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

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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

