Preliminary Request for Amendment No. 2 to the Site Certificate for the Oregon Trail Solar Project

Submitted to:

Oregon Department of Energy

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Prepared for:

Oregon Trail Solar, LLC and Shutler Energy Storage, LLC

2701 NW Vaughn St., Suite 300

Portland, OR 97210

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Table of Contents

1. Introduction 1

1.1. Project Summary and Request 1

1.2. Procedural History 4

1.3. Amendment Required under OAR-345-027-0350 and Review Process under OAR 345-027-0351 5

2. Certificate Holder Information – OAR 345-027-0360(1)(a) 6

2.1. Name of the Facility and Certificate Holder 6

2.2. Parent Company of Certificate Holder 6

2.3. Name and Address of Individuals Responsible for Submitting Request 7

3. Description of Proposed Change – OAR 345-027-0360(1)(b) 8

3.1. Effect of Proposed Changes on the Facility – OAR 345-0360(1)(b)(A) 10

3.2. How Proposed Change Affects Protected Resources- OAR 345-027-0360(1)(b)(B) 10

3.3. Location of Proposed Change- OAR 345-027-0060(1)(b)(C) 10

4. Applicable Division 21 Requirements – OAR 345-027-0360(1)(c) 12

5. Site Certificate Revisions – OAR 345-027-0360(1)(e) 13

6. Council Standards and Laws Applicable to the Proposed Change – OAR 345-027-0360(1)(f) 15

6.1. Applicable Division 22 Standards 15

6.1.1. General Standard of Review - OAR 345-022-0000 15

6.1.2. Organizational Expertise - OAR 345-022-0010 16

6.1.3. Retirement and Financial Assurance - OAR 345-022-0050 18

7. Update to Approved Plans 20

8. Property Owners Located within or Adjacent to the Site of the Facility – OAR 345-027-0360(1)(g) 21

9. Relevant Evidence Previously Submitted to ODOE – OAR 345-027-0360(3) 22

10. Conclusion 23

11. References 24

List of Tables

Table 1. Proposed Project Description Revisions 3
Table 2. Descriptions of the Partitioned Facilities 9

List of Figures

Figure 1A – Oregon Trail Solar and Shutler BESS Facility – Overview

Figure 1B – Oregon Trail Solar and Shutler BESS Facility

Figure 2 – Oregon Trail Solar Proposed Micrositing Corridor

Figure 3 – Shutler BESS Proposed Micrositing Corridor

List of Attachments

Attachment 1 – OTS Red-lined Site Certificate

Attachment 2 – Shutler BESS Red-lined Site Certificate

Attachment 3 – Articles of Incorporation

Attachment 4 – Letters of Organizational Support

Attachment 5 – Decommissioning Cost Estimates

Attachment 6 – Draft Amended Noxious Weed Control Plans

Attachment 7 – Draft Amended Revegetation Plans

Attachment 8 – Property Owner List

Acronyms and Abbreviations

ACRONYM/ABBREVIATION	DEFINITION
BESS	battery energy storage system
BPA	Bonneville Power Administration
Certificate Holder	Oregon Trail Solar, LLC
Council	Oregon Energy Facility Siting Council
The Facility	Oregon Trail Solar Facility; see OTS Facility
kV	Kilovolt
MW	Megawatts
MWP Facility	Montague Wind Power Facility
O&M	Operations and Maintenance
OAR	Oregon Administrative Rules
ODOE	Oregon Department of Energy
ORS	Oregon Revised Statutes
OTS Facility	Oregon Trail Solar Facility; see the Facility
RFA	Request for Amendment
Shutler BESS Certificate Holder	Shutler Energy Storage, LLC

1. Introduction

1.1. Project Summary and Request

Oregon Trail Solar, LLC (Certificate Holder), a wholly owned subsidiary of Avangrid Power, LLC (Avangrid), holds the Site Certificate for the Oregon Trail Solar Facility (Facility), dated March 24, 2023 (OTS Site Certificate) to construct and operate the Facility in Gilliam County, Oregon. The Facility is approved to generate up to 41 megawatts (MW) through a combination of up to 16 wind turbines and a solar photovoltaic array on up to 1,228 acres plus up to 100 MW of battery energy storage (BESS). This is the second Request for Amendment (RFA2) for the Facility.

Construction of the 100-MW BESS portion of the Facility (Shutler BESS) commenced in August 2025; construction of the 41-MW solar portion of the OTS Facility commenced in January 2026. Construction of OTS is expected to be completed in February 2027; construction of Shutler BESS expected to be completed in 2028, although completion of construction may be delayed due to supply chain timelines and equipment availability. Figures 1A and 1B show the overall Site Boundary and micrositing corridors.

This RFA2 seeks approval from Oregon Energy Facility Siting Council (Council) for the Certificate Holder to transfer a portion of the Facility – Shutler BESS – to Shutler Energy Storage, LLC, a new wholly owned subsidiary of Avangrid (Shutler BESS Certificate Holder). Subject to Council approval, Shutler BESS Certificate Holder will own and operate Shutler BESS under a new Site Certificate (Shutler BESS Site Certificate) with the Certificate Holder owning and operating the remainder of the Facility – OTS – under the OTS Site Certificate. Following the split:

- OTS micrositing corridor will be 645 acres and will overlap with the Shutler BESS micrositing corridor as shown on Figure 2. The facility and related or supporting facilities will include modules consisting of solar panels, trackers, racks, posts, inverter/transformer units and above- and belowground cabling for an electrical collection system, permanent access roads to provide access to and within the solar arrays, and an 8-foot fence extending around the perimeter.
- Shutler BESS micrositing corridor will be 25 acres, redesignated from the previously approved wind micrositing to BESS micrositing, and will overlap with the OTS micrositing corridor as shown on Figure 3. The facility and related or supporting facilities will include batteries and racks or containers, inverters, isolation transformers, and switchboards, an approximately 20-foot warehouse-type building, medium-voltage and low-voltage electrical systems, fire suppression, heating,

ventilation, and air-conditioning systems, network /SCADA systems, and continuous perimeter fencing 8 feet in height.

- The OTS and Shutler BESS Shared micrositing corridor will be 673 acres, redesignated from the previously approved wind and solar micrositing corridors and including 656 acres of existing supporting facilities as shown on Figure 1B. OTS and Shutler BESS will share a temporary construction laydown area, an operations and maintenance building (shared with Montague Solar), the existing Montague Solar substation and Montague Wind substation, and the existing 230-kilovolt (kV) transmission lines from the Montague Solar substation to the Montague Wind substation and from the Montague Wind substation to the 500-kV Slatt-Buckley transmission line.
- The facilities will otherwise complete construction and operate as previously approved and conditioned in the OTS Site Certificate.

In addition to the proposed changes requiring this amendment, OTS Certificate Holder and Shutler BESS Certificate Holder summarizes the following Facility updates for the record:

- Remove wind turbines from the Facility Description in the OTS Site Certificate now that all 41 MW will be attributable to solar.
- Reduce Facility micrositing areas by 12,523 acres and reallocate micrositing corridor acreage to the OTS micrositing corridor (645 acres), Shutler BESS micrositing corridor (25 acres) and the shared micrositing corridor (673 acres), see Figure 1A and Table 1 for a summary for proposed revisions to the Project Description.

The Council has the authority to issue a Site Certificate for a stand-alone BESS under Oregon Revised Statutes (ORS) 469.320(8)(a)(C) given Shutler BESS Certificate Holder's election to defer regulatory authority to the Council notwithstanding the definition of "energy facility" in ORS 469.300.

OTS Certificate Holder and Shutler BESS Certificate Holder plan for OT Solar and Shutler BESS to be constructed, operated and retired essentially as approved by the Council, which imposed conditions, as necessary, in consideration of the potential impact of the facilities within the approved site boundaries and micrositing corridors. Fundamentally, the proposed changes in RFA2 are administrative, and needed for commercial enterprise purposes.

Table 1. Proposed Project Description Revisions

COMPONENT	APPROVED PROJECT DESCRIPTION	AMENDED PROPOSED PROJECT DESCRIPTION
Wind Micrositing corridor	12,638 acres	N/A
OTS Micrositing corridor	1,228 acres	645 acres
Shutler BESS Micrositing Corridor[1]	N/A	25 acres
Shared Micrositing Corridor[1,2]	N/A	673 acres
TOTAL ACREAGE	**13,866 acres**	**1,343 acres**

1. Redesignated from the previously approved Wind Micrositing corridor to BESS Micrositing corridor.
2. Includes 656 acres of Existing Shared Facilities.

1.2. Procedural History

The Facility is tied to the procedural history of the Montague Wind Power (MWP) Facility and the the Montague Solar Facility (now Pachwáywit Fields) as described in Section I of the First Amended Site Certificate for the Facility (EFSC 2023) and summarized below:

- **September 10, 2010 – Montague Wind Power Facility Site Certificate Issued (EFSC 2010)**. The original MWP Facility Site Certificate was issued for up to 134.7 MW of wind power generation within a Site Boundary of about 33,485 acres.
- **First Request for Amendment of MWP Facility Site Certificate, December 28, 2012, and First Amended MWP Facility Site Certificate, dated June 21, 2013 (EFSC 2013)**. The First Amended MWP Facility Site Certificate extended the deadline for beginning and completing construction and reduced the minimum blade tip clearance.
- **Second Request for Amendment of MWP Facility Site Certificate, March 11, 2015, and Second Amended MWP Facility Site Certificate, dated December 4, 2015 (EFSC 2015)**. The Second Amended MWP Facility Site Certificate extended the deadline for beginning and completing construction.
- **Third Request for Amendment of MWP Facility Site Certificate, May 4, 2017, and Third Amended MWP Facility Site Certificate, July 12, 2017 (EFSC 2017)**. The Third Amended MWP Facility Site Certificate approved use of a differing turbine model option and increased the individual turbine nameplate capacity.
- **Fourth Request for Amendment of MWP Facility Site Certificate, April 5, 2019, and Fourth Amended MWP Facility Site Certificate, August 23, 2019 (EFSC 2019)**. The Fourth Amended MWP Facility Site Certificate added solar power generation and battery storage and expanded the Site Boundary and micrositing corridor. The Fourth Amended MWP Facility Site Certificate also phased development, creating Phase 1 (all wind) and Phase 2 (wind and solar).
- **Fifth Request for Amendment of MWP Facility Site Certificate, April 27, 2020, and Fifth Amended MWP Facility Site Certificate, September 25, 2020 (EFSC 2020)**. The Fifth Amended MWP Facility Site Certificate redefined the Site Boundary encompassing approximately 29,607 acres for Phase 1 and allocated facility components of Phase 2 into two new Site Certificates: the Montague Solar Facility (now Pachwáywit Fields) and the Facility Site Certificate. Each of these Site Certificates share the common parent company, Avangrid Renewables, LLC (now Avangrid Power, LLC).
- **First Request for Amendment of the Facility Site Certificate, August 22, 2022, and First Amended OTS Site Certificate, March 24, 2023 (EFSC 2023).** The First

Amended OTS Site Certificate extended the construction commencement deadline from August 30, 2022, to August 30, 2025, and amended Condition 50(b) to adjust the frequency of construction monitoring for cultural resources.

Accordingly, OTS Certificate Holder and Shutler BESS Certificate Holder will rely on this procedural history, including previously incorporated exhibits of the MWP Facility Application for Site Certificate, RFA1, RFA2, RFA3, RFA4, and OTS RFA1, to support RFA2, along with new information presented in the following sections. Note that the facility formerly known as Montague Solar Facility is now named Pachwáywit Fields.

1.3. Amendment Required under OAR-345-027-0350 and Review Process under OAR 345-027-0351

OAR 345-027-0350 Changes Requiring an Amendment

Except for changes allowed under OAR 345-027-0353 of this rule, an amendment to a Site Certificate is required to:

(1) Transfer ownership of the facility or the Certificate Holder as described in OAR 345-027- 0400;

(2) Apply later-adopted law(s) as described in OAR 345-027-0390;

(3) Extend the construction beginning or completion deadline as described in OAR 345-027- 0385;

(4) Design, construct or operate a facility in a manner different from the description in the Site Certificate, if the proposed change:

(a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource or interest protected by an applicable law or Council standard;

(b) Could impair the Certificate Holder's ability to comply with a Site Certificate condition; or

(c) Could require a new condition or a change to a condition in the Site Certificate

An amendment is required under subpart (4) to split Shutler BESS from the Facility and transfer Shutler BESS into a new Site Certificate held by a new site Certificate Holder. This change will result in the Facility being constructed and operated in a manner different than that described in the OTS Site Certificate and will require changes to conditions (e.g., updated retirement costs). This amendment will not result in significant adverse impacts not previously evaluated by the Council because no changes are proposed to the way the previously approved facility components are constructed or operated.

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

345-027-0360 Preliminary Request for Amendment

(1) To request an amendment to the Site Certificate required by OAR 345-027-0350(3) and (4), the Certificate Holder must submit a written preliminary request for amendment to the Department of Energy that includes the following:

(a) The name of the facility, the name and mailing address of the Certificate Holder, and the name, mailing address, email address and phone number of the individual responsible for submitting the request;

2.1. Name of the Facility and Certificate Holder

RFA2 is requesting to split Shutler BESS from the Facility, resulting in an amended Site Certificate for OTS and a new Site Certificate for Shutler BESS:

OTS Certificate Holder

Oregon Trail Solar Facility

Oregon Trail Solar, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

Shutler BESS Certificate Holder

Shutler Battery Storage Facility

Shutler Energy Storage, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

2.2. Parent Company of Certificate Holder

Avangrid Power, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

(503) 796-7000

2.3. Name and Address of Individuals Responsible for Submitting Request

Marcy Patrick

Permit Manager

Avangrid Power, LLC

2701 NW Vaughn St, Suite 300

Portland, OR 97210

marcella.patrick@avangrid.com

(801) 946-1092

3. Description of Proposed Change – OAR 345-027-0360(1)(b)

345-027-0360 Preliminary Request for Amendment

> *(1) To request an amendment to the Site Certificate required by OAR 345-027-0350(3) or (4), the Certificate Holder must submit a written preliminary request for amendment to the Department that includes the following:*
>
> *(b) A detailed description of the proposed change, including:*

OTS Certificate Holder and Shutler BESS Certificate Holder proposes to split Shutler BESS from the Facility such that OTS and Shutler BESS will operate under two separate Site Certificates following Council approval of this RFA2. The proposed change is administrative and needed for commercial enterprise purposes. Table 2 summarizes the proposed change and the resulting facilities.

Table 2. Descriptions of the Partitioned Facilities

Infrastructure Type	Approved Site Certificate Description	Amended Facility Description	Proposed Shutler BESS Facility Description	Explanation
Total Generating Capacity	The Facility includes up to 16 wind turbines and photovoltaic solar energy generation components, with related or supporting facilities. The energy generation capacity of the Facility, with wind turbines and photovoltaic solar components, at full build-out by the specified construction completion deadline is 41 MW of generation.	OTS includes photovoltaic solar energy generation components with related or supporting facilities. The total generating capacity of this facility will not exceed 41 MW of solar energy.	Shutler BESS includes battery energy storage components with related or supporting facilities. The total storage capacity of this facility will not exceed 100 MW.	The total generating capacity for solar energy for the Facility will be 41 MW, and the storage capacity of the battery for Shutler BESS will be 100 MW, as previously approved by the Council.
Battery Storage and Interconnection	The Facility includes up to 100 MW of battery energy storage of lithium-ion or flow batteries housed within storage containers or building on up to 6 acres near the Montague substation.	OTS will not include battery storage.	Shutler BESS includes up to 100 MW of battery energy storage of lithium-ion or flow batteries housed within storage containers or building on up to 6 acres near the Montague substation.	Shutler BESS will not exceed the 100-MW battery energy storage previously approved by the Council.
Collector Substations	The Facility includes two shared collector substations. One substation ("Montague Wind collector substation") is shared with the Montague Wind Power facility, and the second ("Montague Solar collector substation") is shared with the Montague Solar facility.	OTS will share the existing Montague Solar substation and the Montague Wind substation with Montague Wind and Shutler BESS, as related or supporting facilities.	Shutler BESS will share the existing Montague Solar substation and the Montague Wind substation with OTS and Montague Wind, as, related or supporting facilities.	OTS and Shutler BESS will use the existing Montague Wind substation and Montague Solar substation as related or supporting facilities.
Electrical Collection System	The Facility includes under or aboveground 34.5-kV cables to the Montague Solar collector substation where voltage will be stepped up to 230 kV. An aboveground 230-kV transmission line connects the Montague Solar collector substation to the Montague Wind collector substation. An aboveground, single-circuit 230-kV transmission line connects the Montague Wind collector substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation.	OTS includes an underground electrical collection system; interconnecting to the existing Montague Solar substation. An aboveground 230-kV transmission line connects the Montague Solar collector substation to the Montague Wind collector substation. An aboveground, single-circuit 230-kV transmission line connects the Montague Wind collector substation to the 500-kV Slatt-Buckley transmission line owned by the BPA at the Slatt substation.	Shutler BESS includes an underground electrical collection system between the battery and the existing adjacent Montague Solar Substation. An aboveground 230-kV transmission line connects the Montague Solar collector substation to the Montague Wind collector substation. An aboveground, single-circuit 230-kV transmission line connects the Montague Wind collector substation to the 500-kV Slatt-Buckley transmission line owned by the BPA at the Slatt substation.	Some extents of collector lines for both OTS and Shutler BESS will be in the overlapping micrositing corridors, all contained within the previously approved Site Boundary. The existing transmission lines connecting the Montague Solar collector substation to the Montague Wind collector substation and the Montague Wind collector substation to the 500-kV Slatt-Buckley transmission line will be shared facilities with OTS and Shutler BESS.
Operations and Mainteance (O&M) Building	The Facility includes one O&M building shared with the Montague Solar (Montague Solar O&M building).	OTS will share the Montague Solar O&M building.	Shutler BESS will share the Montague Solar O&M building.	OTS and Shutler BESS will share the Montague Solar O&M building as a related or supporting facility.
Access Roads	The Facility includes access roads to provide access to the turbine strings, solar array, battery storage system and other related or supporting components.	OTS includes permanent access roads to access the solar array and internally within the array.	Shutler BESS includes new permanent access roads to access the battery facility.	OTS and Shutler BESS will not share access roads.
Temporary Construction Yards	During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment. Construction crane paths are used to move construction cranes between turbine strings.	OTS and Shutler BESS will share temporary construction yard(s), as shared related or supporting facilities.	OTS and Shutler BESS will share temporary construction yard(s), as shared related or supporting facilities.	OTS and Shutler BESS will share temporary construction yard(s), as shared related or supporting facilities.

1. Construction of the OTS solar array began in January 2026 and has met all preconstruction and construction compliance requirements.
2. Construction of the Shutler BESS began in August 2025 and has met preconstruction and construction compliance requirements for Phase 1 of the battery construction.
3. Final Order on First Amended Site Certificate for the Oregon Trail Solar Facility March 2023, p. 3

3.1. Effect of Proposed Changes on the Facility – OAR 345-0360(1)(b)(A)

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

The Facility, once split, will be constructed and operated substantially in the same manner as previously approved by the Council, with imposed conditions, as necessary, that considered construction timing, micrositing needs, potential impacts, and public and reviewing agencies' comments; note that the Facility (within the approved solar micrositing corridor) is under construction as of August 2025 and thus has completed preconstruction and is currently undergoing construction compliance of the relevant Site Certificate conditions. The partitioned facilities will operate as approved and would not affect any physical impacts from Facility construction, operation, or retirement previously reviewed by the Council.

RFA 2 provides the maximum efficiency in terms of construction timing, use of space for renewable energy facilities, and available technology, while providing maximum flexibility for potential customers to deliver the renewable energy to the market. OTS Certificate Holder and Shutler BESS Certificate Holder demonstrates herein that notwithstanding these changes, the Facility, as amended, will meet all applicable Council standards and will be constructed and operated substantially in the same manner as previously approved by the Council. RFA2 does not involve any change or increase in temporary or permanent impacts previously approved by Council.

3.2. How Proposed Change Affects Protected Resources- OAR 345-027-0360(1)(b)(B)

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

The changes proposed in RFA2 will not create significant new impacts affecting those resources protected by the Council's siting standards and will not alter the basis of the Council's previous findings that the Facility complied with all applicable laws and standards. OTS Certificate Holder and Shutler BESS Certificate Holder address Council's Organizational Expertise and Retirement Standards to demonstrate how the two resulting facilities will still comply with Council's standards and all applicable law.

3.3. Location of Proposed Change- OAR 345-027-0060(1)(b)(C)

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

RFA 2 does not seek to enlarge the approved Site Boundary, micrositing corridor, or physical components of the Facility, and there is no change to the previously approved facilities from what was originally authorized for the Facility. Rather, RFA 2 seeks to partition the Facility

into two – OTS and Shutler BESS – with each facility operating as previously approved in the same, but redesignated, micrositing corridors. At the same time, OTS Certificate Holder and Shutler BESS Certificate Holder are updating the Facility description to reflect the elimination of 12,523 acres from the approved Site Boundary (Figure 1A, Figure 1B) and dropping wind turbines. The Shutler BESS Micrositing Corridor and Shared Micrositing Corridor will be re-assigned from the approved Wind Micrositing corridor.

4. Applicable Division 21 Requirements – OAR 345-027-0360(1)(c)

(c) References to any specific Division 21 information that may be required for the Department to make its findings;

The Council approved the Facility and RFA1 under the former organization of Division 21 exhibits. Under the reorganization effective April 2, 2025, former Division 21 exhibit requirements are now embedded in Division 22. Given the limited nature of the proposed changes, and considering RFA1 captured all required updates related to changes to Division 21 requirements, OTS Certificate Holder and Shutler BESS Certificate Holder proposes that new exhibits (now included in Division 22) are not necessary for RFA2.

OTS Certificate Holder and Shutler BESS Certificate Holder also proposes that due to the limited nature of the proposed changes, the newly required Division 21 Background Information Exhibit is not necessary for this RFA and that this RFA document fulfills the needs of the Division 21 requirements.

Due to the limited nature of proposed changes included in RFA2, the only applicable standards requiring analysis under Division 22 are General Standard of Review, Organizational Expertise, and Retirement and Financial Assurance. In addition, pre-construction compliance in accordance with existing Site Certificate conditions and applicable standards has been completed due to construction of Shutler BESS commencing in August 2025 and construction of OTS commencing in January 2026. OTS Certificate Holder and Shutler BESS Certificate Holder coordinated with ODOE prior to submission of RFA2, including a meeting with Senior Policy Advisor Sarah Esterson on May 4, 2026, to confirm these three standards are the only applicable standards requiring analysis as part of RFA2. The required content and analysis under each standard for both OTS and Shutler BESS is provided under each respective standard included in Section 6 of this RFA2 document.

5. Site Certificate Revisions – OAR 345-027-0360(1)(e)

(e) The specific language of the Site Certificate, including conditions, that the Certificate Holder proposes to change, add, or delete through the amendment;

Redlined Site Certificates are included as Attachments 1 and 2 for OTS and Shutler BESS, respectively. Note that the preconstruction and construction conditions have been met for the purposes of OTS and Shutler BESS as proposed (i.e., the BESS facility began construction in August 2025 and the solar energy facility began construction in January 2026). However, Shutler BESS is being constructed in phases, therefore not all pre-construction obligations have been completed; Shutler BESS Certificate Holder will complete necessary remaining pre-construction compliance items prior to beginning the next phase of construction. The following changes to the original Facility Site Certificate are required:

OTS Amended Site Certificate

- Change from Avangrid Renewables, LLC to Avangrid Power, LLC to reflect name change of parent company.
- Updates to Facility description, components, and micrositing corridors to reflect the changes provided in this RFA2.
- Removal of any remaining wind-related conditions (Conditions 5, 40, 41, 42, 45, 57, 58, 61, 64, 65, 66, 67, 68, 76, 77, 80, 85, 87, 93, 96, 99, 102, 104, 107).
- Removal of any battery energy storage-related conditions (Conditions 42, 69, 85, 103, 107, 116, 117, 118).
- Amend to reflect the updated decommissioning costs (Condition 32).
- Clarify that cultural monitoring of ground disturbance at depths of 12 inches or greater is not required for pile or fence post installation if direct driving installation methods are utilized (Condition 50).

Shutler BESS Site Certificate

- Change from Avangrid Renewables, LLC to Avangrid Power, LLC to reflect name change of parent company.
- Updates to Facility description, components, and micrositing corridors to reflect the changes provided in this RFA2.
- Removal of any remaining wind-related conditions (Conditions 5, 40, 41, 42, 45, 57, 58, 61, 64, 65, 66, 67, 68, 76, 77, 80, 85, 87, 93, 96, 99, 102, 104, 107).

- Removal of any solar-related conditions (Conditions 38, 69, 85, 87, 107, 120).
- Amend to reflect the updated decommissioning costs (Condition 32).
- Clarify that cultural monitoring of ground disturbance at depths of 12 inches or greater is not required for pile or fence post installation if direct driving installation methods are utilized (Condition 50).

6. Council Standards and Laws Applicable to the Proposed Change – OAR 345-027-0360(1)(f)

(f) A list of all Council standards and other laws, including statutes, rules and ordinances, applicable to the proposed change, identification of any changes in facts or law relevant to the proposed change since the date the current Site Certificate was executed, and an analysis supported by evidence of whether the facility, with the proposed change, would comply with those applicable laws and Council standards. For the purpose of this rule, a law or Council standard is "applicable" if the Council would apply or consider the law or Council standard under OAR 345-027-0375(2); and

The Council standards that are relevant to the changes proposed in this OTS RFA2 are presented in this section and include the OTS Certificate Holder's and Shutler BESS Certificate Holder's analyses of compliance with those standards. Where applicable, supporting information from prior MWP Facility reviews are provided or incorporated by reference.

6.1. Applicable Division 22 Standards

6.1.1. General Standard of Review - OAR 345-022-0000

(1) To issue a Site Certificate for a proposed facility or to amend a Site Certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:

(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);

(b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a Site Certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public

interest. In resolving the conflict, the Council cannot waive any applicable state statute.

Response: The Council previously found that the Facility would continue to satisfy the requirements of Oregon Administrative Rules (OAR) 345-022-0000.[1] The standards under OAR 345-022-0000 have not changed since the OTS Facility Final Order on Amendment 1 was issued on March 24, 2023. In this amendment request, the requirements of OAR 345-022-0000 are addressed in the findings, analysis, and conclusions discussed in Section 9, as previously incorporated into the submitted OTS RFA1, and as previously determined in the Council's findings of fact and conclusions of law in the OTS Facility Final Order on Amendment 1.

Under this standard, the Council previously adopted and amended Site Certificate Conditions 24 and 25 to establish construction beginning and completion dates for the Facility in accordance with OAR 345-025-0006(4).[2] OTS Certificate Holder and Shutler BESS Certificate Holder are not proposing any changes to Conditions 24 and 25. OTS Certificate Holder and Shutler BESS Certificate Holder are not proposing any changes to approved Facility components as part of this RFA2.

The sections below demonstrate that OTS RFA2 does not change the Facility's ability to comply with requirements of the siting statutes and standards adopted by the Council and imposed in the OTS Facility First Amended Site Certificate, following the proposed partition into OTS and Shutler BESS. This amendment request also demonstrates how the Facility complies with relevant Oregon statutes and administrative rules including those identified in the OTS Final Order on Amendment 1. Therefore, the Council may find that the Facility, as amended by this RFA2, will continue to comply with OAR 345-022-0000.

6.1.2. 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

[1] *Final Order on AMD1, OTS Facility, p.20*
[2] *Final Order on AMD1, OTS Facility, p.19.*

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.

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

(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the Site Certificate, the Council may issue the Site Certificate subject to the condition that the Certificate Holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.

(5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA2 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits [Exhibits A, D, and E for this standard] and therefore the OAR text for the former Division 21 requirements is not included herein] ...

Response: The Council previously found that the parent company for the OTS Facility Certificate Holder, Avangrid, has the ability to design, construct, operate, and retire the Facility, in compliance with all Council standards and conditions, as required by the Organizational Expertise standard.[3] OAR 345-022-0010 was among the rules updated in April 2025 to migrate the Council application information requirements from Division 21.[4] The

[3] *Final Order on Request for Amendment (AMD) 4 for the Montague Wind Power (MWP) Facility, p. 25.*
[4] *Former requirements for Exhibits A, D, and E moved into this standard.*

standards under OAR 345-022-0010 have not substantively changed since the OTS Facility Final Order on Amendment 1 was issued on March 24, 2023.

Exhibit E to MWP Facility RFA4 identified the new permits and associated standards required for amending Phase 2 (the phase that includes the OTS Facility) of the MWP Facility.[5] Exhibit E Tables E-1 through E-5 list federal permits required for construction and operation, state permits not federally delegated, state permits federally delegated, local permits, and third-party state permits. This OTS RFA2 does not change the permits needed for construction and operation of the Facility and does not require any new permits, nor any new conditions for permits, which were not previously considered by the Council.

On March 3, 2025, Avangrid Renewables, LLC completed a name change to Avangrid Power, LLC which is documented in Attachment 3. The articles of incorporation for Oregon Trail Solar, LLC and Shutler Energy Storage, LLC are also included in Attachment 3. A letter verifying that Avangrid supports and will provide OTS and Shutler BESS the organizational expertise necessary to construct and operate the OTS and Shutler BESS facilities are included as Attachment 4. There has been no reduction in organizational expertise since OTS RFA1. Therefore, the Council may rely on its prior findings to conclude that the Facility, as amended by OTS RFA2, will continue to comply with OAR 345-022-0010.

6.1.3. Retirement and Financial Assurance - OAR 345-022-0050

To issue a Site Certificate, the Council must find that:

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

(2) To assist the Council in determining whether the standard outlined in (1) has been met, the Applicant must submit information about site restoration, providing evidence to support a finding by the Council as required by this rule. The applicant must include:

> *(a) The estimated useful life of the proposed facility;*
>
> *(b) Specific actions and tasks to restore the site to a useful, non-hazardous condition;*
>
> *(c) An estimate, in current dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition;*
>
> *(d) A discussion and justification of the methods and assumptions used to estimate site restoration costs; and*

[5] *RFA4, MWP Facility, Exhibit E (March 2019). Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-04-05-MWP-AMD-4-Exhibits-A-E.pdf*

(e) For facilities that might produce site contamination by hazardous materials, a proposed monitoring plan, such as periodic environmental site assessment and reporting, or an explanation why a monitoring plan is unnecessary.

(3) The applicant has a reasonable likelihood of obtaining 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.

(4) To assist the Council in determining whether the standard outlined in (3) has been met, the Applicant must submit information:

[The former Division 21 requirements were reorganized under this Division 22 standard, effective April 2, 2025. See Section 4.0 of this RFA2 where the Certificate Holder states that there are no updated conditions warranting revisions to the approved Division 21 exhibits [Exhibits M and X for this standard] and therefore the OAR text for the former Division 21 requirements is not included herein] ...

Response: The Council previously found that the Facility could be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation and that the Certificate Holder has a reasonable likelihood of obtaining 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.[6] OAR 345-022-0050 was among the rules updated in April 2025 to migrate the Council application information requirements from Division 21.[7]

Condition 32 of the First Amended Site Certificate describes the method to be used to adjust the amount of the bond or letter of credit based on present value and the final design configuration of the Facility. As part of pre-construction compliance for the Facility, a bond in the amount of $2,616,539.00 was issued for both OTS and Shutler BESS Facility components. This amount was reviewed and approved by ODOE in accordance with the methodology outlined in Condition 32.

Using the method outlined in Condition 32, OTS Certificate Holder and Shutler BESS Certificate Holder calculated that the total retirement cost estimate for the OTS Facility is $2,663,265 and the estimate for the Shutler BESS Facility is $217,356 in Q2 2026 dollars. Updated calculations for OTS and Shutler BESS are provided in Attachment 5.

The proposed Site Certificate split does not change compliance with existing and amended conditions. Therefore, the Council may conclude that the Facility, as amended by OTS RFA2, will continue to comply with OAR 345-022-0050.

---

[6] *Final Order on AMD1, OTS Facility, p. 72.*

[7] *Former requirements for Exhibit M (Financial Analysis) and Exhibit X (Facility Retirement and Site Restoration) moved into this standard.*

7. Update to Approved Plans

Construction of Shutler BESS commenced in August 2025 and construction of OTS commenced in January 2026, requiring pre-construction completion and Council approval of plans necessary to show compliance during construction in accordance with Site Certificate conditions:

- The Amended Noxious Weed Control Plan Oregon Trail Solar Facility was approved by the Council in January 2026; OTS Certificate Holder and Shutler BESS Certificate Holder provides draft Amended Noxious Weed Control Plans for each respective facility in Attachment 6.
- The Amended Revegetation Plan Oregon Trail Solar Facility was approved by the Council in January 2026; OTS Certificate Holder and Shutler BESS Certificate Holder provides draft Amended Revegetation Plans for each respective facility in Attachment 7.

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

(g) A list of the names and mailing addresses of property owners, as described in this rule:

(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:

(i) Within 100 feet of property which the subject of the request for amendment, where the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of property which is the subject of the request for amendment, where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 500 feet of property which is the subject of the request for amendment, where the subject property is within a farm or forest zone; and

(B) In addition to incorporating the list in the request for amendment, the applicant must submit the list to the Department in an electronic format acceptable to the Department.

Attachment 8 provides a list of the names and mailing addresses of property owners located within 500 feet of the property underlying the OTS, Shutler BESS, and shared micrositing corridors. A map showing the location of the properties is also shown in Attachment 8. The property owner information provided in Attachment 8 reflects information received from the Gilliam County Assessor on May 14, 2026.

9. Relevant Evidence Previously Submitted to ODOE – OAR 345-027-0360(3)

(1) The Certificate Holder may rely upon evidence previously submitted to the Department in the application for Site Certificate and/or previous request for amendment, or evidence that is otherwise included in the Department's record on the facility if:

(a) The Certificate Holder explains how the evidence is relevant to and remains accurate for purposes of the requested amendment;

(b) The Certificate Holder updates the evidence and related analysis regarding any data, facts or additional information obtained or learned since the evidence was last submitted to the Department; and

(c) The Certificate Holder submits the previously relied upon evidence and any updates to the Department with its preliminary request for amendment.

OTS Certificate Holder and Shutler BESS Certificate Holder incorporates by reference previously incorporated exhibits of the MWP Facility's Application for Site Certificate, RFA1, RFA2, RFA3, RFA4, and OTS RFA1 for supplemental information as specifically referenced in the standards compliance discussions provided in Section 6 of this RFA.

10. Conclusion

This amendment request demonstrates that the Facility, as amended, complies with all applicable laws and Council standards. For the reasons stated above, OTS Certificate Holder and Shutler BESS Certificate Holder respectfully requests approval of this RFA2.

11. References

EFSC (Oregon Energy Facility Siting Council). 2010. Final Order on the Application for Site Certificate for the Montague Wind Power Facility. Energy Facility Siting Council, Salem, Oregon. September 2010. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/MWP-final-order-091010.pdf

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EFSC. 2015. Final Order on Amendment 2 of the Site Certificate for the Montague Wind Power Facility. Energy Facility Siting Council, Salem, Oregon. December 2015. Available at: https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/MWPAMD2DocXXX%20Final%20Order%202015-12-10.pdf

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Figures

Oregon Trail Solar Facility

Figure 1A
Oregon Trail Solar and Shutler BESS Facility

GILLIAM COUNTY, OR

Klickitat County
WASHINGTON
OREGON
Gilliam County
Morrow County
Sherman County
BPA Slatt Substation
Montague Wind Substation
Montague Solar Substation
14
30
84
74
206
19

- Previously Approved Site Boundary
- Oregon Trail Solar Micrositing Corridor
- Shared Micrositing Corridor*
- Shared Micrositing Corridor (Existing Facilities)*
- Proposed Shutler BESS Micrositing Corridor*
- Areas Eliminated from Previously Approved Site Boundary
- County Boundary
- State Boundary
- Interstate Highway
- US Highway
- State Highway

*Evaluated as Previously Approved Wind Micrositing Corridor

TETRA TECH

Avangrid
A member of the Iberdrola Group

Reference Map



1:140,000

WGS 1984 UTM Zone 10N

0 2 4 8 12 16 Miles

NOT FOR CONSTRUCTION

\\ft.local\GIS\USICES\Projects\PDX\Avangrid\OregonTrail_SolarMaps\ProposedRevisions_20260416\Avangrid_OregonTrail_ProposedRevisions_20260416.aprx

Oregon Trail Solar Facility

Figure 1B
Oregon Trail Solar and Shutler BESS Facility
GILLIAM COUNTY, OR

Oregon Trail Solar Micrositing Corridor

Proposed Shutler BESS Micrositing Corridor*

Shared Micrositing Corridor*

Shared Micrositing Corridor (Existing Facilities)*

*Evaluated as Previously Approved Wind Micrositing Corridor

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Reference Map



Cameron Rd
Montague Wind Substation
Montague Solar Substation
Bottimiller Ln
Berthold Rd
Bottimiller Rd
Weatherford Rd
Highway 19
19

1:24,000

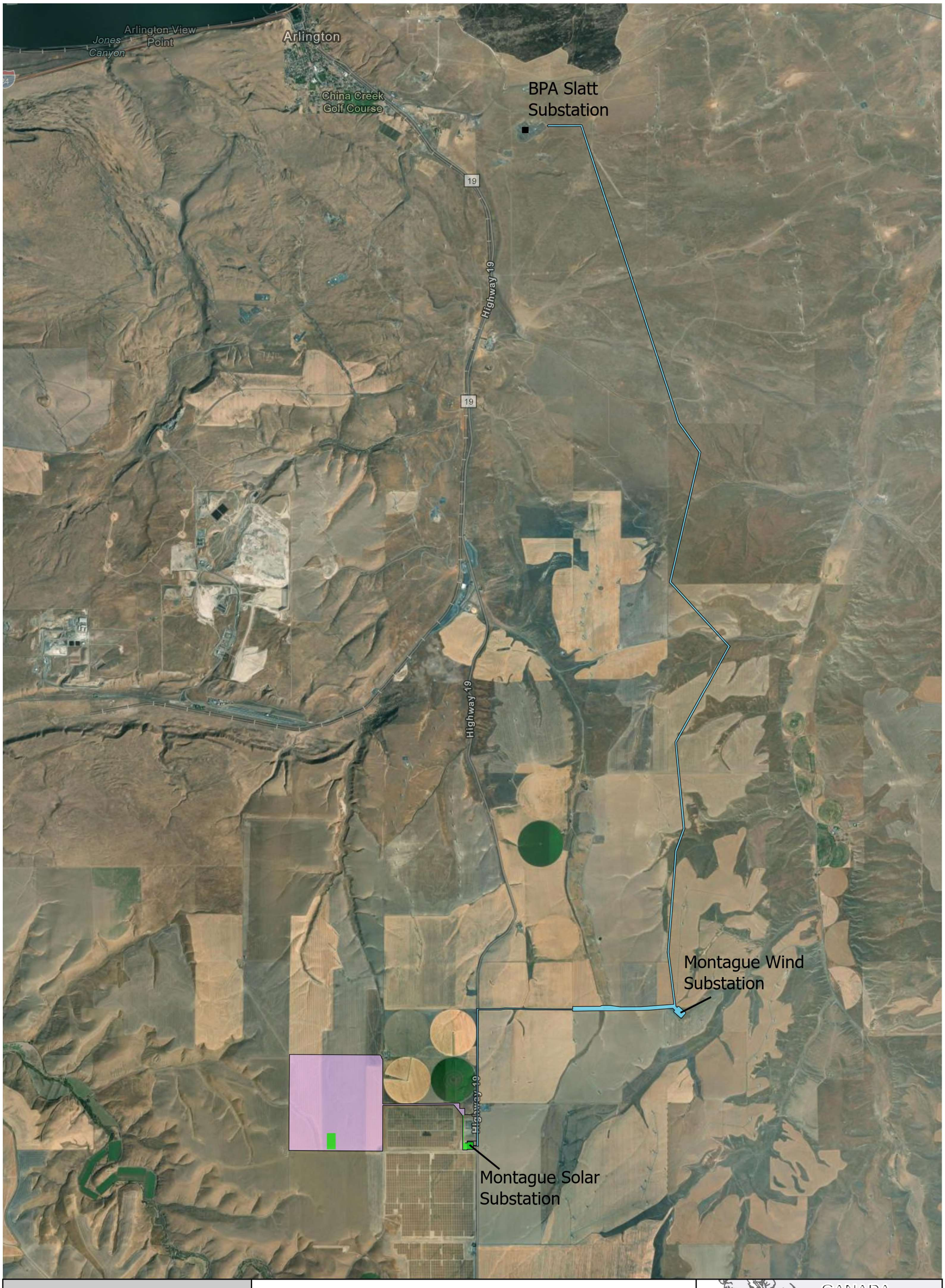
NAD 1983 (2011) StatePlane Oregon North FIPS 3601 (Intl Feet)

0 0.5 1 1.5 2 2.5 Miles

NOT FOR CONSTRUCTION

\\gis.ar.local\GIS\USA\SOLAR\PROJECTS\Oregon Trail Solar\MXD\PRO\Oregon_Trail_Solar_MASTER_2026.aprx

Modified: 5/15/2026



Oregon Trail Solar Facility

Figure 2
Oregon Trail Solar Project
Proposed Micrositing Corridor

GILLIAM COUNTY, OR

Proposed Micrositing Corridor
Oregon Trail Solar Micrositing Corridor
Shared Micrositing Corridor*
Shared Micrositing Corridor (Existing Facilities)*

*Evaluated as previously approved Wind Micrositing Corridor

1:60,000

0 0.5 1 1.5 2 Miles

NAD 1983 (2011) StatePlane
Oregon North FIPS 3601 (Intl Feet)

NOT FOR CONSTRUCTION

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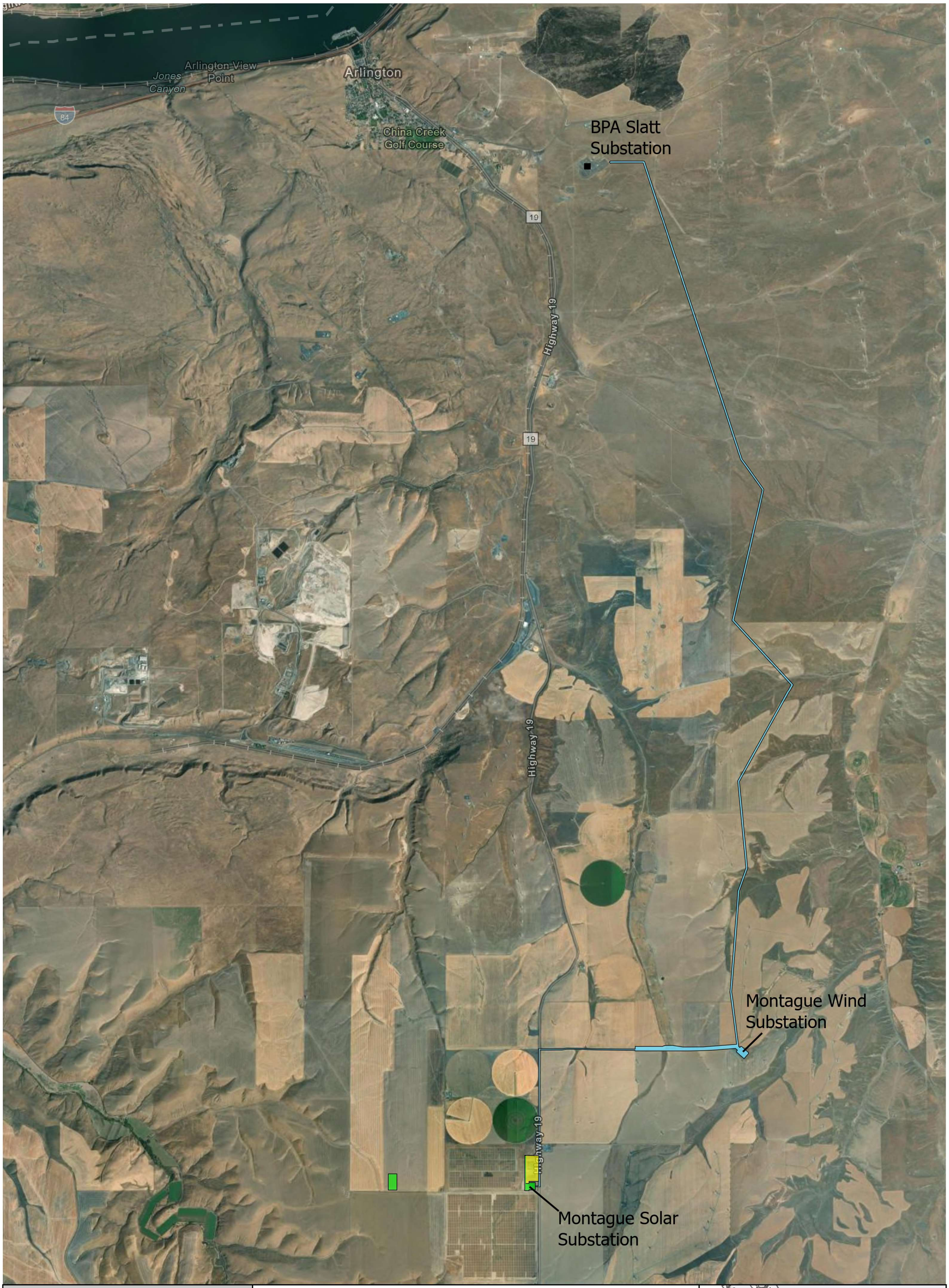

Shutler BESS Facility

Figure 3
Shutler Energy Storage Project
Proposed Micrositing Corridor

GILLIAM COUNTY, OR

Proposed Micrositing Corridor
Proposed Shutler BESS Micrositing Corridor*
Shared Micrositing Corridor*
Shared Micrositing Corridor (Existing Facilities)*

*Evaluated as previously approved Wind Micrositing Corridor

1:60,000

0 0.5 1 1.5 2 2.5 Miles

NAD 1983 (2011) StatePlane
Oregon North FIPS 3601 (Intl Feet)

NOT FOR CONSTRUCTION

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Modified: 5/15/2026

Attachment 1 – OTS Red-lined Site Certificate

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

~~First~~ Second Amended Site Certificate for the Oregon Trail Solar Facility

ISSUANCE DATES:

Site Certificate	September 25, 2020
First Amended Site Certificate	March 24, 2023
Second Amended Site Certificate	DATE

Issuance Date History under Montague Wind Power Facility Site Certificate

Site Certificate	September 10, 2010
First Amended Site Certificate	June 21, 2013
Second Amended Site Certificate	December 4, 2015
Third Amended Site Certificate	July 12, 2017
Fourth Amended Site Certificate	August 23, 2019
Fifth Amended Site Certificate	September 25, 2020

Table of Contents

I. INTRODUCTION 1

II. SITE CERTIFICATION 2

III. DESCRIPTION 3

a. The Facility 3

a.1 Related or Supporting Facilities and Shared Related or Supporting Facilities ..... 5~~5~~

a.2 Location of the Facility ..... 8~~8~~

a.3 Micrositing Corridor ..... 8~~8~~

b. Facility Development ..... 9~~9~~

b.1 Construction ..... 9~~9~~

b.2 Operations and Maintenance ..... 10~~10~~

IV. SITE CERTIFICATE CONDITIONS ..... 10~~10~~

1. Administrative Conditions ..... 16~~16~~

2. Land Use Conditions ..... 18~~18~~

3. Cultural Resource Conditions ..... 20~~20~~

4. Geotechnical Conditions ..... 22~~22~~

5. Hazardous Materials, Fire Protection & Public Safety Conditions ..... 22~~22~~

(c) During operation, the certificate holder shall: ..... 23~~23~~

6. Water, Soils, Streams & Wetlands Conditions ..... 27~~27~~

7. Transmission Line & EMF Conditions ..... 29~~29~~

8. Visual Effects Conditions ..... 33~~33~~

9. Noise Control Conditions ..... 34~~34~~

10. Waste Management Conditions ..... 35~~35~~

V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILTIY SITE CERTIFICATE AMENDMENTS ..... 36~~36~~

VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1 ..... 37~~37~~

VII. SUCCESSORS AND ASSIGNS ..... 38~~38~~

VIII. SEVERABILITY AND CONSTRUCTION ..... 38~~38~~

IX. GOVERNING LAW AND FORUM ..... 38~~38~~

X. EXECUTION ..... 39~~39~~

~~I. INTRODUCTION ..... 1~~

~~II. SITE CERTIFICATION ..... 2~~

~~III. DESCRIPTION ..... 3~~

~~a. The Facility ..... 3~~

~~a.1 Related or Supporting Facilities and Shared Related or Supporting Facilities ..... 5~~

~~a.2 Location of the Facility ..... 8~~
~~a.3 Site Boundary and Micrositing corridors ..... 8~~
~~b. Facility Development ..... 9~~
~~b.1 Construction ..... 9~~
~~b.2 Operations and Maintenance ..... 9~~
~~IV. SITE CERTIFICATE CONDITIONS ..... 10~~
~~1. Administrative Conditions ..... 15~~
~~2. Land Use Conditions ..... 18~~
~~3. Cultural Resource Conditions ..... 20~~
~~4. Geotechnical Conditions ..... 22~~
~~5. Hazardous Materials, Fire Protection & Public Safety Conditions ..... 22~~
~~6. Water, Soils, Streams & Wetlands Conditions ..... 27~~
~~7. Transmission Line & EMF Conditions ..... 29~~
~~8. Visual Effects Conditions ..... 33~~
~~9. Noise Control Conditions ..... 34~~
~~10. Waste Management Conditions ..... 35~~
~~V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILTIY SITE CERTIFICATE AMENDMENTS ..... 36~~
~~VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1 ..... 37~~
~~VII. SUCCESSORS AND ASSIGNS ..... 37~~
~~VIII. SEVERABILITY AND CONSTRUCTION ..... 37~~
~~IX. GOVERNING LAW AND FORUM ..... 38~~
~~X. EXECUTION ..... 39~~

List of Tables

Table 1: Micrositing Corridor Component Summary 4
Table 2: Shared Related or Supporting Facilities Component Summary ..... 8~~8~~
~~Table 1: Wind Micrositing corridor Facility Component Summary ..... 4~~
~~Table 2: Solar Micrositing corridor Component Summary ..... 4~~
~~Table 3: Shared Related or Supporting Facilities Component Summary ..... 7~~

Attachments

Figure 1: Approved ~~Site Boundary~~Micrositing Corridor

The Oregon Energy Facility Siting Council

I. INTRODUCTION

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the Final Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 for the Montague Wind Power Facility issued on June 21, 2013; (c) the Final Order on Amendment #2 for the Montague Wind Power Facility issued on December 4, 2015; (d) the Final Order on Amendment #3 for the Montague Wind Power Facility issued on July 12, 2017; (e) the Final Order on Amendment #4 for the Montague Wind Power Facility issued on August 23, 2019; (f) the Final Order on Amendment #5 for the Montague Wind Power Facility issued on September 25, 2020; ~~and~~ (g) the Final Order on Amendment #1 for the Oregon Trail Site Certificate issued on March 24, 2023; and (h) the Final Order on Request for Amendment #2 for the Oregon Trail Site Certificate issued on [DATE].

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

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

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

to establish that, with the splitting of facility components under three site certificates, baseline conditions and environmental impacts shall not adjusted in a way that results in greater overall impacts than the level of impacts that would be authorized under one site certificate.

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

II. SITE CERTIFICATION

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

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

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

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

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

6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation and

retirement of the facility as to matters that are addressed in and governed by this site certificate. ORS 469.401(3).

7. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a permit, license or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. ORS 469.401(3).

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

9. 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.

III. DESCRIPTION

a. The Facility

The Oregon Trail Solar Facility is an electric power generating plant as ~~, approved to consist of a combination of up to 16 wind turbines and~~ a solar photovoltaic power generation facility located ~~array~~ within an ~~the~~ approved ~~site boundary area (13,866 acres) which includes 12,638-acre wind micrositing corridor and a 1,228~~645 acre ~~solar~~ micrositing ~~area~~corridor and 673--acre ~~shared~~ micrositing corridor that is shared with Montague Wind, LLC, Montague Solar, LLC, and Shutler Energy Storage, LLC ~~[add]~~.

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

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

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

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

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

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

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

Table ~~11~~2: ~~Solar~~ Micrositing ~~Area~~ Corridor Component Summary

Component and Design Standard	No.	Unit
Solar Components		
Solar ~~micrositing area~~micrositing corridor	400	acres
PV Solar Modules		
Approx. Total number	132,370	modules
Max Height at full-tilt	15	feet
Inverters/Transformer Units		
Approx. Total number	66	inverters
Solar Related or Supporting Facility Components		
34.5 kV Collection System		
Collector line length, aboveground	1.5	miles

Table 1~~12~~: ~~Solar~~ Micrositing ~~Area~~ Corridor Component Summary

Component and Design Standard	No.	Unit
Structure type, height	100	Feet H Frame
Perimeter Fence		
Length	6.9	miles
Height	8	feet
Roads - Solar		
Improved (length, width)	1.0 @ 20	Miles, feet
Improved (length, width)	2.3 @ 30	Miles, feet

a.1 Related or Supporting Facilities and Shared Related or Supporting Facilities

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

- Power collection system
- Control system
- Substation, optional switching station, and 230-kV transmission lines
- ~~Battery storage system~~ ~~(under separate site certificate)~~
- Meteorological towers
- Operations and maintenance (O&M) building
- Access roads
- Public roadway modifications
- Temporary construction areas

Power Collection System

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

Control System

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

Substation, Switching Station, and 230-kV Transmission Lines

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

Under or aboveground 34.5-kV collector line connect the generating facilities to the Montague Solar collector substation where the voltage will be stepped up to 230 kV. An aboveground, single-circuit 230-kV transmission line connects the Montague Solar collector substation to the Montague Wind collector substation. An aboveground, single-circuit 230-kV transmission line connects the Montague Wind collector substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation. As approved in Final Order on Amendment 5, the 230 kV transmission line includes two approved route segments, as presented in Attachment 1, Figure 1 of the site certificate.

~~**Battery Storage**~~

~~The facility is approved to include a battery storage system~~ has it's ~~own site certificate and is~~ ~~shared with the Montague Solar facility. The battery storage system would be capable of storing up to 100 MW of wind or solar energy generated by the facility, and would be used to stabilize the wind or solar resource through dispatching of energy stored in the battery system. The battery system is placed in a series of containers or building located near the Montague Solar collector substation.~~

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

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

~~**Meteorological Towers**~~

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

Operations and Maintenance Building

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

Access Roads

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

Public Roadway Modifications

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

Temporary Construction Areas

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

a.1.1 Shared Related or Supporting Facilities

The site certificates for the Oregon Trail Solar Facility, Montague Solar Facility, and Montague Wind Power Facility were originally approved as one site certificate for the Montague Wind Power Facility (September 2010 – September 2019). On September 25, 2020, facility components were split or allocated into three separate site certificates, but identified that certain related or supporting facilities would be shared or used by each facility. On DATE, 2026, the site certificate was further split for the Oregon Trail Facility to create a separate Shutler Battery Energy Storage site certificate. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under each site certificate, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

Shared related or supporting facilities include:

- Substation, switching station, and 230-kV transmission lines
- ~~Battery storage system~~
- Operations and maintenance (O&M) building
- Temporary construction areas
- Access roads to shared facilities
- Public roadway modifications

The certificate holder is authorized to share related or supporting facilities between the Oregon Trail Solar Facility, Shutler Battery Storage Facility, Montague Solar Facility and Montague Wind Power Facility including the Montague Wind collector substation, 230 kV transmission line, temporary laydown

areas, and access roads, based on the component specifications presented in Table ~~3~~ 2 below. The facility must be designed and operated substantially as described in the table dimensions, specifications, and in the facility description.

Table ~~22~~3: Shared Related or Supporting Facilities Component Summary

Component and Design Standard	No.	Unit
Overhead 230 kV Transmission line		
Length	14	miles
Structure type, height	H-frame, 100	feet
~~*Battery Energy Storage System (Lithium-ion or flow)*~~		
~~Approx. total capacity~~	~~100~~	~~MW~~
~~Approx. container dimensions~~	~~20x8x40~~	~~HxWxL feet~~
~~HVAC noise level, per unit~~	~~78~~	~~dBA at 6 feet~~
~~Perimeter fence length~~	~~2,140~~	~~feet~~
~~Perimeter fence height~~	~~8~~	~~feet~~
Substation		
No. of substations	2	
O&M Building		
No. of O&M Buildings	1	
Onsite well, usage limit	5,000	Gallons/day
Onsite septic system, capacity	2,100	Gallons/day
Construction Staging and Laydown Areas		
No. of Areas/acres	2 areas/17 acres	Total acres

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

a.2 Location of the Facility

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

a.3 ~~Site Boundary and~~ Micrositing ~~Areas~~Corridor

The approved solar ~~site boundary~~micrositing corridor includes ~~15,094~~645 acres ~~. Within the site boundary, there are two~~and the approved ~~micrositing areas – a solar~~shared ~~micrositing area~~micrositing corridor ~~and a wind micrositing area. The solar micrositing area~~ includes ~~1,228 acres~~673 acres ~~(see pink polygon in Figure 1); the wind micrositing area includes 12,638 acres (see orange polygon in Figure 1)~~. The Council permits final siting flexibility within the approved micrositing corridors because the certificate holder has demonstrated that requirements of all applicable standards have been satisfied by adequately evaluating the entirety of the micrositing corridors and location of ~~wind and~~ solar energy generation components anywhere within the respective micrositing corridors.

~~This~~ The ~~site boundary~~shared micrositing corridor also includes ~~two approved~~a transmission line corridor~~s~~ (as presented in Figure ~~2~~1~~):~~).

- ~~230 kV Transmission Line Corridor Route 1: Extends 14 miles east out of the Montague Solar collector substation to a 90-degree turning structure just east of OR 19. From there, it would extend straight north along OR 19 (outside of the road right-of-way) until it reaches the corner of Old Tree Road where it would turn east towards the Montague Wind collector substation~~

- ~~230 kV Transmission Line Corridor Route 2: Extends 14 miles going east out of the Montague Solar collector substation, crosses OR 19 and diagonals across fields to Old Tree Road where it may run on the north or the south side of the road to reach the Montague Wind collector substation, and then extends north to BPA's Slatt Substation~~

b. Facility Development

b.1 Construction

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

The facility is approved to be constructed in phases. In accordance with ORS 469.300(6), preconstruction conditions, if specified, may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration. Construction of the facility began in January 2026, with pre-construction requirements completed.

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

b.2 Operations and Maintenance

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

~~O&M activities may include replacement of electrolyte solutions every 10 to 20 years, if flow batteries are selected. If lithium-ion batteries are selected, O&M activities include battery replacement every 5 to 10 years.~~ Nonfunctional solar panels would be recycled through the Solar Energy Industries Association (SEIA) National PV Recycling Program, to the maximum extent feasible. ~~Solid wastes expected to be generated during operation include industrial wastes from maintenance and replacement of batteries associated with the battery energy storage system. The certificate holder estimates that batteries would need to be replaced every 7 years.~~

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

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

IV. SITE CERTIFICATE CONDITIONS

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

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

General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.
In addition to these conditions, the certificate holder is subject to all conditions and requirements contained in the rules of the Council and in local ordinances and state law in effect on the date the

certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the public health, safety or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.

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

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

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

17 [AMD3; Deleted AMD4, 2019]

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

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

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

Council shall incorporate approved monitoring and mitigation plans in applicable site certificate conditions.

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

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

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

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

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

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

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

(i) Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in

operation. The certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.

(ii) Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

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

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

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

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

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

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

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

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

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

1. Administrative Conditions

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

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

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

26 [Deleted in AMD5, Sept 2020]

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

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

29 The certificate holder shall:

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

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

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

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

32 Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or letter of credit will be issued for an amount that is either ~~$7.03 million~~2,663,265 (2nd ~~4th~~ Quarter 202~~62~~ dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

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

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

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 202~~62~~ dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the 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 202~~62~~ dollars to present value.

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

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

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

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

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

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

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

[MWP AMD5, OTS AMD1]

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

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

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

36 The certificate holder shall:

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

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

[MWP Final Order on ASC, OTS AMD1

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

2. **Land Use Conditions**

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

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

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

40 ~~If, prior to construction, final facility design includes wind facility components, the certificate holder shall install gates within the wind micrositing area on private access roads in accordance with Gilliam County Zoning Ordinance (GCZO) Article 7 Section 7.020(T)(4)(d)(6) unless the County has granted a variance to this requirement. [MWP Final Order on ASC, OTS AMD1]~~

41 ~~Prior to operation of wind facility components, if constructed, the certificate holder shall record in the real property records of Gilliam County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with GCZO Article 7 Section 7.020(T)(5)(a)(5)~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(l) Wind turbines must be setback a minimum distance of 656 feet (200 meters), measured from the centerline of the turbine tower to the nearest edge of the breaks of Rock Creek Canyon. [AMD5, Sept 2020]~~

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

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

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

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

3. Cultural Resource Conditions

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

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

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

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

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

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

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

50 During construction, the certificate holder shall:

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

(b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance at depths of 12 inches or greater during grading, trenching, or drilling activities, not including pile or fence post installation if direct driving installation methods are utilized. The qualifications of the selected cultural resources monitor shall be reviewed and approved by the Department, in consultation with the CTUIR Cultural Resources Protection Program. In the selection of the cultural resources monitor to be employed during construction, preference shall be given to citizens of the CTUIR. If any cultural resources are identified during monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in Attachment G of the Final Order on Amendment 1 should be followed. The certificate holder shall report to the Department in its semi-annual report a description of the ground disturbing activities that occurred during the reporting period, dates cultural monitoring occurred, and shall include copies of monitoring forms completed by the cultural resource monitor. [MWP AMD5, OTS AMD1]

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

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

4. Geotechnical Conditions

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

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

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

5. Hazardous Materials, Fire Protection & Public Safety Conditions

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

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

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

58 ~~If final facility design includes wind facility components, the certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, to alert operators to potentially dangerous conditions, and the certificate holder shall immediately remedy any dangerous conditions. The certificate holder shall maintain~~

~~automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire.~~

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

60

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

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

i. An updated wildfire risk assessment, taking into account the facility on the landscape.

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

(c) During operation, the certificate holder shall:

i. Meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.

ii. Implement the measures in the WMP.

iii. In every annual report required under Condition 21 (OAR 345-026-0080), provide an updated WMP based on review of WMP Table 5 or confirm that WMP updates are not required because there have been no changes to the recommendations from the data sources identified in WMP Table 5 during the reporting year.

iv. Submit an updated WMP to the North Gilliam County Rural Fire Protection District if substantive changes are made to the WMP as a result of the review under sub (c)(iii) of this condition.

[MWPAMD5, Sept 2020, OTSAMD1]

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

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

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

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

65 ~~If final facility design includes wind facility components, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.~~

66 ~~If final facility design includes wind facility components, there shall be no exterior ladders or access to the turbine blades; turbine towers shall have locked access doors. The certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.~~

~~67 If final facility design includes wind facility components, the certificate holder shall:~~

~~Prior to operations, provide to the Department, for review and approval, information or programmatic details on its operational safety monitoring program that includes regular inspections, maintenance, and reporting program to prevent structural or electrical failure of wind turbine foundations, towers, blades, or electrical equipment. Required elements of the operational safety-monitoring program include:~~

~~Identify and conduct inspections and testing of wind facility components, including but not limited to foundations, towers, blades, nacelles, pad-mounted transformers, and SCADA system, consistent with manufacturers' recommendations and recognized and generally accepted good engineering practices (RAGAGEP) for frequency and process.~~

~~Maintain records of each inspection and test performed. Records shall:~~

~~Identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.~~

~~Identify testing or inspection results that show deficiencies in equipment or operation issues that are outside acceptable limits or recommendations identified by the manufacturer. These issues must be corrected before further use, or in a safe and timely manner if precautions are taken to assure safe operation.~~

~~Be made available for inspection by the Department's Compliance Officer during site visits, or upon request from the Department.~~

~~During operations, implement the program as approved by the Department under sub(a) of the condition. Certificate holder shall report in its annual report to the Department of any changes to its operational safety-monitoring program that occurred during the reporting year.~~

~~During operations, in the event of blade or tower failure, a structural or electrical issue that causes a fire or other safety hazard the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 30 days of the event, submit a report which contains:~~

~~A discussion of the cause of the reported incident including results of on-site or remote inspections or investigations;~~

~~A description of immediate actions taken to correct the reported conditions or circumstances; and~~

~~A description of actions taken or planned to minimize the possibility of recurrence and a description of manufacturers' recommendations and recognized and generally accepted good engineering practices to avoid instances in the future.~~

~~68 If final facility design includes wind facility components, any pad-mounted step-up transformers shall be installed at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.~~

69 The certificate holder shall:

(a) Prior to construction of facility substations, solar array~~, and battery storage systems~~, if included in final design, provide maps or engineering drawings to the Department demonstrating that the final layout includes fencing and gates.

(b) During operation of substations, solar arrays ~~and battery storage systems~~, if included in final design, ensure that fencing is maintained and gates are locked to prohibit public access.

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

71 The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Gilliam County Road Department. Where modifications of County roads are necessary, the certificate holder shall construct the modifications entirely within the County road rights-of-way and in conformance with County road design standards subject to the approval of the Gilliam County Road Department. Where modifications of State roads or highways are necessary, the certificate holder shall construct the

modifications entirely within the public road rights-of-way and in conformance with Oregon Department of Transportation (ODOT) standards subject to the approval of ODOT.

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

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

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

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

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

76 The certificate holder shall:
(a) Prior to construction, submit to the Department a copy of contractor site health and safety plan(s) that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals.
(b) During construction, the certificate holder shall require that all on-site construction contractors implement the site health and safety plan submitted per sub(a) of this

condition. The certificate holder shall ensure that construction contractors have personnel on-site who are first aid and CPR certified.

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

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

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

78 The certificate holder shall:

(a) Prior to construction, provide to the Department a protocol for communication that will occur during construction between certificate holder's on-site security and Gilliam County Sheriff's Office.

(b) During construction, the certificate holder shall provide on-site security within the facility ~~site boundary~~micrositing corridor, and shall establish good communications between on-site security personnel and the Gilliam County Sheriff's Office by establishing a communication protocol between the security personnel and the Sherriff's office.

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

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

6. Water, Soils, Streams & Wetlands Conditions

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

~~(i) If final facility design includes wind energy generation components, submit to the Department and Gilliam County Planning Director for review and approval a topsoil management plan including how topsoil will be stripped, stockpiled, and clearly marked in order to maximize topsoil preservation and minimize erosion impacts. [OAR 660-033-0130(37)(b)(B)]. The topsoil management plan may be incorporated into the final Erosion~~

~~and Sediment Control Plan, required under sub(ii) or may be provided to the Department as a separate plan.~~

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

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

~~(c)~~(b) Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240. [MWP Final Order on ASC, AMD5; OTS AMD1]

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

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

83 Prior to construction of the facility, the certificate holder shall provide the Department with a final facility design map that demonstrates avoidance of all wetlands and WOS along with updated and/or current determinations by DSL in accordance with the following subparts:

(a) At least 6-months prior to construction within areas covered by WD 2011-0364R (expired May 2022), certificate holder shall submit a new wetland delineation report to DSL and obtain a new DSL determination;

(b) If construction activities are planned to occur within areas covered by WD 2018-0660, then, prior to March 2025, certificate holder must seek a renewal of WD 2018-0660;

(c) If construction impacts are planned to occur within areas covered by WD2022-0400, certificate holder must provide the DSL determination to the Department and ensure it remains active/renewed through the date of construction commencement;

(d) If any future DSL determinations evaluated under (a) – (c) of this condition identify wetlands or WOS that could be impacted by facility construction or operation and that would require a removal-fill permit, Council approval of a site certificate amendment with removal fill requirements must be obtained.

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

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

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

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

[AMD5]

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

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

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

7. Transmission Line & EMF Conditions

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

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

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

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

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

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

90 [Deleted OTS AMD1]

8. Plants, Wildlife & Habitat Protection Conditions

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

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

~~93 If final facility design includes wind energy generation components, the certificate holder shall:~~

~~Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plans for the Facility, as approved by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be based on the draft plan included as Attachment C to the Final Order on Request for Amendment 1 and updated based on Condition 31. The final Habitat Mitigation Plans may be amended from time to time.~~

~~Prior to construction, the certificate holder shall finalize and implement the Habitat Mitigation Plan (HMP) included as Attachment C of the Final Order on Amendment 1, as approved by ODOE in Consultation with ODFW. Provision regarding impacted acreage calculations shall be completed and submitted to the department after construction is complete as described in the condition below.~~

~~Within 90 days of completion of construction, the certificate holder shall submit to the department and ODFW an updated HMP Table.~~
~~[AMD5, Sept 2020]~~

94 Prior to construction of facility components or a phase of components that will occur within suitable Washington ground squirrel (WGS) habitat, the certificate holder shall conduct protocol-level surveys for WGS within 1000 feet of any ground disturbing activity. Survey reports shall be submitted to the Department and ODFW for review and concurrence.

Suitable WGS habitat can be defined as any terrestrial habitat that has not been developed (i.e. active agricultural lands), particularly shrub-steppe and grassland habitats. Protocol-level surveys include two sets of surveys at least two weeks apart, in the active squirrel season (March 1 to May 31). If a single or multiple WGS burrows are identified, the delineation of Category 1 habitat shall be based on a 785-foot buffer from those burrows, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Protocol-level surveys are valid for three (3) years. If construction does not commence the year following the protocol-level survey, any active burrows or colonies shall be checked prior to the year of construction to evaluate any changes that may occur in the location and delineation of Category 1.

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

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

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

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

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

96 ~~If final facility design includes wind facility components:~~

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

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

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

~~If any nest site is determined to be unoccupied by the early release date (May 31), then unrestricted construction activities may occur within 1,300 feet of the nest site after that date. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder will flag the boundaries of a 1,300-foot buffer area around the nest site and shall instruct~~

~~construction personnel to avoid disturbance of the buffer area. During the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer.~~

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

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

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

97 [Deleted AMD5, Sept 2020]

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

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

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

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

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

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

~~Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.~~

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

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

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

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

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

8. Visual Effects Conditions

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

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

~~(b)~~(a) Paint the Montague Solar collector substation and switching station structures in a low-reflectivity neutral color to blend with the surrounding landscape.

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

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

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

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

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

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

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

~~(c)~~(b) Minimum lighting necessary for repairs or emergencies.

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

105 [Deleted AMD5, Sept 2020]

9. NOISE CONTROL CONDITIONS

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

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

107 The certificate holder shall provide to the Department:

(i) Prior to construction:

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

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

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

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

For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise-sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.
[Final Order on ASC; AMD5, Sept 2020]

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

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

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

10. Waste Management Conditions

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

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

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

(a) Recycling steel and other metal scrap.
(b) Recycling wood waste.
(c) Recycling packaging wastes such as paper and cardboard.
(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
(e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [AMD5, Sept 2020]

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

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

(a) Training employees to minimize and recycle solid waste.
(b) Recycling paper products, metals, glass and plastics.
(c) Recycling used oil and hydraulic fluid
(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
(e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [AMD5, Sept 2020]

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

113-115 [Deleted AMD2, Dec 2015]

116 ~~If final facility design includes battery energy storage components, the certificate holder shall ensure its third-party contractor transports and disposes of battery and battery waste in compliance with all applicable regulations and manufacturer recommendations related to the transport of hazardous battery materials.~~

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

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

117 ~~During facility operation, if final facility design includes battery energy storage components, the certificate holder shall conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall make available for review upon request by the Department. [AMD5, Sept 2020]~~

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

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

(b) If certificate holders of Montague Solar Facility or Oregon Trail Solar Facility propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates. If certificate holders opt to submit an amendment determination request, the requirement may be satisfied through submittal of a single amendment determination request with authorization (or signature) provided from each certificate holder.

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

[AMD5, Sept 2020]

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

VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1

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

(a) Within 60-days of approval of Final Order on Amendment 1, provide to the Department copies of fully executed Memorandums of Agreement (MOA) substantially similar to the draft MOAs provided in Attachment F of Final Order on Amendment 1 and consistent with the pre-construction payment requirement under (b) of this condition. Substantive changes to the MOA shall be reviewed and approved by Council.

(b) Prior to construction, provide to the Department evidence that the Community Donation Funds have been issued to the Port of Arlington and Gilliam County Soil and Watershed Council consistent with the findings presented in the Final Order on Amendment 1.

(c) In the annual report to the Department (Condition 21), for the first 10-years of operation, unless Donation Funds are completely expended prior to the 10-year period, provide copies of the annual reports obtained under the executed MOAs per sub (b) that demonstrate the status of projects completed during the reporting year and the schedule and description of projects to be completed in the next reporting year.

VII. 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.

VIII. 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.

IX. GOVERNING LAW AND FORUM

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

X. EXECUTION

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

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

ENERGY FACILITY SITTING COUNCIL

By: _____

Print: _____

Date: _____

OREGON TRAIL SOLAR, LLC

By: _____

Print: _____

Date: _____

and

By: _____

Print: _____

Date: _____

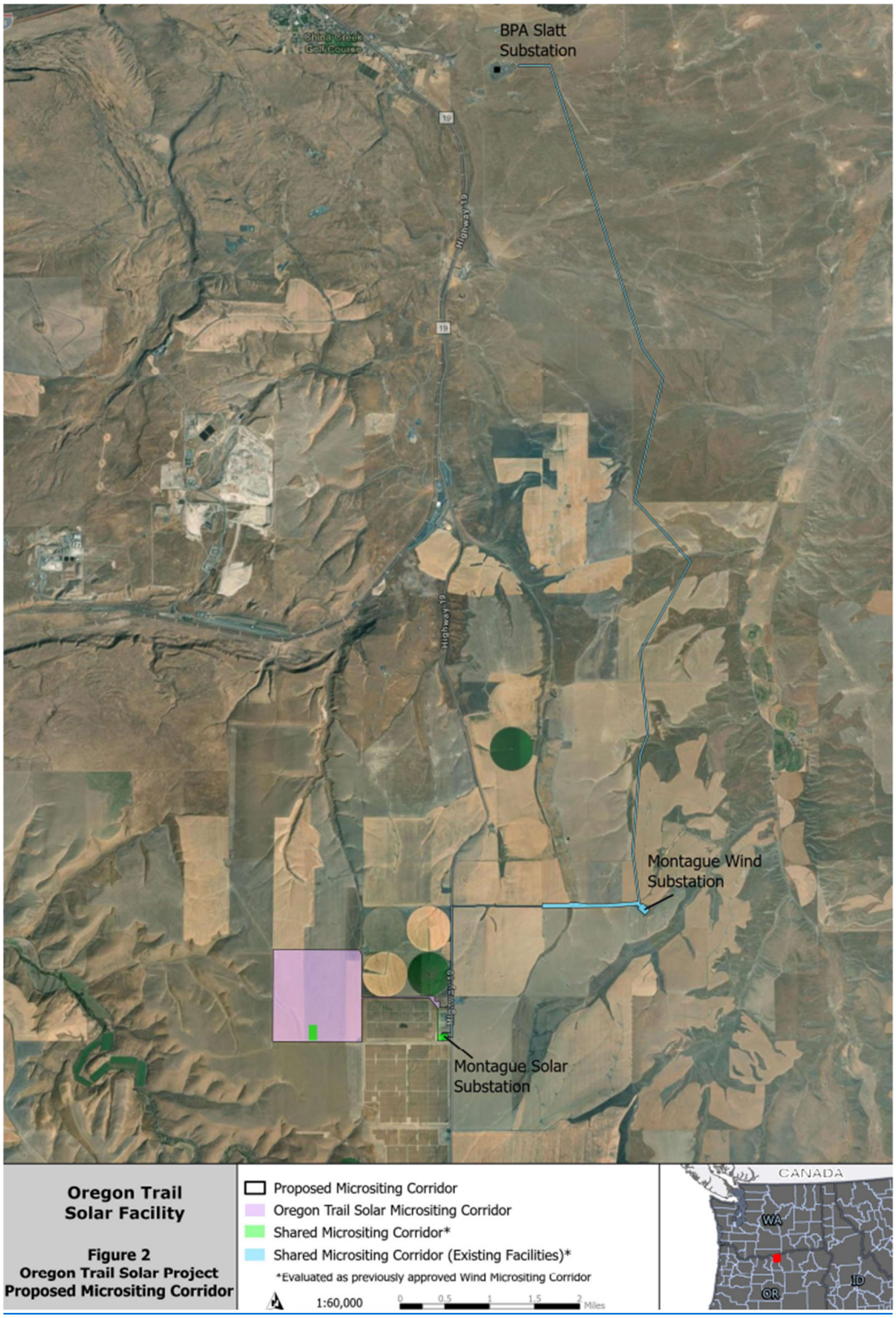
and

By: _____

Print: _____

Date: _____

Figure 1: Approved ~~Site Boundary~~Micrositing Corridor



Attachment 2 – Shutler BESS Red-lined Site Certificate

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

~~First~~ Second ~~Amended~~
Site Certificate
for the
~~Oregon Trail Solar Facility~~Shutler Battery Energy Storage System Facility

ISSUANCE DATES:

Site Certificate	~~September 25, 2020~~DATE
Issuance Date History under Oregon Trail Solar Facility Site Certificate	
Site Certificate	September 25, 2020
First Amended Site Certificate	March 24, 2023
Issuance Date History under Montague Wind Power Facility Site Certificate	
Site Certificate	September 10, 2010
First Amended Site Certificate	June 21, 2013
Second Amended Site Certificate	December 4, 2015
Third Amended Site Certificate	July 12, 2017
Fourth Amended Site Certificate	August 23, 2019
Fifth Amended Site Certificate	September 25, 2020

Table of Contents

I. INTRODUCTION 1

II. SITE CERTIFICATION 2

1. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate and retire a battery energy storage facility, together with certain related or supporting facilities, at the site in Gilliam County, Oregon, as described in Section III of this site certificate. ORS 469.401(1). [MWP Final Order on ASC; AMD4; AMD5, OTS AMD1] 2

III. DESCRIPTION 3

a.1 Related or Supporting Facilities and Shared Related or Supporting Facilities 5

a.2 Location of the Facility 9

a.3 Micrositing corridors 9

10. Facility Development 10

b.1 Construction 10

b.2 Operations and Maintenance 10

IV. SITE CERTIFICATE CONDITIONS 11

1. Administrative Conditions 16

2. Land Use Conditions 19

3. Cultural Resource Conditions 21

4. Geotechnical Conditions 22

5. Hazardous Materials, Fire Protection & Public Safety Conditions 23

(c) During operation, the certificate holder shall: 23

6. Water, Soils, Streams & Wetlands Conditions 28

7. Transmission Line & EMF Conditions 30

8. Visual Effects Conditions 34

9. Noise Control Conditions 34

10. Waste Management Conditions 36

V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILTIY SITE CERTIFICATE AMENDMENTS 36

VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1 38

VII. SUCCESSORS AND ASSIGNS 38

VIII. SEVERABILITY AND CONSTRUCTION 38

IX. GOVERNING LAW AND FORUM 38

X. EXECUTION 39

~~I. INTRODUCTION ..... 1~~

~~II. SITE CERTIFICATION ..... 2~~

~~III. DESCRIPTION ..... 3~~
~~a. The Facility ..... 3~~
~~a.1 Related or Supporting Facilities and Shared Related or Supporting Facilities ..... 5~~
~~a.2 Location of the Facility ..... 8~~
~~a.3 Site Boundary and Micrositing Area~~Micrositing corridors ..... ~~8~~
~~b. Facility Development ..... 9~~
~~b.1 Construction ..... 9~~
~~b.2 Operations and Maintenance ..... 9~~
~~IV. SITE CERTIFICATE CONDITIONS ..... 10~~
~~1. Administrative Conditions ..... 15~~
~~2. Land Use Conditions ..... 18~~
~~3. Cultural Resource Conditions ..... 20~~
~~4. Geotechnical Conditions ..... 22~~
~~5. Hazardous Materials, Fire Protection & Public Safety Conditions ..... 22~~
~~6. Water, Soils, Streams & Wetlands Conditions ..... 27~~
~~7. Transmission Line & EMF Conditions ..... 29~~
~~8. Visual Effects Conditions ..... 33~~
~~9. Noise Control Conditions ..... 34~~
~~10. Waste Management Conditions ..... 35~~
~~V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILTIY SITE CERTIFICATE AMENDMENTS ..... 36~~
~~VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1 ..... 37~~
~~VII. SUCCESSORS AND ASSIGNS ..... 37~~
~~VIII. SEVERABILITY AND CONSTRUCTION ..... 37~~
~~IX. GOVERNING LAW AND FORUM ..... 38~~
~~X. EXECUTION ..... 39~~

List of Tables

Table 1: Shared Related or Supporting Facilities Component Summary 8
~~Table 1: Wind Micrositing Area Facility Component Summary ..... 4~~
~~Table 2: Solar Micrositing Area Component Summary ..... 4~~
~~Table 3: Shared Related or Supporting Facilities Component Summary ..... 7~~

Attachments

Figure 1: Approved ~~Site Boundary~~Micrositing Corridor

The Oregon Energy Facility Siting Council

I. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Oregon Trail Solar Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and ~~Oregon Trail Solar, LLC~~Shutler BESS, LLC (certificate holder), a wholly owned subsidiary of Avangrid ~~Renewables~~Power, LLC (certificate holder owner) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon.

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the Final Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 for the Montague Wind Power Facility issued on June 21, 2013; (c) the Final Order on Amendment #2 for the Montague Wind Power Facility issued on December 4, 2015; (d) the Final Order on Amendment #3 for the Montague Wind Power Facility issued on July 12, 2017; (e) the Final Order on Amendment #4 for the Montague Wind Power Facility issued on August 23, 2019; (f) the Final Order on Amendment #5 for the Montague Wind Power Facility issued on September 25, 2020; ~~and~~ (g) the Final Order on Amendment #1 for the Oregon Trail Site Certificate issued on March 24, 2023; and (h) the Final Order on Request for Amendment #2 for the Oregon Trail Site Certificate issued on [DATE].

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

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

Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of the site certificate are set forth in the 2010 Final Order on the Application for Site Certificate and subsequent Final Orders on Requests for Amendment 1 through 5 for the Montague Wind Power Facility, which are incorporated by reference into the site certificate, these underlying findings, including any findings establishing the predevelopment condition of the site and impacts of approved facility components continue to have bearing on the analysis and findings required to approve any future changes to the site certificates for the successor facilities. In other words, environmental impacts evaluated in future site certificate amendment requests shall be based on 2010 predevelopment conditions and the incremental change in environmental impact based on the original site certificate application review and subsequent amendments to the Montague Wind Power Facility site certificate,

either as approved or in operation, at the time of the amendment request. This clarification is intended to establish that, with the splitting of facility components under three site certificates, baseline conditions and environmental impacts shall not adjusted in a way that results in greater overall impacts than the level of impacts that would be authorized under one site certificate.

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

II. SITE CERTIFICATION

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

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

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

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

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

6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation and

retirement of the facility as to matters that are addressed in and governed by this site certificate. ORS 469.401(3).

7. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a permit, license or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. ORS 469.401(3).

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

9. 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.

III. DESCRIPTION

~~a. The Facility~~

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

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

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

~~Battery Storage~~

The Shutler Battery Energy Storage System (BESS) Facility is a ~~The~~ battery storage system ~~has it's own site certificate and would be~~ capable of storing and dispatching up to 100 MW of energy ~~of wind or solar energy, and would be used to stabilize the resource through dispatching of energy stored in the battery~~

~~system~~. The facility is located within an approved 25 acre micrositing corridor and 673 acre micrositing corridor that is shared with Montague Wind, LLC, Montague Solar, LLC, and Oregon Trail Solar, LLC.

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

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

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

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

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

~~Component and Design Standard~~	~~No.~~	~~Unit~~
~~**Wind Components**~~		
~~Wind turbines~~	~~16~~	~~total~~
~~Max. blade tip height~~	~~597~~	~~feet~~
~~Min. aboveground blade tip clearance~~	~~46~~	~~feet~~
~~Max. hub height~~	~~351~~	~~feet~~
~~Max. rotor diameter~~	~~492~~	~~feet~~
~~Max. noise Level, per turbine~~	~~110~~	~~dBA~~
~~Transformers, pad-mounted~~	~~16~~	~~total~~
~~**Wind Related or Supporting Facility Components**~~		
~~*Meteorological Towers*~~		
~~Towers~~	~~2~~	~~total~~
~~Structure type, max. height~~	~~350~~	~~feet~~
~~*Access Roads - Wind*~~		

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

~~Component and Design Standard~~	~~No.~~	~~Unit~~
~~Access Roads (length, width)~~	~~18.7 mi/ 20 ft~~	~~Mile/feet~~
~~Improved Roads (length, width)~~	~~2.6 mi/20 ft.~~	~~Miles/feet~~
~~Improved Roads (length, width)~~	~~3.3 mi/30 ft.~~	~~Miles/feet~~
~~*Overhead 34.5 kV Collector lines*~~		
~~Length~~	~~7~~	~~miles~~
~~Structure type, height~~	~~100~~	~~H frame, feet~~

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

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

~~Component and Design Standard~~	~~No.~~	~~Unit~~
~~**Solar Components**~~		
~~Solar micrositing area~~	~~400~~	~~acres~~
~~*PV Solar Modules*~~		
~~Approx. Total number~~	~~132,370~~	~~modules~~
~~Max Height at full tilt~~	~~15~~	~~feet~~
~~*Inverters/Transformer Units*~~		
~~Approx. Total number~~	~~66~~	~~inverters~~
~~**Solar Related or Supporting Facility Components**~~		
~~*34.5 kV Collection System*~~		
~~Collector line length, aboveground~~	~~1.5~~	~~miles~~
~~Structure type, height~~	~~100~~	~~Feet H Frame~~
~~*Perimeter Fence*~~		
~~Length~~	~~6.9~~	~~miles~~
~~Height~~	~~8~~	~~feet~~
~~*Roads - Solar*~~		
~~Improved (length, width)~~	~~1.0 @ 20~~	~~Miles, feet~~
~~Improved (length, width)~~	~~2.3 @ 30~~	~~Miles, feet~~

a.1 Related or Supporting Facilities and Shared Related or Supporting Facilities

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

- Power collection system
- Control system
- Substation, optional switching station, and 230-kV transmission lines

- ~~Battery storage system (under separate site certificate)~~
- ~~Meteorological towers~~
- Operations and maintenance (O&M) building
- Access roads
- Public roadway modifications
- Temporary construction areas

Power Collection System

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

Control System

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

Substation, Switching Station, and 230-kV Transmission Lines

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

Under or aboveground 34.5-kV collector line connect the generating facilities to the Montague Solar collector substation where the voltage will be stepped up to 230 kV. An aboveground, single-circuit 230-kV transmission line connects the Montague Solar collector substation to the Montague Wind collector substation. An aboveground, single-circuit 230-kV transmission line connects the Montague Wind collector substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation. As approved in Final Order on Amendment 5, the 230 kV transmission line includes two approved route segments, as presented in Attachment 1, Figure 1 of the site certificate.

~~**Battery Storage**~~

~~The facility is approved to include a battery storage system has it's own site certificate and is shared with the Montague Solar facility. The battery storage system would be capable of storing up to 100 MW of wind or solar energy generated by the facility, and would be used to stabilize the wind or solar resource through dispatching of energy stored in the battery system. The battery system is placed in a series of containers or building located near the Montague Solar collector substation.~~

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

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

~~Meteorological Towers~~

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

Operations and Maintenance Building

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

Access Roads

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

Public Roadway Modifications

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

Temporary Construction Areas

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

a.1.1 Shared Related or Supporting Facilities

The site certificates for the Oregon Trail Solar Facility, Montague Solar Facility, and Montague Wind Power Facility were originally approved as one site certificate for the Montague Wind Power Facility (September 2010 – September 2019). On September 25, 2020, facility components were split or allocated into three separate site certificates, but identified that certain related or supporting facilities would be shared or used by each facility. On DATE, 2026, the site certificate was further split for the Oregon Trail Facility to create a separate Shutler Battery Energy Storage site certificate. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under each site certificate, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

Shared related or supporting facilities include:

- Substation, switching station, and 230-kV transmission lines
- ~~Battery storage system~~
- Operations and maintenance (O&M) building
- Temporary construction areas
- Access roads to shared facilities
- Public roadway modifications

The certificate holder is authorized to share related or supporting facilities between the Oregon Trail Solar Facility, Shutler Battery Energy Storage Facility, Montague Solar Facility and Montague Wind Power Facility including the Montague Wind collector substation, 230 kV transmission line, temporary laydown areas, and access roads, based on the component specifications presented in Table ~~3~~ 1 below. The facility must be designed and operated substantially as described in the table dimensions, specifications, and in the facility description.

Table 1~~3~~: Shared Related or Supporting Facilities Component Summary

Component and Design Standard	No.	Unit
Overhead 230 kV Transmission line		
Length	14	miles
Structure type, height	H-frame, 100	feet
~~*Battery Energy Storage System (Lithium-ion or flow)*~~		
~~Approx. total capacity~~	~~100~~	~~MW~~
~~Approx. container dimensions~~	~~20x8x40~~	~~HxWxL feet~~
~~HVAC noise level, per unit~~	~~78~~	~~dBA at 6 feet~~
~~Perimeter fence length~~	~~2,140~~	~~feet~~
~~Perimeter fence height~~	~~8~~	~~feet~~
Substation		
No. of substations	2	
O&M Building		
No. of O&M Buildings	1	
Onsite well, usage limit	5,000	Gallons/day
Onsite septic system, capacity	2,100	Gallons/day
Construction Staging and Laydown Areas		

Table 1~~3~~: Shared Related or Supporting Facilities Component Summary

Component and Design Standard	No.	Unit
No. of Areas/acres	2 areas/17 acres	Total acres

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

a.2 Location of the Facility

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

a.3 ~~Site Boundary and Micrositing Area~~Micrositing corridors

The approved ~~site boundary~~~~BESS~~ micrositing corridor includes ~~15,094~~25 acres and the approved shared micrositing corridor includes 673 acres. ~~Within the site boundary, there are two approved micrositing areas – a solar micrositing area and a wind micrositing area. The solar micrositing area includes 1,228 acres (see pink polygon in Figure 1); the wind micrositing area includes 12,638 acres (see orange polygon in Figure 1).~~ The Council permits final siting flexibility within the approved micrositing corridors because the certificate holder has demonstrated that requirements of all applicable standards have been satisfied by adequately evaluating the entirety of the micrositing corridors ~~and location of wind and solar energy generation components anywhere within the respective micrositing corridors~~.

The shared micrositing corridor ~~is site boundary~~ also includes ~~two~~ an approved transmission line corridor~~s~~ (as presented in Figure ~~2~~1).~~:~~

- ~~230 kV Transmission Line Corridor Route 1: Extends 14 miles east out of the Montague Solar collector substation to a 90-degree turning structure just east of OR 19. From there, it would extend straight north along OR 19 (outside of the road right-of-way) until it reaches the corner of Old Tree Road where it would turn east towards the Montague Wind collector substation~~

- ~~230 kV Transmission Line Corridor Route 2: Extends 14 miles going east out of the Montague Solar collector substation, crosses OR 19 and diagonals across fields to Old Tree Road where it may run on the north or the south side of the road to reach the Montague Wind collector substation, and then extends north to BPA's Slatt Substation~~

10. **Facility Development**

b.1 Construction

Facility construction is anticipated to take 10~~2~~-months, with an average of 20~~0~~ to peak ~~475~~ 30 construction workers. Construction traffic is estimated at 5~~36~~0 round trips per day.

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

Water use during construction is estimated to require up to ~~36.8~~5 million gallons with water to be provided by a third party provided such as the City of Arlington, which has committed to up to 40 million gallons for purchase. Solid waste disposal for the facility during construction and operation of the facility will be provided by private contract with a local commercial hauler or haulers. Typical heavy-equipment use needed for the construction of a facility include use of trucks, excavators, cranes, trenching equipment, watering trucks and tanks with ground disturbing activities including vegetation removal, excavation, trenching, post-driving, and gravel and concrete use to create pads and foundations. Topsoil management and Best Management Practices will be followed during facility construction.

b.2 Operations and Maintenance

Facility operation includes remote and in-person monitoring and may include 5~~10~~-6~~30~~ full-time operations and maintenance (O&M) staff. The facility O&M activities would include routine, monthly inspections of the ~~solar array, wind components, SCADA~~battery energy system and monitoring systems, and shared facilities~~ such as the battery storage systems~~, unless otherwise recommended by the manufacturer.

O&M activities may include replacement of electrolyte solutions every 10 to 20 years, if flow batteries are selected. If lithium-ion batteries are selected, O&M activities include battery replacement every 5 to 10 years. ~~Nonfunctional solar panels would be recycled through the Solar Energy Industries Association (SEIA) National PV Recycling Program, to the maximum extent feasible.~~ Solid wastes expected to be generated during operation include industrial wastes from maintenance and replacement of batteries associated with the battery energy storage system. The certificate holder estimates that batteries would need to be replaced every 7 years.

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

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

IV. SITE CERTIFICATE CONDITIONS

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

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

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

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

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

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

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

(a) Substantially as described in the site certificate;

(b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and

(c) In compliance with all applicable permit requirements of other state agencies.

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

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

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

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

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

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

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

9 OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-

hazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.

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

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

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

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

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

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

16 OAR 345-025-0006(16): If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the

Council may direct the Department to prepare a proposed final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.

17 [AMD3; Deleted AMD4, 2019]

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

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

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

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

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

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

(i) Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the

certificate holder shall submit a semiannual construction progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall report on the progress of construction and shall address the subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this rule.

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

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

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

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

(ii) Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

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

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

(v) Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section

of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.

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

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

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

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

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

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

1. **Administrative Conditions**

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

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

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

26 [Deleted in AMD5, Sept 2020]

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

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

29 The certificate holder shall:

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

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

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

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

32 Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or letter of credit will be issued for an amount that is either ~~$7.03 million~~217,356 (2nd ~~4th~~ Quarter 202~~62~~ dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility, and ~~both~~ the battery storage ~~or turbine~~ types selected by applying the unit costs and general costs illustrated in Table 5 of the Final Order on AMD1 and calculating the financial assurance amount as described in

that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department. The certificate holder may adjust the amount of the bond or letter of credit under (a) if opting to construct only a portion of the facility.

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

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 202~~62~~ dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the 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 202~~62~~ dollars to present value.

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

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

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

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

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

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

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

[MWP AMD5, OTS AMD1]

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

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

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

36 The certificate holder shall:

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

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

[MWP Final Order on ASC, OTS AMD1

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

2. **Land Use Conditions**

38 During construction and operation, the certificate holder shall consult with area landowners and lessees that could be impacted by activities or facility component location and implement measures to reduce and avoid any adverse impacts to ongoing farm practices on surrounding lands, including coordination with the landowner ~~of the solar micrositing area~~micrositing corridor to ensure that the final ~~solar array~~ layout does not prevent the landowner from maximizing agricultural production on the land not occupied ~~by the solar array~~.
[MWP Final Order on ASC; AMD5; OTS AMD1]

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

40 ~~If, prior to construction, final facility design includes wind facility components, the certificate holder shall install gates within the wind micrositing area on private access roads in accordance with Gilliam County Zoning Ordinance (GCZO) Article 7 Section 7.020(T)(4)(d)(6) unless the County has granted a variance to this requirement. [MWP Final Order on ASC, OTS AMD1]~~

41 ~~Prior to operation of wind facility components, if constructed, the certificate holder shall record in the real property records of Gilliam County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland consistent with GCZO Article 7 Section 7.020(T)(5)(a)(5)~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(l) Wind turbines must be setback a minimum distance of 656 feet (200 meters), measured from the centerline of the turbine tower to the nearest edge of the breaks of Rock Creek Canyon. [AMD5, Sept 2020]~~

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

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

45 ~~Within 90 days after beginning operation of wind facility components, if constructed, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of~~

~~each turbine tower, connecting lines and transmission lines and a summary of as-built changes in the facility compared to the original plan.~~

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

3. Cultural Resource Conditions

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

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

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

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

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

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

49 Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction and the areas that have previously been surveyed. The certificate holder shall hire qualified personnel to conduct field investigations of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigations to the Department and to the Oregon State Historic Preservation Office (SHPO) for review. If any potentially significant historic, cultural or archaeological resources are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall

implement appropriate measures to protect the sites, including the measures described in Condition 47.

50 During construction, the certificate holder shall:

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

(b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance at depths of 12 inches or greater during grading, trenching, or drilling activities, not including pile or fence post installation if direct driving installation methods are utilized. The qualifications of the selected cultural resources monitor shall be reviewed and approved by the Department, in consultation with the CTUIR Cultural Resources Protection Program. In the selection of the cultural resources monitor to be employed during construction, preference shall be given to citizens of the CTUIR. If any cultural resources are identified during monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in Attachment G of the Final Order on Amendment 1 should be followed. The certificate holder shall report to the Department in its semi-annual report a description of the ground disturbing activities that occurred during the reporting period, dates cultural monitoring occurred, and shall include copies of monitoring forms completed by the cultural resource monitor. [MWP AMD5, OTS AMD1]

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

4. Geotechnical Conditions

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

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

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

5. Hazardous Materials, Fire Protection & Public Safety Conditions

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

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

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

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

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

60

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

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

i. An updated wildfire risk assessment, taking into account the facility on the landscape.

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

(c) During operation, the certificate holder shall:

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

[MWPAMD5, Sept 2020, OTSAMD1]

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

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

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

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

~~65 If final facility design includes wind facility components, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.~~

66 If final facility design includes wind facility components, there shall be no exterior ladders or access to the turbine blades; turbine towers shall have locked access doors. The certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.

67 If final facility design includes wind facility components, the certificate holder shall:

Prior to operations, provide to the Department, for review and approval, information or programmatic details on its operational safety monitoring program that includes regular inspections, maintenance, and reporting program to prevent structural or electrical failure of wind turbine foundations, towers, blades, or electrical equipment. Required elements of the operational safety-monitoring program include:

Identify and conduct inspections and testing of wind facility components, including but not limited to foundations, towers, blades, nacelles, pad-mounted transformers, and SCADA system, consistent with manufacturers' recommendations and recognized and generally accepted good engineering practices (RAGAGEP) for frequency and process.

Maintain records of each inspection and test performed. Records shall:

Identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.

Identify testing or inspection results that show deficiencies in equipment or operation issues that are outside acceptable limits or recommendations identified by the manufacturer. These issues must be corrected before further use, or in a safe and timely manner if precautions are taken to assure safe operation.

Be made available for inspection by the Department's Compliance Officer during site visits, or upon request from the Department.

During operations, implement the program as approved by the Department under sub(a) of the condition. Certificate holder shall report in its annual report to the Department of any changes to its operational safety monitoring program that occurred during the reporting year.

During operations, in the event of blade or tower failure, a structural or electrical issue that causes a fire or other safety hazard the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 30 days of the event, submit a report which contains:

A discussion of the cause of the reported incident including results of on-site or remote inspections or investigations;

A description of immediate actions taken to correct the reported conditions or circumstances; and

~~A description of actions taken or planned to minimize the possibility of recurrence and a description of manufacturers' recommendations and recognized and generally accepted good engineering practices to avoid instances in the future.~~

~~68 If final facility design includes wind facility components, any pad-mounted step-up transformers shall be installed at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.~~

69 The certificate holder shall:

(a) Prior to construction of facility substations~~, solar array, and~~ battery storage systems, if included in final design, provide maps or engineering drawings to the Department demonstrating that the final layout includes fencing and gates.

(b) During operation of substations, ~~solar arrays~~ and battery storage systems, if included in final design, ensure that fencing is maintained and gates are locked to prohibit public access.

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

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

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

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

(a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
(b) Providing appropriate traffic safety signage and warnings.
(c) Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic.
(d) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.

(e) Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles.
(f) Encouraging carpooling for the construction workforce.
(g) Including traffic control procedures in contract specifications for construction of the facility.
(h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access points.

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

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

76 The certificate holder shall:
(a) Prior to construction, submit to the Department a copy of contractor site health and safety plan(s) that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals.
(b) During construction, the certificate holder shall require that all on-site construction contractors implement the site health and safety plan submitted per sub(a) of this condition. The certificate holder shall ensure that construction contractors have personnel on-site who are first aid and CPR certified.
~~(i) If final facility design includes wind facility components, the certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue.~~

77 During operation of the facility, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site about first aid techniques and what to do in case of an emergency, including a contingency plan in a fire emergency, and that includes important telephone numbers and the locations of on-site fire extinguishers, nearby hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement services.
~~(a) If final facility design includes wind facility components, the certificate holder shall ensure that operations personnel are trained and equipped for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower rescue training at the~~

~~facility, the North Gilliam County Rural Fire Protection District and the Arlington Fire Department will be invited to observe. [AMD5, Sept 2020]~~

78 The certificate holder shall:

(a) Prior to construction, provide to the Department a protocol for communication that will occur during construction between certificate holder's on-site security and Gilliam County Sheriff's Office.

(b) During construction, the certificate holder shall provide on-site security within the facility ~~site boundary~~micrositing corridor, and shall establish good communications between on-site security personnel and the Gilliam County Sheriff's Office by establishing a communication protocol between the security personnel and the Sherriff's office.

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

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

6. Water, Soils, Streams & Wetlands Conditions

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

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

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

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

~~(c)~~(b) Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240. [MWP Final Order on ASC, AMD5; OTS AMD1]

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

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

83 Prior to construction of the facility, the certificate holder shall provide the Department with a final facility design map that demonstrates avoidance of all wetlands and WOS along with updated and/or current determinations by DSL in accordance with the following subparts:

(a) At least 6-months prior to construction within areas covered by WD 2011-0364R (expired May 2022), certificate holder shall submit a new wetland delineation report to DSL and obtain a new DSL determination;

(b) If construction activities are planned to occur within areas covered by WD 2018-0660, then, prior to March 2025, certificate holder must seek a renewal of WD 2018-0660;

(c) If construction impacts are planned to occur within areas covered by WD2022-0400, certificate holder must provide the DSL determination to the Department and ensure it remains active/renewed through the date of construction commencement;

(d) If any future DSL determinations evaluated under (a) – (c) of this condition identify wetlands or WOS that could be impacted by facility construction or operation and that would require a removal-fill permit, Council approval of a site certificate amendment with removal fill requirements must be obtained.

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

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

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

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

[AMD5]

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

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

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

7. Transmission Line & EMF Conditions

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

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

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

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

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

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

90 [Deleted OTS AMD1]

8. Plants, Wildlife & Habitat Protection Conditions

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

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

93 ~~If final facility design includes wind energy generation components, the certificate holder shall:~~

~~Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plans for the Facility, as approved by the Department in consultation with ODFW. The final Habitat Mitigation Plans shall be based on the draft plan included as Attachment C to the Final Order on Request for Amendment 1 and updated based on Condition 31. The final Habitat Mitigation Plans may be amended from time to time.~~

~~(b) Prior to construction, the certificate holder shall finalize and implement the Habitat Mitigation Plan (HMP) included as Attachment C of the Final Order on Amendment 1, as~~

~~approved by ODOE in Consultation with ODFW. Provision regarding impacted acreage calculations shall be completed and submitted to the department after construction is complete as described in the condition below.~~

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

94 Prior to construction of facility components or a phase of components that will occur within suitable Washington ground squirrel (WGS) habitat, the certificate holder shall conduct protocol-level surveys for WGS within 1000 feet of any ground disturbing activity. Survey reports shall be submitted to the Department and ODFW for review and concurrence.

Suitable WGS habitat can be defined as any terrestrial habitat that has not been developed (i.e. active agricultural lands), particularly shrub-steppe and grassland habitats. Protocol-level surveys include two sets of surveys at least two weeks apart, in the active squirrel season (March 1 to May 31). If a single or multiple WGS burrows are identified, the delineation of Category 1 habitat shall be based on a 785-foot buffer from those burrows, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Protocol-level surveys are valid for three (3) years. If construction does not commence the year following the protocol-level survey, any active burrows or colonies shall be checked prior to the year of construction to evaluate any changes that may occur in the location and delineation of Category 1.

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

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

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

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

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

96 ~~If final facility design includes wind facility components:~~

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

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

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

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

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

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

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

97 [Deleted AMD5, Sept 2020]

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

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

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

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

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

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

~~Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.~~

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

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

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

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

101 The certificate holder shall impose and enforce a construction and operation speed limit of 20 miles per hour throughout the facility site and, during the active squirrel season (March 1 to May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after

sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate holder shall ensure that all construction and operations personnel are instructed to watch out for and avoid WGS and other wildlife while driving through the facility site.

8. Visual Effects Conditions

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

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

~~(b)~~(a) Paint the Montague Solar collector substation and switching station structures in a low-reflectivity neutral color to blend with the surrounding landscape.

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

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

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

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

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

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

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

~~(c)~~(b) Minimum lighting necessary for repairs or emergencies.

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

105 [Deleted AMD5, Sept 2020]

9. NOISE CONTROL CONDITIONS

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

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

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

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

107 The certificate holder shall provide to the Department:

(i) Prior to construction:

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

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

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

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

For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise-sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

[Final Order on ASC; AMD5, Sept 2020]

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

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

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

10. Waste Management Conditions

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

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

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

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

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

(a) Training employees to minimize and recycle solid waste.
(b) Recycling paper products, metals, glass and plastics.
(c) Recycling used oil and hydraulic fluid
(d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
(e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, and mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes. [AMD5, Sept 2020]

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

113-115 [Deleted AMD2, Dec 2015]

116 If final facility design includes battery energy storage components, the certificate holder shall ensure its third-party contractor transports and disposes of battery and battery waste in compliance with all applicable regulations and manufacturer recommendations related to the transport of hazardous battery materials.

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

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

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

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

[AMD5, Sept 2020]

119 Prior to construction and operation of the facility, the certificate holder shall identify the number of outdoor signs and applicable Gilliam County Zoning Ordinance (GCZO) Section 8.050

Sign Regulation provisions and provide to the Department and Gilliam County Planning Department written confirmation that outdoor signage complies with the applicable provisions. [AMD5, Sept 2020]

VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1

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

~~Within 60 days of approval of Final Order on Amendment 1, provide to the Department copies of fully executed Memorandums of Agreement (MOA) substantially similar to the draft MOAs provided in Attachment F of Final Order on Amendment 1 and consistent with the pre-construction payment requirement under (b) of this condition. Substantive changes to the MOA shall be reviewed and approved by Council.~~

~~Prior to construction, provide to the Department evidence that the Community Donation Funds have been issued to the Port of Arlington and Gilliam County Soil and Watershed Council consistent with the findings presented in the Final Order on Amendment 1.~~

~~In the annual report to the Department (Condition 21), for the first 10 years of operation, unless Donation Funds are completely expended prior to the 10-year period, provide copies of the annual reports obtained under the executed MOAs per sub (b) that demonstrate the status of projects completed during the reporting year and the schedule and description of projects to be completed in the next reporting year.~~

VII. 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.

VIII. 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.

IX. GOVERNING LAW AND FORUM

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

X. EXECUTION

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

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

ENERGY FACILITY SITTING COUNCIL

By: _____

Print: _____

Date: _____

~~OREGON TRAIL SOLAR~~SHUTLER ENERGY STORAGE, LLC

By: _____

Print: _____

Date: _____

and

By: _____

Print: _____

Date: _____

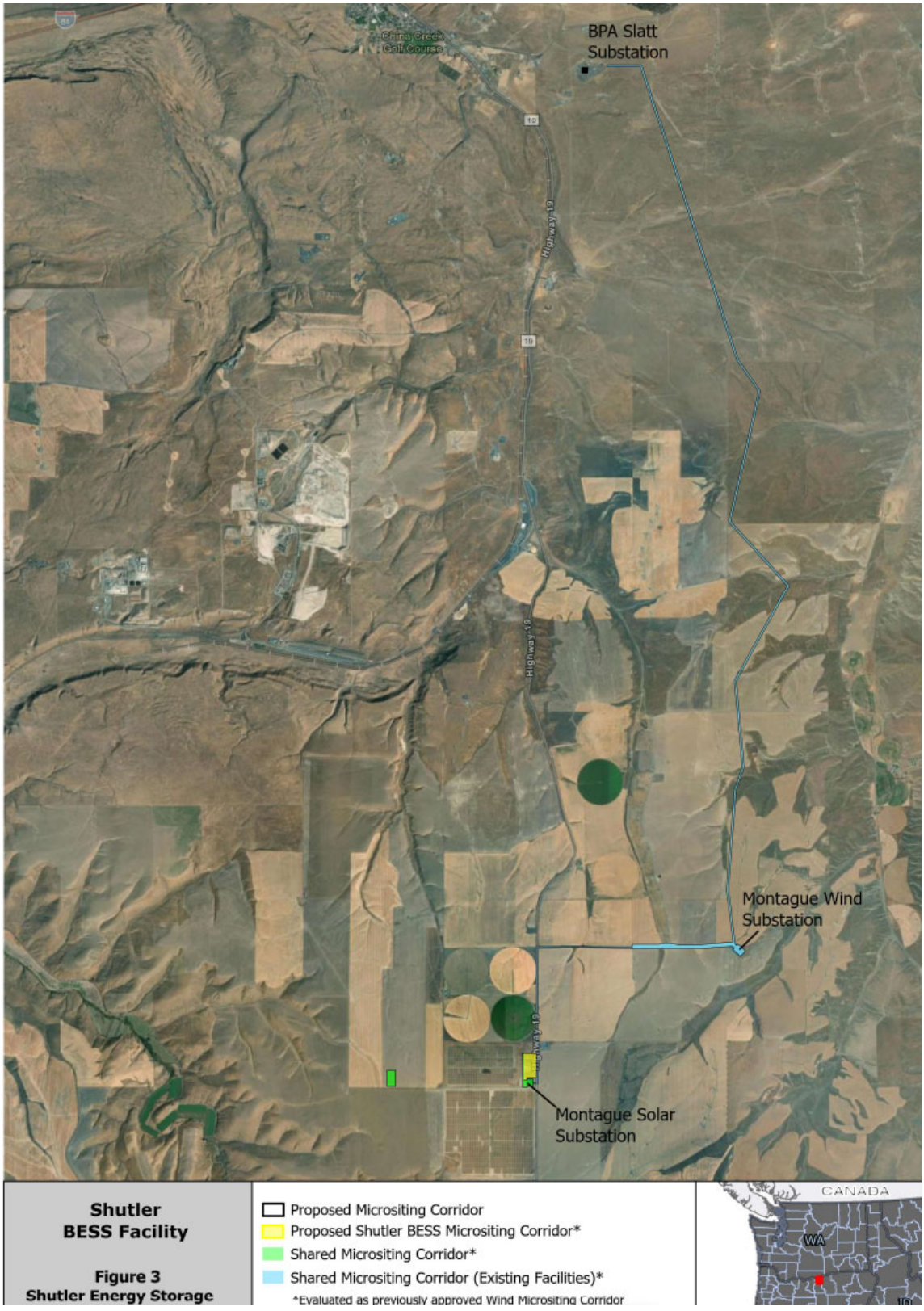
and

By: _____

Print: _____

Date: _____

Figure 1: Approved ~~Site Boundary~~Micrositing Corridor



Attachment 3 – Articles of Incorporation

Delaware

The First State

I, CHARUNI PATIBANDA-SANCHEZ, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "AVANGRID POWER, LLC" FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 2025, AT 10:55 O`CLOCK A.M.

C. B. Sanchez

Charuni Patibanda-Sanchez, Secretary of State

10111551 8100F
SR# 20252653666

Authentication: 203797200
Date: 05-28-25

You may verify this certificate online at corp.delaware.gov/authver.shtml

State of Delaware
Secretary of State
Division of Corporations
Delivered 10:55 AM 05/27/2025
FILED 10:55 AM 05/27/2025
SR 20252653666 - File Number 10111551

E-48F6-B4C9-33DD949A3DCD

STATE OF DELAWARE
CERTIFICATE OF FORMATION
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is Avangrid Power, LLC.

2. The Registered Office of the limited liability company in the State of Delaware is located at 251 Little Falls Drive (street), in the City of Wilmington, Zip Code 19808. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is Corporation Service Company.

Signed by:
By: _____
FB55F6AF981B43D...
Authorized Person

Name: Leonard Rodriguez
Print or Type

Delaware

The First State

I, CHARUNI PATIBANDA-SANCHEZ, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "AVANGRID POWER, LLC" FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 2025, AT 10:55 O`CLOCK A.M.

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Date: 05-28-25

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Signed by:
By: _____
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Authorized Person

Name: Leonard Rodriguez
Print or Type

Delaware

The First State

I, CHARUNI PATIBANDA-SANCHEZ, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF AN OREGON LIMITED LIABILITY COMPANY UNDER THE NAME OF "AVANGRID POWER, LLC" TO A DELAWARE LIMITED LIABILITY COMPANY, FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 2025, AT 10:55 O`CLOCK A.M.

C. P. Sanchez

Charuni Patibanda-Sanchez, Secretary of State

10111551 8100F
SR# 20252653666

Authentication: 203797200
Date: 05-28-25

You may verify this certificate online at corp.delaware.gov/authver.shtml

State of Delaware
Secretary of State
Division of Corporations
Delivered 10:55 AM 05/27/2025
FILED 10:55 AM 05/27/2025
SR 20252653666 - File Number 10111551

E-48F6-B4C9-33DD949A3DCD

STATE OF DELAWARE
CERTIFICATE OF CONVERSION
FROM A NON-DELAWARE LIMITED LIABILITY COMPANY TO A DELAWARE LIMITED LIABILITY COMPANY PURSUANT TO SECTION 18-214 OF THE LIMITED LIABILITY ACT

1.) The jurisdiction where the Non-Delaware Limited Liability Company first formed is Oregon.

2.) The jurisdiction immediately prior to filing this Certificate is Oregon.

3.) The date the Non-Delaware Limited Liability Company first formed is 03/15/1995.

4.) The name of the Non-Delaware Limited Liability Company immediately prior to filing this Certificate is Avangrid Power, LLC.

5.) The name of the Limited Liability Company as set forth in the Certificate of Formation is Avangrid Power, LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 23 day of May, A.D. 2025.

Signed by:
By: Leonard Rodriguez
FB55F6AF981B43D...
Authorized Person

Name: Leonard Rodriguez
Print or Type

Delaware

The First State

I, CHARUNI PATIBANDA-SANCHEZ, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF AN OREGON LIMITED LIABILITY COMPANY UNDER THE NAME OF "AVANGRID POWER, LLC" TO A DELAWARE LIMITED LIABILITY COMPANY, FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF MAY, A.D. 2025, AT 10:55 O`CLOCK A.M.

C. P. Sanchez

Charuni Patibanda-Sanchez, Secretary of State

10111551 8100F
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Authentication: 203797200
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State of Delaware
Secretary of State
Division of Corporations
Delivered 10:55 AM 05/27/2025
FILED 10:55 AM 05/27/2025
SR 20252653666 - File Number 10111551

E-48F6-B4C9-33DD949A3DCD

STATE OF DELAWARE
CERTIFICATE OF CONVERSION
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5.) The name of the Limited Liability Company as set forth in the Certificate of Formation is Avangrid Power, LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 23 day of May, A.D. 2025.

Signed by:
By: Leonard Rodriguez
FB55F6AF981B43D...
Authorized Person

Name: Leonard Rodriguez
Print or Type

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503) 986-2200
FAX: (503) 378-4381
sos.oregon.gov/business

REGISTRY NUMBER: 44852689
TYPE: FOREIGN LIMITED LIABILITY COMPANY

Next Renewal Date: 3/15/2026

AVANGRID POWER, LLC
2701 NW VAUGHN ST
SUITE 300
PORTLAND OR 97210

Acknowledgment Letter

The document you submitted was recorded as shown below. Please review and verify the information listed for accuracy.

DOCUMENT	FILED ON	STATUS
ARTICLES OF CONVERSION	6/4/2025	ACTIVE

NAME
AVANGRID POWER, LLC

JURISDICTION
DELAWARE

PRINCIPAL PLACE OF BUSINESS
2701 NW VAUGHN ST
SUITE 300
PORTLAND, OR 97210

REGISTERED AGENT
CORPORATION SERVICE COMPANY
1127 BROADWAY STREET NE STE 310
SALEM, OR 97301

MAILING ADDRESS
2701 NW VAUGHN ST
SUITE 300
PORTLAND, OR 97210

MANAGER
JOSE ANTONIO MIRANDA
701 NW VAUGHN STREET 300
PORTLAND, OR 97210

Corporate Transparency Act

Visit **www.FinCEN.gov/BOI** for the latest information regarding beneficial ownership reporting requirements.

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503) 986-2200
FAX: (503) 378-4381
sos.oregon.gov/business

REGISTRY NUMBER: 44852689
TYPE: FOREIGN LIMITED LIABILITY COMPANY

Next Renewal Date: 3/15/2026

AVANGRID POWER, LLC
2701 NW VAUGHN ST
SUITE 300
PORTLAND OR 97210

Acknowledgment Letter

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DOCUMENT	FILED ON	STATUS
ARTICLES OF CONVERSION	6/4/2025	ACTIVE

NAME
AVANGRID POWER, LLC

JURISDICTION
DELAWARE

PRINCIPAL PLACE OF BUSINESS
2701 NW VAUGHN ST
SUITE 300
PORTLAND, OR 97210

REGISTERED AGENT
CORPORATION SERVICE COMPANY
1127 BROADWAY STREET NE STE 310
SALEM, OR 97301

MAILING ADDRESS
2701 NW VAUGHN ST
SUITE 300
PORTLAND, OR 97210

MANAGER
JOSE ANTONIO MIRANDA
701 NW VAUGHN STREET 300
PORTLAND, OR 97210

Corporate Transparency Act

Visit **www.FinCEN.gov/BOI** for the latest information regarding beneficial ownership reporting requirements.

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
www.filinginoregon.com

Registry Number: 448526-89
Type: DOMESTIC LIMITED LIABILITY COMPANY

Next Renewal Date: 03/15/2016

AVANGRID RENEWABLES, LLC
1125 NW COUCH ST STE 700
PORTLAND OR 97209

Acknowledgment Letter

The document you submitted was recorded as shown below. Please review and verify the information listed for accuracy.

Document
ARTICLES OF AMENDMENT

Filed On
02/18/2016

Jurisdiction
OREGON

Name
AVANGRID RENEWABLES, LLC

Principal Place of Business
1125 NW COUCH ST STE 700
PORTLAND OR 97209

Registered Agent
CORPORATION SERVICE COMPANY
1127 BROADWAY STREET NE STE 310
SALEM OR 97301

Mailing Address
1125 NW COUCH ST STE 700
PORTLAND OR 97209

Manager
IBERDROLA RENEWABLES HOLDINGS, INC.
1125 NW COUCH ST
PORTLAND OR 97209

SHADEA
ACK
02/18/2016

Articles of Amendment/Dissolution - Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 986-2200

(●) ARTICLES OF AMENDMENT (Complete only 1, 2, 3, 6)

( ) ARTICLES OF DISSOLUTION (Complete 4, 5, 6)

FILED

FEB 18 2016

OREGON
SECRETARY OF STATE

Print Form

Reset Form

REGISTRY NUMBER: 448526-89

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in **Black** Ink. Attach Additional Sheet if Necessary.

ARTICLES OF AMENDMENT ONLY

1. **ENTITY NAME:** Iberdrola Renewables, LLC

2. **THE FOLLOWING AMENDMENT(S) TO THE ARTICLES OF ORGANIZATION IS MADE HEREBY:** (State the article number(s) and set forth the article(s) as it is amended to read.)

Article 1

The name of the Limited Liability Company (the "Company") is Avangrid Renewables, LLC

3. **PLEASE CHECK THE APPROPRIATE STATEMENT:**

( ) This amendment was adopted by the manager(s) without member action. Member action was not required.

Date of adoption of each amendment: _____

(●) This amendment(s) was approved by the members. 100 percent of the members approved the amendment(s).

Date of adoption of each amendment: February 12, 2016

ARTICLES OF DISSOLUTION ONLY

4. **NAME OF LIMITED LIABILITY COMPANY:** _____

5. **DATE OF DISSOLUTION:** _____

6. **EXECUTION:** By my signature, I declare as an authorized signer, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature:	Printed Name:	Title:
	W. Benjamin Lackey	Secretary

CONTACT NAME: (To resolve questions with this filing)

Maria Rojas

PHONE NUMBER: (Include area code)

484-654-2138

FEES

Required Processing Fee $100

Processing Fees are nonrefundable. Please make check payable to "Corporation Division".

Free copies are available at FilingInOregon.com using the Business Name Search program.

Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone:(503)986-2200
www.filinginoregon.com

Registry Number: 448526-89
Type: DOMESTIC LIMITED LIABILITY COMPANY

Next Renewal Date: 03/15/2012

IBERDROLA RENEWABLES, LLC
ATTN PARALEGAL
1125 NW COUCH STE 700
PORTLAND OR 97209

Acknowledgment Letter

The document you submitted was recorded as shown below. Please review and verify the information listed for accuracy.

Document
ARTICLES OF CONVERSION

Filed On
02/17/2012

Jurisdiction
OREGON

Name
IBERDROLA RENEWABLES, LLC

Principal Place of Business
1125 NW COUCH STE STE 700
PORTLAND OR 97209

Registered Agent
C T CORPORATION SYSTEM
388 STATE ST STE 420
SALEM OR 97301

Mailing Address
ATTN PARALEGAL
1125 NW COUCH STE 700
PORTLAND OR 97209

Manager
IBERDROLA RENEWABLES HOLDINGS, INC.
1125 NW COUCH STE 700
PORTLAND OR 97209

THEJOH
ACK
02/17/2012

Articles of Conversion - Business Entities

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone (503) 986-2200

FILED

FEB 17 2012

OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 448526-89

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink.

1) NAME OF BUSINESS ENTITY PRIOR TO CONVERSION:
IBERDROLA RENEWABLES, INC.

2) TYPE OF BUSINESS ENTITY PRIOR TO CONVERSION:
OREGON CORPORATION

3) NAME OF BUSINESS ENTITY AFTER CONVERSION:
IBERDROLA RENEWABLES, LLC

4) TYPE OF BUSINESS ENTITY AFTER CONVERSION:
OREGON LIMITED LIABILITY COMPANY

5) ☑ A COPY OF THE PLAN OF CONVERSION IS ATTACHED.

6) PROVIDE ADDITIONAL INFORMATION REQUIRED FOR NEW ENTITY TYPE

The effective time of the conversion shall be April 2, 2012.

The name and address of the Manager is Iberdrola Renewables Holdings, Inc., 1125 NW Couch Street, Suite 700, Portland, Oregon 97209.

7) EXECUTION: (Must be signed by an officer or director for a corporation, a member or manager for a limited liability company, a general partner for a limited partnership, or a partner for a limited liability partnership.)
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature: W. Benjamin Lackey

Printed Name: W. Benjamin Lackey

Title: Secretary

CONTACT NAME: (To resolve questions with this filing.)
Sherry Stratton

PHONE NUMBER: (Include area code.)
503-294-9254

FEES

Domestic Required Processing Fee $100
Foreign Required Processing Fee $275

Confirmation Copy (Optional) $5

Processing Fees are nonrefundable. Please make check payable to "Corporation Division."

PLAN OF CONVERSION

Iberdrola Renewables, Inc., an Oregon Corporation
into
Iberdrola Renewables, LLC, an Oregon Limited Liability Company

1. The name and type of the business entity prior to conversion is Iberdrola Renewables, Inc., an Oregon corporation (the "Corporation").

2. The name and type of the business entity after conversion is Iberdrola Renewables, LLC, an Oregon limited liability company (the "LLC").

3. The Corporation shall be converted into the LLC (the "Conversion") effective as of April 2, 2012.

4. Effective upon the Conversion, the LLC shall be manager managed. The sole shareholder of the Corporation will be the sole member of the LLC and effective upon the Conversion, 100% of the Corporation's common stock owned by the Corporation's sole shareholder shall convert into a 100% membership interest in the LLC. The name and address of the sole member of the LLC are Iberdrola Renewables Holdings, Inc., 1125 NW Couch Street, Suite 700, Portland, OR 97209.

5. Effective upon the Conversion, the LLC will be governed by the Articles of Organization filed with the Secretary of State of Oregon.

ARTICLES OF ORGANIZATION
OF
IBERDROLA RENEWABLES, LLC
an Oregon Limited Liability Company

ARTICLE I

The name of the limited liability company (the "Company") is Iberdrola Renewables, LLC.

ARTICLE II

The Company shall have perpetual existence.

ARTICLE III

The name of the initial registered agent is CT Corporation System and the address of the initial registered office is 388 State Street, Suite 420, Salem, Oregon 97301.

ARTICLE IV

The address where the Division may mail notices is Attention: Paralegal, 1125 NW Couch Street, Suite 700, Portland, OR 97209.

ARTICLE V

The Company shall be managed by its managers. The initial manager shall be Iberdrola Renewables Holdings, Inc.

ARTICLE VI

The name and address of the organizer of the Company are Iberdrola Renewables, Inc., Attention: Benjamin W. Lackey, 1125 NW Couch Street, Suite 700, Portland, OR 97209.

ARTICLE VII

To the fullest extent the Oregon Limited Liability Company Act, as it exists on the date hereof or may hereafter be amended, permits the limitation or elimination of liability of members, a member shall not be liable to the Company or the other members for monetary damages for conduct as a member. Any amendment to or repeal of this Article VII shall not adversely affect any right or protection of a member for or with respect to any acts or omissions of such member occurring prior to such amendment or repeal.

DATED this 17th day of February, 2012.

IBERDROLA RENEWABLES, INC.

By: W. Benjamin Lackey
Its: Secretary

CERTIFICATE

State of Oregon

OFFICE OF THE SECRETARY OF STATE
Corporation Division

I, BILL BRADBURY, Secretary of State of Oregon, and Custodian of the Seal of said State, do hereby certify:

That the attached Document File for:

IBERDROLA RENEWABLES, INC.

is a true copy of the original documents that have been filed with this office.

In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Oregon.

BILL BRADBURY, Secretary of State

By Marilyn R. Smith

Marilyn R. Smith
April 25, 2008

04/15/2008 [illegible]
BUSINESS REG [illegible]

Phone: (503) 986-2200
Fax: (503) 378-4381

Secretary of State
Corporation Division
255 Capitol St. NE, Suite 151
Salem, OR 97310-1327
FilingInOregon.com

Articles of Amendment—Business/Professional/Nonprofit

Check the appropriate box below:

☒ BUSINESS/PROFESSIONAL CORPORATION
(Complete only 1, 2, 3, 4, 6, 7)

☐ NONPROFIT CORPORATION
(Complete only 1, 2, 3, 5, 6, 7)

FILED

APR 15 2008

OREGON
SECRETARY OF STATE

REGISTRY NUMBER: 448526-89

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink.

1) ENTITY NAME: PPM Energy, Inc.

2) STATE THE ARTICLE NUMBER(S) AND SET FORTH THE ARTICLE(S) AS IT IS AMENDED TO READ. (Attach a separate sheet if necessary.)

ARTICLE I

The name of the Corporation is IBERDROLA RENEWABLES, Inc.

3) THE AMENDMENT WAS ADOPTED ON: March 10th, 2008

(If more than one amendment was adopted, identify the date of adoption of each amendment.)

BUSINESS/PROFESSIONAL CORPORATION ONLY

4) CHECK THE APPROPRIATE STATEMENT

☑ Shareholder action was required to adopt the amendment(s). The vote was as follows:

Class or series of shares	Number of shares outstanding	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST
common	100	100	100	-0-

☐ Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the board of directors without shareholder action.

☐ The corporation has not issued any shares of stock. Shareholder action was not required to adopt the amendment(s). The amendment(s) was adopted by the incorporators or by the board of directors.

NONPROFIT CORPORATION ONLY

5) CHECK THE APPROPRIATE STATEMENT

☐ Membership approval was not required. The amendment(s) was approved by a sufficient vote of the board of directors or incorporators.

☐ Membership approval was required. The membership vote was as follows:

Class(es) entitled to vote	Number of members entitled to vote	Number of votes entitled to be cast	Number of votes cast FOR	Number of votes cast AGAINST

6) EXECUTION

Signature: [signature]

Printed Name: W. Benjamin Lakey

Title: Assistant Secretary

7) CONTACT NAME (To receive questions with this filing.)

Etta Janoushek

DAYTIME PHONE NUMBER (Include area code.)

503.796.12947

FEES

Required Processing Fee $60

No Fee for Non-profit Type Change Only

Confirmation Copy (Optional) $5

Processing Fees are nonrefundable.

Please make check payable to "Corporation Division."

NOTE:

Fees may be paid with VISA or MasterCard. The card number and expiration date should be submitted on a separate sheet for your protection.

113 (Rev. 8/07)

ORCIS - 08/11/2007 CT System Online

01/06/03 3:35PM 00089265 051
BUSINESS REG $20.00

4485268-89

FILED
JAN 0 6 2003
OREGON
SECRETARY OF STATE

ARTICLES OF AMENDMENT
to the
ARTICLES OF INCORPORATION
of
PACIFICORP POWER MARKETING, INC.

In accordance with ORS §60.437 and §60.447, PacifiCorp Power Marketing, Inc., a corporation organized and existing under the laws of the State of Oregon, does hereby certify as follows:

1. The Board of Directors of the Company, at a meeting held November 21, 2002, proposed and declared advisable the following amendment to the Company's Articles of Incorporation:

   RESOLVED, that Article I of the Company's Articles of Incorporation shall be amended to read, in its entirety, as follows:

   "ARTICLE I
   Corporate Name

   The name of the corporation is **PPM Energy, Inc.**"

2. The foregoing amendment was duly approved on November 21, 2002 by written consent of the Company's sole shareholder in accordance with ORS § 60.437. The sole shareholder of the Company holds all 100 shares of the Company's outstanding capital stock.

3. These Articles of Amendment shall be effective at 12:01 a.m. on January 15, 2003.

PACIFICORP POWER MARKETING, INC.

By: _____
I. Merrick Kerr
Chief Financial Officer

ATTEST:

By: _____
Jeffery B. Erb, Assistant Corporate Secretary

9F1-6

S:\LegalDept\Minutes\PPM\PPM ARTICLES OF AMEND.doc

748526-84

FILED
MAR 15 1995
SECRETARY OF STATE

ARTICLES OF INCORPORATION
OF
PACIFICORP POWER MARKETING, INC.

The undersigned, being over the age of 18 years, hereby adopts these Articles of Incorporation in accordance with the provisions of the Oregon Business Corporation Act (the "Act").

ARTICLE I
Corporate Name

The name of the corporation is PacifiCorp Power Marketing, Inc.

ARTICLE II
Corporate Purpose

The purposes of this corporation are to engage in any lawful activities for which corporations may be organized under the Act as from time to time constituted.

ARTICLE III
Registered Agent

The initial registered agent of this corporation for service of process is Sally A. Nofziger, whose street address is 700 NE Multnomah, Suite 1600, Portland, Oregon 97232-1000, which address is the initial registered office of this corporation.

ARTICLE IV
Mailing Address

The mailing address of this corporation to which the Corporate Division may mail notices until the principal office of the corporation has been designated in an annual report is PacifiCorp Power Marketing, Inc., 700 NE Multnomah, Suite 1600, Portland, Oregon 97232, Attention: Secretary.

ARTICLE V
Incorporator

The name and address of the incorporator executing these Articles of Incorporation is Sanjiv N. Kripalani, whose address is 900 SW Fifth Avenue, Suite 2300, Portland, Oregon 97204-1268.

PDX1-171104.1 20016 0018

03169503216 831.219 50.00

ARTICLE VI
Shares

(a) The total number of shares of stock which the corporation shall have authority to issue is 1,000 shares of common stock.

(b) Each share of the common stock of this corporation, after the consideration therefore as fixed by the Board of Directors has been fully paid in, shall be non-assessable and shall not be subject to assessment to pay the debts of the corporation.

(c) Subject to statutory or other limitations on shareholder distributions that may be applicable at the time of acquisition, the corporation is authorized to acquire its own shares. Shares so acquired shall constitute authorized but unissued shares. The corporation is authorized to reissue from time to time shares that it acquires.

ARTICLE VII
Indemnification

(a) The corporation shall indemnify to the fullest extent then permitted by law any person who is made, or threatened to be made, a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, investigative, or otherwise (including an action, suit, or proceeding by or in the right of the corporation) by reason of the fact that the person is or was a director or officer of the corporation or is or was serving at the request of the corporation as a director or officer of another corporation, partnership, joint venture, trust, or other enterprise against all expenses (including attorneys' fees), judgments, amounts paid in settlement, and fines actually and reasonably incurred in connection therewith.

(b) Expenses incurred in connection with an action, suit, or proceeding may be paid or reimbursed by the corporation in advance of final disposition of such action, suit, or proceeding upon receipt of an undertaking by or on behalf of the director or officer to repay such amounts if it shall ultimately be determined that such person is not entitled to be indemnified by the corporation.

(c) The indemnification provided hereby shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any statute, bylaw, agreement, vote of shareholders or directors, or otherwise, both as to action in any official capacity and as to action in another capacity while holding an office, and shall continue as to a person who has ceased to be a director or officer and shall inure to the benefit of the heirs, executors, and administrators of such person.

478526-89

(d) The corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee, or agent of the corporation, or fiduciary with respect to any employee benefit plans of the corporation, or is or was serving at the request of the corporation as a director, officer, employee, or agent, or as a fiduciary of an employee benefit plan, of another corporation, partnership, joint venture, trust, or other enterprise, against any liability asserted against and incurred by the person in any such capacity, or arising out of the person's status as such, whether or not the corporation would have the power to indemnify the person against such liability under the provisions of this Article or the Act.

(e) Any person other than a director or officer who is or was an employee or agent of the corporation, or fiduciary within the meaning of the Employee Retirement Income Security Act of 1974 with respect to any employee benefit plans of the corporation, or it or was serving at the request of the corporation as an employee or agent of another corporation, partnership, joint venture, trust, or other enterprise, may be indemnified to such extent as the board of directors in its discretion at any time or from time to time may authorize.

ARTICLE VIII
Director's Liability

No director of the corporation shall be personally liable to the corporation or its shareholders for monetary damages for conduct as a director; provided that this Article shall not eliminate the liability of a director for any act or omission for which such elimination of liability is not permitted under the Act. No amendment to the Act which further limits the acts or omissions for which elimination of liability is permitted shall affect the liability of a director for any act or omission which occurs prior to the effective date of such amendment.

To evidence the adoption of these Articles of Incorporation, I have signed them on March 15, 1995.

Sanjiv Kripalani

Sanjiv N. Kripalani, Incorporator

ARTICLES OF ORGANIZATION

Corporation Division
www.filinginoregon.com

E-FILED
Mar 24, 2020
OREGON SECRETARY OF STATE

REGISTRY NUMBER

165779795

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

1. ENTITY NAME

OREGON TRAIL SOLAR, LLC

2. MAILING ADDRESS

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

3. PRINCIPAL PLACE OF BUSINESS

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

4. NAME & ADDRESS OF REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE STE 310
SALEM OR 97301 USA

5. ORGANIZERS

44852689 - AVANGRID RENEWABLES, LLC

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

6. INDIVIDUALS WITH DIRECT KNOWLEDGE

TOAN NGUYEN

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

7. INITIAL MEMBERS/MANAGERS

MEMBER

44852689 - AVANGRID RENEWABLES, LLC

1125 NW COUCH ST
STE 700
PORTLAND OR 97209 USA

8. DURATION

PERPETUAL

9. MANAGEMENT

This Limited Liability Company will be member-managed by one or more members

10. OPTIONAL PROVISIONS

The company elects to indemnify its members, managers, employees, agents for liability and related expenses under ORS 63.160 to 63.170.

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

TOAN NGUYEN

TITLE

ASSISTANT SECRETARY

DATE SIGNED

03-24-2020

Delaware

The First State

I, CHARUNI PATIBANDA-SANCHEZ, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "SHUTLER ENERGY STORAGE, LLC", FILED IN THIS OFFICE ON THE TENTH DAY OF APRIL, A.D. 2025, AT 2:39 O`CLOCK P.M.

Charuni Patibanda-Sanchez, Secretary of State

10160483 8100
SR# 20251507381

Authentication: 203414724
Date: 04-10-25

You may verify this certificate online at corp.delaware.gov/authver.shtml

Docusign Envelope ID: 7B0AB3E2-6DB6-4EC6-9ACF-69BCEF660BEB

STATE OF DELAWARE
CERTIFICATE OF FORMATION
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is Shutler Energy Storage, LLC.

2. The Registered Office of the limited liability company in the State of Delaware is located at 251 Little Falls Drive (street), in the City of Wilmington, Zip Code 19808. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is Corporation Service Company.

Signed by:
By: _____
FB55F6AF981B43D...
Authorized Person

Name: Leonard Rodriguez
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 02:39 PM 04/10/2025
FILED 02:39 PM 04/10/2025
SR 20251507381 - File Number 10160483

Attachment 4 – Letters of Organizational Support

Docusign Envelope ID: 50A3D7F6-105E-884E-8261-8039903EF044

May 19, 2026

Oregon Department of Energy
500 Capitol Street NE, 1st Floor
Salem, OR 97301

Re: Oregon Trail Solar Request for Amendment Opinion of Counsel

Dear Ms. Esterson:

I am counsel to Oregon Trail Solar, LLC, a Delaware limited liability company (the "Certificate Holder"), and to Shutler Energy Storage, LLC in connection with the Site Certificate Amendment for the above-referenced project, as well as the Certificate Holder's development, construction, operation, and retirement of the project. Both companies are wholly owned affiliates of Avangrid Power, LLC.

For purposes of the opinions expressed in this letter, we have examined a certified copy of the Certificates of Formation and Limited Liability Company Agreements of Oregon Trail Solar, LLC and Shutler Energy Storage, LLC, filed with the State of Delaware Secretary of State, Division of Corporations (the "COF"), and a copy of the Limited Liability Company Agreement of Avangrid Power, LLC (the "LLC Agreement," and together with the COF, the "Documents").

I have reviewed only the Documents and have made no other investigation or inquiry. Without limiting the generality of the foregoing, I have not examined or reviewed any document or instrument (other than the Documents), including, without limitation, any document or instrument referred to in the Documents. I have also relied, without additional investigation, upon the facts and representations set forth in the Documents.

In my examination of the Documents and in rendering the following opinion, in addition to the assumptions contained elsewhere in this letter, we have, with your consent, assumed without investigation (and we express no opinion regarding the following):

(a) that the Documents are valid and binding obligations of each party thereto, enforceable against such party in accordance with its respective terms;

(b) that the provisions of the LLC Agreements relating to the powers of, and authorization and execution of documents and agreements by, the Certificate Holder would be enforced by Delaware law as written.

Based solely upon examination and consideration of the Documents, and in reliance thereon, and in reliance upon the factual statements and representations contained in the Documents, and consideration of such matters of law as we have considered necessary or appropriate for the expression of the opinion contained herein, and subject to the exceptions, limitations, qualifications and assumptions expressed herein, I opine that, subject to the Certificate Holder's

Docusign Envelope ID: 50A3D7F6-105E-884E-8261-8039903EF044

meeting all of the requirements of any applicable federal, state and local laws (including all rules and regulations promulgated thereunder), the Certificate Holder, Shutler Battery Energy Storage, LLC and Avangrid Power, LLC have the legal authority to construct and operate the project without violating the Documents.

The opinion expressed herein is based, as to matters of law, solely on the applicable provisions of the Delaware and Oregon law, as currently in effect.

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,



Jeffrey Durocher

Deputy General Counsel
Avangrid Power, LLC
2701 NW Vaughn, Suite 300
Portland, Oregon 97210

Docusign Envelope ID: 50A3D7F6-105E-884E-8261-8039903EF044

May 19, 2026

Oregon Department of Energy
500 Capitol Street NE, 1st Floor
Salem, OR 97301

Re: Oregon Trail Solar Request for Amendment Letter of Organizational Support

Dear Ms. Esterson:

Avangrid Power, LLC ("Avangrid Power") hereby provides this letter of organizational support in connection with the request for amendment to the Site Certificate for the Oregon Trail Solar project (the "Project").

Avangrid Power is an Oregon limited liability company and is the parent company of Oregon Trail Solar, LLC (the "Certificate Holder") and Shutler Energy Storage, LLC (collectively, the "Project Companies"), each of which is a Delaware limited liability company and a wholly owned affiliate of Avangrid Power. The Project Companies were formed for the purpose of developing, constructing, owning, operating, and retiring the Project and related facilities, including associated energy storage components.

Avangrid Power supports the Project Companies' continued development, construction, operation, and retirement of the Project pursuant to the Site Certificate, as proposed to be amended. Avangrid Power has the organizational authority under its governing documents to own and control the Project Companies and to provide strategic, financial, and operational support consistent with the Project Companies' activities and obligations under the Site Certificate, as amended.

Nothing in this letter is intended to, nor shall it be deemed to, expand, modify, or supersede any obligation, condition, or requirement imposed by the Site Certificate or applicable law, nor shall this letter be construed as a guaranty or assurance of performance except to the extent expressly required by applicable law or the Site Certificate.

Please do not hesitate to contact me if you have any questions regarding this letter.

Docusign Envelope ID: 50A3D7F6-105E-884E-8261-8039903EF044

Very truly yours,

Avangrid Power, LLC

By: _____

Name: Jeffrey Durocher

Title: Deputy General Counsel

2701 NW Vaughn Street, Suite 300

Portland, Oregon 97210

Attachment 5 – Decommissioning Cost Estimates

Estimate Summary
TETRA TECH, INC.
Job Code: Oregon Trail Solar
Description: Decommissioning Estimate

CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1	1.00	Lump Sum	OREGON TRAIL SOLAR RETIREMENT	0.01	Detail	U.S. Dollar	2,663,264.86	2,663,264.86
1.1	1.00	Lump Sum	Equipment & Facilities Mob / Demob	0.20	Detail	U.S. Dollar	93,796.00	93,796.00
1.1.1	1.00	Lump Sum	Equipment Mob	0.00	Detail	U.S. Dollar	40,600.00	40,600.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
UERNTRLG	Rental Equip Transp-Large		4.00	Each	U.S. Dollar	10,000.00	40,000.00
UERNTRSM	Rental Equip Transp-Small		4.00	Each	U.S. Dollar	150.00	600.00

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	10,199.20	30,597.60

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	480.00	16.00	Each (hourly)	U.S. Dollar	48.31	23,189.76
L010101	OPERATOR	120.00	4.00	Each (hourly)	U.S. Dollar	61.73	7,407.84

1.1.4	2.00	Day	Crew Demob & Site Cleanup	1.00	Detail	U.S. Dollar	10,199.20	20,398.40

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	320.00	16.00	Each (hourly)	U.S. Dollar	48.31	15,459.84
L010101	OPERATOR	80.00	4.00	Each (hourly)	U.S. Dollar	61.73	4,938.56

1.2	1.00	Lump Sum	Project Site Support	0.02	Detail	U.S. Dollar	151,629.20	151,629.20
1.2.1	2.00	Month	Site Facilities	0.00	Detail	U.S. Dollar	1,305.00	2,610.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
URCONNEX	Connex Box		2.00	Month	U.S. Dollar	150.00	300.00
UROFFTRL	Office Trailer -12x60		2.00	Month	U.S. Dollar	500.00	1,000.00
UO1STAID	1st Aid Supplies		2.00	Month	U.S. Dollar	300.00	600.00
UOOFFSUP	Office Supplies($/prs/mo)		2.00	Month	U.S. Dollar	55.00	110.00
URPRTAJH	Port-a-John Unit(s) (4)		2.00	Month	U.S. Dollar	300.00	600.00

1.2.2	2.00	Month	Field Management	0.05	Detail	U.S. Dollar	74,509.60	149,019.20

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L90FXX02	Field - Proj Superintendent	440.00	1.00	Each (hourly)	U.S. Dollar	114.95	50,578.00
RPUTRK05	F-250 4X4 3/4 TON PICKUP	1,320.00	3.00	Each (hourly)	U.S. Dollar	15.14	19,984.80
L90FEL00	Field - Engr. Tech	440.00	1.00	Each (hourly)	U.S. Dollar	73.81	32,476.40
L90FXX03	Field - SHSO	440.00	1.00	Each (hourly)	U.S. Dollar	104.50	45,980.00

1.3	1.00	Lump Sum	Solar Array Retirement	0.01	Detail	U.S. Dollar	1,431,432.94	1,431,432.94
1.3.1	14,287.00	Linear Feet	Fence Removal	5,124.80	Detail	U.S. Dollar	1.60	22,874.60
1.3.1.1	14,287.00	Linear Feet	Fence Removal	5,124.80	Detail	U.S. Dollar	1.18	16,874.60

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L010101	OPERATOR	83.63	3.00	Each (hourly)	U.S. Dollar	61.73	5,162.92
L060100	GENERAL LABORER	167.27	6.00	Each (hourly)	U.S. Dollar	48.31	8,081.10
RBACKH09	Deere 710J BACKHOE, 1.62CY	83.63	3.00	Each (hourly)	U.S. Dollar	43.41	3,630.57

1.3.1.2	4.00	Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	6,000.00

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		6,000.00	Each	U.S. Dollar	1.00	6,000.00

1.3.2	11.00	Each	Inverter / Transformer Removal	0.50	Detail	U.S. Dollar	6,193.94	68,133.34

1.3.2.1	11.00	Each	Disconnect Electrical	1.00	Detail	U.S. Dollar	1,251.84	13,770.24

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L010110	ELECTRCIAN	110.00	1.00	Each (hourly)	U.S. Dollar	61.73	6,790.52
L060100	GENERAL LABORER	110.00	1.00	Each (hourly)	U.S. Dollar	48.31	5,314.32
RPUTRK05	F-250 4X4 3/4 TON PICKUP	110.00	1.00	Each (hourly)	U.S. Dollar	15.14	1,665.40

1.3.2.2	11.00	Each	Loadout Inverter & Transformer	1.00	Detail	U.S. Dollar	3,442.10	37,863.10

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	440.00	4.00	Each (hourly)	U.S. Dollar	48.31	21,257.28
L010101	OPERATOR	110.00	1.00	Each (hourly)	U.S. Dollar	61.73	6,790.52
RHYDCR06	GROVE RT880 73 TON	110.00	1.00	Each (hourly)	U.S. Dollar	89.23	9,815.30

1.3.2.3	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

1.3.3	11.00	Each	Remove Foundations To Subgrade	0.77	Detail	U.S. Dollar	3,102.79	34,130.66

Notes: **********
Assumption: 24x36x1 concrete pad per inverter/ transformer
****

1.3.3.1	1,056.00	Cubic Yard	Excavate / Remove Foundation	280.00	Detail	U.S. Dollar	18.18	19,197.55

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	37.71	1.00	Each (hourly)	U.S. Dollar	48.31	1,822.05
L010101	OPERATOR	75.43	2.00	Each (hourly)	U.S. Dollar	61.73	4,656.36
*REXCAV06C	Excav 100K w/ Hammer	37.71	1.00	Each (hourly)	U.S. Dollar	186.84	7,046.54
*REXCAV06A	Excav 100K w/ Bucket & Grapple	37.71	1.00	Each (hourly)	U.S. Dollar	150.41	5,672.61

1.3.3.2	1,056.00	Cubic Yard	Concrete Transport Offsite	100.00	Detail	U.S. Dollar	14.14	14,933.11

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
RDUTRK06	CAT D350D, 18CY-24CY	105.60	1.00	Each (hourly)	U.S. Dollar	86.39	9,122.78
L080940	TEAMSTER	105.60	1.00	Each (hourly)	U.S. Dollar	55.02	5,810.32

1.3.4	91,320.00	Each	Solar Panel Removal & Disposal	4,800.00	Detail	U.S. Dollar	8.34	761,492.80

1.3.4.1	91,320.00	Each	Solar Panel Removal	4,800.00	Detail	U.S. Dollar	3.54	323,272.80

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	1,141.50	6.00	Each (hourly)	U.S. Dollar	28.22	32,213.13
L010101	OPERATOR	1,141.50	6.00	Each (hourly)	U.S. Dollar	61.73	70,467.08
L060100	GENERAL LABORER	4,566.00	24.00	Each (hourly)	U.S. Dollar	48.31	220,592.59

Notes: **********
Assumed production: 20 panels per laborer per hour,
Includes packaging and preparing for shipment offsite.
****

1.3.4.2	143.00	Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	214,500.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		214,500.00	Each	U.S. Dollar	1.00	214,500.00

Notes: **********
Assumption: 45,000 lbs per load
****

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Cost Item							
CBS Position Code	Quantity UM	Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.3.4.3	3,196.00 Ton	Recycling Cost	0.00	Detail	U.S. Dollar	70.00	223,720.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		223,720.00 Each	U.S. Dollar	1.00	223,720.00

Notes: **********
Assumption: 91,320 modules x 70 lbs each
****

1.3.5	1.00 Lump Sum	Solar Rack (Trackers) & Post Removal	0.11	Detail	U.S. Dollar	544,801.55	544,801.55
1.3.5.1	1,522.00 Each	Solar Rack (Trackers) & Post Removal	160.00	Detail	U.S. Dollar	290.93	442,801.55

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
L010101	OPERATOR	1,522.00	16.00 Each (hourly)	U.S. Dollar	61.73	93,956.10
L060100	GENERAL LABORER	1,522.00	16.00 Each (hourly)	U.S. Dollar	48.31	73,530.86
*REXCAV06A	Excav 100K w/ Bucket & Grapple	761.00	8.00 Each (hourly)	U.S. Dollar	150.41	114,462.01
*REXCAV06E	Excav 100K w/ Shear	761.00	8.00 Each (hourly)	U.S. Dollar	211.37	160,852.57

Notes: **********
Assumed production: .5 hour per rack per crew. 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.
6 piles & 60 modules per rack.
****

1.3.5.2	68.00 Each	Trucking - Per Load	0.00	Detail	U.S. Dollar	1,500.00	102,000.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USTRUCKING	Trucking Sub		102,000.00 Each	U.S. Dollar	1.00	102,000.00

Notes: **********
Assumption: 45,000 lbs per load
****

1.4	1.00 Lump Sum	Site Restoration - Partial Site Seeding	0.05	Detail	U.S. Dollar	178,215.92	178,215.92
1.4.1	17,424.00 Linear Feet	Decompact Roads	2,500.00	Detail	U.S. Dollar	1.06	18,468.32

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	139.39	2.00 Each (hourly)	U.S. Dollar	70.76	9,863.38
L010101	OPERATOR	139.39	2.00 Each (hourly)	U.S. Dollar	61.73	8,604.95

Notes: **********
Decompaction to include discing and regrading
****

1.4.2	120.00 Acre	Spot Grade Disturbed Areas	8.00	Detail	U.S. Dollar	331.23	39,747.60

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	300.00	2.00 Each (hourly)	U.S. Dollar	70.76	21,228.00
L010101	OPERATOR	300.00	2.00 Each (hourly)	U.S. Dollar	61.73	18,519.60

Notes: **********
Assumtion: 400 acres total property area.
Assume that 30% of the area distrubed by construction will be regraded.
****

1.4.3	120.00 Acre	Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction	0.00	Detail	U.S. Dollar	1,000.00	120,000.00

Resource Code	Description	Hours	Quantity UM	Currency	Unit Cost	Total Cost
USLANDSCAPE	Landscape Sub		120.00 Acre	U.S. Dollar	1,000.00	120,000.00

Notes: **********
Assumtion: 400 acres total property area.
Assume that 30% of the area distrubed by construction will be re-seeded.
****

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1.5	1.00	Lump Sum	Contractor Markups	0.00	Detail	U.S. Dollar	345,971.34	345,971.34
1.5.1	1.00	Lump Sum	Home Office, Project Management (5% Of Cost)	0.00	Detail	U.S. Dollar	92,753.70	92,753.70

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USMARKUP5	5% Markup		1,855,074.00	Each	U.S. Dollar	0.05	92,753.70

1.5.2	1.00	Lump Sum	Contractor OH & Fee (13% Of Cost)	0.00	Detail	U.S. Dollar	253,217.64	253,217.64

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USMARKUP	13% Markup		1,947,828.00	Each	U.S. Dollar	0.13	253,217.64

1.6	1.00	Lump Sum	ODOE Mandated Contingencies	0.00	Detail	U.S. Dollar	462,219.45	462,219.45
1.6.1	1.00	Lump Sum	1% Performance Bond	0.00	Detail	U.S. Dollar	22,010.45	22,010.45

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
UODOE1	ODOE 1% Markup		2,201,045.00	Each	U.S. Dollar	0.01	22,010.45

1.6.2	1.00	Lump Sum	10% Administrative and Project Management	0.00	Detail	U.S. Dollar	220,104.50	220,104.50

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
UODOE2	ODOE 10% Markup		2,201,045.00	Each	U.S. Dollar	0.10	220,104.50

1.6.3	1.00	Lump Sum	10% Future Development Contingency	0.00	Detail	U.S. Dollar	220,104.50	220,104.50

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
UODOE2	ODOE 10% Markup		2,201,045.00	Each	U.S. Dollar	0.10	220,104.50

Report Total:	2,663,264.86

Category	Total
Labor	731,386.98
Rented Equipment	397,457.09
Supplies	710.00
Subcontract	1,069,291.34
ODCs	464,419.45

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Estimate Summary
TETRA TECH, INC.
Job Code: Shutler BESS Description: Decommissioning Estimate

CBS Position Code	Quantity	UM	Cost Item Description	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1	1.00	Lump Sum	Shutler BESS RETIREMENT	0.05	Detail	U.S. Dollar	217,356.78	217,356.78
1.1	1.00	Lump Sum	DC Storage Retirement	0.05	Detail	U.S. Dollar	132,885.89	132,885.89
1.1.1	41.00	MW	Battery Removal & Disposal	2.50	Detail	U.S. Dollar	2,302.75	94,412.63
1.1.1.1	18.00	Day	Remove Batteries, Load For Transport	1.10	Detail	U.S. Dollar	2,018.57	36,334.23

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
L060100	GENERAL LABORER	656.24	4.00	Each (hourly)	U.S. Dollar	48.31	31,704.43
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	164.06	1.00	Each (hourly)	U.S. Dollar	28.22	4,629.80

1.1.1.2	14.00	Each	Transport Batteries	0.00	Detail	U.S. Dollar	1,605.60	22,478.40
1.1.1.2.1	14.00	Each	Roll Off Liners	0.00	Detail	U.S. Dollar	105.60	1,478.40

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
UODCLINER	Rolloff Liner		14.00	Each	U.S. Dollar	105.60	1,478.40

1.1.1.2.2	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

1.1.1.3	178.00	Ton	Disposal Fee's	0.00	Detail	U.S. Dollar	200.00	35,600.00

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		35,600.00	Each	U.S. Dollar	1.00	35,600.00

1.1.2	41.00	MW	Structure & Components Removal	13.65	Detail	U.S. Dollar	938.37	38,473.26
1.1.2.1	135.00	Ton	Structure Demo	44.96	Detail	U.S. Dollar	129.43	17,473.26

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
*REXCAV06A	Excav 100K w/ Bucket & Grapple	30.03	1.00	Each (hourly)	U.S. Dollar	150.41	4,516.75
*REXCAV06E	Excav 100K w/ Shear	30.03	1.00	Each (hourly)	U.S. Dollar	211.37	6,347.36
L010101	OPERATOR	60.06	2.00	Each (hourly)	U.S. Dollar	61.73	3,707.57
L060100	GENERAL LABORER	60.06	2.00	Each (hourly)	U.S. Dollar	48.31	2,901.58

1.1.2.2	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

1.2	1.00	Lump Sum	Contractor Markups	0.00	Detail	U.S. Dollar	24,783.20	24,783.20
1.2.1	1.00	Lump Sum	Home Office, Project Management (5% Of Cost)	0.00	Detail	U.S. Dollar	6,644.30	6,644.30

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USMARKUP5	5% Markup		132,886.00	Each	U.S. Dollar	0.05	6,644.30

1.2.2	1.00	Lump Sum	Contractor OH & Fee (13% Of Cost)	0.00	Detail	U.S. Dollar	18,138.90	18,138.90

Resource Code	Description	Hours	Quantity	UM	Currency	Unit Cost	Total Cost
USMARKUP	13% Markup		139,530.00	Each	U.S. Dollar	0.13	18,138.90

1.3	1.00	Lump Sum	ODOE Mandated Contingencies	0.00	Detail	U.S. Dollar	59,687.69	59,687.69
1.3.1	1.00	Lump Sum	20% Contingency on BESS	0.00	Detail	U.S. Dollar	26,577.20	26,577.20

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CBS Position Code	Quantity	UM	Description	Cost Item UM/Day	Cost Source	Currency	Unit Cost	Total Cost
Resource Code	**Description**		**Hours**	**Quantity**	**UM**	**Currency**	**Unit Cost**	**Total Cost**
UODCBESS	20% ODOE Mandated Contingency			132,886.00	Each	U.S. Dollar	0.20	26,577.20
1.3.2	1.00	Lump Sum	1% Performance Bond	0.00	Detail	U.S. Dollar	1,576.69	1,576.69
Resource Code	**Description**		**Hours**	**Quantity**	**UM**	**Currency**	**Unit Cost**	**Total Cost**
UODOE1	ODOE 1% Markup			157,669.00	Each	U.S. Dollar	0.01	1,576.69
1.3.3	1.00	Lump Sum	10% Administrative and Project Management	0.00	Detail	U.S. Dollar	15,766.90	15,766.90
Resource Code	**Description**		**Hours**	**Quantity**	**UM**	**Currency**	**Unit Cost**	**Total Cost**
UODOE2	ODOE 10% Markup			157,669.00	Each	U.S. Dollar	0.10	15,766.90
1.3.4	1.00	Lump Sum	10% Future Development Contingency	0.00	Detail	U.S. Dollar	15,766.90	15,766.90
Resource Code	**Description**		**Hours**	**Quantity**	**UM**	**Currency**	**Unit Cost**	**Total Cost**
UODOE2	ODOE 10% Markup			157,669.00	Each	U.S. Dollar	0.10	15,766.90
Report Total:								217,356.78

Category	Total
Labor	38,313.59
Rented Equipment	15,493.91
Supplies	1,478.40
Subcontract	102,383.20
ODCs	59,687.69

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Attachment 6 – Draft Amended Noxious Weed Control Plans

Draft Amended Noxious Weed Control Plan

Oregon Trail Solar Facility

Prepared for
Oregon Trail Solar, LLC

Prepared by

TETRA TECH

Updated Plan, with modifications, reviewed and approved by ODOE, in consultation with Gilliam County Weed Department

~~Approved by EFSC January~~May 2026

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Table of Contents

1.0 Introduction 1
1.1 Background Information 1
1.2 Noxious Weed Control Goals 21
2.0 Noxious Weed Species of Concern 2
3.0 Noxious Weed Control Plan 32
3.1 Overview 32
3.1.1 Jointed Goatgrass Treatment 43
3.1.2 Medusahead Grass 54
3.1.1 Diffuse Knapweed 65
3.2 Seeding 86
3.3 Best Management Practices 87
4.0 Monitoring and Adaptive Management 98
5.0 Amendment of the Plan 109
6.0 References 119
~~1.0 Introduction ..... 1~~
~~1.1 Background Information ..... 1~~
~~1.2 Noxious Weed Control Goals ..... 1~~
~~2.0 Noxious Weed Species of Concern ..... 2~~
~~3.0 Noxious Weed Control Plan ..... 3~~
~~3.1 Overview ..... 3~~
~~3.1.1 Jointed Goatgrass Treatment ..... 4~~
~~3.1.2 Medusahead Grass ..... 5~~
~~3.1.1 Diffuse Knapweed ..... 6~~
~~3.1.2 Puncturevine Treatment ..... 7~~
~~3.2 Seeding ..... 8~~
~~3.3 Best Management Practices ..... 8~~
~~4.0 Monitoring and Adaptive Management ..... 9~~
~~5.0 Amendment of the Plan ..... 10~~
~~6.0 References ..... 10~~

List of Tables

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity 2

Table 2. Treatment Methods and Timing for Jointed Goatgrass 4

List of Appendices

Appendix A. ODA Noxious Weed Policy and Classification System 2024

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1.0 Introduction

Oregon Trail Solar, LLC (Oregon Trail) holds a Site Certificate from the Oregon Energy Facility Siting Council for the Oregon Trail Solar Facility (Facility) in Gilliam County, Oregon. Condition 43 of the Site Certificate requires the following:

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

The Oregon Trail Solar Facility ~~will be developed in two phases: Phase 1 will involve the construction of the battery storage system, while Phase 2 will focus on building the solar arrays and associated collection line infrastructure~~began construction in January 2026. This plan was initially prepared for ~~Phase 1~~Oregon Trail Solar in conjunction with the adjacent Shutler Battery Energy Storage Facility (Shutler BESS) in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW). This plan ~~and~~ has been updated to ~~address the Phase 2~~remove Shutler BESS areas following the issuance of individual site certificates on [DATE] for each individual Facility ~~and~~, as well as incorporate sheep grazing as a vegetation control mechanism.

1.1 Background Information

The Gilliam County Weed Department works to keep noxious weeds at a minimum on roadways and throughout the county, assists area landowners with land maintenance needs, and follows the Oregon Department of Agriculture (ODA) noxious weed policy and classification system as part of ODA's Noxious Weed Control Program (Appendix A. ODA Noxious Weed Policy and Classification System 2024). Noxious weeds are identified on the State of Oregon noxious weed list and mapped by ODA as occurring in Gilliam County. "A" listed weeds are economically important, nonnative species with limited distribution in the county. "B" listed weeds are economically important, nonnative species that are regionally abundant. At the County level, eradication is required for "A" listed weeds at an intensive level, with containment the goal for "B" listed weeds. "T" listed weeds are a designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority (Appendix A).

For the purposes of this weed control plan, the term "weed" refers to any species on the Gilliam County weed list regardless of its "A" or "B" status. This plan outlines the measures Oregon Trail will implement to control weeds within areas disturbed by Project construction and operation. The Project will disturb up to 6 acres; this plan applies to any area not occupied by aboveground infrastructure associated with the Project (i.e. temporarily disturbed areas).

1.2 Noxious Weed Control Goals

Overarching goals of post-construction operations are prevention, identification, and control of weeds.

2.0 Noxious Weed Species of Concern

Tetra Tech completed a field survey for the Project during spring, summer, and fall of 2025 to map habitat types and other resources. No noxious weeds were observed within the Project during the spring; however, ~~four~~ three species on the ODA noxious weed list [jointed goatgrass (*Aegilops cylindrica*) medusahead grass (*Taeniatherum caput-medusae*), and diffuse knapweed (*Centaurea diffusa*) ~~and puncturevine (*Tribulus terrestris*)]~~ were observed (Table 1). These species were noted to occur in varying densities within the site boundary. Another notable invasive species of concern that was observed was Russian thistle (*Salsola tragus*). This varied from low to high cover throughout the Project (Table 1).

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity

Common Name	Scientific Name	Mapped in Project Vicinity 2025[1]	Percent Cover within Project Vicinity 2025
B List Weeds			
Dicots			
~~Puncturevine~~	~~*Tribulus terrestris*~~	~~X~~	~~<5~~
Diffuse Knapweed	*Centaurea diffusa*	X	15
Monocots			
Jointed goatgrass	*Aegilops cylindrica*	X	<5
Medusahead grass	*Taeniatherum caput-medusae*	X	~~50~~20
~~**T List Weeds**~~			
~~Puncturevine~~	~~*Tribulus terrestris*~~	~~X~~	~~<5~~
Invasive Species of Concern			
Dicots			
Russian thistle	*Salsola tragus*	X	~~50~~5-25
Monocots			
Cheatgrass	*Bromus tectorum*	X	~~40~~60-80
1. Source: ODA 2025.			

The results of these pre-construction surveys were reviewed along with the weed maps for Gilliam County (ODA 2024) to identify the weed species of greatest concern either occurring or with a high potential for occurring in the vicinity of the Project site boundary. Additional monitoring will be

necessary to ensure that each weed species on the Gilliam County list is identified and treated appropriately, as described in Section 4.0 of this plan.

3.0 Noxious Weed Control Plan

3.1 Overview

Short-term weed control will be through herbicide use and seeding. Seeding will occur in all areas temporarily disturbed during construction. It will be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. To support the success of herbicide use and seeding, Russian thistle will be removed at the ~~Phase 1~~ site, prior to September 30, 2025.[1] It will also be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. Early detection and management of small populations before they can expand into larger populations is extremely important for successful control.

Long-term weed control will be accomplished through the seeding of perennial grasses known to compete well with noxious weeds, such as thickspike wheatgrass (*Elymus lanceolatus*) and Sandberg's bluegrass (*Poa secunda*).

Long-term success for noxious weed control will be: (1) minimizing the presence/abundance of noxious weeds; and (2) preventing the spread of these species during the planned construction activities. Noxious weed control will continue for the life of the Project. Supplemental seeding may be needed to achieve this goal. Subsequent fertilizer application will be limited in areas treated for noxious weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

Noxious weed management will be a mix of the treatments recommended for each individual weed in the following sections. Biologists will use adaptive management techniques to get the best control of weed populations on site.

In an effort to improve weed control and vegetation management, a sheep grazing program may be implemented. Sheep grazing activities and evaluation of success in vegetation management and noxious weed control, will be monitored and reported as established in Section 4 of this plan. Spot herbicide treatments would continue to be implemented for noxious weeds throughout the site. However, it is anticipated that these treatments would be reduced when combined with the sheep grazing program.

Jointed goatgrass ~~and puncturevine are~~is the species of primary concern ("target" species), as they were observed onsite during preconstruction surveys. The target species will be the same for all onsite areas, but the treatment implementation will vary slightly according to these parameters.

[1] Specific recommendation provided by Gilliam County Weed Department on August 27, 2025 in response to the Oregon Department of Energy's request for review and comment of the draft plan.

The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds, or (2) annual grasses or monocots. Appropriate herbicides differ substantially between dicots and monocots. Additional information for target species and different options for control can be reviewed below.

3.1.1 Jointed Goatgrass Treatment

Jointed goatgrass is an introduced, cool season, annual grass that is closely related to and a common contaminant of winter wheat. Jointed goatgrass grows from 15 to 30 inches tall as a tufted, annual bunchgrass. The reproduction of jointed goatgrass is solely by seed, seeds remain viable for 3 to 5 years, and each plant can produce approximately 3,000 seeds. Plants prefer to germinate in compacted soils thriving along roadways, between crop rows, railroad tracks, and other rights-of way.

Jointed goatgrass seedlings germinate mostly from September to early November dependent on favorable soil moisture. The plant then has an overwinter dormant period followed by new seed in the spring. The seed has a long flowering period which allows it to successfully compete with other species for sunlight, nutrients, and water. Additionally, jointed goatgrass tolerates drought better than winter wheat and other annual grasses.

The objective when managing existing infestations of jointed goatgrass is to eliminate as many live plants and disrupt as much seed production as possible. As a rule, actions to follow for an overall management approach are to check seed stock, hay, straw, and mulch for presence of seeds; encourage use of spray washing stations; detect, map, and eradicate new populations as early as possible; combine weed control methods (see below) for most effective control; and implement monitoring and follow-up treatments for missed plants or seedlings.

In general, a combination of control methods should be used when managing jointed goatgrass. The following table lays out the methods of treatments and the timing of those treatments.

Table 2. Treatment Methods and Timing for Jointed Goatgrass

Treatment Method	Treatment Timing
Hand Removal/Mowing	Hand pull, cut, or hoe before the seed head exits the sheath in late winter or early spring to prevent plants from maturing and reaching seed production. Remove as much of the root as possible and allow eradicated plants to dry in place on the surface of the soil. Mow in late winter to early spring when inflorescences are formed but are still within the sheath. Several return visits to a site should be done to eliminate new plants.
Herbicides	Prior to flowering, a nonselective herbicide will be used as treatment of jointed goatgrass. Consider using glyphosate as a spot treatment or as a broadcast spray. Glyphosate is advantageous compared to other nonselective herbicides because it allows reseeding shortly after spraying. Apply glyphosate to actively growing plants before the seedheads develop within the sheath.

Treatment Method	Treatment Timing
Seeding competitive species	Plan to reseed after removal of jointed goatgrass with desirable native plants that will directly compete for soil moisture, light, nutrients, and space.

3.1.2 Medusahead Grass

Medusahead is an annual grass that can grow up to two feet tall. This grass germinates in the fall and rapidly develops a root system throughout the winter months making it very competitive with native vegetation for moisture in the soil. Medusahead is considered a "transformer" species, meaning that it will change ecosystem function to fit the needs of the medusahead. The primary way medusahead is able to change ecosystem function is due to the high silica content in the stems and leaves. It is considered unpalatable by cattle and other livestock and so the grass is not grazed after the plant has matured. The high silica also prevents the seedheads from decomposing which can create a thick layer of thatch buildup on the soil surface, creating both a fire hazard and inhibiting native plant regeneration through shading.

Medusahead can exist as a monoculture once it is established on disturbed soils, however its seeds do not persist in the soil for long periods of time like other weeds in the Arid West. Medusahead seeds persist in the soil for less than two years so large-scale, intensive treatment for this weed can be limited to a couple of years of preventing the grass from going to seed with adaptive management occurring after that time.

There is some evidence that combining multiple treatment types can control two years' worth of seed production in one year (Kyser et. al 2014). For instance, burning in the late spring/early summer to control first year's seed crop followed with using a preemergence herbicide in the fall to prevent seed production in the following year. The following table lays out the methods of treatments and the timing of those treatments.

Table 3. Treatment Methods and Timing for Medusahead Grass

Treatment Method	Treatment Timing
Mowing/Handweeding	Late spring (May during regular years, June during cold springs) when medusahead is in the early flowering stage. For effective control, mowing must be completed late in the plant's development but before it produces viable seed. Look for the beginnings of a seed head to know when to mow or handpull.
Grazing	Sheep will eat medusahead when it is first growing or after a re-growth from spraying. Optimal timing for grazing is in the late spring after medusahead stems elongate and before they develop seedheads. Caution must be taken when grazing with sheep that the medusahead does not have seed heads because the seeds will get caught in the sheep's wool.
Herbicides	A pre-emergent can be applied in the fall to keep new grasses from going to seed. Applications of herbicides in the spring must be done
Seeding competitive species	Although not a native, crested wheatgrass (*Agropyron cristatum*) is commonly used by NRCS in Conservation Reserve Program plantings throughout the Inland Northwest.

Treatment Method	Treatment Timing
	Crested wheatgrass is competitive with medusahead and can be used to crowd out medusahead in anticipation of the final revegetation of the site.

3.1.1 Diffuse Knapweed

Diffuse knapweed is an annual, biennial, or short-lived perennial winter-hardy forb that can grow 1 to 3.5 feet tall. Diffuse knapweed has many spreading branches giving it a tangled ball-shaped form and a tumble-weed mobility when broken, this mobility allows a far range for seed dispersal. Flowering occurs from June through October, producing anywhere from 5 to 900 seeds per plant. Diffuse knapweed only reproduces through seed, dispersed seeds germinate throughout the growing season and can remain viable for many years.

Diffuse knapweed is spread through the movement of seed-contaminated hay, wind, wildlife, water, or motorized equipment. It is essential to prevent the spread by ensuring avenues of contaminants are identified and eradicated whenever possible.

Weed control methods used to manage diffuse knapweed consist of herbicides, biological control, grazing, and mechanical strategies. Thirteen knapweed biocontrol species are permitted for release in the U.S. Below two are listed as viable options based on habitat and compatibility with other treatment methods.

In general, a combination of control methods should be used when managing diffuse knapweed. The following table lays out the methods of treatments and the timing of those treatments.

Table 4. Treatment Methods and Timing for Diffuse Knapweed

Treatment Method	Treatment Timing
Biological Control	Lesser knapweed weevil (*Larinus minutus*): Overwinter in soil litter. Adults feed on the leaves of rosettes and flowering plants, outer stem tissue, and flowers. Larvae feed on developing seeds. UV knapweed seedhead fly (*Urophora quadrifasciata*): Females lay up to 120 eggs within closed seedheads. Larval feed on receptacle tissue directly destroying seeds. Feeding induces the formation of galls which drain nutrients from plant.
Grazing	Rosettes of diffuse knapweed are readily grazed by sheep and goats. Spring and fall grazing can be effective at reducing flower production and density of young plants. Overgrazing must be avoided to prevent conditions that will facilitate diffuse knapweed growth. Life stages of biological control agents must be taken into consideration when grazing.
Herbicides	Best used on small patches or on edges of large infestations to prevent spreading. Apply when foliage first emerges in the spring or during the fall when plants are storing reserves for winter.
Seeding competitive species	Revegetation is best used in combination with other control tactics since diffuse knapweed is a strong competitor.

Treatment Method	Treatment Timing
	Perennial grasses have been observed to provide significant competition to knapweed species. Growing taprooted forbs along with grasses increases ground cover and may be more effective in minimizing invasion of diffuse knapweed than grasses only. Control diffuse knapweed infestation prior to seeding.

~~*3.1.2 Puncturevine Treatment*~~

~~Puncturevine is a summer annual that can grow under a wide range of conditions; including hot and dry conditions which are prominent within the Project. This broadleaf weed grows low to the ground forming dense mats that can span out anywhere from 2 to 5 feet in diameter. Puncturevine germinates in the spring and summer and can flower within 3 weeks of germination continuing through the summer. Seeds are primarily dormant in the first season and can remain viable for up to 5 years. A typical puncturevine individual can produce 200 to 5,000 seeds during one growing season (C.A. Wilen 1972).~~

~~Long-term control of puncturevine can be achieved by reducing the number of seeds in the soil as it does not root from the stems. This is best accomplished by removing plants before they are able to produce seeds. As a rule, actions to follow for an overall management approach are to check seed stock, hay, straw, and mulch for presence of seeds; encourage use of spray washing stations; detect, map, and eradicate new populations as early as possible; combine weed control methods (see below) for most effective control; and implement monitoring and follow-up treatments for missed plants or seedlings.~~

~~In general, a combination of control methods should be used when managing jointed puncturevine. The following table lays out the methods of treatments and the timing of those treatments.~~

~~Table 5. Treatment Methods and Timing for Puncturevine~~

~~Treatment Method~~	~~Treatment Timing~~
~~Hand Removal/Hoeing~~	~~Cut the plant off at its taproot by handpulling or hoeing before or at flowering. Monitor the area and remove any new individuals throughout the spring and summer.~~ ~~Shallow tilling (about 1 inch deep) of seedlings or small plants can be effective as well.~~ ~~Mowing is not an effective method of control as the plant grows low to the ground.~~
~~Biological Control~~	~~Two weevil species (*Microlarinus lareynii; M. lypriformis*) are effective in targeting the seeds and stems of puncturevine. The weevils are more effective if used together.~~ ~~The Gilliam County Weed Department must be contacted for more information on where to buy or collect these species.~~
~~Herbicides~~	~~Chemical control is generally not necessary for the control of puncturevine unless it is too difficult to do mechanical control.~~ ~~Pre-emergent products containing oryzalin, benefin, or trifluralin will provide partial control of germinating seeds. These must be applied prior to germination (late-winter to mid-spring).~~

~~Treatment Method~~	~~Treatment Timing~~
	~~Post-emergent products containing 2, 4-D, glyphosate, and dicamba are effective on smaller or younger plants.~~
~~Seeding competitive species~~	~~Plan to reseed after removal of puncturevine with desirable native plants that will directly compete for soil moisture, light, nutrients, and space.~~

3.2 Seeding

The seed mixes are based on regionally appropriate species. Modifications to seed mixes may be required based on site conditions, climate, establishment performance, and market availability; or landowner preference if in areas of disturbed cropland. Any proposed alterations should be made with Oregon Trail's approval and maintain an appropriate seeding rate and species functional group compositions. The seeding window should be during the winter season (October 1 – March 30) for success in the Arid West.

Table 6. Seed Mix

Scientific Name	Common Name	Percent Composition
Grasses		
Achnatherum hymenoides	Ricegrass	20
Elymus elymoides	Bottlebrush Squirreltail	10
Elymus lanceolatus spp. *lanceolatus*	Thickspike Wheatgrass	20
Poa secunda	Sandberg's Bluegrass	30
Pseudoroegneria spicata	Bluebunch Wheatgrass	20
	Total Graminoids	**100**
Forbs		
Achillea millefolium	Yarrow	30
Erigeron pumilus	Shaggy Fleabane	20
Eriogonum niveum	Snow Buckwheat	20
Linum lewisii	Blue Flax	30
	Total Forbs	**100**

3.3 Best Management Practices

Oregon Trail will implement best management practices during Project construction and operation to help prevent the invasion and spread of noxious weeds onsite. This will include the removal of Russian Thistle from the ~~Phase 1~~ Project site prior to September 30, 2025.

During construction and operations:

- Temporary ground-disturbing operations in weed-infested areas will be inspected and documented in accordance with the Project monitoring plan.

- Vehicles and equipment will be cleaned prior to entry into revegetation areas to help minimize introduction of noxious weed seeds to the site.
- To prevent conditions favoring weed establishment, temporarily disturbed areas will be revegetated as soon as possible.
- The site will be revegetated with appropriate, locally collected native seed or native plants; when these are not available, noninvasive and nonpersistent, nonnative species may be used.
- Seed and straw mulch to be used for site rehabilitation will be inspected and certified free of weed seed and propagules.

During operations:

- Information regarding target weed species will be provided at the operations and maintenance building.
- Weed prevention and control measures, including Project inspection and documentation, will be included in operations plans.
- For sheep grazing activities, Oregon Trail will:
    - Notify ODFW when domestic sheep will be at the facility.
    - Ensure fence checks are completed prior to sheep turnout and during the grazing season.
- Conduct staff training and establish a dedicated phone tree to report bighorn sheep sightings and escaped domestic sheep to ODFW staff (specifically Steve Cherry/Heppner District Office for this facility.

4.0 Monitoring and Adaptive Management

During construction:

- Noxious weed populations observed by the environmental monitor will be documented and relayed to on-site staff for proper treatment in accordance with Section 3.1 of this plan.

During operations:

- Monitoring will be conducted in the early spring, early summer, and late summer by a qualified botanist for the first 5 years following initial seeding, to assess weed growth and to recommend weed control measures. The weed monitoring will consist of two general components:
    - Site survey to identify weed species that have established within the disturbed areas; and
    - Inspections of treated areas to assess the success of the weed treatments, including use of sheep grazing.

- The site surveys will be a pedestrian survey of disturbed areas in mid to late May, then again in mid to late June, and end with a survey in mid to late August. The surveys will be scheduled to be initiated slightly before the herbicide application to identify any weed species, and after periods of intensive sheep grazing. The focus will be on weed species with greatest potential to occur onsite, as they were identified in adjacent Project areas (knapweed, starthistle, field bindweed, whitetop, jointed goatgrass, medusahead), as well as any other noxious weed species on the Gilliam County weed list that might require different control methods.
- The results of the site survey will be summarized in a short memorandum in which (1) any new weed populations observed and treatment protocols are identified, including protocol for sheep grazing (stocking rates/month), (2) the location and weed species within disturbed areas are described, (3) plant composition throughout the Project is documented, (4) supplemental treatment methods are described, and (5) adaptive management methods are discussed to achieve the goal of noxious weed eradication.
- Subsequent monitoring results will be summarized in short memorandums in which the treatment success is described, any recommendations to improve treatment success through adaptive management are made, and any new weed species or emergence are noted. Long-term success for noxious weed control will be minimizing the presence and abundance of county and state listed noxious weeds. This will be measured and communicated annually for five years post-construction. Any existing or new populations of noxious/invasive weeds that have not been treated or need supplemental treatment will be relayed to on-site staff for prompt control. Monitoring frequently will ensure that species are treated at the proper time and will reduce the spread of noxious and undesirable weeds. The treatments will be deemed successful when there are no noxious weeds within the Project area. It is expected that noxious weed management will continue for the life of the Project.
- In each monitoring report to ODOE, the Certificate Holder shall provide an assessment of the adequacy and success of noxious weed control for all disturbed areas. The Certificate Holder will also report bighorn sheep sitings and any incidents of escaped domestic sheep to ODFWs Heppner District Office staff.

5.0 Amendment of the Plan

This Noxious Weed Plan may be amended from time to time by agreement of the Certificate Holder and 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.

6.0 References

C.A. Wilen. 1972. Puncturevine. Integrated Pest Management for Home Gardeners and Landscape Professionals. University of California Statewide IPM Program.

ODA (Oregon Department of Agriculture). 2024. Noxious Weed Policy and Classification System. Noxious Weed Control Program, Salem, Oregon. https://www.oregon.gov/oda/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf.

ODA. 2025. Weed Mapper. Accessed May 2025. https://geo.maps.arcgis.com/apps/webappviewer/index.html?id=54e9b0eaacb34bc4a146a33faa9f8966.

~~Oregon Trail (Oregon Trail BESS, LLC). 2025. Revegetation Plan for the Oregon Trail BESS Project. August 2025.~~

Tetra Tech. 2026~~5~~. Revegetation Plan for Oregon Trail Solar. ~~October 2025~~May 2026.

Tetra Tech. 2025. Habitat Surveys: Oregon Trail Solar BESS Facility.

Tetra Tech. 2025. Habitat Surveys: Oregon Trail Solar (Phase 2) October 2025.

Draft Amended Noxious Weed Control Plan

Oregon Trail Solar Facility

Prepared for
Oregon Trail Solar, LLC

Prepared by

TETRA TECH

Updated Plan, with modifications, reviewed and approved by ODOE, in consultation with Gilliam County Weed Department

May 2026

Table of Contents

1.0 Introduction 1
1.1 Background Information 1
1.2 Noxious Weed Control Goals 1
2.0 Noxious Weed Species of Concern 2
3.0 Noxious Weed Control Plan 2
3.1 Overview 2
3.1.1 Jointed Goatgrass Treatment 3
3.1.2 Medusahead Grass 4
3.1.1 Diffuse Knapweed 5
3.2 Seeding 6
3.3 Best Management Practices 7
4.0 Monitoring and Adaptive Management 8
5.0 Amendment of the Plan 9
6.0 References 9

List of Tables

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity 2
Table 2. Treatment Methods and Timing for Jointed Goatgrass 4

List of Appendices

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The Oregon Trail Solar Facility began construction in January 2026. This plan was initially prepared for Oregon Trail Solar in conjunction with the adjacent Shutler Battery Energy Storage Facility (Shutler BESS) in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW). This plan has been updated to remove Shutler BESS areas following the issuance of individual site certificates on [DATE] for each individual Facility, as well as incorporate sheep grazing as a vegetation control mechanism.

1.1 Background Information

The Gilliam County Weed Department works to keep noxious weeds at a minimum on roadways and throughout the county, assists area landowners with land maintenance needs, and follows the Oregon Department of Agriculture (ODA) noxious weed policy and classification system as part of ODA's Noxious Weed Control Program (Appendix A. ODA Noxious Weed Policy and Classification System 2024). Noxious weeds are identified on the State of Oregon noxious weed list and mapped by ODA as occurring in Gilliam County. "A" listed weeds are economically important, nonnative species with limited distribution in the county. "B" listed weeds are economically important, nonnative species that are regionally abundant. At the County level, eradication is required for "A" listed weeds at an intensive level, with containment the goal for "B" listed weeds. "T" listed weeds are a designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority (Appendix A).

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Overarching goals of post-construction operations are prevention, identification, and control of weeds.

2.0 Noxious Weed Species of Concern

Tetra Tech completed a field survey for the Project during spring, summer, and fall of 2025 to map habitat types and other resources. No noxious weeds were observed within the Project during the spring; however, three species on the ODA noxious weed list [jointed goatgrass (*Aegilops cylindrica*) medusahead grass (*Taeniatherum caput-medusae*), and diffuse knapweed (*Centaurea diffusa*) were observed (Table 1). These species were noted to occur in varying densities within the site boundary. Another notable invasive species of concern that was observed was Russian thistle (*Salsola tragus*). This varied from low to high cover throughout the Project (Table 1).

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity

Common Name	Scientific Name	Mapped in Project Vicinity 2025[1]	Percent Cover within Project Vicinity 2025
B List Weeds			
Dicots			
Diffuse Knapweed	*Centaurea diffusa*	X	15
Monocots			
Jointed goatgrass	*Aegilops cylindrica*	X	<5
Medusahead grass	*Taeniatherum caput-medusae*	X	20
Invasive Species of Concern			
Dicots			
Russian thistle	*Salsola tragus*	X	5-25
Monocots			
Cheatgrass	*Bromus tectorum*	X	60-80
1. Source: ODA 2025.			

The results of these pre-construction surveys were reviewed along with the weed maps for Gilliam County (ODA 2024) to identify the weed species of greatest concern either occurring or with a high potential for occurring in the vicinity of the Project site boundary. Additional monitoring will be necessary to ensure that each weed species on the Gilliam County list is identified and treated appropriately, as described in Section 4.0 of this plan.

3.0 Noxious Weed Control Plan

3.1 Overview

Short-term weed control will be through herbicide use and seeding. Seeding will occur in all areas temporarily disturbed during construction. It will be important to ensure that the short-term

herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. To support the success of herbicide use and seeding, Russian thistle will be removed at the site, prior to September 30, 2025.[1] It will also be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. Early detection and management of small populations before they can expand into larger populations is extremely important for successful control.

Long-term weed control will be accomplished through the seeding of perennial grasses known to compete well with noxious weeds, such as thickspike wheatgrass (*Elymus lanceolatus*) and Sandberg's bluegrass (*Poa secunda*).

Long-term success for noxious weed control will be: (1) minimizing the presence/abundance of noxious weeds; and (2) preventing the spread of these species during the planned construction activities. Noxious weed control will continue for the life of the Project. Supplemental seeding may be needed to achieve this goal. Subsequent fertilizer application will be limited in areas treated for noxious weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

Noxious weed management will be a mix of the treatments recommended for each individual weed in the following sections. Biologists will use adaptive management techniques to get the best control of weed populations on site.

In an effort to improve weed control and vegetation management, a sheep grazing program may be implemented. Sheep grazing activities and evaluation of success in vegetation management and noxious weed control, will be monitored and reported as established in Section 4 of this plan. Spot herbicide treatments would continue to be implemented for noxious weeds throughout the site. However, it is anticipated that these treatments would be reduced when combined with the sheep grazing program.

Jointed goatgrass is the species of primary concern ("target" species), as they were observed onsite during preconstruction surveys. The target species will be the same for all onsite areas, but the treatment implementation will vary slightly according to these parameters. The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds, or (2) annual grasses or monocots. Appropriate herbicides differ substantially between dicots and monocots. Additional information for target species and different options for control can be reviewed below.

3.1.1 Jointed Goatgrass Treatment

Jointed goatgrass is an introduced, cool season, annual grass that is closely related to and a common contaminant of winter wheat. Jointed goatgrass grows from 15 to 30 inches tall as a tufted, annual bunchgrass. The reproduction of jointed goatgrass is solely by seed, seeds remain viable for 3 to 5

[1] Specific recommendation provided by Gilliam County Weed Department on August 27, 2025 in response to the Oregon Department of Energy's request for review and comment of the draft plan.

years, and each plant can produce approximately 3,000 seeds. Plants prefer to germinate in compacted soils thriving along roadways, between crop rows, railroad tracks, and other rights-of way.

Jointed goatgrass seedlings germinate mostly from September to early November dependent on favorable soil moisture. The plant then has an overwinter dormant period followed by new seed in the spring. The seed has a long flowering period which allows it to successfully compete with other species for sunlight, nutrients, and water. Additionally, jointed goatgrass tolerates drought better than winter wheat and other annual grasses.

The objective when managing existing infestations of jointed goatgrass is to eliminate as many live plants and disrupt as much seed production as possible. As a rule, actions to follow for an overall management approach are to check seed stock, hay, straw, and mulch for presence of seeds; encourage use of spray washing stations; detect, map, and eradicate new populations as early as possible; combine weed control methods (see below) for most effective control; and implement monitoring and follow-up treatments for missed plants or seedlings.

In general, a combination of control methods should be used when managing jointed goatgrass. The following table lays out the methods of treatments and the timing of those treatments.

Table 2. Treatment Methods and Timing for Jointed Goatgrass

Treatment Method	Treatment Timing
Hand Removal/Mowing	Hand pull, cut, or hoe before the seed head exits the sheath in late winter or early spring to prevent plants from maturing and reaching seed production. Remove as much of the root as possible and allow eradicated plants to dry in place on the surface of the soil. Mow in late winter to early spring when inflorescences are formed but are still within the sheath. Several return visits to a site should be done to eliminate new plants.
Herbicides	Prior to flowering, a nonselective herbicide will be used as treatment of jointed goatgrass. Consider using glyphosate as a spot treatment or as a broadcast spray. Glyphosate is advantageous compared to other nonselective herbicides because it allows reseeding shortly after spraying. Apply glyphosate to actively growing plants before the seedheads develop within the sheath.
Seeding competitive species	Plan to reseed after removal of jointed goatgrass with desirable native plants that will directly compete for soil moisture, light, nutrients, and space.

3.1.2 Medusahead Grass

Medusahead is an annual grass that can grow up to two feet tall. This grass germinates in the fall and rapidly develops a root system throughout the winter months making it very competitive with native vegetation for moisture in the soil. Medusahead is considered a “transformer” species, meaning that it will change ecosystem function to fit the needs of the medusahead. The primary way medusahead is able to change ecosystem function is due to the high silica content in the stems

and leaves. It is considered unpalatable by cattle and other livestock and so the grass is not grazed after the plant has matured. The high silica also prevents the seedheads from decomposing which can create a thick layer of thatch buildup on the soil surface, creating both a fire hazard and inhibiting native plant regeneration through shading.

Medusahead can exist as a monoculture once it is established on disturbed soils, however its seeds do not persist in the soil for long periods of time like other weeds in the Arid West. Medusahead seeds persist in the soil for less than two years so large-scale, intensive treatment for this weed can be limited to a couple of years of preventing the grass from going to seed with adaptive management occurring after that time.

There is some evidence that combining multiple treatment types can control two years' worth of seed production in one year (Kyser et. al 2014). For instance, burning in the late spring/early summer to control first year's seed crop followed with using a preemergence herbicide in the fall to prevent seed production in the following year. The following table lays out the methods of treatments and the timing of those treatments.

Table 3. Treatment Methods and Timing for Medusahead Grass

Treatment Method	Treatment Timing
Mowing/Handweeding	Late spring (May during regular years, June during cold springs) when medusahead is in the early flowering stage. For effective control, mowing must be completed late in the plant's development but before it produces viable seed. Look for the beginnings of a seed head to know when to mow or handpull.
Grazing	Sheep will eat medusahead when it is first growing or after a re-growth from spraying. Optimal timing for grazing is in the late spring after medusahead stems elongate and before they develop seedheads. Caution must be taken when grazing with sheep that the medusahead does not have seed heads because the seeds will get caught in the sheep's wool.
Herbicides	A pre-emergent can be applied in the fall to keep new grasses from going to seed. Applications of herbicides in the spring must be done
Seeding competitive species	Although not a native, crested wheatgrass (*Agropyron cristatum*) is commonly used by NRCS in Conservation Reserve Program plantings throughout the Inland Northwest. Crested wheatgrass is competitive with medusahead and can be used to crowd out medusahead in anticipation of the final revegetation of the site.

3.1.1 Diffuse Knapweed

Diffuse knapweed is an annual, biennial, or short-lived perennial winter-hardy forb that can grow 1 to 3.5 feet tall. Diffuse knapweed has many spreading branches giving it a tangled ball-shaped form and a tumble-weed mobility when broken, this mobility allows a far range for seed dispersal. Flowering occurs from June through October, producing anywhere from 5 to 900 seeds per plant. Diffuse knapweed only reproduces through seed, dispersed seeds germinate throughout the growing season and can remain viable for many years.

Diffuse knapweed is spread through the movement of seed-contaminated hay, wind, wildlife, water, or motorized equipment. It is essential to prevent the spread by ensuring avenues of contaminants are identified and eradicated whenever possible.

Weed control methods used to manage diffuse knapweed consist of herbicides, biological control, grazing, and mechanical strategies. Thirteen knapweed biocontrol species are permitted for release in the U.S. Below two are listed as viable options based on habitat and compatibility with other treatment methods.

In general, a combination of control methods should be used when managing diffuse knapweed. The following table lays out the methods of treatments and the timing of those treatments.

Table 4. Treatment Methods and Timing for Diffuse Knapweed

Treatment Method	Treatment Timing
Biological Control	Lesser knapweed weevil (*Larinus minutus*): Overwinter in soil litter. Adults feed on the leaves of rosettes and flowering plants, outer stem tissue, and flowers. Larvae feed on developing seeds. UV knapweed seedhead fly (*Urophora quadrifasciata*): Females lay up to 120 eggs within closed seedheads. Larval feed on receptacle tissue directly destroying seeds. Feeding induces the formation of galls which drain nutrients from plant.
Grazing	Rosettes of diffuse knapweed are readily grazed by sheep and goats. Spring and fall grazing can be effective at reducing flower production and density of young plants. Overgrazing must be avoided to prevent conditions that will facilitate diffuse knapweed growth. Life stages of biological control agents must be taken into consideration when grazing.
Herbicides	Best used on small patches or on edges of large infestations to prevent spreading. Apply when foliage first emerges in the spring or during the fall when plants are storing reserves for winter.
Seeding competitive species	Revegetation is best used in combination with other control tactics since diffuse knapweed is a strong competitor. Perennial grasses have been observed to provide significant competition to knapweed species. Growing taprooted forbs along with grasses increases ground cover and may be more effective in minimizing invasion of diffuse knapweed than grasses only. Control diffuse knapweed infestation prior to seeding.

3.2 Seeding

The seed mixes are based on regionally appropriate species. Modifications to seed mixes may be required based on site conditions, climate, establishment performance, and market availability; or landowner preference if in areas of disturbed cropland. Any proposed alterations should be made with Oregon Trail's approval and maintain an appropriate seeding rate and species functional group

compositions. The seeding window should be during the winter season (October 1 – March 30) for success in the Arid West.

Table 6. Seed Mix

Scientific Name	Common Name	Percent Composition
Grasses		
Achnatherum hymenoides	Ricegrass	20
Elymus elymoides	Bottlebrush Squirreltail	10
Elymus lanceolatus spp. *lanceolatus*	Thickspike Wheatgrass	20
Poa secunda	Sandberg's Bluegrass	30
Pseudoroegneria spicata	Bluebunch Wheatgrass	20
	Total Graminoids	**100**
Forbs		
Achillea millefolium	Yarrow	30
Erigeron pumilus	Shaggy Fleabane	20
Eriogonum niveum	Snow Buckwheat	20
Linum lewisii	Blue Flax	30
	Total Forbs	**100**

3.3 Best Management Practices

Oregon Trail will implement best management practices during Project construction and operation to help prevent the invasion and spread of noxious weeds onsite. This will include the removal of Russian Thistle from the Project site prior to September 30, 2025.

During construction and operations:

- Temporary ground-disturbing operations in weed-infested areas will be inspected and documented in accordance with the Project monitoring plan.
- Vehicles and equipment will be cleaned prior to entry into revegetation areas to help minimize introduction of noxious weed seeds to the site.
- To prevent conditions favoring weed establishment, temporarily disturbed areas will be revegetated as soon as possible.
- The site will be revegetated with appropriate, locally collected native seed or native plants; when these are not available, noninvasive and nonpersistent, nonnative species may be used.
- Seed and straw mulch to be used for site rehabilitation will be inspected and certified free of weed seed and propagules.

During operations:

- Information regarding target weed species will be provided at the operations and maintenance building.
- Weed prevention and control measures, including Project inspection and documentation, will be included in operations plans.
- For sheep grazing activities, Oregon Trail will:
    - Notify ODFW when domestic sheep will be at the facility.
    - Ensure fence checks are completed prior to sheep turnout and during the grazing season.
- Conduct staff training and establish a dedicated phone tree to report bighorn sheep sightings and escaped domestic sheep to ODFW staff (specifically Steve Cherry/Heppner District Office for this facility.

4.0 Monitoring and Adaptive Management

During construction:

- Noxious weed populations observed by the environmental monitor will be documented and relayed to on-site staff for proper treatment in accordance with Section 3.1 of this plan.

During operations:

- Monitoring will be conducted in the early spring, early summer, and late summer by a qualified botanist for the first 5 years following initial seeding, to assess weed growth and to recommend weed control measures. The weed monitoring will consist of two general components:
    - Site survey to identify weed species that have established within the disturbed areas; and
    - Inspections of treated areas to assess the success of the weed treatments, including use of sheep grazing.
- The site surveys will be a pedestrian survey of disturbed areas in mid to late May, then again in mid to late June, and end with a survey in mid to late August. The surveys will be scheduled to be initiated slightly before the herbicide application to identify any weed species, and after periods of intensive sheep grazing. The focus will be on weed species with greatest potential to occur onsite, as they were identified in adjacent Project areas (knapweed, starthistle, field bindweed, whitetop, jointed goatgrass, medusahead), as well as any other noxious weed species on the Gilliam County weed list that might require different control methods.
- The results of the site survey will be summarized in a short memorandum in which (1) any new weed populations observed and treatment protocols are identified, including protocol for sheep grazing (stocking rates/month), (2) the location and weed species within disturbed areas are described, (3) plant composition throughout the Project is documented,

(4) supplemental treatment methods are described, and (5) adaptive management methods are discussed to achieve the goal of noxious weed eradication.

- Subsequent monitoring results will be summarized in short memorandums in which the treatment success is described, any recommendations to improve treatment success through adaptive management are made, and any new weed species or emergence are noted. Long-term success for noxious weed control will be minimizing the presence and abundance of county and state listed noxious weeds. This will be measured and communicated annually for five years post-construction. Any existing or new populations of noxious/invasive weeds that have not been treated or need supplemental treatment will be relayed to on-site staff for prompt control. Monitoring frequently will ensure that species are treated at the proper time and will reduce the spread of noxious and undesirable weeds. The treatments will be deemed successful when there are no noxious weeds within the Project area. It is expected that noxious weed management will continue for the life of the Project.
- In each monitoring report to ODOE, the Certificate Holder shall provide an assessment of the adequacy and success of noxious weed control for all disturbed areas. The Certificate Holder will also report bighorn sheep sitings and any incidents of escaped domestic sheep to ODFWs Heppner District Office staff.

5.0 Amendment of the Plan

This Noxious Weed Plan may be amended from time to time by agreement of the Certificate Holder and 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.

6.0 References

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Tetra Tech. 2026. Revegetation Plan for Oregon Trail Solar. May 2026.

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Appendix A. ODA Noxious Weed Policy and Classification System 2024



Noxious Weed Policy and Classification System 2024

Noxious Weed Control Program

Address: 635 Capitol Street NE, Salem, Oregon 97301

Phone: (503) 986-4625 **Fax:** (503) 986-4786

www.oregon.gov/ODA/programs/Weeds/Pages/AboutWeeds.aspx

Mission Statement

To protect Oregon's natural resources and agricultural economy from the invasion and proliferation of invasive noxious weeds.

Program Overview

The Oregon Department of Agriculture (ODA) Noxious Weed Control Program provides statewide leadership for coordination and management of state listed noxious weeds. The state program focuses on noxious weed control efforts by implementing early detection and rapid response projects for new invasive noxious weeds, implementing biological control, implementing statewide inventory and survey, assisting the public and cooperators through technology transfer and noxious weed education, maintaining noxious weed data and maps for priority listed noxious weeds, and assisting land managers and cooperators with integrated weed management projects. The Noxious Weed Control Program also supports the Oregon State Weed Board (OSWB) with administration of the OSWB Grant Program, developing statewide management objectives, developing weed risk assessments, and maintaining the state noxious weed list.

Troy Abercrombie
Program Manager
troy.abercrombie@oda.oregon.gov
(503) 986-4625

Table of Contents

Policy and Classification System…….....1

Criteria…….....3

Classification Definitions……..... 4

Weed Biological Control…….. 4

A Listed Weeds……..... 5

B Listed Weeds.…….....7

Noxious Weed Control Policy and Classification System

Definition

"Noxious weed" means a terrestrial, aquatic or marine plant designated by the Oregon 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 become so thoroughly established and are spreading so rapidly on private, state, county, and federally owned lands, that they have been declared by ORS 569.350 to be a menace to public welfare. Steps leading to eradication, where possible, and intensive control are necessary. It is further recognized that the responsibility for eradication and intensive control rests not only on the private landowner and operator, but also on the county, state, and federal governments.

Weed Control Policy

Therefore, it shall be the policy of ODA to:

1. Assess non-native plants through risk assessment processes and make recommendations to the Oregon State Weed Board for potential listing.
2. Rate and classify weeds at the state level.
3. Prevent the establishment and spread of listed noxious weeds.
4. Encourage and implement the control or containment of infestations of listed noxious weed species and, if possible, eradicate them.
5. Develop and manage a biological weed control program.
6. Increase awareness of potential economic losses and other undesirable effects of existing and newly invading noxious weeds, and to act as a resource center for the dissemination of information.
7. Encourage and assist in the organization and operation of noxious weed control programs with government agencies and other weed management entities.
8. Develop partnerships with county weed control districts, universities, and other cooperators in the development of control methods.
9. Conduct statewide noxious weed surveys and weed control efficacy studies.

Weed Classification System

The purpose of this Classification System is to:

1. Act as the ODA's official guideline for prioritizing and implementing noxious weed control projects.
2. Assist the ODA in the distribution of available funds through the Oregon State Weed Board to assist county weed programs, cooperative weed management groups, private landowners, and other weed management entities.
3. Serve as a model for private and public sectors in developing noxious weed classification systems that aid in setting effective noxious weed control strategies.

Criteria for Determining Economic and Environmental Significance

Detrimental Effects

1. A plant species that causes or has the potential to cause severe negative impacts to Oregon's agricultural economy and natural resources.
2. A plant species that has the potential to or does endanger native flora and fauna by its encroachment into forest, range, aquatic and conservation areas.
3. A plant species that has the potential or does hamper the full utilization and enjoyment of recreational areas.
4. A plant species that is poisonous, injurious, or otherwise harmful to humans and/or animals.

Plant Reproduction

1. A plant that reproduces by seed capable of being dispersed over wide areas or that is long-lived, or produced in large numbers.
2. A plant species that reproduces and spreads by tubers, creeping roots, stolons, rhizomes, or other natural vegetative means.

Distribution

1. A weed of known economic importance which occurs in Oregon in small enough infestations to make eradication/containment possible; or not known to occur, but its presence in neighboring states makes future occurrence seem imminent.
2. A weed of economic or ecological importance and of limited distribution in Oregon.
3. A weed that has not infested the full extent of its potential habitat in Oregon.

Difficulty of Control

A plant species that is not easily controlled with current management practices such as chemical, cultural, biological, and physical methods.

Noxious Weed Control Classification Definitions

Noxious weeds, for the purpose of this system, shall be listed as either A or B, and may also be designated as T, which are priority targets for control, as directed by the Oregon State Weed Board.

- **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 make future occurrence in Oregon seem imminent (Table I).
  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 which is regionally abundant, but which may have limited distribution in some counties (Table II).
  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 (T):**
  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 Oregon State Weed Board 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.

Weed Biological Control

Oregon implements biological control, or “biocontrol” as part of its integrated pest management approach to managing noxious weeds. This is the practice of using host-specific natural enemies such as insects or pathogens to control noxious weeds. The Oregon Department of Agriculture Noxious Weed Program has adopted the International Code of Best Practices for biological control of weeds. Only safe, effective, and federally-approved natural enemies will be used for biocontrol.

Table I: A Listed Weeds

Common Name	Scientific Name
African rue	*Peganum harmala*
Camelthorn	*Alhagi pseudalhagi*
Cape-ivy	*Delairea odorata*
Coltsfoot	*Tussilago farfara*
Common frogbit	*Hydrocharis morsus-ranae*
Cordgrass	
Common	*Spartina anglica*
Dense-flowered	*Spartina densiflora*
Saltmeadow	*Spartina patens*
Smooth	*Spartina alterniflora*
Delta arrowhead	*Sagittaria platyphyla*
European water chestnut	*Trapa natans*
Flowering rush	*Butomus umbellatus*
Garden yellow loosestrife	*Lysimachia vulgaris*
Giant hogweed	*Heracleum mantegazzianum*
Goatgrass	
Barbed	*Aegilops triuncialis*
Ovate	*Aegilops ovata*
Goatsrue	*Galega officinalis*
Hawkweed	
King-devil	*Hieracium piloselloides*
Mouse-ear	*Hieracium pilosella*
Orange	*Hieracium aurantiacum*
Yellow	*Hieracium floribundum*
Hoary alyssum	*Berteroa incana*
Hydrilla	*Hydrilla verticillata*
Japanese dodder	*Cuscuta japonica*
Kudzu	*Pueraria lobata*
Matgrass	*Nardus stricta*
Oblong spurge	*Euphorbia oblongata*
Palmer amaranth	*Amaranthus palmeri*
Paterson's curse	*Echium plantagineum*
Purple nutsedge	*Cyperus rotundus*
Ravennagrass	*Saccharum ravennae*
Squarrose knapweed	*Centaurea virgata*

(Continued) Table I: A Listed Weeds

Common Name	Scientific Name
Starthistle	
Iberian	*Centaurea iberica*
Purple	*Centaurea calcitrapa*
Thistle	
Plumeless	*Carduus acanthoides*
Smooth distaff	*Carthamus baeticus*
Taurian	*Onopordum tauricum*
Turkish	*Carduus cinereus*
Welted (curly plumeless)	*Carduus crispus*
Woolly distaff	*Carthamus lanatus*
Water soldiers	*Stratiotes aloides*
West Indian spongeplant	*Limnobium laevigatum*
White bryonia	*Bryonia alba*
Yellow floating heart	*Nymphoides peltata*
Yellowtuft	*Alyssum murale, A. corsicum*

Table II: B Listed Weeds

Common Name	Scientific Name
Armenian (Himalayan) blackberry	*Rubus armeniacus (R. procerus, R. discolor)*
Biddy-biddy	*Acaena novae-zelandiae*
Broom	
French*****	*Genista monspessulana*
Portuguese (T)	*Cytisus striatus*
Scotch*****	*Cytisus scoparius*
Spanish	*Spartium junceum*
Butterfly bush	*Buddleja davidii (B. variabilis)*
Common bugloss (T)	*Anchusa officinalis*
Common crupina **(T)**	*Crupina vulgaris*
Common reed	*Phragmities australis ssp. australis*
Common viper's bugloss (T)	*Echium vulgare*
Cutleaf teasel	*Dipsacus laciniatus*
Dyer's woad (T)	*Isatis tinctoria*
English hawthorn	*Crataegus monogyna*
Eurasian watermilfoil	*Myriophyllum spicatum*
False brome	*Brachypodium sylvaticum*
Field bindweed	*Convolvulus arvensis*
Garlic mustard (T)	*Alliaria petiolata*
Geranium	
Herb Robert	*Geranium robertianum*
Shiny leaf	*Geranium lucidum*
Giant reed (T)	*Arundo donax*
Gorse***** (T)	*Ulex europaeus*
Halogeton	*Halogeton glomeratus*
Houndstongue	*Cynoglossum officinale*

* Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Indigo bush	*Amorpha fruticosa*
Ivy	
Atlantic	*Hedera hibernica*
English	*Hedera helix*
Jointed goatgrass	*Aegilops cylindrica*
Jubata grass	*Cortaderia jubata*
Knapweed	
Diffuse*	*Centaurea diffusa*
Meadow*	*Centaurea pratensis*
Russian*	*Acroptilon repens*
Spotted*	*Centaurea stoebe (C. maculosa)*
Knotweed	
Bohemian*	*Fallopia x bohemica*
Giant*	*Fallopia sachalinensis (Polygonum)*
Himalayan	*Polygonum polystachyum*
Japanese*	*Fallopia japonica (Polygonum)*
Kochia	*Kochia scoparia*
Lesser celandine	*Ranunculus ficaria*
Meadow hawkweed (T)	*Pilosella caespitosum (Hieracium)*
Mediterranean sage*	*Salvia aethiopis*
Medusahead rye	*Taeniatherum caput-medusae*
Old man's beard	*Clematis vitalba*
Parrot feather	*Myriophyllum aquaticum*
Perennial peavine	*Lathyrus latifolius*
Perennial pepperweed (T)	*Lepidium latifolium*
Pheasant's eye	*Adonis aestivalis*
Pine echium (T)	*Echium pininana*
Poison hemlock*	*Conium maculatum*
Policeman's helmet	*Impatiens glandulifera*
Primrose-willow	
Large-flower (T)	*Ludwigia grandiflora*
Water primrose (T)	*Ludwigia hexapetala*
Floating (T)	*Ludwigia peploides*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Puncturevine*	*Tribulus terrestris*
Purple loosestrife*	*Lythrum salicaria*
Ribbongrass (T)	*Phalaris arundinacea var. Picta*
Rose	
Dog	*Rosa canina*
Sweetbriar	*Rosa rubiginosa*
Rush skeletonweed* (T)	*Chondrilla juncea*
Saltcedar* (T)	*Tamarix ramosissima*
Small broomrape	*Orabanche minor*
South American waterweed	*Egeria densa (Elodea)*
Spanish heath	*Erica lusitanica*
Spurge laurel	*Daphne laureola*
Spurge	
Leafy* (T)	*Euphorbia esula*
Myrtle	*Euphorbia myrsinites*
St. Johnswort	*Hypericum perforatum*
Sulfur cinquefoil	*Potentilla recta*
Swainsonpea	*Sphaerophysa salsula*
Tansy ragwort* (T)	*Senecio jacobaea (Jacobaea vulgaris)*
Thistle	
Bull	*Cirsium vulgare*
Canada*	*Cirsium arvense*
Italian	*Carduus pycnocephalus*
Milk	*Silybum marianum*
Musk	*Carduus nutans*
Scotch	*Onopordum acanthium*
Slender-flowered	*Carduus tenuiflorus*
Toadflax	
Dalmatian*	*Linaria dalmatica*
Yellow*	*Linaria vulgaris*
Tree of heaven	*Ailanthus altissima*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Ventenata grass	*Ventenata dubia*
Whitetop	
Hairy	*Lepidium pubescens*
Lens-podded	*Lepidium chalepensis*
Whitetop (hoary cress)*	*Lepidium draba*
Yellow archangel	*Lamiastrum galeobdolon*
Yellow flag iris	*Iris pseudacorus*
Yellow nutsedge	*Cyperus esculentus*
Yellow starthistle*	*Centaurea solstitialis*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

Draft Amended Noxious Weed Control Plan

~~Oregon Trail Solar~~Shutler Energy Storage Facility

Prepared for

~~Oregon Trail Solar~~Shutler Energy Storage, LLC

Prepared by

TETRA TECH

Updated Plan, with modifications, reviewed and approved by ODOE, in consultation with Gilliam County Weed Department

~~Approved by EFSC January~~ May 2026

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Table of Contents

1.0 Introduction 1
1.1 Background Information 1
1.2 Noxious Weed Control Goals ..... 2~~1~~
2.0 Noxious Weed Species of Concern 2
3.0 Noxious Weed Control Plan 3
3.1 Overview 3
3.1.1 Jointed Goatgrass Treatment 4
3.1.2 Medusahead Grass 5
3.1.1 Diffuse Knapweed 6
3.1.2 Puncturevine Treatment 7
3.2 Seeding 8
3.3 Best Management Practices 8
4.0 Monitoring and Adaptive Management 9
5.0 Amendment of the Plan 10
6.0 References ..... 11~~10~~

List of Tables

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity 2
Table 2. Treatment Methods and Timing for Jointed Goatgrass 4

List of Appendices

Appendix A. ODA Noxious Weed Policy and Classification System 2024

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1.0 Introduction

~~Oregon Trail Solar~~Shutler Energy Storage, LLC (~~Oregon Trail~~Shutler BESS) holds a Site Certificate from the Oregon Energy Facility Siting Council for the ~~Oregon Trail~~Shutler Energy Storage ~~Solar~~ Facility (Facility) in Gilliam County, Oregon. Condition 43 of the Site Certificate requires the following:

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

The ~~Oregon Trail~~Shutler Energy ~~Solar~~ Storage Facility b~~will be developed in two phases: Phase 1 will involve the construction of the battery storage system, while Phase 2 will focus on building the solar arrays and associated collection line infrastructure~~egan construction in August 2025. This plan was initially prepared for ~~Phase 1~~Shutler BESS in conjunction with the adjacent Oregon Trail Solar Facility (Oregon Trail) in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW). ~~and~~ This plan has been updated to ~~address the Phase 2~~remove Oregon Trail areas following the issuance of individual site certificates on [DATE] for each individual Facility ~~and incorporate sheep grazing as a vegetation control mechanism~~.

1.1 Background Information

The Gilliam County Weed Department works to keep noxious weeds at a minimum on roadways and throughout the county, assists area landowners with land maintenance needs, and follows the Oregon Department of Agriculture (ODA) noxious weed policy and classification system as part of ODA's Noxious Weed Control Program (Appendix A. ODA Noxious Weed Policy and Classification System 2024). Noxious weeds are identified on the State of Oregon noxious weed list and mapped by ODA as occurring in Gilliam County. "A" listed weeds are economically important, nonnative species with limited distribution in the county. "B" listed weeds are economically important, nonnative species that are regionally abundant. At the County level, eradication is required for "A" listed weeds at an intensive level, with containment the goal for "B" listed weeds. "T" listed weeds are a designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority (Appendix A).

For the purposes of this weed control plan, the term "weed" refers to any species on the Gilliam County weed list regardless of its "A" or "B" status. This plan outlines the measures Oregon Trail will implement to control weeds within areas disturbed by Project construction and operation. The Project will disturb up to 6 acres; this plan applies to any area not occupied by aboveground infrastructure associated with the Project (i.e. temporarily disturbed areas).

1.2 Noxious Weed Control Goals

Overarching goals of post-construction operations are prevention, identification, and control of weeds.

2.0 Noxious Weed Species of Concern

Tetra Tech completed a field survey for the Project during spring, summer, and fall of 2025 to map habitat types and other resources. No noxious weeds were observed within the Project during the spring; however, ~~four~~ two species on the ODA noxious weed list [jointed goatgrass (*Aegilops cylindrica*) ~~medusahead grass (*Taeniatherum caput-medusae*), and diffuse knapweed (*Centaurea diffusa*)~~ and puncturevine (*Tribulus terrestris*)] were observed (Table 1). These species were noted to occur in varying densities within the site boundary. Another notable invasive species of concern that was observed was Russian thistle (*Salsola tragus*). This ~~varied from low to high cover~~species had the highest composition cover throughout the Project (Table 1).

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity

Common Name	Scientific Name	Mapped in Project Vicinity 2025[1]	Percent Cover within Project Vicinity 2025
B List Weeds			
Dicots			
Puncturevine	*Tribulus terrestris*	X	<5
~~Diffuse Knapweed~~	~~*Centaurea diffusa*~~	~~X~~	~~15~~
Monocots			
Jointed goatgrass	*Aegilops cylindrica*	X	<5
~~Medusahead grass~~	~~*Taeniatherum caput-medusae*~~	~~X~~	~~50~~
T List Weeds			
Puncturevine	*Tribulus terrestris*	X	<5
Invasive Species of Concern			
Dicots			
Russian thistle	*Salsola tragus*	X	~~50~~70
Monocots			
Cheatgrass	*Bromus tectorum*	X	~~40~~5-15
1. Source: ODA 2025.			

The results of these pre-construction surveys were reviewed along with the weed maps for Gilliam County (ODA 2024) to identify the weed species of greatest concern either occurring or with a high potential for occurring in the vicinity of the Project site boundary. Additional monitoring will be

necessary to ensure that each weed species on the Gilliam County list is identified and treated appropriately, as described in Section 4.0 of this plan.

3.0 Noxious Weed Control Plan

3.1 Overview

Short-term weed control will be through herbicide use and seeding. Seeding will occur in all areas temporarily disturbed during construction. It will be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. To support the success of herbicide use and seeding, Russian thistle will be removed at the ~~Phase 1~~ site, prior to September 30, 2025.[1] It will also be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. Early detection and management of small populations before they can expand into larger populations is extremely important for successful control.

Long-term weed control will be accomplished through the seeding of perennial grasses known to compete well with noxious weeds, such as thickspike wheatgrass (*Elymus lanceolatus*) and Sandberg's bluegrass (*Poa secunda*).

Long-term success for noxious weed control will be: (1) minimizing the presence/abundance of noxious weeds; and (2) preventing the spread of these species during the planned construction activities. Noxious weed control will continue for the life of the Project. Supplemental seeding may be needed to achieve this goal. Subsequent fertilizer application will be limited in areas treated for noxious weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

Noxious weed management will be a mix of the treatments recommended for each individual weed in the following sections. Biologists will use adaptive management techniques to get the best control of weed populations on site.

~~In an effort to improve weed control and vegetation management, a sheep grazing program may be implemented. Sheep grazing activities and evaluation of success in vegetation management and noxious weed control, will be monitored and reported as established in Section 4 of this plan. Spot herbicide treatments would continue to be implemented for noxious weeds throughout the site. However, it is anticipated that these treatments would be reduced when combined with the sheep grazing program.~~

Jointed goatgrass and puncturevine are the species of primary concern ("target" species), as they were observed onsite during preconstruction surveys. The target species will be the same for all onsite areas, but the treatment implementation will vary slightly according to these parameters.

[1] Specific recommendation provided by Gilliam County Weed Department on August 27, 2025 in response to the Oregon Department of Energy's request for review and comment of the draft plan.

The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds, or (2) annual grasses or monocots. Appropriate herbicides differ substantially between dicots and monocots. Additional information for target species and different options for control can be reviewed below.

3.1.1 Jointed Goatgrass Treatment

Jointed goatgrass is an introduced, cool season, annual grass that is closely related to and a common contaminant of winter wheat. Jointed goatgrass grows from 15 to 30 inches tall as a tufted, annual bunchgrass. The reproduction of jointed goatgrass is solely by seed, seeds remain viable for 3 to 5 years, and each plant can produce approximately 3,000 seeds. Plants prefer to germinate in compacted soils thriving along roadways, between crop rows, railroad tracks, and other rights-of way.

Jointed goatgrass seedlings germinate mostly from September to early November dependent on favorable soil moisture. The plant then has an overwinter dormant period followed by new seed in the spring. The seed has a long flowering period which allows it to successfully compete with other species for sunlight, nutrients, and water. Additionally, jointed goatgrass tolerates drought better than winter wheat and other annual grasses.

The objective when managing existing infestations of jointed goatgrass is to eliminate as many live plants and disrupt as much seed production as possible. As a rule, actions to follow for an overall management approach are to check seed stock, hay, straw, and mulch for presence of seeds; encourage use of spray washing stations; detect, map, and eradicate new populations as early as possible; combine weed control methods (see below) for most effective control; and implement monitoring and follow-up treatments for missed plants or seedlings.

In general, a combination of control methods should be used when managing jointed goatgrass. The following table lays out the methods of treatments and the timing of those treatments.

Table 2. Treatment Methods and Timing for Jointed Goatgrass

Treatment Method	Treatment Timing
Hand Removal/Mowing	Hand pull, cut, or hoe before the seed head exits the sheath in late winter or early spring to prevent plants from maturing and reaching seed production. Remove as much of the root as possible and allow eradicated plants to dry in place on the surface of the soil. Mow in late winter to early spring when inflorescences are formed but are still within the sheath. Several return visits to a site should be done to eliminate new plants.
Herbicides	Prior to flowering, a nonselective herbicide will be used as treatment of jointed goatgrass. Consider using glyphosate as a spot treatment or as a broadcast spray. Glyphosate is advantageous compared to other nonselective herbicides because it allows reseeding shortly after spraying. Apply glyphosate to actively growing plants before the seedheads develop within the sheath.

Treatment Method	Treatment Timing
Seeding competitive species	Plan to reseed after removal of jointed goatgrass with desirable native plants that will directly compete for soil moisture, light, nutrients, and space.

~~*3.1.2 Medusahead Grass*~~

~~Medusahead is an annual grass that can grow up to two feet tall. This grass germinates in the fall and rapidly develops a root system throughout the winter months making it very competitive with native vegetation for moisture in the soil. Medusahead is considered a "transformer" species, meaning that it will change ecosystem function to fit the needs of the medusahead. The primary way medusahead is able to change ecosystem function is due to the high silica content in the stems and leaves. It is considered unpalatable by cattle and other livestock and so the grass is not grazed after the plant has matured. The high silica also prevents the seedheads from decomposing which can create a thick layer of thatch buildup on the soil surface, creating both a fire hazard and inhibiting native plant regeneration through shading.~~

~~Medusahead can exist as a monoculture once it is established on disturbed soils, however its seeds do not persist in the soil for long periods of time like other weeds in the Arid West. Medusahead seeds persist in the soil for less than two years so large-scale, intensive treatment for this weed can be limited to a couple of years of preventing the grass from going to seed with adaptive management occurring after that time.~~

~~There is some evidence that combining multiple treatment types can control two years' worth of seed production in one year (Kyser et. al 2014). For instance, burning in the late spring/early summer to control first year's seed crop followed with using a preemergence herbicide in the fall to prevent seed production in the following year. The following table lays out the methods of treatments and the timing of those treatments.~~

~~Table 3. Treatment Methods and Timing for Medusahead Grass~~

~~Treatment Method~~	~~Treatment Timing~~
~~Mowing/Handweeding~~	~~Late spring (May during regular years, June during cold springs) when medusahead is in the early flowering stage. For effective control, mowing must be completed late in the plant's development but before it produces viable seed. Look for the beginnings of a seed head to know when to mow or handpull.~~
~~Grazing~~	~~Sheep will eat medusahead when it is first growing or after a re-growth from spraying. Optimal timing for grazing is in the late spring after medusahead stems elongate and before they develop seedheads. Caution must be taken when grazing with sheep that the medusahead does not have seed heads because the seeds will get caught in the sheep's wool.~~
~~Herbicides~~	~~A pre-emergent can be applied in the fall to keep new grasses from going to seed. Applications of herbicides in the spring must be done~~
~~Seeding competitive species~~	~~Although not a native, crested wheatgrass (*Agropyron cristatum*) is commonly used by NRCS in Conservation Reserve Program plantings throughout the Inland Northwest.~~

Treatment Method	Treatment Timing
	Crested wheatgrass is competitive with medusahead and can be used to crowd out medusahead in anticipation of the final revegetation of the site.

3.1.1 Diffuse Knapweed

Diffuse knapweed is an annual, biennial, or short-lived perennial winter-hardy forb that can grow 1 to 3.5 feet tall. Diffuse knapweed has many spreading branches giving it a tangled ball-shaped form and a tumble-weed mobility when broken, this mobility allows a far range for seed dispersal. Flowering occurs from June through October, producing anywhere from 5 to 900 seeds per plant. Diffuse knapweed only reproduces through seed, dispersed seeds germinate throughout the growing season and can remain viable for many years.

Diffuse knapweed is spread through the movement of seed-contaminated hay, wind, wildlife, water, or motorized equipment. It is essential to prevent the spread by ensuring avenues of contaminants are identified and eradicated whenever possible.

Weed control methods used to manage diffuse knapweed consist of herbicides, biological control, grazing, and mechanical strategies. Thirteen knapweed biocontrol species are permitted for release in the U.S. Below two are listed as viable options based on habitat and compatibility with other treatment methods.

In general, a combination of control methods should be used when managing diffuse knapweed. The following table lays out the methods of treatments and the timing of those treatments.

Table 4. Treatment Methods and Timing for Diffuse Knapweed

Treatment Method	Treatment Timing
Biological Control	Lesser knapweed weevil (*Larinus minutus*): Overwinter in soil litter. Adults feed on the leaves of rosettes and flowering plants, outer stem tissue, and flowers. Larvae feed on developing seeds. UV knapweed seedhead fly (*Urophora quadrifasciata*): Females lay up to 120 eggs within closed seedheads. Larval feed on receptacle tissue directly destroying seeds. Feeding induces the formation of galls which drain nutrients from plant.
Grazing	Rosettes of diffuse knapweed are readily grazed by sheep and goats. Spring and fall grazing can be effective at reducing flower production and density of young plants. Overgrazing must be avoided to prevent conditions that will facilitate diffuse knapweed growth. Life stages of biological control agents must be taken into consideration when grazing.
Herbicides	Best used on small patches or on edges of large infestations to prevent spreading. Apply when foliage first emerges in the spring or during the fall when plants are storing reserves for winter.
Seeding competitive species	Revegetation is best used in combination with other control tactics since diffuse knapweed is a strong competitor.

~~Treatment Method~~	~~Treatment Timing~~
	~~Perennial grasses have been observed to provide significant competition to knapweed species. Growing taprooted forbs along with grasses increases ground cover and may be more effective in minimizing invasion of diffuse knapweed than grasses only.~~ ~~Control diffuse knapweed infestation prior to seeding.~~

3.1.2 Puncturevine Treatment

Puncturevine is a summer annual that can grow under a wide range of conditions; including hot and dry conditions which are prominent within the Project. This broadleaf weed grows low to the ground forming dense mats that can span out anywhere from 2 to 5 feet in diameter. Puncturevine germinates in the spring and summer and can flower within 3 weeks of germination continuing through the summer. Seeds are primarily dormant in the first season and can remain viable for up to 5 years. A typical puncturevine individual can produce 200 to 5,000 seeds during one growing season (C.A. Wilen 1972).

Long-term control of puncturevine can be achieved by reducing the number of seeds in the soil as it does not root from the stems. This is best accomplished by removing plants before they are able to produce seeds. As a rule, actions to follow for an overall management approach are to check seed stock, hay, straw, and mulch for presence of seeds; encourage use of spray washing stations; detect, map, and eradicate new populations as early as possible; combine weed control methods (see below) for most effective control; and implement monitoring and follow-up treatments for missed plants or seedlings.

In general, a combination of control methods should be used when managing jointed puncturevine. The following table lays out the methods of treatments and the timing of those treatments.

Table 5. Treatment Methods and Timing for Puncturevine

Treatment Method	Treatment Timing
Hand Removal/Hoeing	Cut the plant off at its taproot by handpulling or hoeing before or at flowering. Monitor the area and remove any new individuals throughout the spring and summer. Shallow tilling (about 1 inch deep) of seedlings or small plants can be effective as well. Mowing is not an effective method of control as the plant grows low to the ground.
Biological Control	Two weevil species (*Microlarinus lareynii; M. lypriformis*) are effective in targeting the seeds and stems of puncturevine. The weevils are more effective if used together. The Gilliam County Weed Department must be contacted for more information on where to buy or collect these species.
Herbicides	Chemical control is generally not necessary for the control of puncturevine unless it is too difficult to do mechanical control. Pre-emergent products containing oryzalin, benefin, or trifluralin will provide partial control of germinating seeds. These must be applied prior to germination (late-winter to mid-spring).

Treatment Method	Treatment Timing
	Post-emergent products containing 2, 4-D, glyphosate, and dicamba are effective on smaller or younger plants.
Seeding competitive species	Plan to reseed after removal of puncturevine with desirable native plants that will directly compete for soil moisture, light, nutrients, and space.

3.2 Seeding

The seed mixes are based on regionally appropriate species. Modifications to seed mixes may be required based on site conditions, climate, establishment performance, and market availability; or landowner preference if in areas of disturbed cropland. Any proposed alterations should be made with Oregon Trail's approval and maintain an appropriate seeding rate and species functional group compositions. The seeding window should be during the winter season (October 1 – March 30) for success in the Arid West.

Table 6. Seed Mix

Scientific Name	Common Name	Percent Composition
Grasses		
Achnatherum hymenoides	Ricegrass	20
Elymus elymoides	Bottlebrush Squirreltail	10
Elymus lanceolatus spp. *lanceolatus*	Thickspike Wheatgrass	20
Poa secunda	Sandberg's Bluegrass	30
Pseudoroegneria spicata	Bluebunch Wheatgrass	20
	Total Graminoids	**100**
Forbs		
Achillea millefolium	Yarrow	30
Erigeron pumilus	Shaggy Fleabane	20
Eriogonum niveum	Snow Buckwheat	20
Linum lewisii	Blue Flax	30
	Total Forbs	**100**

3.3 Best Management Practices

Oregon Trail will implement best management practices during Project construction and operation to help prevent the invasion and spread of noxious weeds onsite. This will include the removal of Russian Thistle from the ~~Phase 1~~ Project site prior to September 30, 2025.

During construction and operations:

- Temporary ground-disturbing operations in weed-infested areas will be inspected and documented in accordance with the Project monitoring plan.

- Vehicles and equipment will be cleaned prior to entry into revegetation areas to help minimize introduction of noxious weed seeds to the site.
- To prevent conditions favoring weed establishment, temporarily disturbed areas will be revegetated as soon as possible.
- The site will be revegetated with appropriate, locally collected native seed or native plants; when these are not available, noninvasive and nonpersistent, nonnative species may be used.
- Seed and straw mulch to be used for site rehabilitation will be inspected and certified free of weed seed and propagules.

During operations:

- Information regarding target weed species will be provided at the operations and maintenance building.
- Weed prevention and control measures, including Project inspection and documentation, will be included in operations plans.

- ~~For sheep grazing activities, Oregon Trail will:~~
  - ~~Notify ODFW when domestic sheep will be at the facility.~~
  - ~~Ensure fence checks are completed prior to sheep turnout and during the grazing season.~~
- ~~Conduct staff training and establish a dedicated phone tree to report bighorn sheep sightings and escaped domestic sheep to ODFW staff (specifically Steve Cherry/Heppner District Office for this facility.~~

4.0 Monitoring and Adaptive Management

During construction:

- Noxious weed populations observed by the environmental monitor will be documented and relayed to on-site staff for proper treatment in accordance with Section 3.1 of this plan.

During operations:

- Monitoring will be conducted in the early spring, early summer, and late summer by a qualified botanist for the first 5 years following initial seeding, to assess weed growth and to recommend weed control measures. The weed monitoring will consist of two general components:
  - Site survey to identify weed species that have established within the disturbed areas; and
  - Inspections of treated areas to assess the success of the weed treatments~~, including use of sheep grazing~~.

- The site surveys will be a pedestrian survey of disturbed areas in mid to late May, then again in mid to late June, and end with a survey in mid to late August. The surveys will be scheduled to be initiated slightly before the herbicide application to identify any weed species~~, and after periods of intensive sheep grazing~~. The focus will be on weed species with greatest potential to occur onsite, as they were identified in adjacent Project areas (~~knapweed,~~ starthistle, field bindweed, whitetop, jointed goatgrass~~, medusahead~~), as well as any other noxious weed species on the Gilliam County weed list that might require different control methods.
- The results of the site survey will be summarized in a short memorandum in which (1) any new weed populations observed and treatment protocols are identified, ~~including protocol for sheep grazing (stocking rates/month),~~ (2) the location and weed species within disturbed areas are described, (3) plant composition throughout the Project is documented, (4) supplemental treatment methods are described, and (5) adaptive management methods are discussed to achieve the goal of noxious weed eradication.
- Subsequent monitoring results will be summarized in short memorandums in which the treatment success is described, any recommendations to improve treatment success through adaptive management are made, and any new weed species or emergence are noted. Long-term success for noxious weed control will be minimizing the presence and abundance of county and state listed noxious weeds. This will be measured and communicated annually for five years post-construction. Any existing or new populations of noxious/invasive weeds that have not been treated or need supplemental treatment will be relayed to on-site staff for prompt control. Monitoring frequently will ensure that species are treated at the proper time and will reduce the spread of noxious and undesirable weeds. The treatments will be deemed successful when there are no noxious weeds within the Project area. It is expected that noxious weed management will continue for the life of the Project.
- In each monitoring report to ODOE, the Certificate Holder shall provide an assessment of the adequacy and success of noxious weed control for all disturbed areas. ~~The Certificate Holder will also report bighorn sheep sitings and any incidents of escaped domestic sheep to ODFWs Heppner District Office staff.~~

5.0 Amendment of the Plan

This Noxious Weed Plan may be amended from time to time by agreement of the Certificate Holder and 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.

6.0 References

C.A. Wilen. 1972. Puncturevine. Integrated Pest Management for Home Gardeners and Landscape Professionals. University of California Statewide IPM Program.

ODA (Oregon Department of Agriculture). 2024. Noxious Weed Policy and Classification System. Noxious Weed Control Program, Salem, Oregon. https://www.oregon.gov/oda/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf.

ODA. 2025. Weed Mapper. Accessed May 2025. https://geo.maps.arcgis.com/apps/webappviewer/index.html?id=54e9b0eaacb34bc4a146a33faa9f8966.

~~Oregon Trail (Oregon Trail BESS, LLC). 2025. Revegetation Plan for the Oregon Trail BESS Project. August 2025.~~

Tetra Tech. 2026~~5~~. Revegetation Plan for ~~Oregon Trail Solar~~Shutler Energy Storage Facility. ~~October 2025~~May 2026.

Tetra Tech. 2025. Habitat Surveys: Oregon Trail Solar BESS Facility.

~~Tetra Tech. 2025. Habitat Surveys: Oregon Trail Solar (Phase 2) October 2025.~~

Appendix A. ODA Noxious Weed Policy and Classification System 2024

Draft Amended Noxious Weed Control Plan

Shutler Energy Storage Facility

Prepared for
Shutler Energy Storage, LLC

Prepared by

TETRA TECH

Updated Plan, with modifications, reviewed and approved by ODOE, in consultation with Gilliam County Weed Department

May 2026

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Table of Contents

1.0 Introduction 1
1.1 Background Information 1
1.2 Noxious Weed Control Goals 1
2.0 Noxious Weed Species of Concern 2
3.0 Noxious Weed Control Plan 3
3.1 Overview 3
3.1.1 Jointed Goatgrass Treatment 3
3.1.2 Medusahead Grass ..... **Error! Bookmark not defined.**
3.1.1 Diffuse Knapweed ..... **Error! Bookmark not defined.**
3.1.2 Puncturevine Treatment 4
3.2 Seeding 5
3.3 Best Management Practices 6
4.0 Monitoring and Adaptive Management 7
5.0 Amendment of the Plan 8
6.0 References 8

List of Tables

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity 2
Table 2. Treatment Methods and Timing for Jointed Goatgrass 4

List of Appendices

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1.0 Introduction

Shutler Energy Storage, LLC (Shutler BESS) holds a Site Certificate from the Oregon Energy Facility Siting Council for the Shutler Energy Storage Facility (Facility) in Gilliam County, Oregon. Condition 43 of the Site Certificate requires the following:

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

The Shutler Energy Storage Facility began construction in August 2025. This plan was initially prepared for Shutler BESS in conjunction with the adjacent Oregon Trail Solar Facility (Oregon Trail) in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW). This plan has been updated to remove Oregon Trail areas following the issuance of individual site certificates on [DATE] for each individual Facility.

1.1 Background Information

The Gilliam County Weed Department works to keep noxious weeds at a minimum on roadways and throughout the county, assists area landowners with land maintenance needs, and follows the Oregon Department of Agriculture (ODA) noxious weed policy and classification system as part of ODA's Noxious Weed Control Program (Appendix A. ODA Noxious Weed Policy and Classification System 2024). Noxious weeds are identified on the State of Oregon noxious weed list and mapped by ODA as occurring in Gilliam County. "A" listed weeds are economically important, nonnative species with limited distribution in the county. "B" listed weeds are economically important, nonnative species that are regionally abundant. At the County level, eradication is required for "A" listed weeds at an intensive level, with containment the goal for "B" listed weeds. "T" listed weeds are a designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority (Appendix A).

For the purposes of this weed control plan, the term "weed" refers to any species on the Gilliam County weed list regardless of its "A" or "B" status. This plan outlines the measures Oregon Trail will implement to control weeds within areas disturbed by Project construction and operation. The Project will disturb up to 6 acres; this plan applies to any area not occupied by aboveground infrastructure associated with the Project (i.e. temporarily disturbed areas).

1.2 Noxious Weed Control Goals

Overarching goals of post-construction operations are prevention, identification, and control of weeds.

2.0 Noxious Weed Species of Concern

Tetra Tech completed a field survey for the Project during spring, summer, and fall of 2025 to map habitat types and other resources. No noxious weeds were observed within the Project during the spring; however, two species on the ODA noxious weed list [jointed goatgrass (*Aegilops cylindrica*) and puncturevine (*Tribulus terrestris*)] were observed (Table 1). These species were noted to occur in varying densities within the site boundary. Another notable invasive species of concern that was observed was Russian thistle (*Salsola tragus*). This species had the highest composition cover throughout the Project (Table 1).

Table 1. Noxious Weed and Invasive Species of Greatest Concern Documented in the Project Vicinity

Common Name	Scientific Name	Mapped in Project Vicinity 2025[1]	Percent Cover within Project Vicinity 2025
B List Weeds			
Dicots			
Puncturevine	*Tribulus terrestris*	X	<5
Monocots			
Jointed goatgrass	*Aegilops cylindrica*	X	<5
T List Weeds			
Puncturevine	*Tribulus terrestris*	X	<5
Invasive Species of Concern			
Dicots			
Russian thistle	*Salsola tragus*	X	70
Monocots			
Cheatgrass	*Bromus tectorum*	X	5-15
1. Source: ODA 2025.			

The results of these pre-construction surveys were reviewed along with the weed maps for Gilliam County (ODA 2024) to identify the weed species of greatest concern either occurring or with a high potential for occurring in the vicinity of the Project site boundary. Additional monitoring will be necessary to ensure that each weed species on the Gilliam County list is identified and treated appropriately, as described in Section 4.0 of this plan.

3.0 Noxious Weed Control Plan

3.1 Overview

Short-term weed control will be through herbicide use and seeding. Seeding will occur in all areas temporarily disturbed during construction. It will be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. To support the success of herbicide use and seeding, Russian thistle will be removed at the site, prior to September 30, 2025.[1] It will also be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control. Early detection and management of small populations before they can expand into larger populations is extremely important for successful control.

Long-term weed control will be accomplished through the seeding of perennial grasses known to compete well with noxious weeds, such as thickspike wheatgrass (*Elymus lanceolatus*) and Sandberg's bluegrass (*Poa secunda*).

Long-term success for noxious weed control will be: (1) minimizing the presence/abundance of noxious weeds; and (2) preventing the spread of these species during the planned construction activities. Noxious weed control will continue for the life of the Project. Supplemental seeding may be needed to achieve this goal. Subsequent fertilizer application will be limited in areas treated for noxious weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

Noxious weed management will be a mix of the treatments recommended for each individual weed in the following sections. Biologists will use adaptive management techniques to get the best control of weed populations on site.

Jointed goatgrass and puncturevine are the species of primary concern ("target" species), as they were observed onsite during preconstruction surveys. The target species will be the same for all onsite areas, but the treatment implementation will vary slightly according to these parameters. The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds, or (2) annual grasses or monocots. Appropriate herbicides differ substantially between dicots and monocots. Additional information for target species and different options for control can be reviewed below.

3.1.1 Jointed Goatgrass Treatment

Jointed goatgrass is an introduced, cool season, annual grass that is closely related to and a common contaminant of winter wheat. Jointed goatgrass grows from 15 to 30 inches tall as a tufted, annual bunchgrass. The reproduction of jointed goatgrass is solely by seed, seeds remain viable for 3 to 5

[1] Specific recommendation provided by Gilliam County Weed Department on August 27, 2025 in response to the Oregon Department of Energy's request for review and comment of the draft plan.

years, and each plant can produce approximately 3,000 seeds. Plants prefer to germinate in compacted soils thriving along roadways, between crop rows, railroad tracks, and other rights-of way.

Jointed goatgrass seedlings germinate mostly from September to early November dependent on favorable soil moisture. The plant then has an overwinter dormant period followed by new seed in the spring. The seed has a long flowering period which allows it to successfully compete with other species for sunlight, nutrients, and water. Additionally, jointed goatgrass tolerates drought better than winter wheat and other annual grasses.

The objective when managing existing infestations of jointed goatgrass is to eliminate as many live plants and disrupt as much seed production as possible. As a rule, actions to follow for an overall management approach are to check seed stock, hay, straw, and mulch for presence of seeds; encourage use of spray washing stations; detect, map, and eradicate new populations as early as possible; combine weed control methods (see below) for most effective control; and implement monitoring and follow-up treatments for missed plants or seedlings.

In general, a combination of control methods should be used when managing jointed goatgrass. The following table lays out the methods of treatments and the timing of those treatments.

Table 2. Treatment Methods and Timing for Jointed Goatgrass

Treatment Method	Treatment Timing
Hand Removal/Mowing	Hand pull, cut, or hoe before the seed head exits the sheath in late winter or early spring to prevent plants from maturing and reaching seed production. Remove as much of the root as possible and allow eradicated plants to dry in place on the surface of the soil. Mow in late winter to early spring when inflorescences are formed but are still within the sheath. Several return visits to a site should be done to eliminate new plants.
Herbicides	Prior to flowering, a nonselective herbicide will be used as treatment of jointed goatgrass. Consider using glyphosate as a spot treatment or as a broadcast spray. Glyphosate is advantageous compared to other nonselective herbicides because it allows reseeding shortly after spraying. Apply glyphosate to actively growing plants before the seedheads develop within the sheath.
Seeding competitive species	Plan to reseed after removal of jointed goatgrass with desirable native plants that will directly compete for soil moisture, light, nutrients, and space.

3.1.2 Puncturevine Treatment

Puncturevine is a summer annual that can grow under a wide range of conditions; including hot and dry conditions which are prominent within the Project. This broadleaf weed grows low to the ground forming dense mats that can span out anywhere from 2 to 5 feet in diameter. Puncturevine germinates in the spring and summer and can flower within 3 weeks of germination continuing through the summer. Seeds are primarily dormant in the first season and can remain viable for up

to 5 years. A typical puncturevine individual can produce 200 to 5,000 seeds during one growing season (C.A. Wilen 1972).

Long-term control of puncturevine can be achieved by reducing the number of seeds in the soil as it does not root from the stems. This is best accomplished by removing plants before they are able to produce seeds. As a rule, actions to follow for an overall management approach are to check seed stock, hay, straw, and mulch for presence of seeds; encourage use of spray washing stations; detect, map, and eradicate new populations as early as possible; combine weed control methods (see below) for most effective control; and implement monitoring and follow-up treatments for missed plants or seedlings.

In general, a combination of control methods should be used when managing jointed puncturevine. The following table lays out the methods of treatments and the timing of those treatments.

Table 5. Treatment Methods and Timing for Puncturevine

Treatment Method	Treatment Timing
Hand Removal/Hoeing	Cut the plant off at its taproot by handpulling or hoeing before or at flowering. Monitor the area and remove any new individuals throughout the spring and summer. Shallow tilling (about 1 inch deep) of seedlings or small plants can be effective as well. Mowing is not an effective method of control as the plant grows low to the ground.
Biological Control	Two weevil species (*Microlarinus lareynii; M. lypriformis*) are effective in targeting the seeds and stems of puncturevine. The weevils are more effective if used together. The Gilliam County Weed Department must be contacted for more information on where to buy or collect these species.
Herbicides	Chemical control is generally not necessary for the control of puncturevine unless it is too difficult to do mechanical control. Pre-emergent products containing oryzalin, benefin, or trifluralin will provide partial control of germinating seeds. These must be applied prior to germination (late-winter to mid-spring). Post-emergent products containing 2, 4-D, glyphosate, and dicamba are effective on smaller or younger plants.
Seeding competitive species	Plan to reseed after removal of puncturevine with desirable native plants that will directly compete for soil moisture, light, nutrients, and space.

3.2 Seeding

The seed mixes are based on regionally appropriate species. Modifications to seed mixes may be required based on site conditions, climate, establishment performance, and market availability; or landowner preference if in areas of disturbed cropland. Any proposed alterations should be made with Oregon Trail's approval and maintain an appropriate seeding rate and species functional group compositions. The seeding window should be during the winter season (October 1 – March 30) for success in the Arid West.

Table 6. Seed Mix

Scientific Name	Common Name	Percent Composition
Grasses		
Achnatherum hymenoides	Ricegrass	20
Elymus elymoides	Bottlebrush Squirreltail	10
Elymus lanceolatus spp. *lanceolatus*	Thickspike Wheatgrass	20
Poa secunda	Sandberg's Bluegrass	30
Pseudoroegneria spicata	Bluebunch Wheatgrass	20
	Total Graminoids	**100**
Forbs		
Achillea millefolium	Yarrow	30
Erigeron pumilus	Shaggy Fleabane	20
Eriogonum niveum	Snow Buckwheat	20
Linum lewisii	Blue Flax	30
	Total Forbs	**100**

3.3 Best Management Practices

Oregon Trail will implement best management practices during Project construction and operation to help prevent the invasion and spread of noxious weeds onsite. This will include the removal of Russian Thistle from the Project site prior to September 30, 2025.

During construction and operations:

- Temporary ground-disturbing operations in weed-infested areas will be inspected and documented in accordance with the Project monitoring plan.
- Vehicles and equipment will be cleaned prior to entry into revegetation areas to help minimize introduction of noxious weed seeds to the site.
- To prevent conditions favoring weed establishment, temporarily disturbed areas will be revegetated as soon as possible.
- The site will be revegetated with appropriate, locally collected native seed or native plants; when these are not available, noninvasive and nonpersistent, nonnative species may be used.
- Seed and straw mulch to be used for site rehabilitation will be inspected and certified free of weed seed and propagules.

During operations:

- Information regarding target weed species will be provided at the operations and maintenance building.

- Weed prevention and control measures, including Project inspection and documentation, will be included in operations plans.

4.0 Monitoring and Adaptive Management

During construction:

- Noxious weed populations observed by the environmental monitor will be documented and relayed to on-site staff for proper treatment in accordance with Section 3.1 of this plan.

During operations:

- Monitoring will be conducted in the early spring, early summer, and late summer by a qualified botanist for the first 5 years following initial seeding, to assess weed growth and to recommend weed control measures. The weed monitoring will consist of two general components:
    - Site survey to identify weed species that have established within the disturbed areas; and
    - Inspections of treated areas to assess the success of the weed treatments.
- The site surveys will be a pedestrian survey of disturbed areas in mid to late May, then again in mid to late June, and end with a survey in mid to late August. The surveys will be scheduled to be initiated slightly before the herbicide application to identify any weed species. The focus will be on weed species with greatest potential to occur onsite, as they were identified in adjacent Project areas (starthistle, field bindweed, whitetop, jointed goatgrass), as well as any other noxious weed species on the Gilliam County weed list that might require different control methods.
- The results of the site survey will be summarized in a short memorandum in which (1) any new weed populations observed and treatment protocols are identified, (2) the location and weed species within disturbed areas are described, (3) plant composition throughout the Project is documented, (4) supplemental treatment methods are described, and (5) adaptive management methods are discussed to achieve the goal of noxious weed eradication.
- Subsequent monitoring results will be summarized in short memorandums in which the treatment success is described, any recommendations to improve treatment success through adaptive management are made, and any new weed species or emergence are noted. Long-term success for noxious weed control will be minimizing the presence and abundance of county and state listed noxious weeds. This will be measured and communicated annually for five years post-construction. Any existing or new populations of noxious/invasive weeds that have not been treated or need supplemental treatment will be relayed to on-site staff for prompt control. Monitoring frequently will ensure that species are treated at the proper time and will reduce the spread of noxious and undesirable weeds. The treatments will be deemed successful when there are no noxious weeds within the

Project area. It is expected that noxious weed management will continue for the life of the Project.

- In each monitoring report to ODOE, the Certificate Holder shall provide an assessment of the adequacy and success of noxious weed control for all disturbed areas.

5.0 Amendment of the Plan

This Noxious Weed Plan may be amended from time to time by agreement of the Certificate Holder and 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.

6.0 References

C.A. Wilen. 1972. Puncturevine. Integrated Pest Management for Home Gardeners and Landscape Professionals. University of California Statewide IPM Program.

ODA (Oregon Department of Agriculture). 2024. Noxious Weed Policy and Classification System. Noxious Weed Control Program, Salem, Oregon. https://www.oregon.gov/oda/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf.

ODA. 2025. Weed Mapper. Accessed May 2025. https://geo.maps.arcgis.com/apps/webappviewer/index.html?id=54e9b0eaacb34bc4a146a33faa9f8966.

Tetra Tech. 2026. Revegetation Plan for Shutler Energy Storage Facility. May 2026.

Tetra Tech. 2025. Habitat Surveys: Oregon Trail Solar BESS Facility.

Appendix A. ODA Noxious Weed Policy and Classification System 2024



Noxious Weed Policy and Classification System 2024

Noxious Weed Control Program

Address: 635 Capitol Street NE, Salem, Oregon 97301

Phone: (503) 986-4625 **Fax:** (503) 986-4786

www.oregon.gov/ODA/programs/Weeds/Pages/AboutWeeds.aspx

Mission Statement

To protect Oregon's natural resources and agricultural economy from the invasion and proliferation of invasive noxious weeds.

Program Overview

The Oregon Department of Agriculture (ODA) Noxious Weed Control Program provides statewide leadership for coordination and management of state listed noxious weeds. The state program focuses on noxious weed control efforts by implementing early detection and rapid response projects for new invasive noxious weeds, implementing biological control, implementing statewide inventory and survey, assisting the public and cooperators through technology transfer and noxious weed education, maintaining noxious weed data and maps for priority listed noxious weeds, and assisting land managers and cooperators with integrated weed management projects. The Noxious Weed Control Program also supports the Oregon State Weed Board (OSWB) with administration of the OSWB Grant Program, developing statewide management objectives, developing weed risk assessments, and maintaining the state noxious weed list.

Troy Abercrombie
Program Manager
troy.abercrombie@oda.oregon.gov
(503) 986-4625

Table of Contents

Policy and Classification System…….....1

Criteria…….....3

Classification Definitions……..... 4

Weed Biological Control…….. 4

A Listed Weeds……..... 5

B Listed Weeds.…….....7

Noxious Weed Control Policy and Classification System

Definition

"Noxious weed" means a terrestrial, aquatic or marine plant designated by the Oregon 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 become so thoroughly established and are spreading so rapidly on private, state, county, and federally owned lands, that they have been declared by ORS 569.350 to be a menace to public welfare. Steps leading to eradication, where possible, and intensive control are necessary. It is further recognized that the responsibility for eradication and intensive control rests not only on the private landowner and operator, but also on the county, state, and federal governments.

Weed Control Policy

Therefore, it shall be the policy of ODA to:

1. Assess non-native plants through risk assessment processes and make recommendations to the Oregon State Weed Board for potential listing.
2. Rate and classify weeds at the state level.
3. Prevent the establishment and spread of listed noxious weeds.
4. Encourage and implement the control or containment of infestations of listed noxious weed species and, if possible, eradicate them.
5. Develop and manage a biological weed control program.
6. Increase awareness of potential economic losses and other undesirable effects of existing and newly invading noxious weeds, and to act as a resource center for the dissemination of information.
7. Encourage and assist in the organization and operation of noxious weed control programs with government agencies and other weed management entities.
8. Develop partnerships with county weed control districts, universities, and other cooperators in the development of control methods.
9. Conduct statewide noxious weed surveys and weed control efficacy studies.

Weed Classification System

The purpose of this Classification System is to:

1. Act as the ODA's official guideline for prioritizing and implementing noxious weed control projects.
2. Assist the ODA in the distribution of available funds through the Oregon State Weed Board to assist county weed programs, cooperative weed management groups, private landowners, and other weed management entities.
3. Serve as a model for private and public sectors in developing noxious weed classification systems that aid in setting effective noxious weed control strategies.

Criteria for Determining Economic and Environmental Significance

Detrimental Effects

1. A plant species that causes or has the potential to cause severe negative impacts to Oregon's agricultural economy and natural resources.
2. A plant species that has the potential to or does endanger native flora and fauna by its encroachment into forest, range, aquatic and conservation areas.
3. A plant species that has the potential or does hamper the full utilization and enjoyment of recreational areas.
4. A plant species that is poisonous, injurious, or otherwise harmful to humans and/or animals.

Plant Reproduction

1. A plant that reproduces by seed capable of being dispersed over wide areas or that is long-lived, or produced in large numbers.
2. A plant species that reproduces and spreads by tubers, creeping roots, stolons, rhizomes, or other natural vegetative means.

Distribution

1. A weed of known economic importance which occurs in Oregon in small enough infestations to make eradication/containment possible; or not known to occur, but its presence in neighboring states makes future occurrence seem imminent.
2. A weed of economic or ecological importance and of limited distribution in Oregon.
3. A weed that has not infested the full extent of its potential habitat in Oregon.

Difficulty of Control

A plant species that is not easily controlled with current management practices such as chemical, cultural, biological, and physical methods.

Noxious Weed Control Classification Definitions

Noxious weeds, for the purpose of this system, shall be listed as either A or B, and may also be designated as T, which are priority targets for control, as directed by the Oregon State Weed Board.

- **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 make future occurrence in Oregon seem imminent (Table I).
  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 which is regionally abundant, but which may have limited distribution in some counties (Table II).
  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 (T):**
  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 Oregon State Weed Board 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.

Weed Biological Control

Oregon implements biological control, or “biocontrol” as part of its integrated pest management approach to managing noxious weeds. This is the practice of using host-specific natural enemies such as insects or pathogens to control noxious weeds. The Oregon Department of Agriculture Noxious Weed Program has adopted the International Code of Best Practices for biological control of weeds. Only safe, effective, and federally-approved natural enemies will be used for biocontrol.

Table I: A Listed Weeds

Common Name	Scientific Name
African rue	*Peganum harmala*
Camelthorn	*Alhagi pseudalhagi*
Cape-ivy	*Delairea odorata*
Coltsfoot	*Tussilago farfara*
Common frogbit	*Hydrocharis morsus-ranae*
Cordgrass	
Common	*Spartina anglica*
Dense-flowered	*Spartina densiflora*
Saltmeadow	*Spartina patens*
Smooth	*Spartina alterniflora*
Delta arrowhead	*Sagittaria platyphyla*
European water chestnut	*Trapa natans*
Flowering rush	*Butomus umbellatus*
Garden yellow loosestrife	*Lysimachia vulgaris*
Giant hogweed	*Heracleum mantegazzianum*
Goatgrass	
Barbed	*Aegilops triuncialis*
Ovate	*Aegilops ovata*
Goatsrue	*Galega officinalis*
Hawkweed	
King-devil	*Hieracium piloselloides*
Mouse-ear	*Hieracium pilosella*
Orange	*Hieracium aurantiacum*
Yellow	*Hieracium floribundum*
Hoary alyssum	*Berteroa incana*
Hydrilla	*Hydrilla verticillata*
Japanese dodder	*Cuscuta japonica*
Kudzu	*Pueraria lobata*
Matgrass	*Nardus stricta*
Oblong spurge	*Euphorbia oblongata*
Palmer amaranth	*Amaranthus palmeri*
Paterson's curse	*Echium plantagineum*
Purple nutsedge	*Cyperus rotundus*
Ravennagrass	*Saccharum ravennae*
Squarrose knapweed	*Centaurea virgata*

(Continued) Table I: A Listed Weeds

Common Name	Scientific Name
Starthistle	
Iberian	*Centaurea iberica*
Purple	*Centaurea calcitrapa*
Thistle	
Plumeless	*Carduus acanthoides*
Smooth distaff	*Carthamus baeticus*
Taurian	*Onopordum tauricum*
Turkish	*Carduus cinereus*
Welted (curly plumeless)	*Carduus crispus*
Woolly distaff	*Carthamus lanatus*
Water soldiers	*Stratiotes aloides*
West Indian spongeplant	*Limnobium laevigatum*
White bryonia	*Bryonia alba*
Yellow floating heart	*Nymphoides peltata*
Yellowtuft	*Alyssum murale, A. corsicum*

Table II: B Listed Weeds

Common Name	Scientific Name
Armenian (Himalayan) blackberry	*Rubus armeniacus (R. procerus, R. discolor)*
Biddy-biddy	*Acaena novae-zelandiae*
Broom	
French*****	*Genista monspessulana*
Portuguese (T)	*Cytisus striatus*
Scotch*****	*Cytisus scoparius*
Spanish	*Spartium junceum*
Butterfly bush	*Buddleja davidii (B. variabilis)*
Common bugloss (T)	*Anchusa officinalis*
Common crupina **(T)**	*Crupina vulgaris*
Common reed	*Phragmities australis ssp. australis*
Common viper's bugloss (T)	*Echium vulgare*
Cutleaf teasel	*Dipsacus laciniatus*
Dyer's woad (T)	*Isatis tinctoria*
English hawthorn	*Crataegus monogyna*
Eurasian watermilfoil	*Myriophyllum spicatum*
False brome	*Brachypodium sylvaticum*
Field bindweed	*Convolvulus arvensis*
Garlic mustard (T)	*Alliaria petiolata*
Geranium	
Herb Robert	*Geranium robertianum*
Shiny leaf	*Geranium lucidum*
Giant reed (T)	*Arundo donax*
Gorse***** (T)	*Ulex europaeus*
Halogeton	*Halogeton glomeratus*
Houndstongue	*Cynoglossum officinale*

* Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Indigo bush	*Amorpha fruticosa*
Ivy	
Atlantic	*Hedera hibernica*
English	*Hedera helix*
Jointed goatgrass	*Aegilops cylindrica*
Jubata grass	*Cortaderia jubata*
Knapweed	
Diffuse*	*Centaurea diffusa*
Meadow*	*Centaurea pratensis*
Russian*	*Acroptilon repens*
Spotted*	*Centaurea stoebe (C. maculosa)*
Knotweed	
Bohemian*	*Fallopia x bohemica*
Giant*	*Fallopia sachalinensis (Polygonum)*
Himalayan	*Polygonum polystachyum*
Japanese*	*Fallopia japonica (Polygonum)*
Kochia	*Kochia scoparia*
Lesser celandine	*Ranunculus ficaria*
Meadow hawkweed (T)	*Pilosella caespitosum (Hieracium)*
Mediterranean sage*	*Salvia aethiopis*
Medusahead rye	*Taeniatherum caput-medusae*
Old man's beard	*Clematis vitalba*
Parrot feather	*Myriophyllum aquaticum*
Perennial peavine	*Lathyrus latifolius*
Perennial pepperweed (T)	*Lepidium latifolium*
Pheasant's eye	*Adonis aestivalis*
Pine echium (T)	*Echium pininana*
Poison hemlock*	*Conium maculatum*
Policeman's helmet	*Impatiens glandulifera*
Primrose-willow	
Large-flower (T)	*Ludwigia grandiflora*
Water primrose (T)	*Ludwigia hexapetala*
Floating (T)	*Ludwigia peploides*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Puncturevine*	*Tribulus terrestris*
Purple loosestrife*	*Lythrum salicaria*
Ribbongrass (T)	*Phalaris arundinacea var. Picta*
Rose	
Dog	*Rosa canina*
Sweetbriar	*Rosa rubiginosa*
Rush skeletonweed* (T)	*Chondrilla juncea*
Saltcedar* (T)	*Tamarix ramosissima*
Small broomrape	*Orabanche minor*
South American waterweed	*Egeria densa (Elodea)*
Spanish heath	*Erica lusitanica*
Spurge laurel	*Daphne laureola*
Spurge	
Leafy* (T)	*Euphorbia esula*
Myrtle	*Euphorbia myrsinites*
St. Johnswort	*Hypericum perforatum*
Sulfur cinquefoil	*Potentilla recta*
Swainsonpea	*Sphaerophysa salsula*
Tansy ragwort* (T)	*Senecio jacobaea (Jacobaea vulgaris)*
Thistle	
Bull	*Cirsium vulgare*
Canada*	*Cirsium arvense*
Italian	*Carduus pycnocephalus*
Milk	*Silybum marianum*
Musk	*Carduus nutans*
Scotch	*Onopordum acanthium*
Slender-flowered	*Carduus tenuiflorus*
Toadflax	
Dalmatian*	*Linaria dalmatica*
Yellow*	*Linaria vulgaris*
Tree of heaven	*Ailanthus altissima*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Ventenata grass	*Ventenata dubia*
Whitetop	
Hairy	*Lepidium pubescens*
Lens-podded	*Lepidium chalepensis*
Whitetop (hoary cress)*	*Lepidium draba*
Yellow archangel	*Lamiastrum galeobdolon*
Yellow flag iris	*Iris pseudacorus*
Yellow nutsedge	*Cyperus esculentus*
Yellow starthistle*	*Centaurea solstitialis*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

Attachment 7 – Draft Amended Revegetation Plans

Draft Amended Revegetation Plan

Oregon Trail Solar Facility

Prepared for

Oregon Trail Solar~~Avangrid Power~~, LLC

Prepared by

TETRA TECH

~~Approved by EFSC~~

~~January~~May 2026

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Table of Contents

1.0 Introduction 1

2.0 Description of the Project Site 1

2.1 General Description 1

2.2 Description of the Wildlife Habitat Revegetation Areas 2

3.0 Amendment of the Plan 3

4.0 References 3

List of Tables

Table 1. Summary of Wildlife Habitat Revegetation Areas 2

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1.0 Introduction

Oregon Trail Solar, LLC (Oregon Trail) holds a Site Certificate from the Oregon Energy Facility Siting Council (EFSC) for the Oregon Trail Solar Facility (Facility) in Gilliam County, Oregon. Condition 92 of the Site Certificate requires the following:

> *The certificate holder shall restore areas disturbed by facility construction but not occupied by permanent facility structures according to the methods and monitoring procedures described in the final Revegetation Plan for the facility, as approved by the Department in consultation with ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final Order on Request for Amendment #5.*

The Oregon Trail Solar Facility ~~will be developed in two phases: Phase 1 will involve the construction of the battery storage system, while Phase 2 will focus on building the solar arrays and associated collection line infrastructure.~~began construction in January 2026. During preconstruction compliance ~~of Phases 1 and 2~~, in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW), it was determined that construction will not result in temporary habitat impacts. Therefore, this Revegetation Plan is not needed for habitat restoration.

Construction will result in temporary disturbance ~~-~~ to Category 6 habitat, which does not require a detailed approach to habitat restoration. Temporarily disturbed areas include Developed lands (winter wheat crop fields and gravel laydown yard for the adjacent Pachwáywit Fields solar facility), Eastside Grasslands, and Exotic Annual Grasslands. The intensity of the construction impact will vary. In some areas, the impact will be relatively light; but in other areas, heavy construction activity will remove all vegetation, remove topsoil, and compact the remaining subsoil.

Where vegetation has been damaged or removed during construction, the Certificate Holder will restore suitable vegetation. In addition, the certificate holder will maintain erosion and sediment control measures put in place during construction until the affected areas are restored, as described in the Noxious Weed Plan.

2.0 Description of the Project Site

2.1 General Description

The Project is in northeastern Gilliam County, Oregon. The Project site is on private agricultural land used primarily for livestock grazing, annual cropping, and eastside grassland habitat, as well as a laydown yard for the existing Pachwáywit Fields Solar facility. The Project site ~~, including Phase I and Phase 2,~~ is shown on Figure 1. Existing gravel roads used to access the Solar facility's substation ~~and Oregon Trail Solar's BESS construction site~~ are also within the Project site boundaries. The Developed lands are currently graded and covered with a gravel layer; this area was used to stage

equipment during construction (including construction trailers) and as parking lots for all staff working on the Pachwáywit Fields Solar facility.

The Project's components are located on the Ritzville Unit soil type. Soils are aridic (bordering xeric), well-drained, moderately permeable, fertile silt loams formed in loess deposits. The area receives between approximately 9 and 15 inches of precipitation annually, most of which occurs between October 1 and March 31.

The Project is within the Columbia Plateau physiographic province. It is located on an upland plateau at elevations ranging from approximately 530 feet to 1,520 feet. Most of the native vegetation within the Project site boundary has been modified by historical and ongoing livestock grazing, as well as past wildfires.

The general land cover types within the Project site boundary are Developed and Grassland. The Grassland habitat can be further characterized as Exotic Annual Grassland. It is full of weedy annual grasses and forbs such as cheatgrass (*Bromus tectorum*), bulbous bluegrass (*Poa bulbosa*), medusahead (*Taeniatherum caput-medusae*), red storksbill (*Erodium cicutarium*), tumble mustard (*Sisymbrium altissimum*), Russian thistle (*Salsola tragus*), and yellow salsify (*Tragopogon dubius*).

2.2 Description of the Wildlife Habitat Revegetation Areas

Based on preconstruction habitat assessment, there are no areas of wildlife habitat that will be temporarily impacted during construction, as presented in Table 1.

Table 1. Summary of Wildlife Habitat Revegetation Areas

Habitat Description	Temporary Impact (Acres)
Category 4	
Exotic Annual Grassland	0
Category 4 Subtotal	**0.0**
Category 5	
Eastside Grasslands	0.0
Exotic Annual Grassland	0.0
Category 5 Subtotal	**0.0**
Category 6	
Eastside Grasslands	~~16.9~~12.2
Orchards, Vineyards, Wheat Fields, Other Row Crop	~~58.9~~58.9
Urban and Mixed Environments	~~9.6~~5.3
Category 6 Subtotal	**~~85.4~~76.4**

Cropland areas are successfully revegetated when the replanted areas achieve crop production comparable to adjacent, undisturbed cultivated areas. The certificate holder shall consult with the

landowner or farmer to determine whether these areas have been successfully revegetated and shall report to ~~the Oregon Department of Energy (Department)~~ODOE on the success of revegetation in these areas.

3.0 Amendment of the Plan

This revegetation plan may be amended from time to time by agreement of the Certificate Holder and 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.

4.0 References

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Tetra Tech. 2025. Oregon Trail Solar (Phase 2) Habitat Survey Memo. October 2025.

Tetra Tech. 2025. Noxious Weed Control Plan. Oregon Trail Solar Facility. October 2025.

Draft Amended Revegetation Plan
Oregon Trail Solar Facility

Prepared for
Oregon Trail Solar, LLC

Prepared by

TETRA TECH

May 2026

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Table of Contents

1.0 Introduction 1

2.0 Description of the Project Site 1

2.1 General Description 1

2.2 Description of the Wildlife Habitat Revegetation Areas 2

3.0 Amendment of the Plan 3

4.0 References 3

List of Tables

Table 1. Summary of Wildlife Habitat Revegetation Areas 2

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1.0 Introduction

Oregon Trail Solar, LLC (Oregon Trail) holds a Site Certificate from the Oregon Energy Facility Siting Council (EFSC) for the Oregon Trail Solar Facility (Facility) in Gilliam County, Oregon. Condition 92 of the Site Certificate requires the following:

> *The certificate holder shall restore areas disturbed by facility construction but not occupied by permanent facility structures according to the methods and monitoring procedures described in the final Revegetation Plan for the facility, as approved by the Department in consultation with ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final Order on Request for Amendment #5.*

The Oregon Trail Solar Facility began construction in January 2026. During preconstruction compliance, in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW), it was determined that construction will not result in temporary habitat impacts. Therefore, this Revegetation Plan is not needed for habitat restoration.

Construction will result in temporary disturbance to Category 6 habitat, which does not require a detailed approach to habitat restoration. Temporarily disturbed areas include Developed lands (winter wheat crop fields and gravel laydown yard for the adjacent Pachwáywit Fields solar facility), Eastside Grasslands, and Exotic Annual Grasslands. The intensity of the construction impact will vary. In some areas, the impact will be relatively light; but in other areas, heavy construction activity will remove all vegetation, remove topsoil, and compact the remaining subsoil.

Where vegetation has been damaged or removed during construction, the Certificate Holder will restore suitable vegetation. In addition, the certificate holder will maintain erosion and sediment control measures put in place during construction until the affected areas are restored, as described in the Noxious Weed Plan.

2.0 Description of the Project Site

2.1 General Description

The Project is in northeastern Gilliam County, Oregon. The Project site is on private agricultural land used primarily for livestock grazing, annual cropping, and eastside grassland habitat, as well as a laydown yard for the existing Pachwáywit Fields Solar facility. The Project site is shown on Figure 1. Existing gravel roads used to access the Solar facility's substation are also within the Project site boundaries. The Developed lands are currently graded and covered with a gravel layer; this area was used to stage equipment during construction (including construction trailers) and as parking lots for all staff working on the Pachwáywit Fields Solar facility.

The Project's components are located on the Ritzville Unit soil type. Soils are aridic (bordering xeric), well-drained, moderately permeable, fertile silt loams formed in loess deposits. The area

receives between approximately 9 and 15 inches of precipitation annually, most of which occurs between October 1 and March 31.

The Project is within the Columbia Plateau physiographic province. It is located on an upland plateau at elevations ranging from approximately 530 feet to 1,520 feet. Most of the native vegetation within the Project site boundary has been modified by historical and ongoing livestock grazing, as well as past wildfires.

The general land cover types within the Project site boundary are Developed and Grassland. The Grassland habitat can be further characterized as Exotic Annual Grassland. It is full of weedy annual grasses and forbs such as cheatgrass (*Bromus tectorum*), bulbous bluegrass (*Poa bulbosa*), medusahead (*Taeniatherum caput-medusae*), red storksbill (*Erodium cicutarium*), tumble mustard (*Sisymbrium altissimum*), Russian thistle (*Salsola tragus*), and yellow salsify (*Tragopogon dubius*).

2.2 Description of the Wildlife Habitat Revegetation Areas

Based on preconstruction habitat assessment, there are no areas of wildlife habitat that will be temporarily impacted during construction, as presented in Table 1.

Table 1. Summary of Wildlife Habitat Revegetation Areas

Habitat Description	Temporary Impact (Acres)
Category 4	
Exotic Annual Grassland	0
Category 4 Subtotal	**0.0**
Category 5	
Eastside Grasslands	0.0
Exotic Annual Grassland	0.0
Category 5 Subtotal	**0.0**
Category 6	
Eastside Grasslands	12.2
Orchards, Vineyards, Wheat Fields, Other Row Crop	58.9
Urban and Mixed Environments	5.3
Category 6 Subtotal	**76.4**

Cropland areas are successfully revegetated when the replanted areas achieve crop production comparable to adjacent, undisturbed cultivated areas. The certificate holder shall consult with the landowner or farmer to determine whether these areas have been successfully revegetated and shall report to ODOE on the success of revegetation in these areas.

3.0 Amendment of the Plan

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Draft Amended Revegetation Plan

~~Oregon Trail Solar~~Shutler Energy Storage Facility

Prepared for

~~Avangrid Power~~Shutler Energy Storage, LLC

Prepared by

TETRA TECH

~~Approved by EFSC~~

~~January~~May 2026

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Table of Contents

1.0 Introduction 1

2.0 Description of the Project Site 1

2.1 General Description 1

2.2 Description of the Wildlife Habitat Revegetation Areas 2

3.0 Amendment of the Plan 3

4.0 References 3

List of Tables

Table 1. Summary of Wildlife Habitat Revegetation Areas 2

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1.0 Introduction

~~Oregon Trail Solar~~Shutler Energy Storage, LLC (~~Oregon Trail~~Shutler) holds a Site Certificate from the Oregon Energy Facility Siting Council (EFSC) for the ~~Oregon Trail Solar~~Shutler Energy Storage Facility (Facility) in Gilliam County, Oregon. Condition 92 of the Site Certificate requires the following:

> *The certificate holder shall restore areas disturbed by facility construction but not occupied by permanent facility structures according to the methods and monitoring procedures described in the final Revegetation Plan for the facility, as approved by the Department in consultation with ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final Order on Request for Amendment #5.*

The ~~Oregon Trail Solar~~Shutler Energy Storage Facility ~~will be developed in two phases: Phase 1 will involve the construction of the battery storage system, while Phase 2 will focus on building the solar arrays and associated collection line infrastructure~~began construction in August 2025. During preconstruction compliance ~~of Phases 1 and 2~~, in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW), it was determined that construction will not result in temporary habitat impacts. Therefore, this Revegetation Plan is not needed for habitat restoration.

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Where vegetation has been damaged or removed during construction, the Certificate Holder will restore suitable vegetation. In addition, the certificate holder will maintain erosion and sediment control measures put in place during construction until the affected areas are restored, as described in the Noxious Weed Plan.

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The Project is in northeastern Gilliam County, Oregon. The Project site is on private agricultural land used primarily for livestock grazing, annual cropping, and eastside grassland habitat, as well as a laydown yard for the existing Pachwáywit Fields Solar facility. The Project site ~~, including Phase I and Phase 2,~~ is shown on Figure 1. Existing gravel roads used to access the ~~Solar facility's substation and Oregon Trail Solar's BESS~~ construction site are also within the Project site boundaries. The Developed lands are currently graded and covered with a gravel layer; this area was used to stage

equipment during construction (including construction trailers) and as parking lots for all staff working on the Pachwáywit Fields Solar facility.

The Project's components are located on the Ritzville Unit soil type. Soils are aridic (bordering xeric), well-drained, moderately permeable, fertile silt loams formed in loess deposits. The area receives between approximately 9 and 15 inches of precipitation annually, most of which occurs between October 1 and March 31.

The Project is within the Columbia Plateau physiographic province. It is located on an upland plateau at elevations ranging from approximately 530 feet to 1,520 feet. Most of the native vegetation within the Project site boundary has been modified by historical and ongoing livestock grazing, as well as past wildfires.

The general land cover types within the Project site boundary are Developed and Grassland. The Grassland habitat can be further characterized as Exotic Annual Grassland. It is full of weedy annual grasses and forbs such as cheatgrass (*Bromus tectorum*), bulbous bluegrass (*Poa bulbosa*), medusahead (*Taeniatherum caput-medusae*), red storksbill (*Erodium cicutarium*), tumble mustard (*Sisymbrium altissimum*), Russian thistle (*Salsola tragus*), and yellow salsify (*Tragopogon dubius*).

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Category 4	
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Category 4 Subtotal	**0.0**
Category 5	
Eastside Grasslands	0.0
Exotic Annual Grassland	0.0
Category 5 Subtotal	**0.0**
Category 6	
Eastside Grasslands	~~16.9~~14.9
Orchards, Vineyards, Wheat Fields, Other Row Crop	~~58.9~~9.7
Urban and Mixed Environments	~~9.6~~13.8
Category 6 Subtotal	**~~85.4~~38.4**

Cropland areas are successfully revegetated when the replanted areas achieve crop production comparable to adjacent, undisturbed cultivated areas. The certificate holder shall consult with the

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Draft Amended Revegetation Plan
Shutler Energy Storage Facility

Prepared for
Shutler Energy Storage, LLC

Prepared by

TETRA TECH

May 2026

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Table of Contents

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2.0 Description of the Project Site 1

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The Shutler Energy Storage Facility began construction in August 2025. During preconstruction compliance, in consultation with Oregon Department of Energy (ODOE) and Oregon Department of Fish and Wildlife (ODFW), it was determined that construction will not result in temporary habitat impacts. Therefore, this Revegetation Plan is not needed for habitat restoration.

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The Project is within the Columbia Plateau physiographic province. It is located on an upland plateau at elevations ranging from approximately 530 feet to 1,520 feet. Most of the native vegetation within the Project site boundary has been modified by historical and ongoing livestock grazing, as well as past wildfires.

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Category 5	
Eastside Grasslands	0.0
Exotic Annual Grassland	0.0
Category 5 Subtotal	**0.0**
Category 6	
Eastside Grasslands	14.9
Orchards, Vineyards, Wheat Fields, Other Row Crop	9.7
Urban and Mixed Environments	13.8
Category 6 Subtotal	**38.4**

Cropland areas are successfully revegetated when the replanted areas achieve crop production comparable to adjacent, undisturbed cultivated areas. The certificate holder shall consult with the landowner or farmer to determine whether these areas have been successfully revegetated and shall report to ODOE on the success of revegetation in these areas.

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Attachment 8 – Property Owner List

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
01S21E0000-00200				WEATHERFORD SHUTLER PROPERTIES LLC		5797 E ZAFFRE RIDGE ST	BOISE	ID	83716
01N21E0000-00401				RUNCKEL LLC		24801 SW LADD HILL RD	SHERWOOD	OR	97140
01N21E0000-01101				RUNCKEL LLC		24801 SW LADD HILL RD	SHERWOOD	OR	97140
01N20E0000-02100				MARICK JASON T & BEVERLY K		14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N20E0000-02100				MARICK JASON T & BEVERLY K		14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N21E0000-01500				WEEDMAN BROTHERS		PO BOX 386	WASCO	OR	97065
01N21E0000-01002				RUCKER JIMMY I & SARAH D TRUSTEES		69064 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-00401				RUNCKEL LLC		24801 SW LADD HILL RD	SHERWOOD	OR	97140
01N21E0000-02000				WEATHERFORD SHUTLER PROPERTIES LLC		5797 E ZAFFRE RIDGE ST	BOISE	ID	83716
01N21E0000-01900				ATHEARN ROBERT F LIVING TRUST		333 ROSE CT	MOUNT VERNON	WA	98273
01N21E0000-00802	ROBERT M	WEATHERFORD	CATHY S		KRAXBERGER BREIDON MICHAEL	68766 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-01500				WEEDMAN BROTHERS		PO BOX 386	WASCO	OR	97065
01N20E0000-01000	JASON T	MARICK	BEVERLY K			14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N21E0000-00805	FLORES ANN	WEATHERFORD				4240 WILLS BLVD	PUEBLO	CO	81008
01N21E0000-01500				WEEDMAN BROTHERS		PO BOX 386	WASCO	OR	97065
01N21E0000-00200	DONALD K	WALTERS	SHERYL A			69759 19 HWY	ARLINGTON	OR	97812
01N21E0000-02300	CHET R	WILKINS				66979 FRENCH CHARLIE ROAD	ARLINGTON	OR	97812
01N21E0000-00800	ROBERT K	SUTTON				7707 WISCONSIN AVE #1102	BETHESDA	MD	20814
01N21E0000-02601				WEATHERFORD JAMES EARL LIV TRUST		5797 E ZAFFRE RIDGE ST	BOISE	ID	83716
01N21E0000-01703	ROSS WILLIAM	CARTER	KRISTINE MARIE			16726 MIKKALO LN	ARLINGTON	OR	97812
01S21E0000-00203				REBAL JAMES S ET AL		18048 MIDDLE ROCK CREEK LN	ARLINGTON	OR	97812
01N21E0000-00700				RUNCKEL LLC		24801 SW LADD HILL RD	SHERWOOD	OR	97140
01N21E0000-01400	JASON T	MARICK	BEVERLY K			14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N21E0000-01200				RUCKER JIMMY I & SARAH D TRUSTEES		69064 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-01100				RUCKER JIMMY I & SARAH D TRUSTEES		69064 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-01600	JASON T	MARICK	BEVERLY K			14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N21E0000-00400	RICHARD E	HARPER				PO BOX 8	IONE	OR	97843
01N21E0000-00804	TIMOTHY H	HOLTZ	DEBORAH L			PO BOX 224	IONE	OR	97843
01S21E0000-00201				COLUMBIA BASIN ELEC CO-OP INC		PO BOX 398	HEPPNER	OR	97836
01N21E0000-02302	CHET R	WILKINS				66979 FRENCH CHARLIE ROAD	ARLINGTON	OR	97812
01N21E0000-00806	TIMOTHY H	HOLTZ	DEBORAH L			PO BOX 224	IONE	OR	97843
01N21E0000-01600	JASON T	MARICK	BEVERLY K			14394 MIDDLE ROCK CREEK LN.	ARLINGTON	OR	97812
01N21E0000-01000	ROBERT F	ATHEARN				333 ROSE CT	MOUNT VERNON	WA	98273
01N21E0000-00900				ATHEARN ROBERT F LIVING TRUST		333 ROSE CT	MOUNT VERNON	WA	98273
01N21E0000-02100				WEEDMAN FARMS LLC		PO BOX 386	WASCO	OR	97065
01N21E0000-01501	LEWIS SAMUEL	TEYEMA				PO BOX 15204	PORTLAND	OR	97293
01N21E0000-01707	ROSS WILLIAM	CARTER	KRISTINE MARIE			16726 MIKKALO LN	ARLINGTON	OR	97812

Oregon Trail Solar

Figure 1
Taxlots

GILLIAM COUNTY, OR

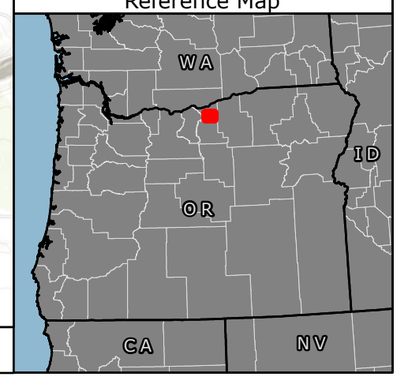
- Oregon Trail Solar Site Boundary
- Shutler Energy Storage Site Boundary
- Taxlot Boundary*

*Data obtained from Gilliam County on May 14, 2026.

TETRA TECH

Avangrid
A member of the Iberdrola Group

Reference Map



ALKALI CANYON
SHUTLER FLAT
COW CANYON
Rock Creek
Middle Rock Creek Ln
Cedar Springs Ln
Barnett Rd
Eightmile Rd
The Tree Ln
Olex Ln
East Fork Shutler Creek

01N21E0000-00400
01N21E0000-00401
01N21E0000-00200
01N21E0000-00800
01N21E0000-00700
01N21E0000-01101
01N21E0000-01200
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01N21E0000-01501
01N21E0000-01707
01N21E0000-01703
01N21E0000-00804
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01N21E0000-01000
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01N21E0000-02302
01N21E0000-02601
01N21E0000-02300
01N21E0000-02100
01S21E0000-00201
01S21E0000-00203
01S21E0000-00200

1:50,000 | WGS 1984 UTM Zone 10N | 0 0.5 1 Miles | NOT FOR CONSTRUCTION

\\tt.local\GIS\US\CES\Projects\PDX\Avangrid\OregonTrail_Solar\Maps\RFA2_OTS_Schulter_20260519\Avangrid_RFA2_OTS_SchulterBESS_Taxlots_20260520.aprx