BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

In the Matter of Request for Amendment 2 of Oregon Trail Solar Facility Site Certificate	))))	FINAL ORDER

September18, 2026

Table of Contents

I. INTRODUCTION 1
I.A. SITE CERTIFICATE PROCEDURAL HISTORY 1
I.B. APPROVED FACILITY DESCRIPTION 2
I.B.1. Site Boundary and Micrositing Areas 4
I.C. REQUESTED AMENDMENT 7
II. COUNCIL REVIEW PROCESS FOR AMENDMENT PROCESS 11
II.A. SCOPE OF COUNCIL REVIEW 11
II.B. AMENDMENT PROCESS 11
II.B.1. Request for Amendment 11
II.B.2. Proposed Order 12
II.B.3. Draft Final Order 13
II.B.4. Final Order 13
III. EVALUATION OF COUNCIL STANDARDS 13
III.A. Standards Potentially Impacted by Request for Amendment 2 14
III.A.1. GENERAL STANDARD OF REVIEW: OAR 345-022-0000 14
III.A.2. ORGANIZATIONAL EXPERTISE: OAR 345-022-0010 16
III.A.3. RETIREMENT AND FINANCIAL ASSURANCE: OAR 345-022-0050 19
III.B. Standards Not Likely Impacted by Request for Amendment 2 22
IV. PROPOSED CONCLUSIONS AND ORDER 25
ATTACHMENTS 25

Tables

Table 1: Facility Component Summary 3
Table 2: RFA2 Facility Component Split Summary 8
Table 3: Proposed Order Public Comment Process and Deadlines 12
Table 4: Standards Not Likely to be Impacted by Request for Amendment 2 23

Figures

Figure 1: Approved and Proposed Site Boundary and Micrositing Area 5
Figure 2: Proposed Site Boundary and Micrositing Area Split 6

Attachments

Attachment A-1: Amended Site Certificate for Oregon Trail Solar Facility
Attachment A-2: Site Certificate for Shutler Battery Energy Storage Facility
Attachment P-1: Draft Amended Revegetation Plan for Oregon Trail Solar Facility

Attachment P-2: Draft Amended Revegetation Plan for Shutler Battery Energy Storage Facility
Attachment P-3: Draft Amended Noxious Weed Control Plan for Oregon Trail Solar Facility
Attachment P-4: Draft Amended Noxious Weed Control Plan for Shutler Battery Energy Storage Facility

ABBREVIATIONS AND ACRONYMS

BESS	battery energy storage system
Certificate holder	Oregon Trail Solar, LLC
Council or EFSC	Energy Facility Siting Council
Department	Oregon Department of Energy
Facility	Oregon Trail Solar Facility
kV	kilovolt
OAR	Oregon Administrative Rule
ODAg	Oregon Department of Agriculture
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ORS	Oregon Revised Statutes
OTS	Oregon Trail Solar
pRFA	Preliminary Request for Amendment
PV	Photovoltaic
RFA2	Request for Amendment 2
SBESS	Shutler Battery Energy Storage System Facility
SCADA	Supervisory, Control and Data Acquisition

I. INTRODUCTION

On July 31, 2026, Oregon Trail Solar, LLC (certificate holder) filed Request for Amendment 2 (Request or RFA2) of the Oregon Trail Solar Facility Site Certificate (OTS).

OTS is an approved power generation facility authorized to construct any combination of wind and solar facility components not to exceed 41 megawatts (MW), including up to 16 wind turbines or up to 400 acres of solar photovoltaic power generation equipment within the approved 1,228 acre solar micrositing area. Facility components are approved to be located within a 13,866 acre site boundary in Gilliam County, Oregon. The certificate holder commenced construction of 20 MWs of battery energy storage components in August 2025; and 41 MWs of solar photovoltaic power generation components in January 2026. The deadline to complete construction is August 30, 2028.

As described in Section I.C., *Requested Amendment*, RFA2 seeks Energy Facility Siting Council (EFSC or Council) authorization to split the site certificate into two separate site certificates and facilities, one owned by the existing certificate holder and the other owned by a new certificate holder (see Attachment A of this order). The allocation of previously approved facility components into two separate site certificates aligns with the facility components under construction (41 MWs of solar facility components in the amended Oregon Trail Solar Facility Site Certificate; and 100 MWs of battery energy storage components in the proposed new Shutler Battery Energy Storage Facility Site Certificate). The proposed splitting of the site certificate would not result in changes to any of the substantive requirements of site certificate conditions, however it would require some administrative changes to conditions.

In accordance with OAR 345-027-0371, the Energy Facility Siting Council (EFSC or Council), issues this Final Order approving the Request, subject to the existing and amended site certificate conditions set forth in this Order.

I.A. SITE CERTIFICATE PROCEDURAL HISTORY

The site certificate was issued through the site certificate amendment process for the Montague Wind Power Facility. The Montague Wind Power Facility Site Certificate was originally approved on September 10, 2010.

- **September 10, 2010 – Montague Wind Power Facility (MWP) 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.

Subsequent Site Certificate amendments [AMD1 (2013); AMD2 (2015); AMD3 (2017); AMD4 (2019); and AMD5 (2020)] and [AMD1 (2023)] of the Montague Wind Power Facility Site Certificate are summarized below:

- **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.

I.B. APPROVED FACILITY DESCRIPTION

The Oregon Trail Solar Facility is currently under construction, including 41 MWs of solar photovoltaic power generation components and 20 MWs of battery energy storage facility components. The following is a description of the facility as provided in Tables 1 and 2 of the site certificate; under OAR 345-025-0006(3), the facility must be designed, constructed and

operated substantially as described in the site certificate.[1] The values and specifications provided in the table represent the highest-impact design scenario for the facility.

Table 1: Facility Component Summary

Component and Design Standard	No.	Unit
Site Boundary		
Site Boundary	13,866	acres
Wind micrositing corridor	12,638	acres
Solar micrositing corridor	1,228	acres
Wind Facility 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
Roads - Wind		
Access Roads (length, width)	18.7 / 20	Miles / feet
Improved Roads (length, width)	2.6 / 20	Miles / feet
Improved Roads (length, width)	3.3 / 30	Miles / feet
Overhead 34.5 kV Collector lines		
Length	7	miles
Structure type, height	100	H frame, feet
Solar Facility 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		

[1] Mandatory Condition OAR 345-025-0006(3), see Condition 3.

Table 1: Facility Component Summary

Component and Design Standard	No.	Unit
Improved (length, width)	1.0 / 20	Miles / feet
Improved (length, width)	2.3 / 30	Miles / feet
Shared Related or Supporting Facility Components		
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	total
O&M Building		
No. of O&M Buildings	1	total
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/17acres	Total acres

I.B.1. Site Boundary and Micrositing Areas

The approved site boundary and micrositing corridor is 13,866 acres. The existing site boundary and micrositing area is shown in Figure 1, below. The proposed amended (reduced) site boundary and micrositing areas are presented in Figure 2, below. A micrositing corridor is a continuous area of land within which construction of facility components may occur, subject to site certificate conditions.[2] Council permits final siting flexibility within a micrositing corridor when the applicant demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire micrositing area/corridor and location of facility components anywhere within the corridor.

[2] OAR 345-001-0010(21).

Figure 1: Approved and Proposed Site Boundary and Micrositing Area

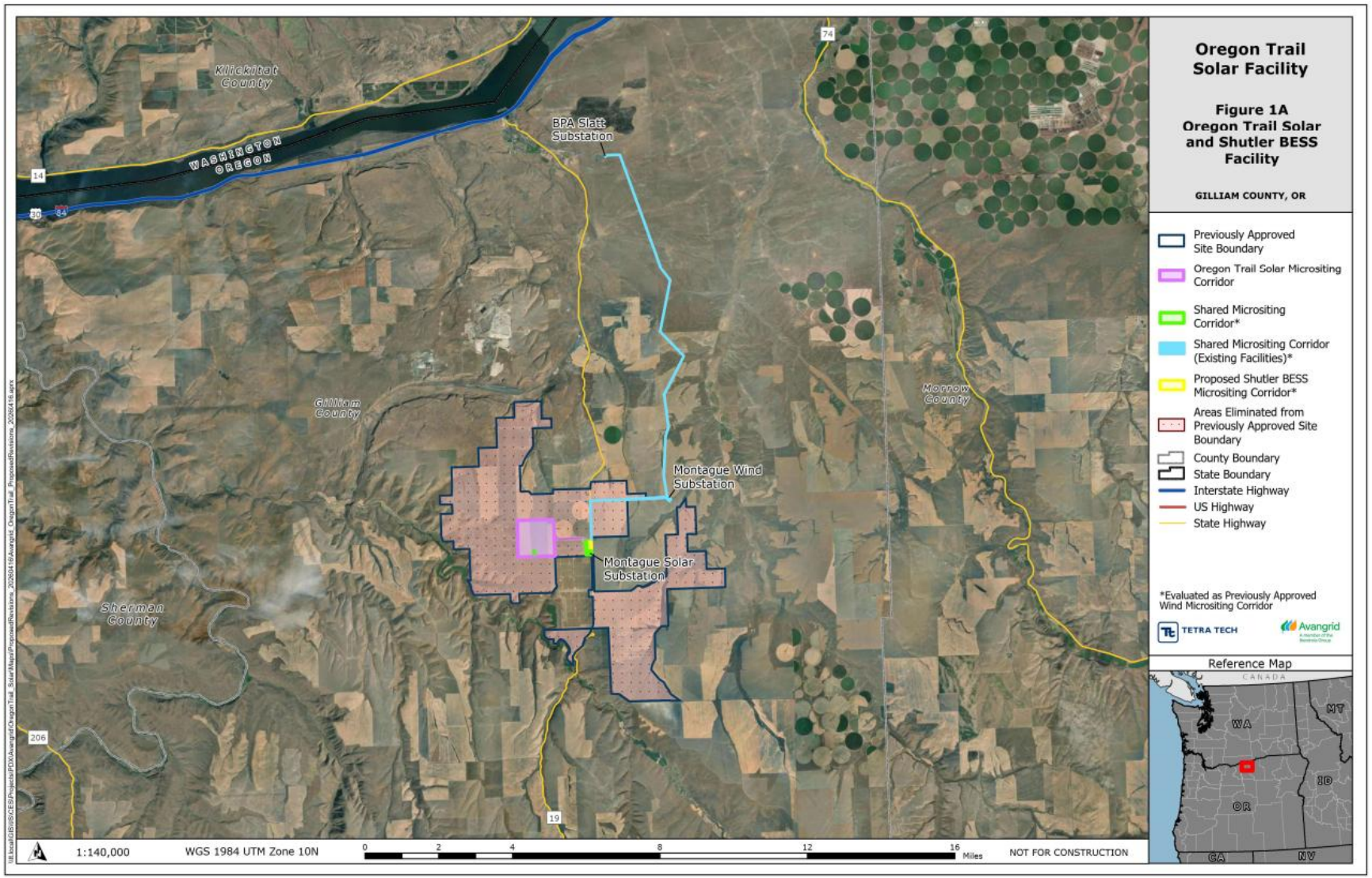
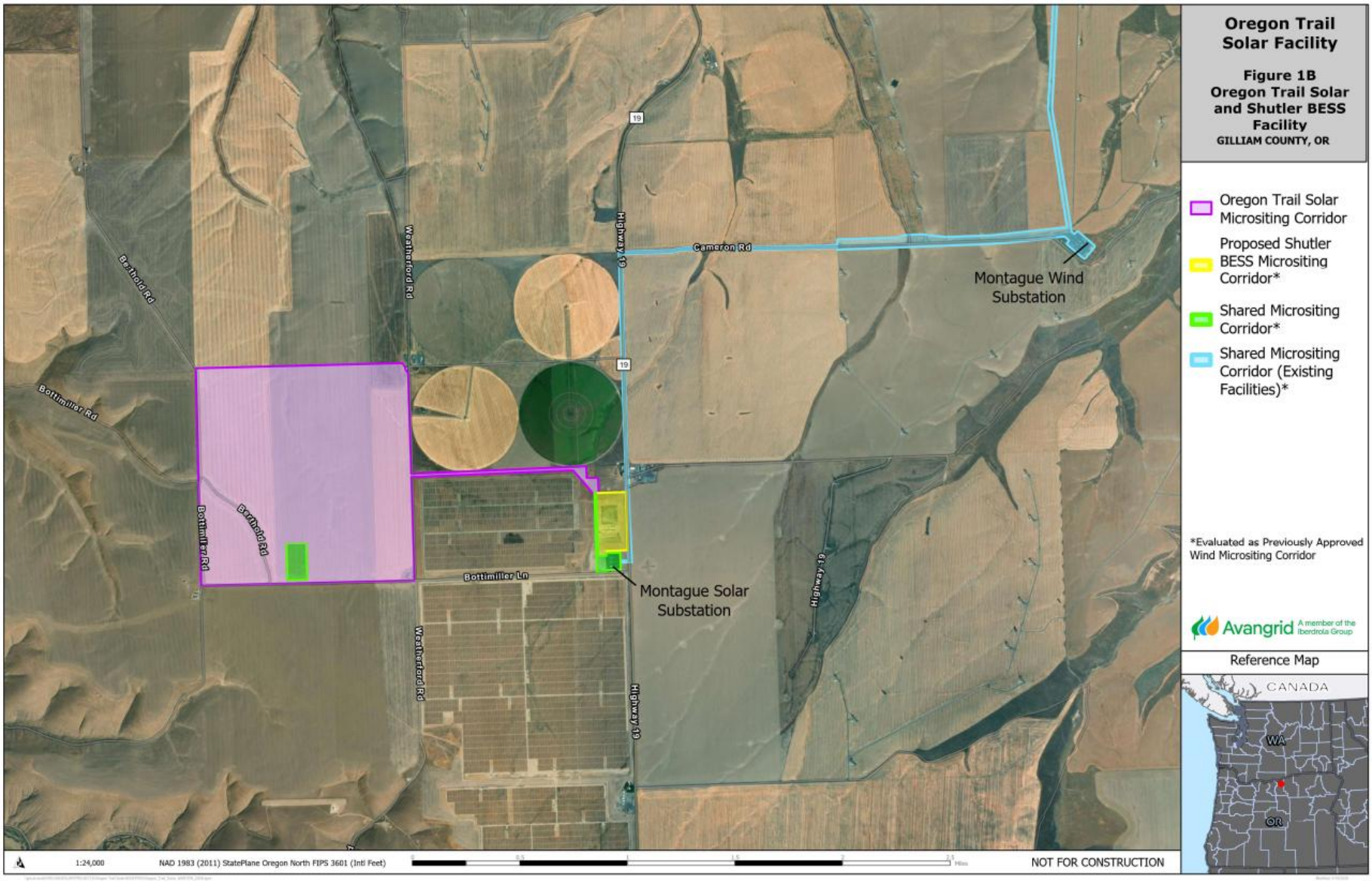


Figure 2: Proposed Site Boundary and Micrositing Area Split



1

I.C. REQUESTED AMENDMENT

Request for Amendment 2 (RFA2) would split the approved facility, including components, site boundary and micrositing areas into two site certificates; and then transfer a portion of the facility, the approved battery energy storage system, to a new certificate holder, Shutler Energy Storage, LLC, a wholly owned subsidiary of Avangrid Power, LLC. RFA2 also eliminates wind turbines as an approved generating component, and reduces the approved wind micrositing corridor and site boundary accordingly.

The certificate holder seeks to amend several conditions to be consistent with the site certificate split.

RFA2 identifies the following changes to occur for each facility, the amended Oregon Trail Solar facility, and the new Shutler BESS facility:

Oregon Trail Solar Facility

- 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).

Shutler BESS Facility

- 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)

Figure 2, above, illustrates the location of the proposed amended site boundaries (the existing Oregon Trail Solar Project, and Shutler BESS). A summary of how facility components would be allocated across the two facilities, including shared facility components, is provided in Table 2, below:

Table 2: RFA2 Facility Component Split Summary

Component and Design Standard	Unit	Approved Facility	Proposed in RFA2			
			OTS	SBESS	(Shared/combined)	Total (including Shared)
Site Boundary						
Site Boundary	acres	13,866	645	25	673	1,343
Wind micrositing corridor	acres	12,638	-	25	-	25
Wind micrositing corridor (Shared facility components)	acres	-	-	-	673	673
Solar micrositing corridor	acres	1,228	645	-	-	645
Micrositing corridor	acres	-	-	-	-	1,343
Solar Facility Components						
Generating Capacity	MW	41	41	-	-	41
Max perm impacts	acres	400	400	-	-	400
PV Solar Modules						
Approx. Total number	modules	132,370	132,370	-	-	132,370
Max Height at full-tilt	feet	15	15	-	-	15
Inverters/Transformer Units						
Approx. Total number	inverters	66	66	-	-	66
Solar Related or Supporting Facility Components						
34.5 kV Collection System						
Collector line length, aboveground	miles	2	**1.5**	-	-	**1.5**
Structure type, height	Feet H Frame	100	100	-	-	100
Perimeter Fence						
Length	miles	6.9	6.9	-	-	6.9

Table 2: RFA2 Facility Component Split Summary

Component and Design Standard	Unit	Approved Facility	Proposed in RFA2			
			OTS	SBESS	(Shared/combined)	Total (including Shared)
Height	feet	8	8	-	-	8
Roads - Solar						
Improved (length, width)	Miles / feet	1.0 / 20	1.0 / 20	-	-	1.0 / 20
Improved (length, width)		2.3 / 30	2.3 / 30	-	-	2.3 / 30
Shared Related or Supporting Facility Components						
Overhead 230 kV Transmission line						
Length	miles	14	-	-	14	14
Structure type, height	feet	H-frame, 100	-	-	H-frame, 100	H-frame, 100
Battery Energy Storage System (Lithium-ion or flow)						
Approx. total capacity	MW	100	-	100	-	100
Approx. container dimensions	HxWxL feet	20x8x40	-	20x8x40	-	20x8x40
HVAC noise level, per unit	dBA at 6 feet	78	-	78	-	78
Perimeter fence length	feet	2,140	-	2,140	-	2,140
Perimeter fence height	feet	8	-	8	-	8
Substation						
No. of substations	total	2	-	-	2	2
O&M Building						
No. of O&M Buildings	total	1	-	-	1	1
Onsite well, usage limit	Gallons/day	5,000	-	-	5,000	5,000
Onsite septic system, capacity	Gallons/day	2,100	-	-	2,100	2,100
Construction Staging and Laydown Areas						

Table 2: RFA2 Facility Component Split Summary

Component and Design Standard	Unit	Approved Facility	Proposed in RFA2			
			OTS	SBESS	(Shared/combined)	Total (including Shared)
No. of Areas/acres	total/acres	2 areas/17 acres	-	-	2 areas/17acres	2 areas/17acres

1

II. COUNCIL REVIEW PROCESS FOR AMENDMENT PROCESS

With some exceptions, under OAR 345-027-0350(4), an amendment to a site certificate is required to design, construct, or operate a facility in a manner different from that described in the site certificate, if the proposed change (1) 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; (2) Could impair the certificate holder's ability to comply with a site certificate condition; or (3) Could require a new condition or a change to a condition in the site certificate. Because RFA2 proposes to transfer a portion of the approved facility to a new certificate holder and changes to existing conditions, a site certificate amendment is required.

II.A. SCOPE OF COUNCIL REVIEW

Under OAR 345-027-0375, in making a decision to grant or deny issuance of the amended site certificate, the Council must determine whether the preponderance of evidence on the record supports the conclusions that the facility, with the proposed change, complies with all applicable laws and Council standards. In making these findings, the Council must apply the applicable laws and standards in effect on the date the Council issues its final order.

The recommended findings of fact and conclusions of law provided in this order in Section III., Evaluation of Council Standards; III.A. *Standards Potentially Impacted by Request for Amendment 2*, support the conclusions required under OAR 345-027-0375.

II.B. AMENDMENT PROCESS

The standard amendment review process, set forth in OAR 345-027-0360 through 345-027-0375, is the default review process and applies to the Council's review of a request for amendment proposing a change described in OAR 345-027-0350(2), (3), (4), or (5).[3] These steps are detailed in Section II.B, *Council Review Process for Amendments*, below.

II.B.1. Request for Amendment

On May 22, 2026, Oregon Trail Solar, LLC (certificate holder) submitted preliminary Request for Amendment 2 (pRFA2). On June 3, 2026, the Department issued a Public Notice of Receipt of pRFA2 as required by OAR 345-027-0360(2).

On July 6, 2026 the Department notified the certificate holder that pRFA2 was incomplete and issued requests for additional information (RAIs) related to standards potentially impacted by the changes proposed in pRFA2. The Department requested the certificate holder submit the additional information on or before July 13, 2026.

[3] OAR 345-027-0351(2).

On July 13, 2026, the certificate holder responded to the Department's RAIs. On July 29, 2026, the Department notified the certificate holder that pRFA2 was complete.[4] On July 31, 2026, the certificate holder filed a complete RFA2 under OAR 345-027-0363(6) that included all revisions to pRFA2 and all additional information requested by the Department. On July 31, 2026, the Department issued Public Notice of the Proposed Order and Complete Request for Amendment as required by OAR 345-027-0365 and -0367.

II.B.2. Proposed Order

The Department issued a Public Notice of the complete RFA2, Proposed Order, and Public Hearing concurrently with the Proposed Order, and sent via mail or email to individuals identified in OAR 345-027-0367(4) on July 31, 2026.[5] The Public Notice of the Proposed Order initiated a 28-day public comment period on RFA2 and the Proposed Order, as presented in the table below.

Table 3: Proposed Order Public Comment Process and Deadlines

Process Step	Explanation	Deadline[1]
Comment Period	Opportunity to provide comments with sufficient specificity.[2]	July 31 - August 28, 2026
Certificate holder/Department responses	Opportunity for certificate holder and Department to identify whether comments were raised with sufficient specificity, and to respond with explanation of deficiencies or additional information, evaluation and proposed conditions.	September 4, 2026
Commenter Reply	Opportunity for commenter to supplement their initial comments or determine whether the issue is resolved by the certificate holder or Department's additional information, evaluation or proposed conditions.	September 11, 2026
Certificate holder/Department sur-replies	Final opportunity for certificate holder and Department to resolve issues raised, based on any clarification or supplemental information provided in commenter replies.	September 16, 2026

[4] A request for amendment is complete when the Department finds that the certificate holder has submitted information adequate for the Council to make findings or impose conditions on all applicable laws and Council standards. OAR 345-027-0363(5). The completeness letter issued by the Department identified that the proposed order would be issued on within 21 days of the letter, or August 19, 2026. OTSAMD2 Completeness Letter 2026-07-29. OAR 345-027-0365(1).

[5] (A) All persons on the Council's general mailing list as defined in OAR 345-011-0020;
(B) All persons on any special mailing list established for the facility;
(C) The reviewing agencies for the facility, as defined in OAR 345-001-0010(52); and
(D) The property owners on the list provided under OAR 345-027-0360.

Table 3: Proposed Order Public Comment Process and Deadlines

Process Step	Explanation	Deadline[1]
Notes: 1. If no comments are received by the August 28, 2026 deadline, the subsequent process steps and deadlines will not apply. 2. OAR 345-027-0367(7) explains that to provide comments with "sufficient specificity," comments should reference recommended findings of fact, conclusions of law or conditions of approval identified in the Proposed Order to which you object; identify the Council standard or other applicable state and local requirements on which your objection is based; and/or, present facts or statements supporting your objection.		

The Council conducted a public hearing on the Proposed Order on August 20, 2026, at the Gronquist Community Center in Arlington, Oregon. In addition to providing an opportunity to individuals to provide oral comments during a public hearing, the Council also accepted written comments until the close of the public comment period on August 28, 2026.

At the close of the public comment period, no comments had been received. Therefore, the additional steps/timelines in the comment process, including certificate holder and Department responses, commenter replies, and certificate holder and Department sur-replies do not apply.

II.B.3. Draft Final Order

On September 4, 2026, the Department issued a draft Final Order and posted an announcement of the draft Final Order on the Department's webpage for the facility. At the September 18, 2026 meeting, the Council reviewed the draft Final Order. There were no substantive changes included in the draft Final Order from the Proposed Order, given that there were no comments received.

II.B.4. Final Order

At the September 18, 2026 meeting, the Council granted issuance of an amended site certificate, and one original site certificate.

Judicial review of the Council's final order either granting or denying an amended site certificate is as provided in ORS 469.403(3).[6]

III. EVALUATION OF COUNCIL STANDARDS

As discussed in Section II.A., to issue an amended site certificate the Council must determine that the preponderance of evidence on the record supports the conclusion that the facility, as amended, complies with all applicable laws and Council standards in effect on the dates described in section OAR 345-027-0375(3).

[6] OAR 345-027-0371(8).

This Order includes the Council's analysis of whether the certificate holder and facility, with proposed RFA2 changes, would continue to meet each applicable Council standard, with mitigation and subject to compliance with existing and recommended new and amended conditions, as applicable. The following Section III analyzes each of the applicable standards and recommends changes to site certificate conditions as needed to support Council findings of compliance.

III.A. Standards Potentially Impacted by Request for Amendment 2

As noted above, under OAR 345-027-0375, in making a decision to grant or deny issuance of an amended site certificate, the Council must apply the applicable laws and Council standards (i.e., the standards that protect a resource or interest that could be affected by the proposed change) in effect on the dates described in section OAR 345-027-0375(3) and determine that the preponderance of evidence on the record supports finding that the facility, with the proposed changes, complies with those laws and standards.

This Order presents an evaluation of the proposed new certificate holder's ability to comply with the Organizational Expertise and Retirement and Financial Assurance standards. Given that there are no other proposed changes beyond an administrative allocation of previously approved components into two separate site certificates, and removing requirements that apply to wind facility components, the Council finds that there are no other standards that would be impacted. The Council relies on the record of prior proceedings for its compliance determination with standards not evaluated in this Order. This Order presents an evaluation of the following standards:

- General Standard of Review: OAR 345-022-0000
- Organizational Expertise: OAR 345-022-0010
- Retirement and Financial Assurance: OAR 345-022-0050[7]

III.A.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);*

[7] These three standards were confirmed by the Department to be the only applicable standards requiring analysis as part of RFA2, during a meeting on May 4, 2026. OTSAMD2 pRFA2 2026-05-21. Section 4., p.12

(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.

* * *

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

Findings of Fact

OAR 345-022-0000 provides the Council's General Standard of Review and requires the Council to find that a preponderance of evidence on the record supports the conclusion that, when accounting for the proposed RFA2 changes, the certificate holders of the two facilities would comply with the applicable laws or Council standards that protect a resource or interest that could be affected by the proposed changes.

Proposed/Recommended Amendments to General Standard Conditions

To support splitting the approved facility into two facilities, removing battery energy storage system related conditions from the Oregon Trail Solar facility, and solar generation related conditions from the Shutler BESS facility, as well as the removal of wind generation conditions from both facilities, the certificate holder proposes to:

<u>For Oregon Trail Solar Facility</u>

- Remove 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).
- Remove battery energy storage-related conditions (Conditions 42, 69, 85, 103, 107, 116, 117, 118).

- And, update decommissioning costs based on the facility component split (Condition 32).

For Shutler BESS Facility

- Remove 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).
- Remove o solar-related conditions (Conditions 38, 69, 85, 87, 107, 120).
- And, update decommissioning costs based on the facility component split (Condition 32).

The Council agrees with the certificate holder's proposed removal of the above listed conditions from each facility's site certificate, respectively. As described in the sections that follow, the Council finds that a preponderance of evidence on the record supports the conclusion that the facility would continue to comply with the applicable requirements of ORS chapter 469, siting standards adopted by the Council under OAR chapter 345, and all other Oregon statutes and administrative rules applicable to an original site certificate application.

Conclusions of Law

Based on the foregoing findings of fact and conclusions of law, and subject to compliance with the deleted conditions, the Council finds that the certificate holders would continue to satisfy the requirements of OAR 345-022-0000.

III.A.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 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.[8]

Findings of Fact

The current certificate holder is Oregon Trail Solar, LLC, a wholly-owned subsidiary of Avangrid Power, LLC. Avangrid Power, LLC is the current certificate holder owner, and would be maintained as the certificate holder owner for both the amended Oregon Trail Solar Site Certificate and proposed new Shutler Battery Energy Storage Facility Site Certificate.

The proposed new owner of the Shutler Battery Energy Storage System Site Certificate, Shutler Energy Storage, LLC, is a limited liability company that was formed in the State of Delaware on May 28, 2025.[9] Shutler Energy Storage, LLC registered to do business in the State of Oregon on March 15, 2026 and has a registered agent in Oregon.[10] On behalf of Shutler Energy Storage, LLC, Avangrid Power, LLC's Deputy General Counsel Jeffrey Durocher confirmed that Shutler Energy Storage, LLC has the legal authority to construct and operate the facility without violating its Certificates of Formation, Limited Liability Company Agreements, or Limited Liability Company Agreement of Avangrid Power, LLC.[11]

Shutler Energy Storage, LLC is a newly formed project-specific LLC and therefore seeks to rely on the organizational expertise of its parent company to meet the Council's Standard.[12] Avangrid Power, LLC's Deputy General Counsel Jeffrey Durocher affirmed that, "Avangrid Power

[8] OAR 345-022-0010, effective April 3, 2002.
[9] Id.
[10] OTSAMD2 Request for Amendment 2 Attachment 3, Articles of Organization.
[11] OTSAMD2 Request for Amendment 2 Attachment 4, Letters of Organizational Support.
[12] OTSAMD2 Attachment 9. RAI-2. 2026-07-31.

supports the Project Companies continued development, construction, operation and retirement of the Project purpose 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 Certificates, as amended."[13]

Avangrid Power has operated renewable energy projects in Oregon since 2001. Avangrid Power owns approximately 8.6 gigawatts of utility-scale wind and solar generation, of which 2.2 MWs are in Oregon, including six EFSC jurisdictional facilities. Avangrid Power is also the parent company for two EFSC jurisdictional natural gas fired power plants in Klamath Falls totaling 620 MW. The Council has previously found that the certificate holder to parent company relationship demonstrates that the certificate holder has the organizational expertise to construct, operate and retire EFSC-jurisdictional facilities in compliance with Council standards and conditions of the site certificate.

As described above, per OAR 345-022-0010(1), the Council may consider the number and severity of regulatory citations issued to the new owner in determining whether the proposed new certificate holder meets the Organizational Expertise Standard. The proposed new certificate holder's parent company has experienced compliance issues within the last 6 years for EFSC jurisdictional facilities. The Golden Hills Wind Project received two notices from Oregon Department of Environmental Quality (DEQ) related to water quality issues under the 1200-C/Erosion Sediment Control Plan (ESCP) permit. On April 19, 2023, following an April 13, 2023 site inspection, the Department issued corrective actions needed at the Montague Solar Facility for failure to protect soils under the 1200-C/ESCP. On October 3, 2023, DEQ issued a warning letter for water quality violations at the Bakeoven Solar Project site (2023-WLOTC-6715). The issues have been resolved.[14]

The Council previously imposed several conditions to ensure compliance with the standard, which would continue to be imposed under both the proposed amended and new site certificates, as summarized below:

- Conditions 34-36 require that qualified contractors be selected for facility design and construction; that contracts bind contractors to comply with applicable terms and conditions of the site certificate; and that the certificate holder maintain a qualified construction manager onsite during construction
- Condition 37 requires that the certificate holder report to the Department, within 72 hours, any potential or actual violations of the terms and conditions of the site certificate.

Conclusions of Law

[13] OTSAMD2 Request for Amendment 2 Attachment 4, Letters of Organizational Support.
[14] Id.

Based on the evidence in the record, and subject to compliance with the existing conditions, the Council finds that the proposed new certificate holder would satisfy the requirements of the Organizational Expertise standard.

III.A.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) 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.[15]

Findings of Fact

The Retirement and Financial Assurance standard requires a finding that the facility site can be restored to a useful, non-hazardous condition at the end of the facility's useful life, should either the certificate holder stop construction or should the facility cease to operate.[16] In addition, it requires a demonstration that the certificate holder can obtain 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.

In its Final Order on Amendment 1 of the Oregon Trail Solar Facility, the Council found that the site, taking into account mitigation, can be restored adequately to a useful, nonhazardous condition following permanent cessation of construction or operation of the facility. Furthermore, Council found that $7.03 million (Q4 2022 dollars) was a satisfactory amount to restore the site to a useful, nonhazardous condition. This amount included the cost to decommission the facility with up to 16 wind turbines and up to 400 acres of solar photovoltaic power generation components.

The changes proposed in RFA2 would not result in changes to decommissioning tasks, nor the decommissioning estimate Council previously approved. However, RFA2 would result in an allocation of previously approved facility components into two site certificates, including the sharing of several facility components and related or supporting facilities between the amended and new site certificates. The decommissioning estimate for the facility, based on the proposed split/allocation, is based on the remaining facility components, not including wind turbines because the certificate holder no longer seeks approval to construct and operate wind turbines.

[15] OAR 345-022-0050, effective April 3, 2002.

[16] OAR 345-022-0050(1).

Estimated Costs of Site Restoration

In its Final Order on Request for Amendment 1, the Council amended Condition 32, requiring the certificate holder to provide a bond or letter of credit in the amount of $7.03 million (in Q4 2022 dollars), to be adjusted annually for inflation.

Consistent with the proposed splitting of the 41MW solar photovoltaic and battery energy storage system facility components, as represented in Table 2*: RFA2 Facility Component Split Summary* in Section I.C., and as included in RFA2 Attachment 5, the certificate holder provides decommissioning cost estimates, including contractor and Department contingencies for both the amended OTS facility and SBESS facility at $2,663,265 and $217,356 (2nd Quarter 2026 dollars), respectively.[17,18] These amounts were reviewed and verified by the Department as part of preconstruction compliance review.

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

Under OAR 345-25-0006(8), the Council must impose a condition in each site certificate requiring the certificate holder to submit and maintain 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. To meet this requirement, Council imposed Retirement and Financial Assurance Condition 32.

Condition 32 requires the certificate holder to provide a bond or letter of credit prior to construction, in a to demonstrate that each site can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the respective facilities. Because the facility is in construction, this condition has been satisfied. However, to ensure that the decommissioning estimate referenced in the condition aligns with the cost of the facility components included in each site certificate, the Council amends this condition for both OTS and SBESS to reflect the apportioned, final decommissioning cost estimate as reviewed and approved during preconstruction compliance, as presented below.

> **Oregon Trail Solar Facility Amended Condition 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 $2,663,265 (2nd Quarter 2026 dollars), to be adjusted to the date of issuance as described in (b), or

[17] RFA2 removes wind generation components from both facilities, as approved generating components. Therefore the $7.03 million (Q4 2022 Dollars) decommissioning cost estimate from RFA1 has been revised in RFA2 to reflect final design that does not include wind generation components.

[18] The $217,356 decommissioning cost estimate is based on a 41 MW SBESS; the SBESS is approved to include up to 100 MWs of battery energy storage, and if fully built, would require a bond or letter of credit with a decommissioning cost estimate totaling $519,572.17 (Q2 2026).

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

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility, by applying the unit costs and general costs illustrated in RFA2 Attachment 5 ~~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) ***

[MWP AMD5, OTS AMD1, AMD2]

Shutler Battery Energy Storage Facility Amended Condition 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 $217,356 (2nd Quarter 2026 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility, by applying the unit costs and general costs illustrated in RFA2 Attachment 5 ~~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) ***

[MWP AMD5, OTS AMD1, AMD2]

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

- Condition 7 (a mandatory Condition per OAR 345-025-0006(7)) requires the certificate holder to prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition.
- Condition 9 (a mandatory Condition per OAR 345-025-0006(9)) requires the certificate holder to retire the facility in accordance with a retirement plan approved by the Council.
- Condition 16 (a mandatory Condition per OAR 345-025-0006(16)) outlines requirements and a process to follow if Council finds that the certificate holder has permanently

ceased construction or operation of the facility without retiring the facility according to a final retirement plan.

The certificate holder provided the Department a bond issued by Liberty Mutual Insurance Company (019102215) dated May 21, 2026 for $217,356.78 issued to Shutler Energy Storage, LLC. Given that the Department has on file the actual bond, and in an amount that is more than double of what is currently being constructed, the, Council finds that the new certificate holder has a demonstrated a reasonable likelihood of obtaining a bond or letter of credit in the form and amount required by the site certificate.

Conclusions of Law

Based on the foregoing findings of fact, and subject to compliance with the existing and amended Retirement and Financial Assurance conditions, the Council finds that the proposed new certificate holder would comply with the Council's Retirement and Financial Assurance standard.

III.B. Standards Not Likely Impacted by Request for Amendment 2

Due to the limited nature of proposed changes included in RFA2, and considering preconstruction compliance has already been completed prior to submittal of RFA2 (construction of Shutler BESS commencing in August 2025 and construction of OTS commencing in January 2026), the Council finds that the standards listed below are not impacted by RFA2. The Council relies on its prior evaluation presented in the March 2023 Final Order on RFA1 for its determination of compliance with these standards, incorporated herein by reference, and not otherwise further evaluated.

Table 4: Standards Not Likely to be Impacted by Request for Amendment 2

EFSC Standard	OAR Citation & Hyperlink to Full Text	Evaluation of Applicability to RFA2 Proposed Changes
Structural	345-022-0020	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Soil Protection	345-022-0022	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Land Use	345-022-0030	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard. Note that attachments to this order include draft amended Noxious Weed Plans, to reflect administrative updates associated with RFA2.
Protected Areas	345-022-0040	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Fish & Wildlife Habitat	345-022-0060	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard. Note that attachments to this order include draft amended Revegetation Plans, to reflect administrative updates associated with RFA2.
Threatened & Endangered Species	345-022-0070	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Scenic Resources	345-022-0080	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Historic, Cultural & Archaeological Resources	345-022-0090	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Recreation	345-022-0100	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Public Services	345-022-0110	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.

Table 4: Standards Not Likely to be Impacted by Request for Amendment 2

EFSC Standard	OAR Citation & Hyperlink to Full Text	Evaluation of Applicability to RFA2 Proposed Changes
Wildfire Prevention and Risk Mitigation	345-022-0115	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Waste Minimization	345-022-0120	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this standard.
Other Oregon Rules & Regulations		
Oregon Noise Control Regulation	340-035-0035	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this regulation.
Oregon Removal-Fill Law	141-085-0500 through 141-085-0785	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this regulation.
Oregon Water Rights	345-022-0000(1)(b); 345-021-0010(1)(o)(F)	RFA2 does not propose any changes that would alter Council's previous findings. The Council relies on previous findings that the facility complies with this regulation.

IV. PROPOSED CONCLUSIONS AND ORDER

Based on the findings of fact and conclusions of law included in this order, under OAR 345-027-0375, the Council finds that the preponderance of evidence on the record, including the record of RFA2, and of the *Final Order on ASC* and *Final Order on Request for Amendment 1*, supports the following conclusions:

1. The facility, as amended, complies with the requirements of the Energy Facility Siting Statutes ORS 469.300 to 469.520.

2. The facility, as amended, complies with all applicable standards adopted by Council pursuant to ORS 469.501, in effect on the date Council issues its Final Order.

3. The facility, as amended, complies with all other Oregon statutes and administrative rules identified in effect on the date Council issues its Final Order.

Accordingly, the Council finds that the facility, with the proposed changes, complies with the General Standard of Review OAR 345-022-0000 and OAR 345-027-0375. The Council finds, based on a preponderance of the evidence on the record, that the site certificate may be amended as requested.

The Council therefore approves Request for Amendment 2 of the Oregon Trail Solar Project Site Certificate, and issues one amended, and one original site certificate included as Attachments A-1 and A-2 to this Order.

September 18, 2026

OREGON ENERGY FACILITY SITING COUNCIL

Cynthia R. Condo (Sep 29, 2026 12:23:59 PDT)

Cynthia Condon, Chair

ATTACHMENTS

Attachment A-1: Amended Site Certificate for Oregon Trail Solar Facility
Attachment A-2: Site Certificate for Shutler Battery Energy Storage Facility
Attachment P-1: Draft Amended Revegetation Plan for Oregon Trail Solar Facility
Attachment P-2: Draft Amended Revegetation Plan for Shutler Battery Energy Storage Facility
Attachment P-3: Draft Amended Noxious Weed Control Plan for Oregon Trail Solar Facility
Attachment P-4: Draft Amended Noxious Weed Control Plan for Shutler Battery Energy Storage Facility

V. NOTICE OF RIGHT TO APPEAL

Judicial review of this Order is as provided under ORS 469.403 and 469.405(1). Notwithstanding ORS 183.482 and 183.484, judicial review of the Council's approval of a request for an amendment to a site certificate is conferred solely on the Supreme Court. Only the certificate holder or persons who submitted comments on the Request for Amendment in compliance with council rules may seek judicial review. A person who seeks judicial review is limited to the issues the person raised in their comments.

Attachment A-1: Amended Site Certificate for Oregon Trail Solar Facility

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

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	September 18, 2026

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 4
a.2 Location of the Facility 7
a.3 Site Boundary and Micrositing Areas 7
b. Facility Development 7
b.1 Construction 7
b.2 Operations and Maintenance 7
IV. SITE CERTIFICATE CONDITIONS 8
1. Administrative Conditions 13
2. Land Use Conditions 16
3. Cultural Resource Conditions 17
4. Geotechnical Conditions 19
5. Hazardous Materials, Fire Protection & Public Safety Conditions 19
6. Water, Soils, Streams & Wetlands Conditions 23
7. Transmission Line & EMF Conditions 24
8. Visual Effects Conditions 27
9. Noise Control Conditions 28
10. Waste Management Conditions 29
V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILTIY SITE CERTIFICATE AMENDMENTS 30
VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1 31
VII. SUCCESSORS AND ASSIGNS 31
VIII. SEVERABILITY AND CONSTRUCTION 31
IX. GOVERNING LAW AND FORUM 31
X. EXECUTION 32

List of Tables

Table 1: Solar Micrositing Corridor Component Summary 4
Table 2: Shared Related or Supporting Facilities Component Summary 6

Attachments

Figure 1: Approved Micrositing Corridors

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 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; (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 September 18, 2026.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Final Order on Request for Amendment 2 of the Oregon Trail Solar Facility; (2) Final Order on Amendment #1 of the Oregon Trail Solar Facility (3) the Final Order on Amendment #5 of the Montague Wind Power Facility, (4) the Final Order on Amendment #4 of the Montague Wind Power Facility, (5) the Final Order on Amendment #3 of the Montague Wind Power Facility, (6) the Final Order on Amendment #2 of the Montague Wind Power Facility, (7) the Final Order on Amendment #1 of the Montague Wind Power Facility, (8) the Final Order on the Application, and (9) 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 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 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; AMD2]

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; 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; AMD2]

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 a solar photovoltaic electric power generating plant within an approved 1,343 site boundary including a 645 acre solar micrositing corridor and a 673 acre micrositing corridor that is shared with Montague Wind, LLC, Montague Solar, LLC, and Shutler Energy Storage, LLC.

Within the solar micrositing 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 solar micrositing corridor are presented in Table 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 1: Solar Micrositing Corridor Component Summary

Component and Design Standard	No.	Unit
Solar Components		
Solar 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
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
- Operations and maintenance (O&M) building
- Access roads
- Public roadway modifications
- Temporary construction areas

Power Collection System

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

Control System

A fiber optic communications network links the 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 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.

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 solar array, 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.

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 September 18, 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
- 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 2 below. The facility must be designed and operated substantially as described in the table dimensions, specifications, and in the facility description.

Table 2: 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
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. 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 Micrositing Corridors

The approved solar micrositing corridor includes 645 acres and the approved and shared micrositing corridor includes 673 acres. 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 solar energy generation components anywhere within the respective micrositing corridors.

This shared micrositing corridor also includes a transmission line corridor (as presented in Figure 1):

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, SCADA and monitoring systems, and shared facilities unless otherwise recommended by the manufacturer.

Nonfunctional solar panels would be recycled through the Solar Energy Industries Association (SEIA) National PV Recycling Program, to the maximum extent feasible.

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 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 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 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

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 $2,663,265 (2nd Quarter 2026 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility by applying the unit costs and general costs illustrated in RFA2 Attachment 5 and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department. The certificate holder may adjust the amount of the bond or letter of credit under (a) if opting to construct only a portion of the facility.

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

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 2026 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 2026 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 10 percent of the adjusted Gross Cost of the Solar Generation (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; AMD2]

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 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; AMD2]

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 Deleted in OTS AMD2 [MWP Final Order on ASC, OTS AMD1; AMD2]

41 Deleted in OTS AMD2 [OTS AMD2]

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) The certificate holder shall maintain a minimum distance of 50 feet measured from the Montague Solar O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.
(c) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.
(d) The certificate holder shall maintain a minimum distance of 25 feet measured from the fence line of the solar array to the nearest property line.
[AMD5, Sept 2020; OTS AMD2]

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 P-3 of the Final Order, 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 Deleted in OTS AMD2 [OTS AMD2]

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.

(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. 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 Deleted in OTS AMD2 [OTS AMD2]

58 Deleted in OTS AMD2 [OTS AMD2]

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.

[AMD5, Sept 2020; OTS AMD1]

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 actual location of all facility structures. The certificate holder shall provide an updated site plan if other structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.

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 Deleted in OTS AMD2 [AMD5, Sept 2020; OTS AMD2]

65 Deleted in OTS AMD2 [OTS AMD2]

66 Deleted in OTS AMD2 [OTS AMD2]

67 Deleted in OTS AMD2 [OTS AMD2]

68 Deleted in OTS AMD2 [OTS AMD2]

69 The certificate holder shall:

(a) Prior to construction of facility substations, solar array, 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, if included in final design, ensure that fencing is maintained and gates are locked to prohibit public access.

[OTS AMD2]

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 micrositing corridors. 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.
[OTS AMD2]

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.
[OTS AMD2]

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.

. [AMD5, Sept 2020; OTS AMD2]

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 micrositing corridors, 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.

[OTS AMD2]

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

(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.

(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; AMD2]

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, solar array, and trenched areas and, as necessary, maintain or repair erosion and sediment control measures. [AMD5, Sept 2020; OTS AMD2]

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 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; OTS AMD2]

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 Deleted in OTS AMD2

[AMD5, Sept 2020; OTS AMD2]

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 Deleted in OTS AMD2 [OTS AMD2]

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 micrositing corridors or otherwise disturbing areas outside of the approved and surveyed construction areas.
[OTS AMD2]

99 Deleted in OTS AMD2 [OTS AMD2]

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) Paint the Montague Solar collector substation and switching station structures in a low-reflectivity neutral color to blend with the surrounding landscape.
(b) Not allow any advertising to be used on any part of the facility.
(c) Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the Montague Solar O&M building to identify the facility, may paint turbine numbers on each tower and may allow unobtrusive manufacturers' logos on turbine nacelles.
(d) Maintain any signs allowed under this condition in good repair.
[OTS AMD2]

103 The certificate holder shall design and construct the O&M building, substation, and buildings, 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; OTS AMD2]

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

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

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

[OTS AMD2]

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 (substation transformers, inverters, and transformers associated with the photovoltaic solar array; and inverters).

The maximum sound power level for the Montague Solar collector substation transformers; inverters and transformers associated with the photovoltaic solar array; inverters 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 substation transformers, inverters and transformers associated with the photovoltaic solar array; inverters) 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; OTS AMD2]

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 Deleted in OTS AMD2[AMD5, Sept 2020; OTS AMD2]

117 Deleted in OTS AMD2 [AMD5, Sept 2020; OTS AMD2]

118 The site certificate authorizes shared use of related or supporting facilities including the Montague Solar collector substation, Montague Solar O&M building, 230 kV transmission line, access roads, and temporary staging areas under the site certificates issued for the Montague Solar Facility, Oregon Trail Solar Facility, and Shutler Battery Energy Storage System 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, Oregon Trail Solar Facility, and Shutler Battery Energy Storage System 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, Oregon Trail Solar Facility, or Shutler Battery Energy Storage System 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; OTS AMD2]

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 THEREOF, 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: _____
Cynthia R. Condon (Oct 2, 2026 12:41:04 PDT)

Print: _____

Date: _____

OREGON TRAIL SOLAR, LLC

By: JBD _____

Print: _____

Date: _____

and

By: Stephanie La Pier
Stephanie La Pier (Sep 29, 2026 13:35:02 PDT)

Print: _____

Date: _____

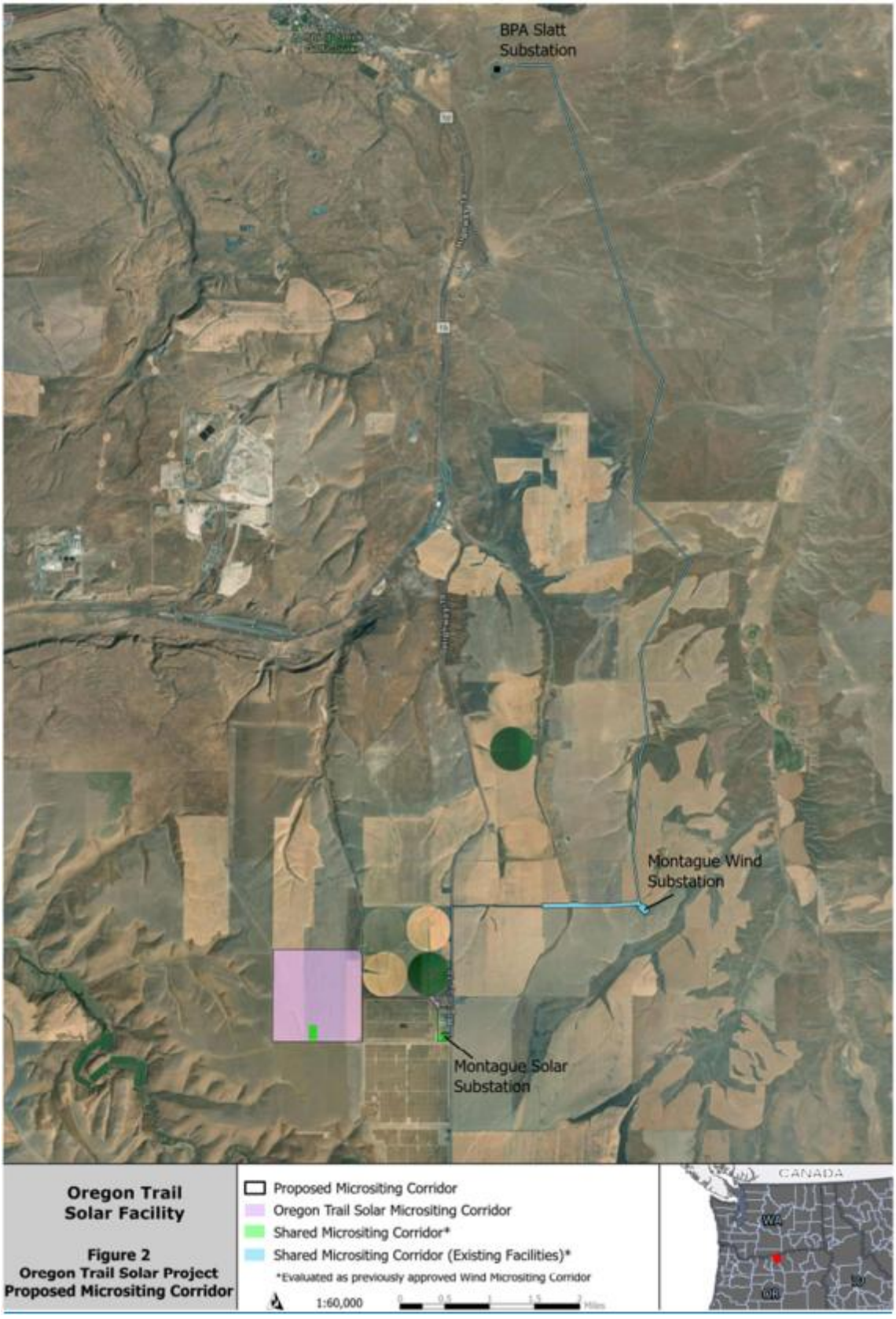
and

By: Sara M Parsons
Sara M Parsons (Sep 29, 2026 15:52:39 PDT)

Print: _____

Date: _____

Figure 1: Approved Micrositing Corridors



Attachment A-2: Site Certificate for Shutler Battery Energy Storage Facility

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

Site Certificate
for the
Shutler Battery Energy Storage System Facility

ISSUANCE DATES:

Site Certificate	September 18, 2026

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
III. DESCRIPTION 3
a. The Facility 3
a.1 Related or Supporting Facilities and Shared Related or Supporting Facilities 4
a.2 Location of the Facility 6
a.3 Site Boundary and Micrositing Areas 6
b. Facility Development 7
b.1 Construction 7
b.2 Operations and Maintenance 7
IV. SITE CERTIFICATE CONDITIONS 7
1. Administrative Conditions 13
2. Land Use Conditions 16
3. Cultural Resource Conditions 17
4. Geotechnical Conditions 18
5. Hazardous Materials, Fire Protection & Public Safety Conditions 19
6. Water, Soils, Streams & Wetlands Conditions 23
7. Transmission Line & EMF Conditions 24
8. Visual Effects Conditions 26
9. Noise Control Conditions 27
10. Waste Management Conditions 29
V. CONDITIONS ADDED BY MONTAGUE WIND POWER FACILTIY SITE CERTIFICATE AMENDMENTS 29
VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1 31
VII. SUCCESSORS AND ASSIGNS 31
VIII. SEVERABILITY AND CONSTRUCTION 31
IX. GOVERNING LAW AND FORUM 31
X. EXECUTION 32

List of Tables

Table 1: Shared Related or Supporting Facilities Component Summary 6

Attachments

Figure 1: Approved Micrositing Corridors

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 Shutler BESS, LLC (certificate holder), a wholly owned subsidiary of Avangrid 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 September 18, 2026.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Final Order on Request for Amendment 2 of the Oregon Trail Solar Facility; (2) Final Order on Amendment #1 of the Oregon Trail Solar Facility (3) the Final Order on Amendment #5 of the Montague Wind Power Facility, (4) the Final Order on Amendment #4 of the Montague Wind Power Facility, (5) the Final Order on Amendment #3 of the Montague Wind Power Facility, (6) the Final Order on Amendment #2 of the Montague Wind Power Facility, (7) the Final Order on Amendment #1 of the Montague Wind Power Facility, (8) the Final Order on the Application, and (9) 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 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 Battery Energy Storage System 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; AMD2]

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; 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; AMD2]

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 Shuttler Battery Energy Storage System (SBESS) facility is a battery storage system capable of storing up to 100 MW of energy. The facility is located within an approved 1,343 acre site boundary, including a 25 acre micrositing corridor for SBESS and 673 acre micrositing corridor that is shared with Montague Wind, LLC, Montague Solar, LLC, and Oregon Trail Solar, LLC.

The facility 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 would occupy up to 6 acres and would include battery 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.

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.

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
- 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 facility 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 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 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.

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 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.

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 September 18, 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
- 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 1 below. The facility must be designed and operated substantially as described in the table dimensions, specifications, and in the facility description.

Table 1: 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
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. 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 Micrositing Corridors

The approved micrositing corridor includes 25 acres, and the approved shared micrositing corridor includes 673 acres. 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.

This shared micrositing corridor also includes an approved transmission line corridors (as presented in Figure 1).

b. Facility Development

b.1 Construction

Facility construction is anticipated to take 10-months, with an average of 20 to peak 30 construction workers. Construction traffic is estimated at 50 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 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 5-6 full-time operations and maintenance (O&M) staff. The facility O&M activities would include routine, monthly inspections of the battery energy storage 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. 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 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 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 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.

[OTS AMD2]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 $217,356 (2nd Quarter 2026 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 the battery storage types selected by applying the unit costs and general costs illustrated in RFA2 Attachment 5 and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department. The certificate holder may adjust the amount of the bond or letter of credit under (a) if opting to construct only a portion of the facility.

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

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 2026 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 2026 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 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; AMD2]

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 micrositing corridors to ensure that the final layout does not prevent the landowner from maximizing agricultural production on the land not occupied.
[MWP Final Order on ASC; AMD5; OTS AMD1; AMD2]

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 Deleted in OTS AMD2 [MWP Final Order on ASC, OTS AMD1; AMD2]

41 Deleted in OTS AMD2 [OTS AMD2]

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) The certificate holder shall maintain a minimum distance of 50 feet measured from the Montague Solar O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.
(c) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.
(d) 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.
(e) 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.
(f) 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.
. [AMD5, Sept 2020; OTS AMD2]

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 P-4 of the Final Order, 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 Deleted in OTS AMD2 [OTS AMD2]

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 micrositing corridors.

(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.

[OTS AMD2]

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. 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 Deleted in OTS AMD2 [OTS AMD2]

58 Deleted in OTS AMD2 [OTS AMD2]

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.

[AMD5, Sept 2020; OTS AMD1]

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 actual location of all facility structures. The certificate holder shall provide an updated site plan if other structures are later added to the facility. During operation, the certificate holder shall ensure that appropriate fire protection agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site.
[OTS AMD2]

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 Deleted in OTS AMD2 [AMD5, Sept 2020; OTS AMD2]

65 Deleted in OTS AMD2 [OTS AMD2]

66 Deleted in OTS AMD2 [OTS AMD2]

67 Deleted in OTS AMD2 [OTS AMD2]

68 Deleted in OTS AMD2 [OTS AMD2]

69 The certificate holder shall:

(a) Prior to construction of facility substations, 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, and battery storage systems, if included in final design, ensure that fencing is maintained and gates are locked to prohibit public access.

[OTS AMD2]

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 micrositing corridors. 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.
[OTS AMD2]

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.

[OTS AMD2]

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) . [AMD5, Sept 2020; OTS AMD2]

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 micrositing corridors, 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.

[OTS AMD2]

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) Obtain a National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C from the Oregon Department of Environmental Quality.
(b) 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) 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; AMD2]

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 battery storage pad), and trenched areas and, as necessary, maintain or repair erosion and sediment control measures. [AMD5, Sept 2020; OTS AMD2]

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 Deleted in OTS AMD2 . [MWP AMD5; OTS AMD2]

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 Deleted in OTS AMD2

[AMD5, Sept 2020; OTS AMD2]

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 Deleted in OTS AMD2 [OTS AMD2]

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 micrositing corridors or otherwise disturbing areas outside of the approved and surveyed construction areas.

[OTS AMD2]

99 Deleted in OTS AMD2 [OTS AMD2]

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

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) Security lighting at the O&M buildings and at the substations, provided that such lighting is shielded or downward-directed to reduce glare.
(b) Minimum lighting necessary for repairs or emergencies.
(c) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.

[OTS AMD2]

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 (substation transformers, inverters, 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 inverters and cooling systems associated with battery storage system 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 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; OTS AMD2]

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, 230 kV transmission line, access roads, and temporary staging areas under the site certificates issued for the Montague Solar Facility, Oregon Trail Solar Facility, and Shutler Battery Energy Storage System 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, Oregon Trail Solar Facility, and Shutler Battery Energy Storage System 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, Oregon Trail Solar Facility, or Shutler Battery Energy Storage System 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; OTS AMD2]

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 Deleted in OTS AMD2 [OTS AMD2]

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 THEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Shutler Energy Storage, LLC.

ENERGY FACILITY SITTING COUNCIL

By: _____
Cynthia R. Condon (Oct 2, 2026 12:41:04 PDT)

Print: _____

Date: _____

SHUTLER ENERGY STORAGE, LLC

By: JBD _____

Print: _____

Date: _____

and

By: Stephanie La Pier
Stephanie La Pier (Sep 29, 2026 13:35:02 PDT)

Print: _____

Date: _____

and

By: Sara M Parsons
Sara M Parsons (Sep 29, 2026 15:52:39 PDT)

Print: _____

Date: _____

Figure 1: Approved Micrositing Corridor



Attachment P-1: Draft Amended Revegetation Plan for Oregon Trail Solar Facility

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

Tetra Tech. 2022. Oregon Trail Solar 2022 Habitat and Rare Plants Survey Report.

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.

Attachment P-2: Draft Amended Revegetation Plan for Shutler Battery Energy Storage Facility

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.

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.

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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.

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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
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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

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

Tetra Tech. 2022. Oregon Trail Solar 2022 Habitat and Rare Plants Survey Report.

Tetra Tech. 2025. Oregon Trail Solar (Phase 2) Habitat Survey Memo. October 2025.

Tetra Tech. 2026~~5~~. Amended Noxious Weed Control Plan. ~~Oregon Trail Solar~~Shutler Energy Storage Facility. ~~October 2025~~May 2026.

Attachment P-3: Draft Amended Noxious Weed Control Plan for Oregon Trail Solar Facility

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.

Appendix A. ODA Noxious Weed Policy and Classification System 2024

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Attachment P-4: Draft Amended Noxious Weed Control Plan for Shutler Battery Energy Storage Facility

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

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