applicators' responsibility to ensure that no herbicide or drift enters standing water, regardless of the season when the herbicide is applied. Similar considerations will be made when in proximity to agricultural fields.

Monitoring and Reporting

See Appendix E.

~~Weed inspections will occur within the Weed Management Area through visual inspection while driving or walking. During the construction phase, the Environmental Monitoring Contractor (EMC) will conduct periodic monitoring of noxious weeds. Noxious weeds observed during construction will be treated with mechanical or chemical treatments or other best management practices, as applicable. If construction extends into the growing season prior to the commercial date of operations and formal post-construction weed monitoring, the EMC will conduct informal but comprehensive weed surveys to inform adaptive management. In addition, weed monitoring may be conducted by the EMC as part of routine construction environmental monitoring monthly from April to October.~~

~~The EMC will conduct annual post-construction noxious weed monitoring within the Weed Management Area starting the first growing season after construction to map the extent of all noxious weed occurrences and identify areas for treatment. Results will be summarized in annual monitoring reports that describe treatments performed, treatment efficacy, recommendations to improve efficacy (if necessary), and any new noxious weed occurrences. Reports will be submitted to ODOE, ODFW, and the County annually. The Certificate Holder will be responsible for treating all noxious weeds observed within the Weed Management Area.~~

~~Based on the success of control efforts after the second year of monitoring, the Certificate Holder will consult with ODOE and the County Weed Department to determine if the monitoring cycle can be reduced for Year 3 through Year 5. After 5 years of monitoring, the Certificate Holder will design a long-term weed control plan in consultation with ODOE and the County Weed Department. The Certificate Holder will maintain ongoing communication with individual landowners, the County Weed Department, and ODOE regarding noxious weeds within the Weed Management Area. Landowners may also contact the Certificate Holder directly to report the presence of noxious weeds related to Solar Component activity. The Certificate Holder will control reported noxious weeds on a case-by-case basis and prepare a summary of measures taken for that landowner. During the Facility operational period, the Certificate Holder will control noxious weeds as described in the long-term weed control plan. The Certificate Holder will report the investigator's~~

~~findings and recommendations regarding weed control in the Facility's annual report required by Oregon Administrative Rule 345-026-0080.~~

Treatment Plan

Table G-3, below, provides a treatment plan for noxious and invasive weeds (listed by ODA and Morrow County) in the Weed Management Area, including management objectives and treatment guidelines. This table will be updated in each year's annual monitoring report. Specific herbicide application rates will be determined in consultation with the County Weed Department and the Weed Control Contractor.

Table G-3. Treatment Plan for Noxious and Invasive Weeds

Scientific Name	Common Name	State/County Status	Management Objective	Treatment Guidelines ¹
<i>Aegilops cylindrica</i>	jointed goatgrass	B/B	Monitor and manage to prevent new populations or spread of existing populations.	Mechanical: Timing is critical, mow after flowering but before seeds reach soft boot stage. Early mowing will result in new tiller growth. Requires multiple mowings throughout the growing season over several years. Chemical: Apply to actively growing plants in late winter or spring before flowering or pre-emergent herbicide in fall. Biocontrol: None
<i>Bassia (Kochia) scoparia</i>	kochia	B/B	Monitor and manage to prevent new populations or spread of existing populations.	Mechanical: Mow prior to flowering to prevent seed production. Hand pull small populations. Chemical: Apply post emergent to seedlings and small plants. Biocontrol: None
<i>Centaurea diffusa</i>	diffuse knapweed	B/B	Monitor and manage to prevent new populations or spread of existing populations.	Mechanical: Manually remove entire plant, including taproot, prior to flowering. Chemical: Apply to actively growing plants in fall or spring from rosette to bolting stage. Biocontrol: Agents include several seed feeding flies and weevils and a root-boring beetle.
<i>Centaurea solstitialis</i>	yellow starthistle	B/A	Intensive control with the goal to eradicate within first 5 years of operations. Prevent new infestations.	Mechanical: Manually remove entire plant including taproot. Chemical: Post-emergent herbicide application to rapidly growing plants prior to flowering (rosette to bolting stage). Biocontrol: Agents include two seed weevils, a seed fly, and a rust.
<i>Centaurea stoebe</i> ssp. <i>micranthos</i>	spotted knapweed	B(T)/B	Intensive control with the goal to eradicate within first 5 years of operations. Prevent new infestations.	Mechanical: Manually remove entire plant, including taproot, prior to flowering. Chemical: Apply to actively growing plants in fall or spring from rosette to bolting stage. Biocontrol: 12 approved biocontrol agents established in Oregon.

Scientific Name	Common Name	State/County Status	Management Objective	Treatment Guidelines ¹
<i>Centromadia (Hemizonia) pungens</i>	common spikeweed	Not Listed/A	Intensive control with the goal to eradicate within first 5 years of operations. Prevent new infestations.	<u>Mechanical</u> : Dig or hand pull in spring prior to flowering. <u>Chemical</u> : Apply post emergent with surfactant to seedling in spring through early summer, before flowering. <u>Biocontrol</u> : None
<i>Chondrilla juncea</i>	rush skeletonweed	B(T)/A	Intensive control with the goal to eradicate within first 5 years of operations. Prevent new infestations.	<u>Mechanical</u> : Regenerates from root fragments. Manually remove entire plant, including taproot, prior to flowering. Will require multiple efforts during the growing season for more than one year. <u>Chemical</u> : Apply to rosettes in spring immediately before or during bolting. <u>Biocontrol</u> : Agents include a gall midge, gall mite, rust fungus, and root-mining moth.
<i>Onopordum acanthium</i>	Scotch thistle	B/A	Intensive control with the goal to eradicate within first 5 years of operations. Prevent new infestations.	<u>Mechanical</u> : Pull prior to flowering, cut off root below soil surface. Tilling will control emerged plants but stimulate germination. Follow up tilling with herbicide application to treat seedlings. Sheep and goats will eat young plants and flower heads. <u>Chemical</u> : Treat from rosette to bolting stage in fall or spring. Most effective on small rosettes. <u>Biocontrol</u> : None
<i>Secale cereale</i>	cereal rye	Not listed/B	Monitor and manage to prevent new populations or spread of existing populations.	<u>Mechanical</u> : Repeated mowing in spring prior to seed set or tillage combined with herbicide application in fallow fields. Hand pull prior to seed set. <u>Chemical</u> : Treat prior to seed set. Herbicide more effective if applied one year after mowing to reduce thatch buildup. <u>Biocontrol</u> : None
Invasive annual grasses such as cheatgrass (<i>Bromus tectorum</i>)		Not listed	Monitor and manage to minimize wildfire risk.	<u>Mechanical</u> : Repeated mowing (every 3 weeks) to 2 inches in spring can eliminate seed production in areas where herbicide application is unacceptable.

Scientific Name	Common Name	State/County Status	Management Objective	Treatment Guidelines ¹
				Chemical: Apply pre-emergent herbicide prior to germination. Post emergent in fall or early spring/summer to rapidly growing plants prior to seed set. <u>Biocontrol:</u> None
Sources: Becerra-Alvarez 2025, DiTomaso et al. 2013, ODA 2025b. 1. Preferred treatment method in bold.				

References

- Becerra-Alvarez, A. (Editor). 2025. Pacific Northwest Weed Management Handbook [online]. Oregon State University Extension Communications. <https://pnwhandbooks.org/weed>
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- Morrow County. 2026. Morrow County Weed List. <https://www.morrowcountyor.gov/publicworks/page/weed-department>.
- ODA (Oregon Department of Agriculture). 2025a. Noxious Weed Policy and Classification System. Noxious Weed Control Program. Salem, Oregon. <https://www.oregon.gov/oda/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf>.
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- USEPA (U.S. Environmental Protection Agency). 2008. Integrated Vegetation Management Fact Sheet. USEPA, Office of Pesticide Programs. October 2008. https://www.epa.gov/sites/default/files/2016-03/documents/ivm_fact_sheet.pdf

Attachment C-2: Draft Operation Vegetation and Soil Management Plan

Attachment D: NEER Emergency Action Plan

POWER GENERATION DIVISION	Process Category: Regulatory Process: Emergency Management	DOC #: SMS 237		
	Wheatridge I, II & III Emergency Action Plan	EFFECTIVE: 03/7/2023	REV #: 7	PAGE 1 of 37

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1.0 DOCUMENT STORAGE AND INFORMATION

1.1. The Wheatridge Emergency Action Plan is stored in the OPMODEL

2.0 REVISION HISTORY

Rev #	Revision Description	Approved By Position / Title	Effective Date
2	Yearly update per Emergency Action Plan Quality Review Check List	Quinten Hilbert WSM	4/23/2021
3	Update to Appendix 3 "Physical Security Event"	Will Rosenboom RWSM	4/28/2022
4	Update WSM from Will Rosenboom to Shane Wait	Shane Wait Wind Site Manager	6/29/2022
5	Updated Physical Security Event Section with new links to Suspicious Substance Guidelines	Lauren Stoube – Emergency Response Team	8/2/2022
6	Added Solar and Bess Verbiage	Charles Thomsen WTL	12/9/22
7	Annual EAP Update 2023	Charles Thomsen WSM	3/7/23

3.0 PURPOSE AND SCOPE

- 3.1. The purpose of this Emergency Action Plan is to establish the planned response actions that will be taken by personnel at the Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS) including its Solar and battery storage area if applicable in the event of an emergency situation. These actions are intended to minimize health risks to plant personnel and people in the surrounding community, as well as minimize adverse impacts to the environment.
- 3.2. This plan serves as guidance intended to be a "living" document such that revisions over time, based on experiences, will continue to increase the speed of identification of threats and decrease response time. This plan applies to all employees, contractors, vendors and visitors performing work at NextEra Energy Resources facilities in the United States and Spain.

Note: Each plant/site will maintain a sign in / sign out list for visitors and contractors. This is critical so that in the event of an emergency, the plant will be able to accurately determine if all personnel are accounted for. All employees, contractors and visitors should have a picture ID so in the event of an accident or illness, the identity of the injured can quickly be determined (Site management may elect to require names on hard hats in place of the picture ID).

4.0 REFERENCES AND COMMITMENTS

1. [OSHA 29 CFR 1910.38](#) (Emergency Action Plans)
2. [OSHA 29 CFR 1910](#) Appendix to subpart E
3. [PGD Hurricane Management](#) ("White Paper")
4. [SMS 247](#) - Severe Weather Guidelines
5. [SMS 222](#) – Fire Protection Plan Procedure

6. [SMS 209](#) - Health and Safety Inspections
7. [SMS 214](#) - Personal Protective Equipment (PPE)
8. [NEE-SAF-1610 Electric Shock](#)
9. [Corporate Security - Drone](#)
10. [Wildfire Mitigation Plan](#)

5.0 DEFINITIONS

- 5.1. AED – Automated External Defibrillator
- 5.2. CPR – Cardiopulmonary Resuscitation
- 5.3. EAP – Emergency Action Plan
- 5.4. FCC – FCC
- 5.5. O&M – Operations and Maintenance
- 5.6. OSHA – Occupational Safety and Health Administration
- 5.7. PGD – Power Generation Division
- 5.8. PPE – Personal Protective Equipment
- 5.9. ROCC – Renewable Operations Control Center
- 5.10. SMS – Safety Management System

**Who to contact based on technology

Technology	Contact	Office Phone
Fossil	FCC	(561) 851-8990
Pipeline		
Thermal Solar		
Wind	ROCC	(561) 694-3636
PV Solar		
DG		
Battery Storage		

6.0 PREREQUISITES AND INITIAL CONDITIONS

- 6.1. Power Generation Division requires the use of Personal Protective Equipment (PPE). [SMS 214](#) provide a standardized method to define requirements for PPE. The requirements for PPE are dictated based upon the expected hazards of the work. During emergencies, prudent judgment is required as conditions that may pose a risk to safety may be amplified by the nature of the event. Teammates are expected to STOP and evaluate risks associated with the situation to ensure mitigation of safety hazard to self and others in the vicinity. PPE Hazard Assessment Forms should be used as part of emergency drills to help assess the need for additional special protection during emergency situations.

7.0 RECORDS

- 7.1. Paper copies of this Emergency Action Plan shall be maintained locally on site easily accessible to all at normally occupied locations:
 1. The Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS) O&M Building

2. The Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS) everyone drive
 3. The Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS) Control House – utilize alternate location if NERC-CIP entrance hinders access to the plan
- 7.2. An electronic copy of this plan shall also be accessible on the facility's LAN and in the PGD OpModel.
- 7.3. This Emergency Action Plan shall be reviewed upon implementation, whenever revisions are made, and at least annually by the Site Emergency Primary or Alternate Facility Coordinator.

8.0 PROCEDURE

8.1. Statement of Compliance

1. This Emergency Action Plan was prepared by NextEra Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS).
2. Thus, I hereby state that the NextEra Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS) has evaluated the requirements of all applicable State and Federal Laws and recognize that this Plan has been prepared in accordance with the requirements therein.

x *Charles Thomsen* _____

Name: Charles Thomsen

Title: Wind Site Manager

Site: Wheatridge Renewable Energy Facility

Date: 3/7/2023

8.2. Designation of Facility Emergency Coordinators

3. It will be site/plant policy that the Facility Representative (as formally designated to the Oregon State Emergency Response Commission in the facility's 40 CFR 355.30(b) notification letter) will be known as the "Facility Emergency Coordinator" for the purposes of defining roles in this Emergency Action Plan.
4. Alternate personnel may serve as the Facility Emergency Coordinator when necessary.

Primary Facility Emergency Coordinator:

Charles Thomsen

Wind Site Manager

Alternate Facility Emergency Coordinator:

Jana Lehn

Wind Tech Leader / Qualified Reliever

5. Personnel who may be contacted for further information or explanation of duties under this plan are as follows:

Clay Horne

Regional Wind Site Manager

8.3. Training

1. All NextEra Energy Resources employees at the site shall receive training on this Emergency Action Plan whenever it is modified or on an annual basis.
2. Employees shall also be trained when this Plan is initially implemented.
3. If the facility has an alarm system, each plant employee, visitor and contractor shall understand the types of local plant alarms and what they are expected to do in the event of each alarm. The plant safety team must assure that the alarms are audible at all plant buildings and locations.
4. Contractors and visitors shall receive the PGD and site-specific Contractor and Visitor Orientation to be informed of site emergency procedure alarms, muster areas and evacuation procedures before they begin work on the site for the first time; and at least annually thereafter. They need to be on site to get the orientation. A listing of contractors with current training on this Emergency Action Plan will be maintained at the facility for reference purposes.

8.4. Facility Location Information for Outside Emergency Responders

1. The Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS) O&M building is located at 72322 Strawberry Lane, Lexington, Oregon, 97839.
2. Outside responders can gain access to the facility from Strawberry Lane.

The entrance road is Strawberry Lane

8.5. Fire Responder Information

1. Name of Local Fire Department: Lexington Fire Department

2. Address of Local Fire Department:

Lexington Volunteer Fire Department

150 W Main ST

Lexington, OR 97839

3. Distance from the site: 11 miles / Distance from the site 14 minutes

4. Volunteer Fire Department OR Regular (Fully manned 24/7): Volunteer

Phone number: (541) 989-8515

8.6. General Emergency Procedure

1. This Plan was developed for the following plausible contingencies that could transpire at the facility:
 - a. Natural Disaster /Severe Weather Event (APPENDIX 1)
 - b. Fire Response Event (APPENDIX 2)
 - c. Physical Security Event (APPENDIX 3)
 - d. Cyber Security Event (APPENDIX 4)
 - e. Capacity/Transmission Event (APPENDIX 5)
 - f. Environmental Event (APPENDIX 6)
 - g. Gas Pipeline Event (APPENDIX 7)
 - h. Oil Pipeline Event (APPENDIX 8)
 - i. Pandemic Event (APPENDIX 9)
 - j. Immediate Site Evacuation Procedure (APPENDIX 10)
 - k. Delayed Site Evacuation Procedure (APPENDIX 11)
 - l. Designated Egress Routes & Muster Areas for Evacuations (APPENDIX 12)
 - m. Personnel Injuries and Serious Health Conditions (APPENDIX 13)
2. It shall be the responsibility of the site leader to assess a developing emergency and initiate the appropriate actions in this plan to protect personnel, the surrounding environment, and plant equipment from adverse damages.
3. In the event of an emergency where personnel shall be protected, the following actions will be immediately performed:
 - a. Contact 911 immediately.
 - b. Ensure that the following are also contacted:

Title	Name	Office Phone	Cell Phone	Home Phone
Site Leader	Charles Thomsen	509-386-4308	509-386-4308	N/A
Emergency Coordinator	Jana Lehn	541-256-0587	541-256-0587	N/A
FCC	N/A	(561) 694-3600	N/A	N/A
ROCC	N/A	(561) 694-3636	N/A	N/A
Security Operations	N/A	(561) 694-5000	N/A	N/A

4. Any work-related permits in effect shall be immediately voided, and personnel involved in such work shall cease all activities.

5. All sources of ignition, including hot work, burning cigarettes, portable tools and motor vehicles shall be immediately secured.
6. Based upon the type and extent of the emergency, the site leader shall assess whether an evacuation should be initiated.
7. The following criteria should be considered in rendering a decision to conduct an evacuation of the facility:
 - a. The affected parts of the facility and severity of the emergency.
 - c. Restrictions in Egress routes caused by the emergency.
 - d. Wind direction (if the emergency involves gases/vapors)
 - e. Sustained wind speed is greater than 40 mph
 - f. People currently located at the facility (day shift, night/weekend shift, visitors/contractors, etc.)
 - g. If the Site/Plant Leader determines that a facility evacuation is necessary, he/she must determine which type of evacuation to direct.

8. The following sections describe the types of evacuations that can be performed:

1) Immediate Site Evacuation

- i. This type of evacuation would be used only in the event of an emergency grave enough to warrant immediate evacuation of all personnel.
- ii. In this type of evacuation, operating area personnel shall evacuate without regard for shutdown of plant systems or for placing plant systems in the safest mode possible.
- iii. This type of evacuation shall only be utilized if the safety of personnel in operating areas is in immediate and severe danger, such that any delay in evacuating could result in deaths or injuries to personnel.
- iv. The production leader will designate production technicians to assist with the evacuation of any employee, visitor or contractor who may have special needs that could limit their ability to evacuate safely.

2) Delayed Site Evacuation

- i. This type of evacuation would be used in a serious emergency situation where non-essential personnel (those not involved in plant operations or emergency coordination) are immediately evacuated as a precaution, and essential personnel remain in operating areas to perform a controlled shutdown of the facility prior to evacuating.
- ii. It is anticipated that this would be the primary type of evacuation used in response to serious emergencies at the facility.

- iii. The Site/Plant Leader and/or Facility Emergency Coordinator must assess whether or not the prevailing circumstances warrant keeping essential personnel in plant operating areas to perform a controlled shutdown of the facility.
 - iv. If personnel will not be exposed to unnecessary danger to perform facility shutdown and/or place the facility into a safe condition, then this is the preferred type of evacuation, as opposed to an Immediate Site Evacuation.
9. Although the Site Leader or Emergency Coordinator may initially designate an evacuation to be a Delayed Site Evacuation, they shall always be mindful conditions may change rapidly, and result in the need to call for an immediate Site Evacuation.
10. If the Site/Plant Leader (or Facility Emergency Coordinator, as appropriate) determines that an evacuation is necessary, he/she shall ensure that a sounding of the plant alarm is initiated.
- a. In this case, an evacuation alarm will be sounded, and all employees/visitors accounted for.
 - b. The Site Leader or Emergency Coordinator shall designate an employee(s) to assist in evacuation of any employee, visitor, or contractor who may have special needs that could limit their ability to evacuate safely
11. If an evacuation has been directed, and following the sounding of the evacuation alarm, the Site/Plant Leader shall ensure that instructions for evacuation are communicated to personnel over the site/plant radio system. These instructions should include the following items at a minimum:
- a. The type of evacuation to be performed (Immediate Site Evacuation or Delayed Site Evacuation)
 - b. The nature of the emergency
 - c. The location(s) of the emergency
 - d. Any egress routes that should not be used by evacuating personnel (if known and applicable)
12. If an evacuation has been ordered, personnel shall follow one of the following evacuation procedures, as appropriate, based upon the direction of the Site/Plant Leader and/or Facility Emergency Coordinator:
- a. Immediate Site Evacuation Procedure (APPENDIX 10)
 - b. Delayed Site Evacuation Procedure (APPENDIX 11)
 - c. Perform the appropriate follow-up per the appendices listed on 8.5.1 above.

8.7. Emergency Action Plan Annual Drills

1. It is the responsibility of the Site Leader to ensure FOUR Emergency Action Plan Drills are performed each year.

2. Emergency Action Plan Drills are to be held quarterly to ensure all site teammates have gone through at least one drill per year
 - a. The type and content of drill (full functional drill, table top, etc.) will be determined by the site leader based on current needs. [Suggested drill type list](#).
 - b. At least one of the quarterly drills SHALL be a fire drill
3. In addition to performing the drills, the Emergency Action Plan must be reviewed for accuracy.
 - a. Make updates as required and forward revised plan to the Plant / Site emergency coordinator. As applicable, concurrently update the iRAMF application to reflect any Emergency Action Plan changes.
 - b. Ensure site team has been trained on any changes.
4. Each drill's content will be determined by the site leader based on current needs.
5. Every site should have (and practice) an alternate emergency evacuation path. The type of drill (table top, full functional drill, etc.) will be determined by the site leader based on current needs, but it must include a documented evacuation of the O&M / service building.
6. The targeted drill response time is less than 4 minutes, monitor and record the response time to determine if all employees responded in a timely manner.
7. Every site should have an identified off site muster area.
8. Each site shall contact the ROCC/FCC as part of the drill. ([See Technology Table in section 5.0 Definitions](#))
9. A roster of drill attendees and date of drill will be filed with sites' Emergency Action Plan documents
10. Any gaps or action items that are a result of the drill will be identified, resolved, fully documented, and filed with the sites' Emergency Action Plan documents.

Note: That MAXIMO is to be used to document actual tasks to be completed to close gaps.

End of Procedure

APPENDIX 1 NATURAL DISASTER / SEVERE WEATHER EVENT

1. Natural emergencies considered in this procedure are associated with weather disturbances such as tornadoes, flooding, hurricanes, blizzards, high wind conditions, earthquakes, wildfires and severe thunderstorms. Flooding waters, lightning, high winds and heavy rains may be detrimental to the employees and/or equipment and structures at the facility. Warnings about developing weather emergencies are issued by local radio stations or tracked by onsite weather systems. These warnings should provide adequate information of the approach of weather-related emergency conditions. The Plant Leader at the facility has several means to monitor these weather-related emergencies. These include:
 - Internet access to weather-related web-sites;
 - AM/FM radio to monitor local news stations
 - Weather Sentry
 - PGDAPPS WeatherSentry Online
2. When information is received that a severe weather watch has been issued for the facility area the following actions shall be taken:
 - a. Site Leader shall notify the General Manager.
 - b. General Manager shall make a determination about whether or not the plant should be shut down due to the weather situation.
 - c. Personnel shall seek indoor shelter in the plant in a designated secure location, or other reinforced structure. Personnel should remain indoors if the severe weather is affecting the immediate area of the facility.

Note: Earthquake preparedness - At Home - At Work - At Play: [Earthquake Safety Checklist](#)

3. In the event of a natural disaster / severe weather event, where advance warning is known, such as a hurricane, blizzard, etc. the plant / site personnel shall closely coordinate with the PGD Emergency Response Coordinator, during pre and post event activities.
4. In the event of a severe weather / natural earth process event such as a severe thunderstorm, high wind conditions, earthquake, etc. where advance warning may not be known, the plant / site shall refer to the site specific operating plans to take the actions necessary to assure the safety of all employees and the public. Additionally, site personnel will take reasonable action to prepare for the event to address environmental exposure and the securing of equipment, consistent with the event conditions. However, under no circumstances are personnel to place themselves in harm's way.
5. The following list represents actions that should be taken at the site in order for it to be secured. The listing is not intended to be all inclusive and will vary in applicability pending advance warning of the on-set of the event.
 - Ensure all personnel evacuate towers if lightning is in the area or if there are other unsafe conditions that warrant climbing to be unsafe.
 - Ensure site personnel are safe and accounted for.
 - Review staffing levels and arrange for additional staffing "Storm Riders" as applicable
 - Secure plant equipment as necessary and as weather conditions permit, noting to properly follow established guidelines to safeguard personnel while working outdoors in

preparation for severe weather. Reference the Wind Speed Matrix in [SMS 247 - Severe Weather Guidelines](#) to assess preparation work conditions.

- Seek safe shelter. If in your vehicle in winter, ensure survival kit and enough gas is in place.
- Ensure all portable equipment is stored indoors.
- Ensure that switchgear, load center, and tower doors are closed and latched.
- Ensure that the building doors are closed and latched.
- Place all trashcans in locations not exposed to weather.
- Make a general housekeeping inspection and ensure that all loose objects and debris that could potentially become airborne are secured or inside.
- Ensure all radios are fully charged.
- Secure all CONEX Storage buildings.

Note: Use caution when using self-locking CONEX box as a teammate(s) may get trapped from the inside.

- Monitor the weather conditions.
- Ensure that there is an ice plan for walkways
- Ensure all compartments accessory doors are closed and latched.
- Ensure all sump pumps are in good working condition.
- Ensure the proper condition and location of all mobile and gantry cranes, hoists, and booms.
- Test the DC emergency and other back-up systems

6. Person in charge or his/her designee will

- Monitor the weather radio, TV or other monitoring equipment, and report any changes in the situation that could affect plant / site personnel and / or equipment to the Person in Charge.
- Ensure sustained wind speeds are not greater than 39 mph before sending personnel outside plant buildings
- Sound plant alarm system if a tornado or other similar severe weather warning is issued.
- Follow instructions from the Person in Charge in the case of equipment shutdown is necessary.
- Notify the FCC of the potential of a severe weather / natural earth process event.

7. Operations:

- Operate the plant consistent with instructions provided from the Transmission Operator (TOP). If, the instructions cannot be followed, i.e. safety, environmental, reliability, etc. immediately notify the Transmission Operator to discuss and alternative operating actions. Document discussions in the Operators log.
- When conditions are "forecasted" such high winds associated with a hurricane, or other related conditions such as floods and / or storm surge, considerations for equipment shutdown should be taken consistent with the PGD Hurricane Management Plan ("White Paper") and site specific operating plans.

Note: The decision to remove units from service will be discussed between Plant Management / Person in charge, the PGD Emergency Response Coordinator, appropriate VP of Operation in conjunction with the respective Transmission Operator, to produce the operation plan for the plant.

[PGD Emergency Preparedness SharePoint Page](#)

APPENDIX 2 FIRE EVENT RESPONSE

This appendix describes measures the site shall take to prevent or minimize potential fire severity and to safely respond to a fire emergency. Refer to [SMS 222](#) Fire Prevention and Life Safety.

In the event that a fire occurs, the safe and expedient response actions are essential to protect the health, life, and safety of personnel, the environment, and minimize equipment damage. Sites shall have a list and location map of fire extinguishers.

Person in Charge (PIC) Responsibilities

The PIC shall determine the following:

1. Need to muster or evacuate personnel

a) In this event, teammates shall remain in muster location until the “all clear” is issued by Unified Command or the PIC

2. Equipment or activities to be shutdown, stopped, or isolated

3. IF Renewable Site - Report Fire to ROCC

4. IF Fossil, Instruct Control Room to notify local Fire Rescue and EMS

OR IF Renewable Site - PIC will notify local Fire Rescue and EMS

a) In the event local Fire Rescue or EMS is dispatched, designate site personnel to escort Fire Rescue, EMS, and HAZMAT to the fire location and provide specific information about equipment, hazardous chemicals, electrical sources, fuels, lithium-ion batteries, or other risks.
NOTE: Fire Rescue once on site, shall then assume situational control.

b) Refer to off-normal procedures for specific actions as applicable.

RACE Protocol

A person discovering a fire shall follow the **RACE** protocol as described below:

Rescue anyone in danger (only if safe to attempt);

Alarm, call the ROCC (via plant phone, cell, or 2-way radio) to report the fire: Person in Charge (PIC) shall make the determination to call 911 and sound the alarm

Report the following:

1. Explain the location and cause, if known, of fire
2. List the injuries, if any, that have occurred
3. Relay any actions, if any, that have been taken to extinguish an incipient stage fire

Contain the fire (only if safe to do so)

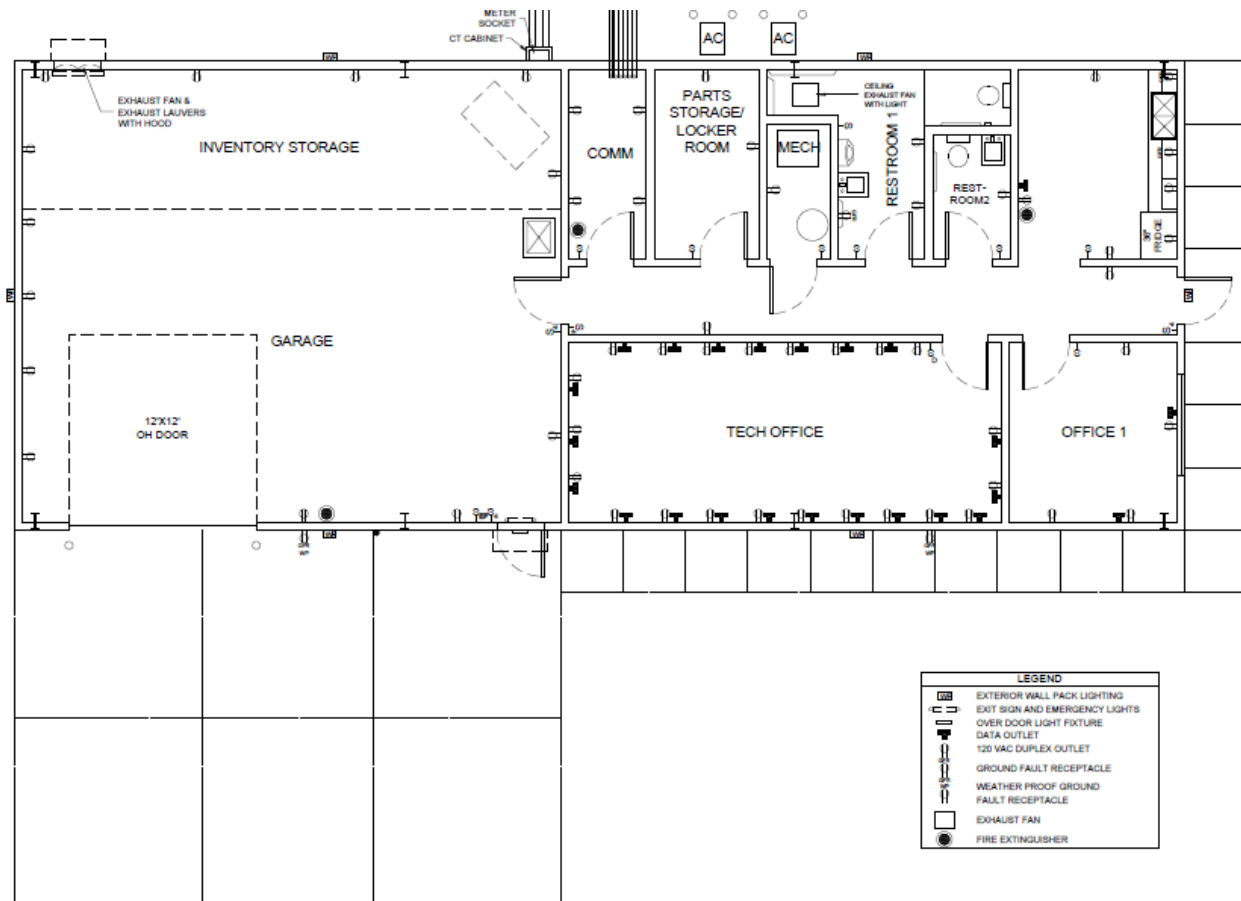
Extinguish the incipient stage fire (only if trained and it is safe to do so)

A person discovering a fire in an incipient stage shall choose to attempt extinguishing the fire only if the following two criteria are met:

1. Fire can be extinguished or controlled with 1 portable fire extinguisher, and
2. They perceive an adequate level of safety to extinguish the fire

Note: Fire-fighting efforts beyond incipient stage shall be performed by only local Fire Rescue

Fire Extinguisher Deployment Plot



Attachment 1, List of Major Fire Hazards

Wheatridge Renewable Energy Facility I (WREFI), Wheatridge Renewable Energy Facility II (WREFII) and Wheatridge Renewable Energy Facility III (Solar and BESS) Major Fire Hazards Risk Management

List of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard

Fire Hazard	Location	Handling/Storage Procedures	Potential Ignition Source	Ignition Source Control Method	Fire Protection
Trash	Warehouse	Properly stored trash containers	Smoking, any hot work	No smoking in shop, hot work permit requirements	Class ABC Fire Extinguisher
Oily Debris/Oil	Oil Storage Building	Properly grounded drums, no hot work	Static, spontaneous combustion	No smoking in area, no mixing chemicals/cleaners, grounded drums	Class ABC Fire Extinguisher
Propane Tank (building supply)	Behind O&M building	No Smoking or hot work anywhere near propane tank	Smoking, hot work	No smoking sign, flammable gas sign	Class ABC Fire Extinguisher/Fire Department
Propane tank storage cage	Near O&M garage door	Locked and closed at all times, remove tanks only for immediate use	Smoking, hot work	No smoking sign	Class ABC Fire Extinguisher
Flammable Cabinet	O&M Shop	Only store approved chemicals and ensure charcoal filters are in place	Smoking, hot work, improper grounding	Signage on flam cabinet, proper grounding	Class ABC Fire Extinguisher
Batteries	Containment Building	Cover terminals and label accumulation date	Spontaneous if grounded	Cover terminals and do not smoke or introduce ignition source	Class ABC Fire Extinguisher
Solar Batteries	Battery Skids	Follow Samsung Battery Handling and storage procedures	Spontaneous if heat parameters are exceeded or become grounded	Follow handling and storage procedures and maintain HVAC systems	Dry Chemical suppression – do not attempt to extinguish once fire is past incipient stage

Note: Fire extinguishers shall only to be used for small incipient stage fires. Only trained firefighters shall attempt to mitigate a fire that is beyond the incipient stage. Portable fire extinguishers are classified according to their size and intended use on four classes of fires. The general operating instructions can be remembered by the letters P-A-S-S.

Pull the pin at top of the extinguisher (that keeps the handle from being pressed)
Aim the nozzle toward the base of the fire
Squeeze the handle to discharge the agent inside (15-30 seconds of discharge time)
Sweep the nozzle back and forth at base of the flames to disperse the extinguishing agent

Fire Classifications

Class A - Fires involving ordinary combustible materials (e.g., wood, cloth, paper, many plastics) Water as a cooling or quenching effect to reduce temperature of burning material below ignition temperature.

Class B - Fires involving flammable liquids and gases. Smothering or blanketing effect of oxygen exclusion is effective.

Class C - Fires involving energized electrical equipment. always attempt to de-energize high voltage circuits and treat as a Class A or B fire depending upon the fuel involved.

Class D - Fires including combustible metals such as magnesium, titanium, and potassium. Extremely high temperature of burning metals makes water and other common extinguishing agents ineffective.

Class K - Fires involving cooking products (fats, grease, oils). These extinguishers work on the principle of saponification.

Special Risks

Special risks include sites with anhydrous ammonia and lithium-ion batteries. These sites shall develop additional safety measures to include:

1. Hazard signage (conforming to [SMS 270](#) Safety Signs, Barriers, and Equipment Tags) at site access point(s) on each battery storage building
2. Maintain fire detection and fire extinguishing systems in operable condition
3. Develop and maintain hazard specific procedures (i.e. off-normal procedures) for managing fire events

APPENDIX 3 PHYSICAL SECURITY EVENT

The purpose of this document is to describe the roles, responsibilities, and the associated actions in response to PHYSICAL SECURITY incidents, which includes but is not limited to INTRUSION, DRONES, BOMB THREATS, SABOTAGE, VANDALISM, TERRORISM or OTHER security events at a PGD facility.

Physical Security Definitions:

1. **Bomb Threat:** A threat, usually verbal or written, to detonate an explosive or incendiary device to cause property damage, death, or injuries, whether or not such a device actually exists.
2. **Facility:** A set of electrical equipment that operates as a single Bulk Electric System Element (e.g., a line, a generator, a shunt compensator, transformer, etc.)
3. **Intrusion:** The unauthorized / illegal entrance to a facility.
4. **Sabotage:** A willful and malicious act with the apparent intent of disrupting normal operations of PGD facilities; specifically, for generation and transmission facilities, a willful and malicious act with the apparent intent of interrupting or reducing production of power plants or transmission facilities. Examples include but are not limited to suspicious packages, bomb threats; unusual occurrences suspected or determined to be caused by physical, cyber or communication attacks that could affect electric power system reliability.
5. **Suspicious Substance:** Includes powders and liquids that present a threat of human exposure to harmful agents. A suspicious substance could also be a package and should be considered for explosives and radioactivity.
 - o **NOTE:** If the site identifies a suspicious substance or package they shall follow the [Corporate Suspicious Substance Response Guidelines](#)
6. **Vandalism:** The intentional destruction of PGD property. Examples include but are not limited to defacing company property, breaking windows, placing glue into locks, tire slashing, damaging a physical security system, and damaging a computer system.

Person/site experiencing the potential Physical Security incident:

All PGD employees have an obligation to report Physical Security events, including disturbances and/or unusual occurrences on PGD facilities that are suspected or known to be an act of / or actual occurrence of intrusion, receipt of a bomb threat, known or suspected acts of sabotage or vandalism, etc. The person discovering/witnessing the potential Physical Security incident shall immediately report the incident to:

1. Your immediate Supervisor
2. Security Operations at 561-694-5000

If the incident involves a Power Generation Division generating facility, then the following additional contacts must also be made:

3. FCC/ROCC
4. Local Law Enforcement
5. FPL System Operator if the incident is at an FPL facility (305-442-5744)

During the report describe what you have discovered/witnessed and the location of the affected facilities to include the items outlined below, as available:

- a) Date and time of the incident

- b) Description of the incident
- c) Likely target
- d) Number of people involved
- e) Suspect and/or vehicle information
- f) Type of equipment or material used for the activity
- g) Generation capacity affected in Megawatts
- h) Was there an actual or suspected physical attack that could cause a major impact to the Bulk Electrical System (e.g. generator, transformer, fuel supply)?
- i) Was there any destruction of any security systems (cameras, badge readers, security barriers, locks) or any of its components?
- j) Was there any actual or suspected cyber or communication attack that could impact the Bulk Electrical System adequacy or vulnerability? (See the Cyber Security Response section for more details regarding Cyber Security events)
- k) Are there mitigation measures in place to correct the event?
- l) Name and contact number for the point of contact

Has local law enforcement been notified by the reporting person/site? If yes, provide the contact information and case number if available. If not, work with Security Operations to determine the need to contact local law enforcement.

RECOGNIZING ACTS OF TERRORISM, HOSTILE INTRUDER & SIGNS OF POTENTIAL VIOLENCE

If a Hostile Intruder enters the Wheatridge Renewable Energy Facility I (WREFI) and Wheatridge Renewable Energy Facility II (WREFII), each person shall quickly determine the most reasonable way to protect his/her own life. Visitors and contractors are likely to follow the lead of employees and managers during a hostile intruder situation.

During such an event, each person shall take the following actions, accordingly:

1. EVACUATE
 - Have an escape route and plan in mind
 - Leave your belongings behind
 - Keep hands visible
2. HIDE OUT
 - Hide in area out of intruder's view
 - Block entry to your hiding place and lock the doors
 - Mute or turn off your cell phone
3. TAKE ACTION (As last resort and only when your life is in imminent danger)
 - Attempt to incapacitate the intruder
 - Act with physical aggression and throw items at the intruder

Note: Keep cell phones on mute/vibrate

4. Call 911 when it is safe to do so.

For additional information refer to Corporate Security Policy, [Procedure #NEE-SEC-1720. Hostile Intruder Response Procedure.](#)

An active shooter may be a current or former employee, or an outsider. Call Security Operations Center (SOC) at 561 694- 5000 if it is believed an employee exhibits potentially violent behavior.

For employees, Indicators of potentially violent behavior may include one of the following:

- Increased use of alcohol and/or illegal drugs
- Unexplained increase in absenteeism, and/or vague physical complaints
- Depression/Withdrawal; Increased talk of problems at home
- Increased severe mood swings, noticeably unstable or emotional responses
- Increase in unsolicited comments about violence, firearms, other dangerous weapons and crimes

For additional information refer to Corporate Security Safe and Secure Workplace Policies, [Procedure #NEE-SEC-1768](#)

In the event that the site receives threatening correspondence either by phone or by other means of communications, the following actions should be performed immediately:

1. Actions by the person receiving the threat:

- a. Gather as much information as possible from the person making the threat.
- b. If the threat is via written correspondence, place the correspondence in a location in which it will not be touched or otherwise disturbed until police can be contacted.
- c. If the threat is being made verbally (phone, or other), communicate and obtain information from the individual making the threat for as long as possible. For phone threats note the time of the call, do not interrupt the caller and describe the tone of voice as well as any background sounds.
- d. Inform the Site/Plant Leader and/or General Manager of the situation.
- e. Contact Security Operations Center (SOC) at 561-694-5000
- f. Contact local law enforcement, as applicable (e.g. 911)
- g. Contact the (FCC) at 561-694-3600 or (ROCC) at 561-694-6363 (See Technology Table in section 5.0 Definitions)
- h. Communicate the Physical Security Event to all on-site personnel.
- i. Document / update the event in the Service Request application in Maximo.
- j. Refer to the PGD Sabotage Reporting procedure at: [NEE-SEC-1764 - Security Notifications and Event Reporting](#)
- k. This document should be consulted in order to assure adherence to the latest definitions and reporting instructions for sabotage and vandalism.
- l. Refer to the following procedure: [PGD NERC Disturbance and Security Event Reporting EOP-004 Operating Plan](#)

2. During the report describe what you have discovered/witnessed and the location of the affected facilities to include the items outlined below, as available:

- The date and time of the incident
- Description of the incident
- Likely target
- Number of people involved
- Suspect and/or vehicle information
- Type of equipment or material used for the activity
- Generation capacity affected in Megawatts

- Was there an actual or suspected physical attack that could cause a major impact to the Bulk Electrical System (e.g. generator, transformer, fuel supply)?
 - Was there any destruction of any security systems (cameras, badge readers, security barriers, locks) or any of its components?
 - Was there any actual or suspected cyber or communication attack that could impact the Bulk Electrical System adequacy or vulnerability? (See the Cyber Security Response section for more details regarding Cyber Security events)
 - Are there mitigation measures in place to correct the event?
 - The name and contact number for the point of contact
3. The Plant Leader and/or General Manager may consider any or all the following actions to take in response to the threat situation, depending upon the circumstances of the threat:
- Order an evacuation of the facility
 - Never use radios or use cell phones near a suspected bomb
 - Call 911 for Police or Fire Assistance if they have not already been notified
 - Arrange for additional security personnel for the facility.
 - Direct plant personnel to commence a controlled shutdown of the facility.
 - Direct searches to be performed on vehicles entering the facility.

Note: The latest version of the corporate bomb threat report may be found through the following link: [Bomb Threat Form](#)

Refer to the following procedure: [NEE-SEC-1760 – Responding to Bomb Threats](#)

In case of an evacuation due to a bomb threat, please refer to the information below to maintain a safe distance.

BOMB THREAT EVACUATION DISTANCES



THREAT	THREAT DESCRIPTION	EXPLOSIVES CAPACITY ¹ (TNT EQUIVALENT)	BUILDING EVACUATION DISTANCE ²	OUTDOOR EVACUATION DISTANCE ³
PIPE BOMB	PIPE BOMB	5 LBS/ 2.3 KG	70 FT/ 21 M	850 FT/ 259 M
BRIFCASE/ SUITCASE BOMB	BRIFCASE/ SUITCASE BOMB	50 LBS/ 23 KG	150 FT/ 46 M	1,850 FT/ 564 M
COMPACT SEDAN	COMPACT SEDAN	800 LBS/ 227 KG	320 FT/ 98 M	1,500 FT/ 457 M
SEDAN	SEDAN	1,000 LBS/ 454 KG	400 FT/ 122 M	1,750 FT/ 534 M
PASSENGER/ CARGO VAN	PASSENGER/ CARGO VAN	4,000 LBS/ 1,814 KG	640 FT/ 195 M	2,750 FT/ 838 M
SMALL MOVING VAN/DELIVERY TRUCK	SMALL MOVING VAN/DELIVERY TRUCK	10,000 LBS/ 4,536 KG	860 FT/ 263 M	3,750 FT/ 1,143 M
MOVING VAN/ WATER TRUCK	MOVING VAN/ WATER TRUCK	30,000 LBS/ 13,608 KG	1,240 FT/ 379 M	6,500 FT/ 1,982 M
SEMI-TRAILER	SEMI-TRAILER	60,000 LBS/ 27,216 KG	1,570 FT/ 475 M	7,000 FT/ 2,134 M

All personnel must either seek shelter inside a building (with some risk away from windows and exterior walls, or move beyond the Outdoor Evacuation Distance.

Preferred area (beyond this line) for evacuation of people in buildings and mandatory for people outdoors.

¹ Based on maximum volume or weight of explosive (TNT equivalent) that could reasonably fit in a suitcase or vehicle.

² Governed by the ability of an unstrengthened building to withstand severe damage or collapse.

³ Governed by the greater of fragment throw distance or glass breakage/ falling glass hazard distance. Note that pipe and briefcase bombs are some cases charges which throw fragments farther than vehicle bombs.

Note: At the first sign of a potential intruder trespassing into an accessible tall structure at the site, immediately proceed to back off, observe from a safe distance and call Corporate Security as well as the Local Law Enforcement. Law enforcement responders are trained to protect and serve their communities. Emergency responders from the local law enforcement department may require a quick training/briefing to safely enter and climb the structure (if applicable) as well as fall protection

equipment. After they provide a verbal command to the potential intruder(s), they may need access the structure. To the extent possible, facilitate their ability to enter without interfering with their efforts.

APPENDIX 4 - CYBER SECURITY EVENT

Detection:

1. Site personnel may take the role of a First Responder when they become aware of a cyber-incident or the potential for a cyber-incident from any of the following sources:
 - System page/email alert to an administrator/operator.
 - Employee or BU that first recognizes a potential incident that needs to be reported to NEE Security Operations Center.
 - Notification from the ROCC
 - Business Unit contacted by external agency: e.g., NERC, FERC, SERC, another outside source.
 - Outside source Notification may come as part of NEE's Security Notifications and Event Reporting Policy ([NEE-SEC-1764 - Security Notifications and Event Reporting](#)).
 -
2. Site must quickly assess if event is a cyber incident. This may require support from the ROCC, IT, Fleet Teams, Vendors, Information Security, etc. If this cannot be quickly determined, site must assume incident is cyber related and proceed with Response.

Response:

3. Site coordinates with ROCC makes the unit safe or stabilizes the unit as needed for the protection of personnel, environment and equipment, and plans the recovery if appropriate.

Use chart below for guidance of actions based on observations and/or unit conditions

Potential Operator Actions	Observations/Unit Conditions
Monitor Only	• Event appears to impact only corporate business applications and functions (IT only) • Units are not behaving erratic • All noted indications appear normal and appropriate (can validate using local indicators)
Place site in local SCADA control (off AGC)	• Notification of system compromise from the ROCC • Unit not responding to remote AGC setpoints or moving without AGC setpoint changes
Disconnect Control network from the IT network (Island the site) <i>Use your sites Off Normal Event procedure "OT Disconnect Procedure" for details to help identify locations of the network devices needed for OT disconnection</i> Possibly remove all units from service	• Loss of local HMI's (if applicable) • Plant SCADA Networks slow/unresponsive • Multiple wind turbine/inverter trips with no obvious root cause • Suspected/abnormal alarms and/or unit indications • Loss of ability to control from ROCC using SCADA (Non-Responsive) • Observed unauthorized remote control of local SCADA servers • Under the directive of IT/CSIRP/I&C Fleet/ROCC/Renewables Fleet Teams

- First Responder should be prepared to describe the incident in detail to the Security Operations Center (SOC). The First Responder is not required to investigate and determine if the event is an actual cyber security incident.

- First Responder shall notify their Immediate Supervisor and the ROCC

4. Site Communicates to the appropriate parties which will trigger our Cyber Security Incident Response Plan (CSIRP), via available mode of communication (e.g. Cell phones, Satellite phones, Harris Radios, etc.).

- Immediate Supervisor
- Security Operations Center (561-694-5000) or the ITSC (305-552-4357)
- Plant General or Regional Manager
- ROCC (FPDC will release awareness notification)

- ROCC will follow [PGD-JB-FPDC-ON 1315181201 NERC Security and Event Reporting EOP-004-2 Operating Plan](#) for cyber-attack reporting purposes

- Local Emergency Services, if appropriate

5. Plant shall follow directions as provided by Corporate CSIRP Team.

If possible, preserve current state of cyber devices for forensic evidence (e.g. don't disconnect, reset, reboot or power cycle) unless instructed to do so

Recovery:

6. Recovery instructions will be provided post event by Corporate CSIRP Team with EOSS support.

APPENDIX 5 CAPACITY / TRANSMISSION EVENT

Plant Site Roles and Responsibilities

- Site Leader, ROCC Operator, or Person receiving CAPACITY SHORTFALL
 - If the communication of a Capacity Short-Fall is for informational purposes and no Operator action is required the individual receiving the communication shall notify the ROCC, Site Leader/Plant Leader or other person in charge providing the information outlined below as available.

- b. If the communication of a Capacity Short-Fall requires Operator Action the ROCC Operator or Person receiving a CAPACITY SHORTFALL notification from the respective Transmission Operator or other Reliability Entity e.g. Balancing Authority, Reliability Coordinator, shall immediately comply with directive / operating instructions received from the Transmission Operator or provide an explanation as to why the directive / operation instruction cannot be performed e.g., safety, environmental, reliability, regulatory, etc.
 - c. Three-part communication with the Reliability Entity shall be used and the communication shall be logged. The ROCC, Site Leader / Plant Leader or other person in charge shall be contacted and provided the information outlined below as available.
 - 1) Content of communication from the Reliability Entity
 - 2) Name of individual who called
 - 3) Time of call
 - 4) The general communication received, or the directive / operating instruction received.
2. Site leader/Plant Leader or other Person in Charge
- a. In response to receiving a CAPACITY SHORTFALL communication, the Site leader/Plant Leader or other Person in Charge will:
 - 1) Validate the notification with Transmission Operator if appropriate
 - 2) Validate the notification with the ROCC
 - 3) Once validated, Direct the CRO to follow the notification instructions
 - 4) Communicate the notification to site management
 - b. If site management is not available, communicate directly with the Operations VP.
 - c. For a NEER facility also contact project business management and ensure that other facility agreements are not violated. It is recommended that the potential for Transmission Operator requests should be vetted and documented before commercial operation of the facility.
 - 1) Communicate notification to the ROCC
 - 2) Prepare and review procedures for maximizing output and energy conservation
 - 3) Advise site personnel not to perform any discretionary maintenance, testing or evolutions (with the exception of approved thermal performance testing) which could present a risk to generation
3. All other site personnel not directly involved with responding
4. All other personnel that are not directly involved with responding to the CAPACITY SHORTFALL shall not perform any maintenance or activities that would put Mega Watts (MW's) at risk.

APPENDIX 6 ENVIRONMENTAL EVENT

The spill or release of any chemical, oil, fuels or Heat Transfer Fluid (HTF) is a potentially serious event, and appropriate response actions must be taken to minimize health hazards to personnel, as well as potential impacts to the environment. It is the policy of the facility that plant personnel will not respond to spills/releases but will instead call for trained outside responders to perform this function. For the purpose of clarification to plant personnel, the term “respond” in this context refers to actions taken to perform cleanup operations of spilled substances, and in some cases may even take the meaning of actually stopping the source of a spill. Taking basic response actions to a spill such as setting up barricades, placing containment media and stopping spills in situations such as the Step 1 Example below should not be construed to be acting in the role of a “responder”, as it is defined in OSHA HAZWOPER regulations.

The basic actions to be taken in response to a chemical, oil, fuels or HTF spill or release are the following:

1. If the spill or release is the direct result of an operational action performed on the system from which the release has originated, the person who performed the action should attempt to stop the release (if possible) if it can be stopped without incurring additional personal exposure to the substance.

Example: A person opens the drain valve on a line that results in an unexpected release. If the person can immediately stop the release by closing the valve, this action should be taken if no additional exposure to the chemical will occur by doing so.
2. The person discovering a spill/release should immediately move to a location that is a safe distance upwind from the affected area,
 - a. If it is safe to do so under prevailing conditions, remain within observation distance.
 - b. If safe conditions are in doubt, do not risk exposure – leave the area immediately.
3. The person discovering the spill should look for other personnel in the area and warn them by any means available of the event that has occurred. The Site/Plant Leader should be notified immediately over the radio. Information provided should include all the following that are known:
 - a. What type of chemical has been spilled/released?
 - b. Location of the spill/release.
 - c. If source of the spill/release has been stopped.
 - d. If injuries or chemical exposure has occurred to personnel.
 - e. Boundaries describing the area of the spill.
 - f. Whether or not the spill is contained.
 - g. Quantity released (if it can be estimated).
 - h. Environmental Impacts (water bodies, streams, ground, roadways)
4. The Site/Plant Leader shall determine based upon the report from the person discovering the spill, whether the circumstances pose a threat to the surrounding community or the environment. If there is any threat to the surrounding community requiring the immediate response of public Emergency Response personnel, the person in charge shall immediately contact 911. The Site Leader shall also contact at least one of the following specialized emergency responders:

Organization	Expected Response Time	Contact Number
Heppner Volunteer Fire Department	.5 hrs.	541-676-2922 or 541-980-7962 or 911

5. At the Wheatridge site, some potential spills have a specific response plans/guidance that must be followed:

a. SPCC

6. The Site/Plant Leader shall notify the Site/Plant Environmental Lead as soon as possible after an Environmental Event has been detected. The Site/Plant Environmental Lead shall contact the ES PGD Operations Support Director or Manager and follow the [EMS-0300 Environmental Event Response Procedure – 1810251303](#) to determine regulatory reporting requirements.

7. If applicable, the Site Leader or the Site Environmental Leader shall closely coordinate with the PGD Emergency Response Coordinator, during pre and post event activities.

8. While remaining at a safe distance upwind from the spill/release, the person discovering the spill shall locate and place temporary containment around the outer boundaries of the spill, and place absorbent mats over any site drains that are near the location of the spill.

Note: This shall be performed only if it is safe to do so without risking chemical exposure.

9. The person discovering the spill shall attempt to barricade, restrict access or otherwise mark off safe boundaries around the spill to prevent others from inadvertently approaching the spill area.

Note: This shall be performed only if it is safe to do so without risking chemical exposure.

10. The person discovering the spill shall remain at a safe distance from the source of the spill/release until additional assistance or instructions are received.

11. Unless the person discovering the spill has reported unsafe conditions for approach of the area, the Environmental Lead shall immediately proceed to the spill area to evaluate severity of the incident.

Note: If any personnel are discovered to be unconscious or otherwise incapacitated upon approach to the spill scene, all personnel shall immediately move upwind away to a safe distance from the unknown threat

12. The Site Leader shall evaluate the adequacy of containment, barricades, and any other efforts that have been taken to prevent the spill from migrating to any additional areas or systems, and direct additional actions to be performed (unless it is deemed that any additional actions are unsafe to perform).

13. Once the Leader (or Emergency Coordinator, as appropriate) has determined that adequate containment and barricading of the spill area exists, they shall ensure that an adequately trained observer remains positioned a safe distance from the scene to observe the status of the spill and arrange for cleanup/mitigation actions

APPENDIX 7 GAS PIPELINE EVENT

Fuel Pipeline/Asset events have the potential to cause both safety and environmental risks. It is critical to understand your role and to have scheduled drills to prepare to react if such an incident were to occur.

Note: Natural gas is classed as a simple asphyxiant, meaning it has little or no toxic effects but can bring about unconsciousness and death by replacing air and thus depriving people of oxygen. The table below depicts the actions of the first individual discovering the event.

INITIAL RESPONSE ACTIONS ONSITE RESPONSE TEAM	
1. Make an Immediate Assessment of the Incident & take actions to protect life and ensure safety of personnel. Determine:	• Type & quantity of material released • Location & status of material released (contained/uncontained) • Status of source: (controlled/uncontrolled) • Status of all personnel/injuries
2. Stop the Discharge & Shutoff Ignition Sources , if safe to do so. (e.g., act quickly to secure pumps, valves, motors, open flames, etc.). If the incident is clearly the result of an operation that the Observer/First Responder can control safely, take immediate steps to correct the operation.	
3. Warn Personnel – Alert the ROCC for them to complete the notification process & all facility personnel at or near the incident scene. The notifications by the ROCC shall include 911, Corporate Security, VP of Operations, Emergency Response Coordinator. Note: The ROCC will contact PGD Emergency Response Coordinator	
4. Isolate & Secure the Incident Scene - Account for all personnel & evacuate nonessential personnel upwind of the area.	
5. Direct Termination of Appropriate Facility Operations for the safety of personnel if necessary.	
6. Activate Site's Response Plan and all Necessary Response Organizations (i.e., Onsite Response Team; Corporate Response Team; 911 as necessary)	
7. Establish Incident Command Post with the following ICS roles: Command Staff, Finance, Logistics, Operations, and Planning.	

APPENDIX 8 OIL PIPELINE EVENT

The spill or release of oil is a potentially serious event, and appropriate response actions must be taken to minimize health hazards to personnel, as well as potential impacts to the environment. It is the policy of the facility that plant personnel will not respond to spills/releases but will instead call for trained outside responders to perform this function. For the purpose of clarification to plant personnel, the term “respond” in this context refers to actions taken to perform cleanup operations of spilled substances, and in some cases may even take the meaning of actually stopping the source of a spill.

The person discovering a spill/release should immediately move to a location that is a safe distance from the affected area,

- If it is safe to do so under prevailing conditions, remain within observation distance.
- If safe conditions are in doubt, do not risk exposure – leave the area immediately.

The table below depicts the actions of the first individual discovering the event.

INITIAL RESPONSE ACTIONS	
1. Make an Immediate Assessment of the Incident & take actions to protect life and ensure safety of personnel. Determine: • Type & quantity of material spilled • Location & status of material spilled: (contained/uncontained) • Status of source: (controlled/uncontrolled) • Status of all personnel/injuries	
2. Stop the Discharge & Shutoff Ignition Sources , if safe to do so. (e.g., act quickly to secure pumps, valves, motors, open flames, etc.). If the incident is clearly the result of an operation that the Spill Observer/First Responder can control safely, take immediate steps to correct the operation.	
3. Warn Personnel – Alert the ROCC for them to complete the notification process & all facility personnel at or near the incident scene. The notifications by the ROCC shall include 911, Corporate Security, VP of Operations, Emergency Response Coordinator. Note: The ROCC will contact PGD Emergency Response Coordinator	
4. Isolate & Secure the Incident Scene - Account for all personnel & evacuate nonessential personnel from the area.	
5. Direct Termination of Appropriate Facility Operations for the safety of personnel if necessary.	
6. Activate Site's Response Plan and all Necessary Response Organizations (e.g., Onsite Response Team; local environmental services contractor, FPL Corporate Response Team; Fire Department as necessary)	
7. Establish Incident Command Post with the following ICS roles: Command Staff, Finance, Logistics, Operations, and Planning.	

APPENDIX 9 PANDEMIC EVENT

This section addresses the continued safe operation of PGD assets and references the NextEra Energy Business Continuity Plan. Individuals are expected to keep informed through the NextEra Energy communications. Individuals should practice social distancing and safe hygiene practices during high risk events. Travel restrictions may be implemented as part of the containment effort.

During a pandemic outbreak, to minimize the potential transmission of infectious disease in the workplace among essential personnel that must report to a company facility, screening stations and procedures may be implemented at the main entry points of critical company facility.

Visitors:

Visitors to the site shall follow the Pandemic Event site specific plan that can be found on the [PGD Emergency Preparedness SharePoint site](#). ALL visitors to the site shall fill out a [Visitor Log Form](#)

Outside Vendors/ Contractors

Individual sites may deal directly with outside vendors when scheduling appointments and work. ALL outside vendors and contractors shall fill out a [Visitor Log Form](#).

In the unlikely event that a confirmed exposure to a highly contagious disease (declared by the Center for Disease Control or World Health Organization) at the facility in areas such as control room, control centers and/or site O&M buildings is discovered, any of the scenarios and associated actions outlined on Table 1 may be triggered in order to isolate containment. Critical operations will be maintained with reduced staff at critical facilities or at home.

Activation of this plan is triggered by PGD senior leadership approval.

PGD sites work through the PGD business continuity coordinator to ensure all proper communications under the [NextEra Energy Corporate Pandemic Plan](#) are completed and proper alignment with corporate guidelines is executed.

Table 1: Potential actions for confirmed infection

Scenario One	Scenario Two	Scenario Three
Evacuate the affected individual and all non-essential workers exposed within the prior 7 days. Any Operations at the On-Site Facilities will follow special transition protocols to allow for cleaning and uninterrupted service. *	Quarantine all affected teammates at the site and shelter in place for 14 days or the applicable CDC recommendation to prevent spread	Evaluate generation need, shut the site down if feasible
All evacuated teammates will be quarantined in their homes for 14 days or the applicable CDC recommendation to prevent spread	Bring in provisions, accommodations and personal protective equipment for teammates	Evacuate all site personnel

Ensure major cleaning of facility in accordance with qualified pandemic removal protocols before individuals are permitted to return to work.	Go to minimum staffing as permitted for 14 days	Conduct major cleaning of facility before individuals are permitted to return to work
As applicable bring in new crews confirmed as not exposed to the contagious disease	Conduct major cleaning of facility before individuals are permitted to return to work	Bring in new crews confirmed as not exposed to the contagious disease to restart the site as generation needs change

*Special transition protocols: Operations will be controlled by ROCC, ROCC FPLCC Backup Center, ROCC Alternate Work Location, or by New Operations Local Crew. New crew entering the facility, must be wearing health care type personal protective equipment (PPE) such as protective clothing (Tyvek suit), gloves, face shields, goggles, facemasks and/or respirators or other equipment designed to protect the wearer from exposure of infection or illness. Concurrently the cleaning vendor will complete the decontamination of the facility, and any other affected areas. Upon completion, the site will transition with a new crew.

In the event a wind site is evacuated, the turbine repair would will be turned over to pre-determined back-up sites from within the clusters / regions managed by CWE. For more remote sites the site leader or designee will establish communication and arrangements with contracted companies.

Visitors to the site will follow the assigned site plans for Pandemic Event.

Third party contractors experiencing similar challenges, NextEra Energy may consider other methods of supplementing the work force. The temporary hiring of retired employees will be permitted, if the situation demands. This strategy will be particularly useful in those business areas where few individuals are familiar with the job responsibilities and the learning curve for new recruits is high

Provisions/Supplies:

PGD Emergency Preparation Team will work closely with Emergency Response Logistic team ahead of the event to ensure all provisions/supplies are quickly available for delivery.

A plan for acquiring food supplies, large amounts of bottled water, portable bedding, etc. should be tied to the appropriate phase of pandemic progress.

- Purchase orders should be established in advance of an outbreak.
- Emergency contact numbers for critical suppliers should be confirmed and tested.
- Known critical parts on order should be expedited.
- Establish ability to process emergency procurement from remote work locations such as home

The following vendor's/cleaning companies may be used to respond to the event.

<u>Vendor Name</u>	<u>Contact Name</u>	<u>Contact Number</u>	<u>Contract #</u>
National Response Corporation (NRC)	Global Response Operations Center	800-899-4672	CTR4600018348

- Additional vendors may be procured through the Emergency Response Logistic Team

Attachment 1: Sample checklist for WHO pandemic stages**Pre and during event:**

- ☐ PGD Emergency Preparedness GM meets with PGD senior leaders to assess possible pandemic threat.
- ☐ Discuss possible staffing constraints within business area and possible workforce pools from which additional personnel can be obtained.
- ☐ Identify and prioritize essential employees.
- ☐ Consider pandemic budget items, volume and cost
- ☐ Consider when or if your business area should establish a cost center and WBS # for pandemic associated expenses.
- ☐ PGD Emergency Preparedness GM establishes regularly scheduled team meetings
- ☐ Evaluate non -essential employees' skill sets for deployment to aid other business units
- ☐ Consider meeting / communicating with business unit employees to assess concerns and needs
- ☐ Contact working pool candidates to inquire about interest or ability to help in the event of a pandemic. These may include non-essential personnel in other departments with desired skill sets, recently retired employees, contractors, etc.
- ☐ Consider timeline for cross training backup workers on critical business processes.
- ☐ Begin considering alternative work shift schedules to lessen exposure vulnerabilities. Decide if and when the new schedules would be implemented, and when the workforce would revert back to standard work schedules.
- ☐ Have employees who travel review the pandemic travel policies.
- ☐ Verify any new pandemic related news and quell any false rumors.
- ☐ Notify employees of possible vacation cancellations if the pandemic reaches the action levels. Vacation cancellation will be at the business area / supervisor's discretion.
- ☐ Identify possible telecommuters.
- ☐ Begin cross training, if it has not already taken place.
- ☐ Test remote access for all personnel designated as telecommuters during a pandemic event.
- ☐ Consider developing a transportation plan for those employees reliant upon public transportation to get to work
- ☐ Initiate any new working schedules and personnel distancing policies.
- ☐ Initiate teleconferencing policies. No large gatherings minimize personal contact as much as possible.
- ☐ Re -evaluate business process prioritization.
- ☐ If deemed appropriate, have approved employees begin telecommuting.
- ☐ Track all additional costs associated with pandemic response efforts.

Post Event

- ☐ Return departmental manning levels and shifts to their normal configuration.
- ☐ Restock all supplies depleted during the prior wave.
- ☐ Evaluate your business area's plan. Add additional information to the plan to reflect lessons learned.
- ☐ Work with Supply Chain to re -evaluate critical vendors / suppliers

APPENDIX 10 IMMEDIATE SITE EVACUATION PROCEDURE

1. Personnel present in the Administrative Building shall immediately take the following actions:
 - a. Locate and obtain the visitor/contractor sign-in sheet.
 - b. Locate and obtain all immediately accessible hand-held radios.
 - c. Determine the safest muster area to proceed to, depending upon the known circumstances of the emergency (as indicated in Appendix 3) and wind direction. Every site should have an identified off site muster area.
 - d. Assign designated plant employees to assist any employees or visitors with special needs that would restrict their ability to get safely and expediently to the muster area.

Note: The primary muster area must be a predetermined location; alternate muster areas are to be selected only when egress routes to the primary muster area are unsafe to proceed along.

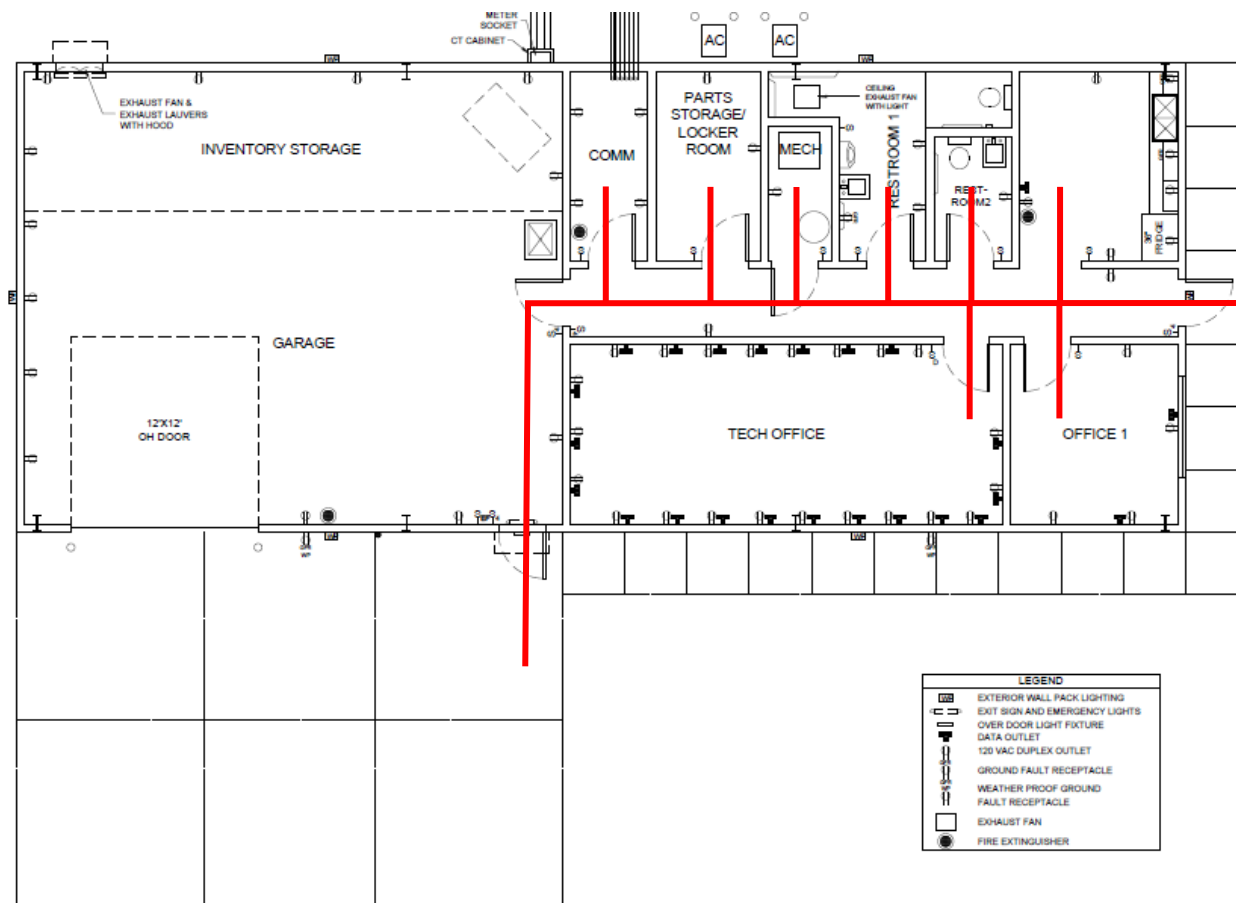
2. Pass the following information over the plant radio system:
 - a. The muster area the employees will be proceeding to.
 - b. Visitors/contractors known to be in the operating areas (as indicated by the visitor/contractor sign-in sheet).
 - c. Once emergency personnel have completed the preceding steps, they shall immediately proceed to their designated muster area.
 - d. Personnel in the Administrative Building should not delay in evacuating or wait on other personnel that they anticipate may arrive.
 - e. Upon arriving at the designated muster area(s), the group shall designate a Person-in-Charge and take a head count of all personnel who are at the muster area, including contractors and visitors.
 - 1) After a roll call of all personnel present at the muster area is taken, the Person-in-Charge shall identify which operating area personnel are not accounted for.
 - 2) The Person-in-Charge will query by radio or cell phone for personnel who are unaccounted for.
 - 3) The Person-in-Charge shall establish radio communication with the Emergency Coordinator (if applicable) and relay information on personnel who are unaccounted for.
3. All personnel at the muster location shall remain at the muster location until an "ALL CLEAR" signal is sounded, or if directed by the Emergency Coordinator (if applicable) to leave the muster location.
4. The "ALL CLEAR" signal will be communicated by Radio or cellular telephone.
5. The Person-in-Charge shall continuously monitor the plant radio system when at the muster location.
6. Personnel present in the facility operating area (other than Administrative Building) shall immediately perform the following actions:

- a. If not monitoring the plant radio system, immediately turn on hand-held radios.
7. Proceed to the designated Muster area, unless the egress route to the Muster area is not safe for travel. In such a case, proceed to an alternate Muster area.
8. Instruct any personnel (including visitors and contractors) who are seen along the way to proceed to the designated Muster area.
9. Upon reaching the appropriate Muster area, report to the Person-in-Charge and continue to monitor the plant radio system.
10. If no other personnel are present at the Muster area upon arrival, communicate this to the Site/Plant Leader.
11. Personnel not in the operating areas of the plant (to include the administration building and inside parking areas) shall immediately perform the following actions:
 - a. Locate and obtain all immediately accessible hand-held radios.
 - b. Proceed to the designated Muster area.
 - c. A Person-in-Charge shall be designated for the Muster area. In many cases, this will be the Emergency Coordinator.
 - 1.) In the event that the Emergency Coordinator is in plant operating areas or has proceeded to an alternate muster area, he/she may elect to designate the muster area Person-in-Charge to act in the capacity of Emergency Coordinator during the emergency.
 - 2.) If the Emergency Coordinator is not present at the muster area, the Person-in-Charge at the muster area will coordinate outside responding agency activities until the Emergency Coordinator arrives.
 - 3.) The Person-in-Charge shall establish radio communications with operating area personnel and compare roll call lists to determine if any personnel are unaccounted for in the facility.

APPENDIX 11 DELAYED SITE EVACUATION PROCEDURE

1. Personnel present in the Administrative Building shall immediately perform the following actions:
 - a. Take necessary operating actions to place the facility in the most stable condition, based upon the type of emergency.
2. Locate and obtain the visitor/contractor sign-in sheet
 - a. Communicate names of visitors/contractors currently in the operating areas to outside operating personnel.
 - b. Instruct outside operating personnel to locate and direct all visitors/contractors to proceed to the Administrative Building for egress instructions.
3. When all visitors, contractors and non-essential operating personnel have been accounted for and are present in the Administrative Building, the Site Leader (or Emergency Coordinator, as appropriate) shall designate a trained person to escort all non-essential personnel to the designated Muster area along the safest egress route.
4. Notify the Emergency Coordinator and Production Staff of the current facility status, and evacuation details.
5. Perform a controlled shutdown in accordance with appropriate procedures and directions from the Emergency Coordinator.
6. Once the shutdown has been completed, all essential personnel shall gather in the Administrative Building and take roll call.
7. When all essential operating personnel are present and accounted for, evacuation to the designated Muster area shall be performed, unless the egress route is not safe for travel.
 - a. If evacuation route to the designated muster area is not safe for travel, proceed to the alternate Muster area.
8. Personnel present in the facility operating areas (other than Administrative Building) shall immediately perform the following actions:
 - a. Continuously monitor the radio system for information and instructions.
 - b. Perform immediate response actions, as appropriate, to place the facility in the most stable condition, based upon the type of emergency.
 - c. Locate and direct non-essential personnel to proceed to the Administrative Building immediately.
 - d. Perform facility shutdown instructions as directed by the Site/Plant Leader.
 - e. Upon completion of shutdown, or upon direction by the Emergency Coordinator, proceed to the Administrative Building for instructions.
9. Personnel not in the operating areas of the facility (to include the administration building and parking areas) shall immediately perform the following actions:
 - a. Locate and obtain all immediately accessible hand-held radios.
 - b. Proceed to the designated muster area (see Appendix12).
 - c. A Person-in-Charge shall be designated for the muster area.
 - d. The Person-in-Charge shall establish radio communications with operating area personnel and compare roll call lists to determine if any personnel are unaccounted for in the facility.
 - e. The Person-in-Charge at the designated muster area will coordinate outside responding agency activities and provide assistance (to include personnel, resources, and administrative functions) to the Administrative Building as directed by the Emergency Coordinator and/or Site Leader.
10. The Emergency Coordinator shall immediately perform the following actions:
 - a. Proceed to the Administrative Building, or to the location on the facility most appropriate for directing response actions for the emergency.

- b. Coordinate actions related to the emergency and provide directions to muster area Persons-in-Charge.
- c. In the event that the emergency escalates in severity or immediate danger to personnel, direct immediate evacuation of all essential operating personnel involved in plant shutdown activities.

APPENDIX 12 DESIGNATED EGRESS ROUTES & MUSTER AREAS FOR EVACUATIONS

Note: Each plant will designate emergency Muster point(s). These are the locations that all employees, visitors and contractors are to report to in the event of an emergency or a drill. Muster points should be identified with proper signage and the site manager should have means of communication. In the event of an emergency the site manager or designee should bring the plant sign in book to the muster point or designate someone to provide the information from the sign in log so that the site manager can account for all employees, contractors and visitors. The location of the Muster point(s) will be shown to all contractors and visitors as a part of the Contractor and Visitor PGD Orientation. Exit routes will be kept clear of clutter, and easily identified.

The Primary Muster Area is located at the O&M front gate.

The Alternate Muster Area is located Outside the substation gate across the road from the site.

The Primary Muster Area is the preferred gathering point for personnel and should be used during evacuations unless the emergency has rendered egress routes to the Primary Muster Area unsafe for travel. The Alternate Muster Area is the alternate gathering point for such circumstances.

APPENDIX 13 PERSONNEL INJURIES AND SERIOUS HEALTH CONDITIONS

The following sections provide basic guidelines for response actions that shall take in the event of emergencies related to personnel health.

Although facility personnel should take the most aggressive response actions that are prudent in an emergency situation, the first action will be to call 911 to initiate the response of outside medical responders.

To prepare facility personnel for such contingencies, it will be the PGD policy that all operating personnel and as many other personnel as possible should be trained in CPR (Cardiopulmonary Resuscitation), Bloodborne Pathogens and in the use of an AED (Automated External Defibrillator) if one is available.

Each site will maintain at least one well stocked first aid kit at the O&M building and one in each site vehicle. These will be inspected at least monthly. Each plant will determine the locations of their nearest non-emergency Workers' Compensation approved medical facility as well as the Occupational Nurse and post the name, address and phone number. In the event of an emergency, the 911 responders will determine the best location for emergency care.

AED(s) shall be maintained at the facility at a designated location known and accessible to all staff.

Locations

- O&M Shop
- Tower 16
- Tower 107

Automated External Defibrillators (AED) – NextEra sites with AEDs will follow their Maximo AED Standard Instruction Protocol

- Notify the local EMS of the existence, location, and type of AED

APPENDIX 14 PERSONNEL INJURIES AND SERIOUS HEALTH CONDITIONS (SUPPLEMENTAL INFORMATION FOR WIND ONLY)

Note: For NEER Wind Fleet only, reference site specific Code Blue Books for additional relevant information regarding injury and health conditions. These books shall be reviewed annually by site personnel during one of the quarterly drills.

This Wheatridge Renewable Energy Facility I (WREFI) and Wheatridge Renewable Energy Facility II (WREFII) Code Blue Book is stored in the OpModel.

WIND CODE BLUE PACKETS

Each wind site shall fill out and maintain an emergency quick reference guide "Code Blue" packet. The sites will supply each truck or crew with 2 code blue packets. One shall be kept in the work truck and the second in the emergency up-tower kit. Central maintenance shall also be supplied with 2 code blue packet per truck, at each site they work at.

Each site shall review their code blue annually to ensure the information is current. A new PM shall be created in MAXIMO to ensure this is completed.

Updating code blue packets

The steps for Updating Code Blue Packets is as follows: 1. Check Out Your "Code Blue Book" from the Op Model 2. Open in Native Content 3. Make Edits 4. Save 5. Check In 6. Send the revised copy through the Workflow for Approval. 7. Be sure to print new copies once updated for the site. If you need additional assistance at updating your Code Blue Book in the OP Model please reach out to the Document Management Team

New code blue packets

Print out at the site.

POWER GENERATION DIVISION	DOCUMENT LEVEL: Local LOCATION: Wheatridge Renewable Facility		DOCUMENT NUMBER: 2308300900
	DOCUMENT NAME: ODOE Notification Process		LEVEL OF USE: INFORMATION USE
	REVISION NUMBER: 1	REVISION DATE: 08/30/2023	Page 1 of 4

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1.0 PURPOSE AND SCOPE

- 1.1.1. The purpose of this procedure is to ensure timely and proper notification to Oregon Department of Energy aka ODOE. These notifications are additive and do not take the place of other required notifications.

2.0 REFERENCES AND COMMITMENTS

2.1 Performance References

- 2.1.1. Wheatridge Site Certificate

2.2 Developmental References

- 2.2.1. Wheatridge Site Certificate

2.3 Commitments

- 2.3.1. Adherence to Oregon State regulations and the Site Certificate

3.0 SAFETY AND ENVIRONMENTAL

3.1 Safety

- 3.1.1. NA

3.2 Environmental

- 3.2.1. NA

4.0 PREREQUISITES

- 4.1.1. Site Manager should read and understand Site Certificate

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5.0 INSTRUCTIONS

5.1 Notification Requirements

Within 72 hours, sites must report any incident where,

1. There is an attempt by anyone to interfere with its safe operation.
2. There is a significant natural event such as a fire, earthquake, flood, tsunami or tornado, or human-caused event such as a fire or explosion.
3. There is any fatal injury at the facility.

In addition, certificate holders should also be aware that there are requirements in [Division 29](#) that require reporting whenever they become aware of conditions or circumstances that may violate the terms or conditions of a site certificate or the terms or conditions of any order of the Council. In those cases, the responsible party must:

As soon as reasonably possible, notify the Department of the conditions or circumstances that may constitute a violation, giving all pertinent facts including an estimate of how long the conditions or circumstances have existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit.

As soon as reasonably possible, initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence.

Submit to the Department a written report within 30 days of discovery. The report must contain:

A discussion of the cause of the reported conditions or circumstances;

The date of discovery of the conditions or circumstances by the responsible party;

A description of immediate actions taken to correct the reported conditions or circumstances;

A description of actions taken or planned to minimize the possibility of recurrence; and

For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of divisions [22](#) and [24](#) of this chapter as a result of the reported conditions or circumstances.

5.1.1.

- 5.1.2. Email EFSC.COMPLIANCE@energy.oregon.gov and cc the Department's Compliance Officer, Duane.KILSDONK@energy.oregon.gov. Written notification via email is always preferred but you can also call the compliance officer at 503-983-6484.

1. Information to include with notification.

a. Basic information

1. Name of the facility.

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2. Date and time of the incident

3. Description of the incident

b. Any injuries?

c. If a spill

1. Substance spilled

2. Quantity

3. Where did the spilled material go?

4. Has it been reported to DEQ?

d. If a land fire

1. Has the fire been extinguished? If no, what is the containment status?

2. How many acres burned

3. Was it started by the facility

e. Operating status of the facility

f. Is equipment damaged or out of service?

END of Instructions

6.0 REVISION HISTORY

Rev #	Revision Description (Current Revision only)	Revised By: Job Role
"[n]"	"[Location and description of changes.]"	"[Job Role]"

Wheatridge I, II, and III EFSC Incident Log

Date/Time Of Incident	Location of Incident	Nature of Incident (Description)	Date ODOE Notified of Complaint

*Requirements. Per the Wheatridge Site Certificates (Condition GEN-OE-02) a non-compliance report system must be maintained:

- All columns of information must be completed.
- All Incidents must be reported to ODOE **within 72 hours** of Incident (Duane.Kilsdonk@energy.oregon.gov and EFSC.COMPLIANCE@energy.oregon.gov) or call Compliance Officer at 503-983-6484
- All incidents for WREFI must also be reported to PGE (Lenna.Cope@pgn.com and Craig.Udy@pgn.com)

Attachment E-1: Draft Construction Wildfire Mitigation Plan

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Attachment 1. Residence/Landowner Outreach Letter

Draft Construction Wildfire Mitigation Plan

1.0 Finalizing Wildfire Mitigation Plan Prior to Construction (PRE)

1.1 Update Applicable Sections of WMP

To finalize this WMP prior to construction of the facility:

The Certificate Holder will update Section 3.1 based on final facility design including a brief description of areas within the site that are subject to high wildfire risk, fire prevention features at the site, such as roads dimensions, setbacks, fire breaks, entry/exit locations, location of water truck(s) and fire protection equipment locations.

The Certificate Holder will update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

The Certificate Holder will update Section 3.4 with fire department, certificate holder, and construction manager contact information and emergency response procedures. The Certificate Holder will also update Section 3.4 to include the current landowners within the proposed Wagon Trail Solar II Site Boundary (and 0.5-miles from this site boundary), associated contact information, and confirmation of outreach letter transmittal.

The Certificate Holder will update section 3.7 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

2.0 Prior to Construction Task List (PRE)

Prior to construction of the facility, the Certificate Holder will complete the activities in Sections 2.1 and 2.2.

2.1 Training (PRE):

Before beginning construction, the Certificate Holder will hold an on-site training for contractors and construction personnel, inviting specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- Description of construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction maintenance activities during Fire Season and Red Flag Warnings designated in this Plan;
- Rescue, Alarm, Contain and Extinguish RACE procedures including:

- o Rescue anyone in danger (if safe to do so);
 - o Alarm – call the control room, who will then determine if 911 should be alerted;
 - o Contain the fire (if safe to do so); and
 - o Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The Certificate Holder will fill out and submit to the Department the template landowner outreach letter provided as Attachment 1 of this WMP. Once the Department confirms the letter to be sufficient, the certificate holder will confirm landowners within the 0.5-mile analysis area and mail copies of the letter to each address. The Certificate Holder will confirm mailing and submit to the Department.

2.2 Facility Site Map(s) Submission (PRE):

The Certificate Holder will submit updated site maps from Section 3.2 concurrently to local fire departments, first responders, and the Department.

3.0 Construction Wildfire Mitigation Plan (CON)

3.1 Summary of Facility Description with Design Features and Location of Fire Protection Equipment

No phases are proposed as part of the Wagon Trail Solar II construction. Temporary solar disturbance and vegetation removal will occur in association with the improvement of existing roads and the construction of collector and transmission lines, new roads, staging areas, and fences. Staging areas will be graveled during construction. Post-construction, this gravel will be removed, and the ground surface regraded to match adjacent contours and reseeded or planted as provided by the Revegetation Plan.

As shown in Figure 1, potential wildfire risk exists within the proposed Wagon Trail Solar II Site Boundary and 0.5-mile Analysis Area. Additionally, as shown in Figure 2, potential hazards to structures also exist within the proposed Wagon Trail Solar II Site Boundary and 0.5-mile Analysis Area.

The following fire prevention features will be present within the proposed Wagon Trail Solar II Site Boundary:

- Up to 16-foot-wide service and access roads, graveled or paved.
- Site access points (total number to be determined prior to construction).
- Fenced areas around the operations and maintenance (O&M) building, collector substation, and battery energy storage system (BESS) will be graveled, with no vegetation present.
- During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites.
- Smoke/fire detectors will be placed around the site that will be tied to the supervisory control and data acquisition (SCADA) system and will contact local firefighting services.

Commented [A1]: Min distance?

- O&M building will have basic firefighting equipment for use on site during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.
- Fire sensors, alarms, and in every battery container.
- The perimeter fencing will have vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate.

3.2 Facility Site Map(s):

The following information will be verified and provided on a figure included in a revised final Construction WMP prior to construction.

- The phasing for construction of facility features and components;
- Location and dimensions of facility roads;
- Location of vegetation free, noncombustible, defensible spaces;
- Wildfire risk at the site;
- High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources);
- The location of facility access points;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite;
- The type and location of fire protection equipment on site;
- The location(s) of water source(s) that will be on-site during construction.

3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building at all times:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pound), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Collapsible Pail or Backpack Pump: 5-gallon capacity; and
- Drip Can: 5-gallon capacity.

During fire season (as designated in this Plan) water truck(s)/water source, water buffalo, or tank with minimum 500-gallon capacity must be on site. The water truck or water supply shall include the following, unless approved by the Department:

- Pump should be maintained ready to operate and capable to provide a discharge of not less than 20 gallons per minute at 115 psi at pump level. Note: Volume pumps will not produce the necessary pressure to effectively attack a fire start. Pressure pumps are recommended.
- Provide enough hose (500 feet minimum) not less than 3/4" inside diameter to reach areas where power-driven machinery has worked.
- Water supply, pump, and at least 250' of hose with nozzle must be maintained as a connected, operating unit ready for immediate use.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or Wagon Trail Solar II

include an appropriate spark arrestor; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrestor that meets U.S. Forest Service Standard 5100-1.

All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.4 Facility Contact Information and Emergency Response Procedures

Local fire department and county emergency management contact information:

- Ione Rural Fire Protection District
 - o (541) 422-7303
- Echo Rural Fire Protection District
 - o (541) 481-3473
- Boardman Rural Fire Protection District
 - o (541) 481-3473
- County Emergency Management
 - o 9-1-1

Fire department response times to the site:

- The Certificate Holder will complete this information in coordination with the above listed fire responder(s) prior to construction.

Certificate holder primary contact and contact of construction contractor manager(s):

- David Lawlor
Director of Development
NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd
Juno Beach, FL 33408
David.Lawlor@nexteraenergy.com
(403) 689-6285
- Construction contractor manager(s) contact information will be provided in the Final Construction WMP.

Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line;
- Any fire off-site that does not have emergency responders on site.
 - o To the extent that construction personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

3.5 Use of Vehicles and Power-Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during construction:

- The movement of vehicles will be planned and managed to minimize fire risk.
- The contractor(s) will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designated in this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- The contractor(s) will designate a location for field fueling operations at the temporary construction yards. Any fueling of generators, pumps, etc. shall take place at this location only.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.6 Fire Precaution Levels and Restrictions during Fire Season

Definitions:

 **Non-Fire Season** – Approximately October - May

 **Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

 **Fire Weather Watch** - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

 **Red Flag Weather Warning** - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work - Any cutting, grinding, welding, or other activity that creates spark or open flame.
Wagon Trail Solar II

Fire Watch Service -

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the facility where equipment activity occurred during the day.

Upon discovery of a fire, fire watch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

Fire-Prevention Measures and Restrictions Associated with Fire Season:

Certificate holder shall maintain a log when construction activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

Non-Fire Season

- All hot work (must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.



Fire Season

- Before the start of each daily shift, at approximately 07:00 a.m. local time, the Technician in charge will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.



Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

**Red Flag Weather Warning**

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power-driven machinery used by the operator has been shut down for the day.
- No smoking on site.

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
Fire weather advisory	Not required	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins. On-site personnel must be aware of Red Flag Warning.
On-site water source	N/A	As specified in Section 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.
Hot work	Only permitted on roads or on non-combustible surfaces.	Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion	Not Permitted	Not Permitted
Fire Watch Service	Not required	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
Driving and Parking	As described in Section 3.5.	As described in Section 3.5.	Only permitted on roads or on non-combustible surfaces and Section 3.5.	Only permitted on roads or on non-combustible surfaces and Section 3.5.
Smoking	Designated areas only	Designated areas only	Not permitted	Not permitted

3.7 Vegetation Management

3.7.1 Vegetation-free, Noncombustible Space, and Vegetation Standards

Vegetation within the fence line and below the solar arrays will be maintained as follows:

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s) shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible "burn piles" on site.

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- 16-foot-wide service roads within solar fence line – graveled
- 10-foot noncombustible, defensible space clearance along the fenced perimeter of the site boundary – vegetation free
- Within the fenced perimeter of the inverter/transformer pads, collector substation and battery energy storage system (BESS) – graveled, similar noncombustible base, or vegetation free
- Parking and O&M building perimeter – graveled

Vegetation in these areas will be managed by the following techniques:

- Mowing;
- Chemical (herbicide) spray; and
- Reseeding with low growing, native vegetation.

3.8 Construction Training(s)

3.8.1 Safety Training

Once a year after construction begins, organize and hold an on-site training with certificate holder and construction personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency that covers:

- The location of electrical facility components and the fire safety measures associated with each component that have been constructed;
- Description of remaining construction phasing;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment usage and maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle, and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of construction activities during Fire Season, Fire Weather Watches, and Red Flag Warnings designated in this Plan;
- Rescue, Alarm, Contain and Extinguish (RACE) procedures including:
 - o Rescue anyone in danger (if safe to do so);
 - o Alarm – call the control room, who will then determine if 911 should be alerted;
 - o Contain the fire (if safe to do so); and
 - o Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

4.0 Plan Updates: Amendments and Reporting Requirements:

The following will be provided to the Department in the semi-annual construction report required per OAR 345-026-0080:

- Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 3.4, any changes in local fire protection agency personnel and construction managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- A copy of the Fire Season Restriction Log identified in Section 3.6.

This information may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon

Draft Construction Wildfire Mitigation Plan

Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

DRAFT

Attachment 1: Residence/Landowner Outreach Letter

Attachment E-2: Draft Operational Wildfire Mitigation Plan

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Figure 1. Overall Fire Risk

Figure 2. Hazards to Potential Structures

Attachments

Attachment 1. Residence/Landowner Outreach Letter

DRAFT

Draft Operational Wildfire Mitigation Plan

1.0 Finalizing Wildfire Mitigation Plan Prior to Operation (PRO)

1.1 Update Applicable Sections of WMP

At this time the Certificate Holder does not have a design for the portion of the previously approved Wheatridge Renewable Energy Facility III (Facility) to be sited within the proposed Wagon Trail II Solar Site Boundary. Prior to operation of the facility:

The Certificate Holder will update Section 3.1 based on final facility design including a brief description of areas within the site that are subject to high wildfire risk, fire prevention features at the site, such as road dimensions, setbacks, fire breaks, entry/exit locations, water truck(s) and fire protection equipment locations. Fire detection, fire suppression, and emergency shut off systems that will be activated in the event of a fire will also be described.

The Certificate Holder will update Section 3.2 and include in this WMP the facility site maps described in Section 3.2.

The Certificate Holder will update Section 3.4 with fire department, certificate holder, and operational manager contact information and emergency response procedures. Update Section 3.4 with analysis area residence contact information and confirm analysis area residence contact letter sent to residences within site boundary and 0.5 miles from the facility.

The Certificate Holder will update section 3.6 to describe vegetation management and areas that will be managed to be vegetation-free, noncombustible space, or gravel surface.

The Certificate Holder will update Section 3.7 and Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan; and include an appendix with excerpts of manufacturer recommendations.

The Certificate Holder will update Section 3.10 with any additional details about facility monitoring.

The Certificate Holder will update Section 4.0 with any additional standards for future review and plan updates. Note that Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, will be used as a compliance checklist by the Department to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation.

2.0 Prior to Operation Task list (PRO)

Prior to operation of the facility, the Certificate Holder will complete the activities in Sections 2.1 and 2.2.

2.1 Training (PRO)

Before beginning operation, the Certificate Holder will hold an on-site training for operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency. The training will cover:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle; and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan; Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
 - o Rescue anyone in danger (if safe to do so);
 - o Alarm – call the control room, who will then determine if 911 should be alerted;
 - o Contain the fire (if safe to do so); and
 - o Extinguish the incipient fire stage (if safe to do so).
- Provide information and encourage attendees to sign up for the County’s emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

The certificate holder will fill out and submit to the Department the template residence outreach letter provided as Attachment 1 of this WMP. Once the Department confirms the letter to be sufficient, the certificate holder will identify residences within the 0.5-mile analysis area and mail copies of the letter to each residence. The Certificate Holder will confirm mailing and submit to the Department.

2.2 Facility Site Map(s) Submission (PRO):

The Certificate Holder will submit updated site maps from Section 3.2 concurrently to local fire departments, first responders, and the Department.

3.0 Operational Wildfire Mitigation Plan (OPR)

3.1 Summary of As-Built Facility Description with Design Features and Location of Fire Protection Equipment

Once constructed, the Facility is anticipated to contain the following:

- Solar photovoltaic system (solar modules (mono- or poly-crystalline cells), tracker systems, posts);
- Combiner boxes, inverters, and transformers;

- Electrical collection system;
- Service roads, gates, and fencing; and
- Wheatridge West collector substation.

As shown in Figure 1, potential wildfire risk exists within the proposed Wagon Trail Solar II Site Boundary and 0.5-mile Analysis Area. Additionally, as shown in Figure 2, potential hazards to structures also exist within the proposed Wagon Trail Solar II Site Boundary and 0.5-mile Analysis Area.

The following fire prevention features will be present within the proposed Wagon Trail Solar II Site Boundary:

- Up to 16-foot-wide service and access roads, graveled or paved.
- Site access points (total number to be determined prior to construction).
- Fenced areas around the operations and maintenance (O&M) building, collector substation, and battery energy storage system (BESS) will be graveled, with no vegetation present.
- Smoke/fire detectors will be placed around the site that will be tied to the supervisory control and data acquisition (SCADA) system and will contact local firefighting services.
- O&M building will have basic firefighting equipment for use on site during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.
- Fire sensors, alarms, and aerosol fire extinguishing systems in every battery container.
- The perimeter fencing will have vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate.

3.2 Facility Site Map(s):

The following information will be verified and provided on a figure included in a revised final Operational WMP prior to operation:

- Location and dimensions of facility roads;
- Location of vegetation free, noncombustible, defensible spaces;
- Wildfire risk at the site and date;
- High-fire consequence areas/resources (includes existing infrastructure, residences, sensitive habitat, or cultural resources);
- The location of facility access points;
- A description and the location of emergency access procedures, including how emergency responders and/or adjacent landowners may access site for fire protection equipment or to extinguish an on-site fire when personnel will not be onsite;
- The type and location of fire protection equipment on site;
- The location(s) of water source(s) that will be on-site during operations.

3.3 Specifications for Fire Protection Equipment

The following fire suppression equipment will be carried in vehicles conducting maintenance activities and stored on-site at the O&M building:

- Fire Extinguisher: Dry chemical. 2A:10BC (5 pounds), properly mounted or secured;
- Pulaski;
- Hand Shovel: Round point. 26 to 28 in "D" Handle, blade - 12 inches long and 10 inches wide;
- Drip Can: 5-gallon capacity.

All internal combustion engines must be equipped with exhaust systems, mufflers and screens, or include an appropriate spark arrester; and must be kept in good operating condition. All combustion engines (including but not limited to off road vehicles, chainsaws, and generators) will be equipped with a spark arrester that meets U.S. Forest Service Standard 5100-1.

All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.4 Facility Contact Information and Emergency Response Procedures

Local fire department and county emergency management contact information:

- Lone Rural Fire Protection District
 - o (541) 422-7303
- Echo Rural Fire Protection District
 - o (541) 481-3473
- Boardman Rural Fire Protection District
 - o (541) 481-3473
- County Emergency Management
 - o 9-1-1

Fire department response times to the site:

- The Certificate Holder will complete this information in coordination with the above listed fire responder(s) prior to operation.

Certificate holder primary contact and contact of operational manager(s):

- David Lawlor
Director of Development
NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd
Juno Beach, FL 33408
David.Lawlor@nexteraenergy.com
(403) 689-6285
- Operational manager(s) contact information will be provided prior to operations.

Contact 911 in the event of:

- A fire or emergency on-site that cannot be addressed by personnel on-site and requires the assistance of fire or emergency medical personnel;
- A fire ignition on-site that spreads out of the fence line; and
- Any fire off-site that does not have emergency responders on site.
 - o To the extent that operational personnel can safely assist and/or provide equipment to help extinguish off-site fires until emergency responders are on site, it is encouraged to do so to assist in the spread of the fire, loss of life, property and damage to the environment.

3.5 Fire Precaution Levels and Restrictions during Fire Season

Definitions:

 **Non-Fire Season** – Approximately October - May

 **Fire Season** – Approximately June-September, formally designated by the Oregon Department of Forestry (ODF). Under ORS 478.960 (4), a Fire Chief can establish Fire Season within a Fire District when ODF, under ORS 477.505, declares Fire Season. Begins seasonal restrictions for public and industry.

 **Fire Weather Watch** - A fire weather watch is issued when there is a high potential for the development of a red flag event. A watch is issued 18 to 96 hours in advance of the expected onset of criteria. Intent of a fire weather watch is to alert forecast users at least a day in advance for the purposes of resource allocation and fire fighter safety. A watch means critical fire weather conditions are possible but not imminent or occurring.

 **Red Flag Weather Warning** - A red flag warning is used to warn of impending or occurring red flag conditions. Its issuance denotes a high degree of confidence that weather and fuel conditions consistent with local red flag event criteria will occur in 48 hours or less. Specific Red Flag criteria differ for each situation and district in Oregon. Be extremely careful with open flames and other activities that emit sparks.

Hot Work -Any cutting, grinding, welding, or other activity that creates spark or open flame.

Fire Watch Service:

Fire watch shall:

- Be physically capable and experienced to operate firefighting equipment.
- Have facilities for transportation and communications to summon assistance.
- Observe portions of the operation on which activity occurred during the day.

Upon discovery of a fire, Firewatch personnel must: First report the fire, summon any necessary firefighting assistance, describe intended fire suppression activities; then, after determining a safety zone and an escape route that will not be cut off if the fire increases or changes direction, immediately proceed to control and extinguish the fire, consistent with firefighting training and safety.

Fire-Prevention Measures and Restrictions Associated with Fire Season:

Certificate Holder will maintain a log when operational activities are impacted by Fire Restrictions during Fire Season as designed in this Section. The log will include:

- The date;
- Fire Precaution Level;
- Description of actions taken, including if any measures were taken to reduce wildfire risk that are not identified in this Plan.

Non-Fire Season

- All hot work must be conducted on roads or on non-combustible surfaces.
- Smoking in designated areas only.

Fire Season

- Before the start of each daily shift, at approximately 07:00 a.m. local time, the Technician in charge will check the fire danger posting by the National Weather Service for any Red Flag Warnings for that day.
- All hot work (any cutting, welding, or other activity that creates spark or open flame) must be conducted on roads or on non-combustible surfaces.
- Water source meeting specifications in this Plan will be on site during fire season.
- Following the completion of hot work, the Certificate Holder or contractor(s) must maintain a fire watch for 60 minutes to monitor for potential ignition.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- Smoking in designated areas only.

Fire Weather Watch

- No hot work permitted.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

Red Flag Weather Warning

- No hot work permitted.
- On-site personnel must be aware of Red Flag Warning.
- Driving and parking only permitted on graveled surfaces.
- Fire watch shall be on duty during any breaks and for one hour after all power driven machinery used by the operator has been shut down for the day.
- No smoking on site.

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
Fire weather advisory	Not required	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins.	Check for fire weather advisory daily before work begins. On-site personnel must be aware of Red Flag Warning.

Table 1: Fire Prevention Measures During Fire Season Summary

Requirement	 Non-Fire Season	 Fire Season	 Fire Weather Watch	 Red Flag Warning
On-site water source	N/A	As specified in Section 3.2	As specified in Section 3.2 and 3.3.	As specified in Section 3.2 and 3.3.
Hot work	Only permitted on roads or on non-combustible surfaces.	Only permitted on roads or on non-combustible surfaces; fire watch required for 60 minutes after completion	Not Permitted	Not Permitted
Fire Watch Service	Not required	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.	During breaks and for 60 minutes after all power-driven machinery has been shut down for the day.
Driving and Parking	As described in Section 3.9.	As described in Section 3.9.	Only permitted on roads or on non-combustible surfaces and Section 3.9.	Only permitted on roads or on non-combustible surfaces and Section 3.9.
Smoking	Designated areas only	Designated areas only	Not permitted	Not permitted

3.6 Vegetation Management

3.6.1 Vegetation-free, Noncombustible Space

The following areas will be managed to be vegetation-free, noncombustible space, or gravel surface:

- 16-foot-wide service roads within solar fence line – graveled
- 10-foot noncombustible, defensible space clearance along the fenced perimeter of the site boundary – vegetation free
- Within the fenced perimeter of the inverter/transformer pads, collector substation and battery energy storage system (BESS) – graveled, similar noncombustible base, or vegetation free

- Parking and O&M building perimeter – graveled
- Vegetation along service roads will be managed by mowing or other vegetation removal

Vegetation in these areas will be managed by the following techniques:

- Mowing;
- Chemical (herbicide) spray; and
- Reseeding with low growing, native vegetation.

3.6.2 Vegetation Standards, Surveys and Management

Vegetation within the fence line and below the solar arrays will be maintained in accordance with the approved Revegetation Plan for the Facility.

- Vegetation will be limited to a height of 10-12 inches, with a minimum clearance of 12 inches from electrical equipment. Vegetation near, at, or taller than the maximum height shall be removed or mowed.
- Mowing must be done in advance of fire season or accordance to any fire restrictions.
- At no point shall vegetation come in contact with electrical equipment.
- Vegetation buildup in the fence line(s) shall be removed.
- Any vegetation removed from the site will be disposed of and not stored onsite. Certificate holder and contractors will prevent the accumulation of combustible “burn piles” on site.

A vegetation assessment survey of the fenced area will be completed at least twice a year to monitor for vegetation clearances and maintenance of fire breaks, and wildfire hazards. One survey will occur before the fire season begins, in May or June. The second survey will occur in October or November. Additional vegetation surveys and management may be required throughout the year based on seasonally heightened fire risk, vegetation growth, or observations from operational maintenance staff.

The survey will be conducted by the a vegetation specialist and will be used to assess the frequency of upcoming vegetation maintenance and will assess and document the following:

- Location;
- Species;
- Height;
- Proximity to facility components;
- Estimated growth rate;
- Abundance;
- Clearance/setbacks; and
- Risk of fire hazard.

Results of surveys shall be provided in the annual updates to this WMP, designated in Section 4.0.

Vegetation control includes the following (to be consistent with this WMP, Revegetation Plan , Soil Reclamation Plan and Noxious Weed Plan):

- Mowing;
- Chemical (herbicide) spray; and
- Physical removal.

3.7 Inspections and Maintenance

Facility components will be inspected and maintained as designated in Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results* below. Prior to operations, Table 2 will be updated based on manufacturer recommendations associated with each type of facility component and vegetation management consistent with this WMP and Revegetation Plan.

Table 2 includes an operational check list that will be filled out designating which personnel conducted inspections and maintenance, the dates of inspections and maintenance, and results. As designated in Section 4.0 of this WMP, this table checklist will be submitted to demonstrate compliance with the WMP and used to determine if changes to the WMP are necessary. Other checklists may be provided prior to operation and in the annual review of the WMP, as approved by the Department.

Prior to operation, manufacturers' recommendations, or excerpts for inspections and maintenance will be included as an appendix to this plan.

Lock Out/Tag Out Program:

During maintenance activities, electrical equipment is de-energized and physically locked or tagged in the de-energized positions to avoid inadvertent events that could result in arc flash.

- Ensure equipment is maintained to prevent and control sources of ignition.

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

A completed table will be provided in a revised final Operational WMP prior to operation.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
System Protection	Protection Relays - Verify calibration and check functionality. Breaker Trip Testing - Verify the ability to trip breakers via coil.	X	Manufacturer’s maintenance recommendations	Repair or replace once every 5 years	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
System Protection	System Protection Potential Transducers (“PTs”) and Current Transducers (“CTs”)ul Verify calibration and check functionality.	X	Manufacturer’s maintenance recommendations	Repair or replace once every 11 years	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
Solar Inverter	Visual inspection of inverter and surrounding area. - Verify torque specifications. - For alternating current (AC)/direct current (DC), perform inspection of communication and control power terminations. - Cycle AC/DC disconnects, inspect AC/DC contactors and cooling fans. - Perform infrared scan. Inverter Testing and Preventative Parts Replacement - Preventative maintenance replacement of inverter parts (e.g.: cooling system and power supplies that are operating effectively but scheduled for replacement per manufacturer’s recommendations).		Spill Prevention, Control, and Countermeasures (SPCC) Plan ³ Manufacturer’s maintenance recommendations	Monthly SPCC Plan - Bi-annual Preventative Maintenance - Per manufacturer’s recommendations	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above.	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
Tracker System	Perform visual inspection of tracking components; sync data with the Certificate Holder’s Operations Center. - Perform visual inspection of module clamps and rail fasteners for integrity. - Perform visual inspection of gear drives and shaft assemblies for alignment. - Grease gear boxes and/or drive shaft. - Verify wind stow functionality and lubricate slew ring.		Manufacturer’s maintenance recommendations	Per manufacturer’s recommendations	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

A completed table will be provided in a revised final Operational WMP prior to operation.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
Solar Array Structures	Perform visual inspection of mounting structures, grounding, and cabling.		Manufacturer's maintenance recommendations	Repair or replace annually	Date:	Date:
					Personnel:	Personnel:
					Results:	Results:
Solar Array Panels, Harnesses, and Combiner Boxes	At Certificate Holder's sole discretion, to perform one of the following options: - Infra-red ("IR") Flyover - IR scan of Site providing DC health of the Facility down to string level reporting; or - Physical DC Health Inspection - Perform visual inspection of whips and wires connectors for damage or exposed conductors in gutters of harness combiner boxes. - Measure and record current of each whip using clamp-on meter and identify low performing whips.		Certificate Holder's discretion	Repair or replace annually	Date:	Date:
					Personnel:	Personnel:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components	Manufacturer's maintenance recommendations	Repair or replace annually	Results:	Results:
					Notes:	Notes:
					Date:	Date:
					Personnel:	Personnel:
Collector Substation	- Perform visual inspection of the grounding system. - Perform thermographic and visual inspection. - Perform uninterrupted power supply (UPS) inspection and maintenance.		Manufacturer's maintenance recommendations	Repair or replace annually	Date:	Date:
					Personnel:	Personnel:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections.	Results:	Results:
BESS	Set battery maintenance (system check, cell balancing).		Manufacturer's	Repair or replace annually	Notes:	Notes:
					Date:	Date:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

A completed table will be provided in a revised final Operational WMP prior to operation.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	- Battery cable, appearance, grounding, dust removal. - Inspect battery management system alarms. - Visual inspection of electrical terminations using thermal imager.		maintenance recommendations		Personnel:	Personnel:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on substation gravel pad. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon routine visual inspections.	Results: Notes:	Results: Notes:
Unit Control Enclosure Battery	- Check for correct operations of battery monitoring system and battery charging system. - Perform visual inspection of the battery room, mounting rack, batteries, and connections.		Manufacturer's maintenance recommendations	Repair or replace monthly	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Unit Control Enclosure Battery	Perform individual cell float charge and specific gravity checks.		Manufacturer's maintenance recommendations	Repair or replace quarterly	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Unit Control Enclosure Battery	Measure float cell voltage, pilot cell voltage, and electrolyte temperature of pilot cell.		Manufacturer's maintenance recommendations	Repair or replace annually	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Supervisory, Control and Data Acquisition (SCADA) & Network Equipment	Plant equipment will be evaluated every 5 years to determine state of health and provide recommendations.		Manufacturer's maintenance recommendations	Upgrade, repair, or replace every 5 years	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
					Results: Notes:	Results: Notes:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

A completed table will be provided in a revised final Operational WMP prior to operation.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
Medium Voltage (MV) and High Voltage (HV) Breaker	- Clean out dirt and debris. - Perform a manual operation test. - Perform an electrical test. - Perform a gas leakage test.		Manufacturer's maintenance recommendations NERC	Repair or replace per manufacturer's recommendations	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Generator Step-Up (GSU) Transformer	- Perform a visual inspection and check for proper operation of fan motor, oil pump motor, and breather. - Inspect and maintain substation transformer bushings and control panel. - Perform visual inspection of bushings for indications of local heating, oil leaks, proper oil level and indication of contaminants.		SPCC Plan ³ Manufacturer's maintenance recommendations	Repair, overhaul, refurbish, or replace per manufacturer's recommendations	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Inverter Step-up Transformer	- Perform infrared scans on low side of transformer when power is >80%. - Verify temperature and pressure sync with the contractor's Operations Center. - Perform visual inspection of the physical integrity of the enclosure and check for oil leakage. - Perform visual inspection for damage or discoloration of bushings. - Perform oil sample analysis on MV transformer(s). - Collect MV transformer oil sample(s) for 3rd party analysis. - Perform electrical test of transformer. - Verify integrity of surge arresters and check for proper tap position.		SPCC Plan ³ Manufacturer's maintenance recommendations	Replace or repair per manufacturer's recommendation	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
	Vegetation: Visual inspection during component inspections and visual inspections during vegetation surveys twice a year.	Vegetation: Twice a year during vegetation surveys and additional visual inspections during routine inspections of components.	Vegetation: Herbicide application on gravel pad around inverter to prevent vegetation growth. IEEE 80 NEC 70	Vegetation: Yearly, depending on vegetation condition. Or more frequent based on vegetation survey results or upon visual inspections listed above.	Date: Personnel:	Date: Personnel:
					Results: Notes:	Results: Notes:
Overhead electrical lines	Visual inspection of components, grounding and APLIC measures.		APLIC		Date: Personnel:	Date: Personnel:

Table 2: Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results

A completed table will be provided in a revised final Operational WMP prior to operation.

Facility Component(s)	Inspection Procedure	Inspection Frequency	Standard ¹	Maintenance Schedule	Date and Personnel Completing Inspection(s); Inspection Results	Date and Personnel Completing Maintenance; Maintenance Results
	Vegetation: Visual inspection of vertical clearance distance between conductor and vegetation.		Vegetation: National Energy Reliability Corporation (NERC) - Vegetation maintenance standard FAC-003-0. Mow vegetation to achieve clearance requirements between conductor and ground.	Vegetation: Yearly, depending on vegetation condition.	Results: Notes:	Results: Notes:
1. The Operational SPCC Plan for the Facility will require these components to be inspected monthly for spills. During these inspections, Operational Staff will also visually inspect the component and surrounding area.						

3.8 Use of Vehicles and Power-Driven Machinery at Site

The following best management practices (BMPs) to minimize fire risk from vehicle travel, equipment use, and fueling activities will be implemented at the site during operational activities:

- The movement of vehicles will be planned and managed to minimize fire risk.
- As necessary, contractor(s) or operational personnel will be responsible for identifying and marking paths for all off-road vehicle travel. All off-road vehicle travel will be required to stay on the identified paths. No off-road vehicle travel will be permitted while working alone. Travel off road or parking in vegetated areas will be restricted during fire season as designated in this Plan.
- Areas with grass that are as tall or taller than the exhaust system of a vehicle must be wetted before vehicles travel through it.
- Workers will be instructed to shut off the engine of any vehicle that gets stuck, and periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Stuck vehicles will be pulled out rather than “rocked” free and the area will be inspected again after the vehicle has been moved.
- Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside a county right-of-way. No fuel containers shall be in the vehicles that exit the right-of-way except the five-gallon container that is required for the water truck pump.
- All power-driven machinery will be kept free of excess flammable material which may create a risk of fire.

3.9 Operational Training(s)

3.9.1 Annual or Biannual Safety Training

The Certificate Holder will organize and hold an on-site training with operational personnel, inviting equipment manufacturers, specialty contractors, local fire department(s), participating and adjacent landowners, emergency management office personnel, ODOE, and any other emergency management agency, that covers:

- The location of electrical facility components and the fire safety measures associated with each component;
- Battery-specific safety protocols, including how to appropriately address chemical fires, in the event of an emergency;
- The type, location, and proper use of fire protection equipment;
- Fire protection equipment maintenance requirements;
- The location(s) of water source(s) and proper usage, storing and maintenance for the pump, hose nozzle, and water hose;
- Overview of smoking policy and locations;
- Overview of procedures and restrictions of operational maintenance activities during Fire Season and Red Flag Warnings designated in this Plan; Rescue, Alarm, Contain and Extinguish (RACE) procedures, including:
 - Rescue anyone in danger (if safe to do so);
 - Alarm – call the control room, who will then determine if 911 should be alerted;
 - Contain the fire (if safe to do so); and
 - Extinguish the incipient fire stage (if safe to do so).

- Provide information and encourage attendees to sign up for the County's emergency management notification system.

Training attendee list and training materials must be provided to the Department to demonstrate compliance.

3.9.2 Electrical Safety Program

All operational workers will be trained in electrical safety and the specific hazards of the facility. This training will address:

- Minimum experience requirements to work on different types of electrical components;
- Lockout/tagout procedures;
- Electrical equipment testing and troubleshooting;
- Switching system;
- Provisions for entering high voltage areas (e.g., substation);
- Minimum approach distances; and
- Required personal protective equipment.

3.10 Facility Monitoring

Facility components that are monitored via the supervisory, control, and data acquisition (SCADA) system are the solar inverters, collector substation, battery energy storage system (BESS), and overhead electrical lines associated with the alternate gen-tie line.

Facility components will be monitored remotely with the SCADA system 24 hours a day, 7 days a week.

Smoke and fire detectors are placed throughout the facility, will be connected to the SCADA system, and will contact local firefighting services if needed. The BESS will also have integrated fire safety and monitoring systems to detect and alarm if a fire condition is detected.

The Facility will have the ability to be remotely operated and shut down by the Renewable Operation Control Center, which will be staffed 24 hours a day, 7 days a week.

4.0 Plan Updates: Amendments and Reporting Requirements

The following information will be provided to the Department in the annual report, as required by OAR 345-026-0080:

- Section 3.1 and 3.2, any changes in wildfire risk at the site or changes in facility components or preventative features.
- Section 3.4, any changes in local fire protection agency personnel and operational managers.
- Section 3.4, any changes in analysis area residence/landowner addresses or contact information.
- Fill out Table 2: *Operational Electrical Component and Vegetation Inspection and Maintenance Schedule and Results*, with the dates, personnel, and results of inspections and maintenance performed. A different form or checklist of operational inspection, vegetation management, and maintenance may be used if approved by the Department.

- A copy of the Fire Season Restriction Log identified in Section 3.5.

The certificate holder must review this WMP annually to determine if updates to the WMP are necessary. In its annual review, the certificate holder will evaluate changes in standards, policies, future technologies or best practices that could be implemented at the facility to address wildfire prevention or protection, including but not limited to those identified in Table 3, below.

Information from the annual reporting and from the certificate holder or Department review of sources in Table 3 may be used to establish the performance of the WMP. If determined by certificate holder or Department, adjustments or improvements must be proposed to ensure the WMP provides wildfire mitigation. Any Department required updates shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address wildfire hazard.

This Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (EFSC) or ODOE, acting within its delegated authority of EFSC. Such amendments may be made without amendment of the site certificate. EFSC authorizes ODOE to agree to amendments to this Plan. ODOE will notify EFSC of all amendments, and EFSC retains the authority to approve, reject, or modify any amendment of this Plan agreed to by ODOE.

Table 3: Standards for Future Review

Reference	Description	Method
American Clean Power	Industry ground that establishes best practices for renewable energy projects.	The Certificate Holder is a member of ACP and participates in best practice development ¹ .
National Electric Reliability	National Energy Reliability Corporation develops electrical standards for large energy facilities.	The Certificate Holder will follow NERC Standard FAC-003-0 for its vegetation management program of transmission lines ² , or updates to this standard as approved by NERC.
Oregon Specialty Building Codes	Building codes applicable to inhabitable spaces, including the O&M building and the substation enclosure.	Remodeling to the O&M and enclosure structure that requires permits will follow any updates to the Oregon Specialty Building Codes at that time.
Oregon Fire Code	The Oregon State Fire Marshal adopts the Oregon Fire Code, establishing minimum fire prevention and protection systems requirements applicable to certain structures, including but not limited to, energy systems.	The Certificate Holder will adhere to any applicable standards of the Oregon Fire Code and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility.

Table 3: Standards for Future Review

Reference	Description	Method
NFPA Codes and Standards	The National Fire Protection Association publishes codes and standards intended to minimize the possibility and effects of fire and other risks.	The Certificate Holder will identify and adhere to any applicable codes and standards and will incorporate features necessary to meet those standards into the design of the facility. Certificate holder will annually review and apply applicable standards that may apply to an operational facility.
APLIC	Avian protection methods for electrical facility reduce fires related to bird/mammal nests on electrical equipment.	The Certificate Holder is a member of APLIC ³ . An operational wildlife monitoring program will inspect for wildlife nesting on facilities that could cause fire, and take actions following applicable laws (e.g., MBTA).
ORS chapter 477, OAR chapter 629-043	Standards and rules for fire prevention in forest and range land administered by Oregon Department of Forestry.	The Certificate Holder will be familiar with and operate consistently with the applicable standards, including any updates to rules or standards and will provide a summary of standards that are updated and implemented at the facility.
OAR chapter 860, division 024	Safety standards for transmission lines adopted by Oregon PUC.	The Certificate Holder will maintain consistency with any applicable vegetation clearance requirements, pruning standards, and high fire risk zone safety standards and will provide a summary of standards that are updated and implemented at the facility.
1. Link to ACP Standards & Practices: https://cleanpower.org/resources/types/standards-and-practices/ . 2. NERC FAC-003-0: https://www.nerc.com/pa/Stand/Reliability%20Standards/FAC-003-0.pdf . 3. Link to APLIC member organization: https://www.aplic.org/member_websites.php .		

Attachment 1: Residence/Landowner Outreach Letter

Attachment F: Decommissioning Cost Estimate and Assumptions

Estimate Summary
TETRA TECH, INC.

Job Code: Wagon Trail Solar II
Description: Decommissioning Estimate

Cost Item							
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1	1.00 Lump Sum	WAGON TRAIL II SOLAR RETIREMENT	0.00	Detail	U.S. Dollar	9,474,116.29	9,474,116.29
1.1	1.00 Lump Sum	Equipment & Facilities Mob / Demob	0.20	Detail	U.S. Dollar	131,143.17	131,143.17
1.1.1	1.00 Lump Sum	Equipment Mob	0.00	Detail	U.S. Dollar	61,200.00	61,200.00
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	
UERNTRLG	Rental Equip Transp-Large		6.00 Each	U.S. Dollar	10,000.00	60,000.00	
UERNTRSM	Rental Equip Transp-Small		8.00 Each	U.S. Dollar	150.00	1,200.00	
1.1.2	1.00 Lump Sum	Site Facilities	0.00	Detail	U.S. Dollar	2,200.00	2,200.00
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	
UOCONMOB	Connex Box Mob		2.00 Each	U.S. Dollar	300.00	600.00	
UOTRLTRN	Trailer Trnsp/Setup/Trdwn		2.00 Each	U.S. Dollar	800.00	1,600.00	
1.1.3	3.00 Day	Crew Mob & Site Setup	1.00	Detail	U.S. Dollar	13,548.63	40,645.90
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	
L060100	GENERAL LABORER	720.00	24.00 Each (hourly)	U.S. Dollar	43.52	31,337.50	
L010101	OPERATOR	180.00	6.00 Each (hourly)	U.S. Dollar	51.71	9,308.40	
1.1.4	2.00 Day	Crew Demob & Site Cleanup	1.00	Detail	U.S. Dollar	13,548.63	27,097.27
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	
L060100	GENERAL LABORER	480.00	24.00 Each (hourly)	U.S. Dollar	43.52	20,891.66	
L010101	OPERATOR	120.00	6.00 Each (hourly)	U.S. Dollar	51.71	6,205.60	
1.2	6.00 Month	Project Site Support	0.05	Detail	U.S. Dollar	56,701.60	340,209.58
1.2.1	6.00 Month	Site Facilities	0.00	Detail	U.S. Dollar	2,205.00	13,230.00
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	
URCONNEX	Connex Box		6.00 Month	U.S. Dollar	150.00	900.00	
UROFFTRL	Office Trailer -12x60		6.00 Month	U.S. Dollar	500.00	3,000.00	
UO1STAD	1st Aid Supplies		6.00 Month	U.S. Dollar	300.00	1,800.00	
UOOFFSUP	Office Supplies(\$/prs/mo)		6.00 Month	U.S. Dollar	55.00	330.00	
URPRTAJH	Port-a-John Unit(s) (4)		24.00 Month	U.S. Dollar	300.00	7,200.00	
1.2.2	6.00 Month	Field Management	0.05	Detail	U.S. Dollar	54,496.60	326,979.58
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	
L90FXX02	Field - Proj Superintendent	1,320.00	1.00 Each (hourly)	U.S. Dollar	125.40	165,528.00	
RPUTRK05	F-250 4X4 3/4 TON PICKUP	2,640.00	2.00 Each (hourly)	U.S. Dollar	11.88	31,363.20	
L90FEL00	Field - Engr. Tech	1,320.00	1.00 Each (hourly)	U.S. Dollar	98.55	130,088.38	
1.3	3.00 Mile	AG Collection Removal	0.45	Detail	U.S. Dollar	7,289.64	21,868.92
1.3.1	3.00 Mile	Conductor Removal	1.10	Detail	U.S. Dollar	2,790.34	8,371.01
1.3.1.1	3.00 Mile	Cut / Lower Cable, Size & Loadout	1.10	Detail	U.S. Dollar	2,290.34	6,871.01
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	
L060100	GENERAL LABORER	109.09	4.00 Each (hourly)	U.S. Dollar	43.52	4,748.11	
*RXMISC14	MAN LIFT GAS 125ft	27.27	1.00 Each (hourly)	U.S. Dollar	54.88	1,496.73	
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	27.27	1.00 Each (hourly)	U.S. Dollar	22.96	626.18	
1.3.1.2	1.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	1,500.00
Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost	

Cost Item							
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		1,500.00 Each	U.S. Dollar		1.00	1,500.00
Notes: ***** Assumption: 45,000 lbs per load *****							
1.3.2	80.00 Each	Wood Pole Removal	20.00	Detail	U.S. Dollar	168.72	13,497.91
1.3.2.1	80.00 Each	Cut & Load Poles	20.00	Detail	U.S. Dollar	112.47	8,997.91
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
*REXCAV06A	Excav 100K w/ Bucket & Grapple	40.00	1.00 Each (hourly)	U.S. Dollar		129.71	5,188.40
L010101	OPERATOR	40.00	1.00 Each (hourly)	U.S. Dollar		51.71	2,068.53
L060100	GENERAL LABORER	40.00	1.00 Each (hourly)	U.S. Dollar		43.52	1,740.97
1.3.2.2	3.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	4,500.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		4,500.00 Each	U.S. Dollar		1.00	4,500.00
Notes: ***** Assumption: 45,000 lbs per load *****							
1.4	26.00 Each	BESS Unit Removal	0.77	Detail	U.S. Dollar	8,106.56	210,770.44
1.4.1	26.00 Each	BESS Unit Removal	0.99	Detail	U.S. Dollar	6,640.08	172,641.96
1.4.1.1	26.00 Each	Disconnect Electrical	10.00	Detail	U.S. Dollar	99.51	2,587.35
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L010110	ELECTRICIAN	26.00	1.00 Each (hourly)	U.S. Dollar		55.99	1,455.72
L060100	GENERAL LABORER	26.00	1.00 Each (hourly)	U.S. Dollar		43.52	1,131.63
1.4.1.2	1,944.29 Gallon	Glycol Recovery & Disposal	747.86	Detail	U.S. Dollar	3.63	7,067.38
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USLIQUID	Liquids T&D		1,944.29 Each	U.S. Dollar		1.00	1,944.29
L060100	GENERAL LABORER	103.99	4.00 Each (hourly)	U.S. Dollar		43.52	4,526.17
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	26.00	1.00 Each (hourly)	U.S. Dollar		22.96	596.91
1.4.1.3	26.00 Each	Battery Removal & Recycling	1.95	Detail	U.S. Dollar	3,009.32	78,242.25
1.4.1.3.1	13.32 Day	Remove Batteries, Load For Transport	1.00	Detail	U.S. Dollar	1,970.57	26,242.25
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	532.68	4.00 Each (hourly)	U.S. Dollar		43.52	23,184.65
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	133.17	1.00 Each (hourly)	U.S. Dollar		22.96	3,057.60
1.4.1.3.2	26.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	2,000.00	52,000.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		52,000.00 Each	U.S. Dollar		1.00	52,000.00
1.4.1.4	26.00 Each	Unit Removal	3.33	Detail	U.S. Dollar	3,259.42	84,744.97
1.4.1.4.1	26.00 Each	Remove Misc Waste	5.00	Detail	U.S. Dollar	394.11	10,246.97
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	208.00	4.00 Each (hourly)	U.S. Dollar		43.52	9,053.05
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	52.00	1.00 Each (hourly)	U.S. Dollar		22.96	1,193.92
1.4.1.4.2	26.00 Each	Loadout Unit For Transport	10.00	Detail	U.S. Dollar	165.31	4,298.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost

Cost Item							
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
RHYDCR06	GROVE RT880 73 TON	26.00	1.00 Each (hourly)	U.S. Dollar		70.07	1,821.82
L010101	OPERATOR	26.00	1.00 Each (hourly)	U.S. Dollar		51.71	1,344.55
L060100	GENERAL LABORER	26.00	1.00 Each (hourly)	U.S. Dollar		43.52	1,131.63
1.4.1.4.3	26.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	39,000.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		39,000.00 Each	U.S. Dollar		1.00	39,000.00
1.4.1.4.4	390.00 Ton	Waste Recyling & Disposal Cost	0.00	Detail	U.S. Dollar	80.00	31,200.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		31,200.00 Each	U.S. Dollar		1.00	31,200.00
1.4.2	11.00 Each	Inverter Removal	3.33	Detail	U.S. Dollar	2,558.24	28,140.66
1.4.2.1	11.00 Each	Disconnect Electrical	10.00	Detail	U.S. Dollar	99.51	1,094.65
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L010110	ELECTRCIAN	11.00	1.00 Each (hourly)	U.S. Dollar		55.99	615.88
L060100	GENERAL LABORER	11.00	1.00 Each (hourly)	U.S. Dollar		43.52	478.77
1.4.2.2	11.00 Each	Remove Misc Waste	10.00	Detail	U.S. Dollar	197.06	2,167.63
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	44.00	4.00 Each (hourly)	U.S. Dollar		43.52	1,915.07
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	11.00	1.00 Each (hourly)	U.S. Dollar		22.96	252.56
1.4.2.3	11.00 Each	Loadout Inverter For Transport	10.00	Detail	U.S. Dollar	165.31	1,818.38
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
RHYDCR06	GROVE RT880 73 TON	11.00	1.00 Each (hourly)	U.S. Dollar		70.07	770.77
L010101	OPERATOR	11.00	1.00 Each (hourly)	U.S. Dollar		51.71	568.85
L060100	GENERAL LABORER	11.00	1.00 Each (hourly)	U.S. Dollar		43.52	478.77
1.4.2.4	82.00 Ton	Waste Recycling & Disposal Cost	0.00	Detail	U.S. Dollar	80.00	6,560.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		6,560.00 Each	U.S. Dollar		1.00	6,560.00
1.4.2.5	11.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	16,500.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		16,500.00 Each	U.S. Dollar		1.00	16,500.00
1.4.3	182.00 Cubic Yard	Concrete Pad Removal - BESS Units	60.00	Detail	U.S. Dollar	41.54	7,560.92
1.4.3.1	182.00 Cubic Yard	Excavate / Remove Foundation - Various Depth	150.00	Detail	U.S. Dollar	29.52	5,372.65
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	12.13	1.00 Each (hourly)	U.S. Dollar		43.52	528.09
L010101	OPERATOR	24.27	2.00 Each (hourly)	U.S. Dollar		51.71	1,254.91
*REXCAV06C	Excav 100K w/ Hammer	12.13	1.00 Each (hourly)	U.S. Dollar		166.14	2,015.83
*REXCAV06A	Excav 100K w/ Bucket & Grapple	12.13	1.00 Each (hourly)	U.S. Dollar		129.71	1,573.81
1.4.3.2	182.00 Cubic Yard	Concrete Transport Offsite	100.00	Detail	U.S. Dollar	12.02	2,188.26
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	18.20	1.00 Each (hourly)	U.S. Dollar		76.71	1,396.12
L080940	TEAMSTER	18.20	1.00 Each (hourly)	U.S. Dollar		43.52	792.14
1.4.4	11.00 Cubic Yard	Concrete Pad Removal - Inverters	60.00	Detail	U.S. Dollar	41.54	456.98

Cost Item							
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.4.4.1	11.00 Cubic Yard	Excavate / Remove Foundation - Various Depth	150.00	Detail	U.S. Dollar	29.52	324.72
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	0.73	1.00 Each (hourly)	U.S. Dollar		43.52	31.92
L010101	OPERATOR	1.47	2.00 Each (hourly)	U.S. Dollar		51.71	75.85
*REXCAV06C	Excav 100K w/ Hammer	0.73	1.00 Each (hourly)	U.S. Dollar		166.14	121.84
*REXCAV06A	Excav 100K w/ Bucket & Grapple	0.73	1.00 Each (hourly)	U.S. Dollar		129.71	95.12
1.4.4.2	11.00 Cubic Yard	Concrete Transport Offsite	100.00	Detail	U.S. Dollar	12.02	132.26
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	1.10	1.00 Each (hourly)	U.S. Dollar		76.71	84.38
L080940	TEAMSTER	1.10	1.00 Each (hourly)	U.S. Dollar		43.52	47.88
1.4.5	1.00 Day	UG Cable Removal	1.00	Detail	U.S. Dollar	1,969.92	1,969.92
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L010101	OPERATOR	10.00	1.00 Each (hourly)	U.S. Dollar		51.71	517.13
L060100	GENERAL LABORER	20.00	2.00 Each (hourly)	U.S. Dollar		43.52	870.49
RBACKH09	Deere 710J BACKHOE, 1.62CY	10.00	1.00 Each (hourly)	U.S. Dollar		35.27	352.70
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	10.00	1.00 Each (hourly)	U.S. Dollar		22.96	229.60
1.5	26.00 Each	Inverter / Transformer Removal	5.00	Detail	U.S. Dollar	1,820.23	47,325.87
1.5.1	26.00 Each	Disconnect Electrical	10.00	Detail	U.S. Dollar	111.39	2,896.23
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L010110	ELECTRICIAN	26.00	1.00 Each (hourly)	U.S. Dollar		55.99	1,455.72
L060100	GENERAL LABORER	26.00	1.00 Each (hourly)	U.S. Dollar		43.52	1,131.63
RPUTRK05	F-250 4X4 3/4 TON PICKUP	26.00	1.00 Each (hourly)	U.S. Dollar		11.88	308.88
1.5.2	26.00 Each	Loadout Inverter & Transformer	10.00	Detail	U.S. Dollar	208.83	5,429.63
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	52.00	2.00 Each (hourly)	U.S. Dollar		43.52	2,263.26
L010101	OPERATOR	26.00	1.00 Each (hourly)	U.S. Dollar		51.71	1,344.55
RHYDCR06	GROVE RT880 73 TON	26.00	1.00 Each (hourly)	U.S. Dollar		70.07	1,821.82
1.5.3	26.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	39,000.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		39,000.00 Each	U.S. Dollar		1.00	39,000.00
1.6	26.00 Each	Inverter / Transformer Pad Removal	8.08	Detail	U.S. Dollar	308.38	8,017.89
1.6.1	193.00 Cubic Yard	Excavate / Remove Foundation - Various Depth	150.00	Detail	U.S. Dollar	29.52	5,697.37
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	12.87	1.00 Each (hourly)	U.S. Dollar		43.52	560.01
L010101	OPERATOR	25.73	2.00 Each (hourly)	U.S. Dollar		51.71	1,330.76
*REXCAV06C	Excav 100K w/ Hammer	12.87	1.00 Each (hourly)	U.S. Dollar		166.14	2,137.67
*REXCAV06A	Excav 100K w/ Bucket & Grapple	12.87	1.00 Each (hourly)	U.S. Dollar		129.71	1,668.94
1.6.2	193.00 Cubic Yard	Concrete Transport Offsite	100.00	Detail	U.S. Dollar	12.02	2,320.52
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	19.30	1.00 Each (hourly)	U.S. Dollar		76.71	1,480.50
L080940	TEAMSTER	19.30	1.00 Each (hourly)	U.S. Dollar		43.52	840.02
1.7	1.00 Lump Sum	Solar Array Retirement	0.01	Detail	U.S. Dollar	5,083,731.87	5,083,731.87
1.7.1	72,864.00 Linear Feet	Fence Removal	5,124.80	Detail	U.S. Dollar	1.31	95,231.17

Cost Item							
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.7.1.1	72,864.00 Linear Feet	Fence Removal	5,124.80	Detail	U.S. Dollar	1.02	74,231.17
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L010101	OPERATOR	426.54	3.00 Each (hourly)	U.S. Dollar		51.71	22,057.69
L060100	GENERAL LABORER	853.08	6.00 Each (hourly)	U.S. Dollar		43.52	37,129.50
RBACKH09	Deere 710J BACKHOE, 1.62CY	426.54	3.00 Each (hourly)	U.S. Dollar		35.27	15,043.98
1.7.1.2	14.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	21,000.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		21,000.00 Each	U.S. Dollar		1.00	21,000.00
1.7.2	261,181.00 Each	Solar Panel Removal & Recycling	4,800.00	Detail	U.S. Dollar	7.03	1,835,896.76
1.7.2.1	261,181.00 Each	Solar Panel Removal	4,800.00	Detail	U.S. Dollar	3.11	812,176.76
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	3,264.76	6.00 Each (hourly)	U.S. Dollar		22.96	74,958.95
L010101	OPERATOR	3,264.76	6.00 Each (hourly)	U.S. Dollar		51.71	168,831.81
L060100	GENERAL LABORER	13,059.05	24.00 Each (hourly)	U.S. Dollar		43.52	568,386.01
Notes: *****							
Assumed production: 20 panels per laborer per hour,							
Includes packaging and preparing for shipment offsite.							

1.7.2.2	360.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	540,000.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		540,000.00 Each	U.S. Dollar		1.00	540,000.00
Notes: *****							
Assumption: 45,000 lbs per load							

1.7.2.3	8,062.00 Ton	Recyclingl Cost	0.00	Detail	U.S. Dollar	60.00	483,720.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		483,720.00 Each	U.S. Dollar		1.00	483,720.00
1.7.3	10,684.00 Each	Solar Rack (Trackers) & Post Removal	141.82	Detail	U.S. Dollar	295.08	3,152,603.94
1.7.3.1	10,045.00 Each	Solar Rack (Trackers) & Post Removal	133.33	Detail	U.S. Dollar	280.40	2,816,603.94
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
L010101	OPERATOR	12,054.00	16.00 Each (hourly)	U.S. Dollar		51.71	623,352.72
L060100	GENERAL LABORER	6,027.00	8.00 Each (hourly)	U.S. Dollar		43.52	262,320.96
*REXCAV06A	Excav 100K w/ Bucket & Grapple	6,027.00	8.00 Each (hourly)	U.S. Dollar		129.71	781,762.17
*REXCAV06E	Excav 100K w/ Shear	6,027.00	8.00 Each (hourly)	U.S. Dollar		190.67	1,149,168.09
Notes: *****							
Crew to include							
1 excavator w/shear, 1 excavator w/grapple, 2 operators and 2							
laborers. Includes post removal and sizing of steel for sale as scrap,							
and loadout to haul trucks.							

1.7.3.2	224.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	336,000.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		336,000.00 Each	U.S. Dollar		1.00	336,000.00
Notes: *****							
Assumption: 45,000 lbs per load							

1.8	1.00 Lump Sum	Site Restoration - Partial Site Seeding	0.01	Detail	U.S. Dollar	726,683.79	726,683.79
1.8.1	45,936.00 Linear Feet	Strip & Decompact Roads	2,500.00	Detail	U.S. Dollar	1.43	65,515.77

Cost Item							
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	367.49	2.00 Each (hourly)	U.S. Dollar		60.82	22,350.62
L010101	OPERATOR	551.23	3.00 Each (hourly)	U.S. Dollar		51.71	28,506.05
*RFELWH08C	CAT 980 LOADER	183.74	1.00 Each (hourly)	U.S. Dollar		79.78	14,659.10
Notes: ***** Decompaction to include discing and regrading Assume removed road base transported offsite at no charge *****							
1.8.2	516.00 Acre	Spot Grade Disturbed Areas	8.00	Detail	U.S. Dollar	281.33	145,168.02
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	1,290.00	2.00 Each (hourly)	U.S. Dollar		60.82	78,457.80
L010101	OPERATOR	1,290.00	2.00 Each (hourly)	U.S. Dollar		51.71	66,710.22
Notes: ***** Assumption: 1,473 acres total property area. Assume that 35% of the area disturbed by construction will be regraded. *****							
1.8.3	516.00 Acre	Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction	0.00	Detail	U.S. Dollar	1,000.00	516,000.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USLANDSCAPE	Landscape Sub		516.00 Acre	U.S. Dollar		1,000.00	516,000.00
Notes: ***** Assumption: 1,473 acres total property area. Assume that 35% of the area disturbed by construction will be re-seeded. *****							
1.9	1.00 Lump Sum	Contractor Markups	0.00	Detail	U.S. Dollar	1,225,258.67	1,225,258.67
1.9.1	1.00 Lump Sum	Home Office, Project Management (5% Of Cost)	0.00	Detail	U.S. Dollar	328,487.60	328,487.60
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USMARKUP5	5% Markup		6,569,752.00 Each	U.S. Dollar		0.05	328,487.60
1.9.2	1.00 Lump Sum	Contractor OH & Fee (13% Of Cost)	0.00	Detail	U.S. Dollar	896,771.07	896,771.07
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
USMARKUP	13% Markup		6,898,239.00 Each	U.S. Dollar		0.13	896,771.07
1.10	1.00 Lump Sum	ODOE Mandated Contingencies	0.00	Detail	U.S. Dollar	1,679,106.10	1,679,106.10
1.10.1	1.00 Lump Sum	20% Contingency on BESS	0.00	Detail	U.S. Dollar	42,154.00	42,154.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
UODCBESS	20% ODOE Mandated Contingency		210,770.00 Each	U.S. Dollar		0.20	42,154.00
1.10.2	1.00 Lump Sum	1% Performance Bond	0.00	Detail	U.S. Dollar	77,950.10	77,950.10
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
UODOE1	ODOE 1% Markup		7,795,010.00 Each	U.S. Dollar		0.01	77,950.10
1.10.3	1.00 Lump Sum	10% Administrative and Project Management	0.00	Detail	U.S. Dollar	779,501.00	779,501.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
UODOE2	ODOE 10% Markup		7,795,010.00 Each	U.S. Dollar		0.10	779,501.00
1.10.4	1.00 Lump Sum	10% Future Development Contingency	0.00	Detail	U.S. Dollar	779,501.00	779,501.00
Resource Code	Description	Hours	Quantity UM	Currency		Unit Cost	Total Cost
UODOE2	ODOE 10% Markup		7,795,010.00 Each	U.S. Dollar		0.10	779,501.00

Cost Item								
CBS Position Code	Quantity	UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
Report Total:								9,474,116.29

Category	Total
Labor	2,208,141.22
Rented Equipment	2,207,156.01
Supplies	2,130.00
Subcontract	3,373,438.67
Travel-Risk-Adj	1,944.29
ODCs	1,681,306.10