OREGON WATER RESOURCES DEPARTMENT

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for Limited Water Use License

License No.: LL-1982

Applicant Information

NAME			PHONE (HM)
Keven Haguewood			(541) 422-7550
PHONE (WK)	CELL (541) 571-6620		FAX (541) 422-7550
ADDRESS 64396 McNab Ln.			
CITY Ione	STATE OR	ZIP 97843	E-MAIL * kevenhaguewood59@gmail.com

Agent Information

NAME			PHONE	FAX
Will McGill Surveying, LLC			(503) 931-0210	
ADDRESS 15333 Pletzer Rd. SE				CELL (503) 510-3026
CITY Turner	STATE OR	ZIP 97392	E-MAIL * willmcgill.surveying@gmail.com	

I (We) make application for a Limited License to use or store the following described surface waters or groundwater – not otherwise exempt, or to use stored water of for a use of a short-term or fixed-duration:

1. **SOURCE(S) OF WATER:** 2 Wells (GILL 38, 45) a tributary of East Fork of Shutler Creek
2. **AMOUNT OF WATER** to be diverted;
   Maximum and instantaneous rate (cubic feet or gallons per minute): 400 gpm
   Total volume (gallons or acre-feet): 140 af (125,000 gal./day) . If water is to be used from more than one source, give the quantity from each:
3. **INTENDED USE(S) OF WATER:** (check all that apply)
   - ☒ Road construction or maintenance
   - ☒ General construction
   - ☐ Forestland and rangeland management; or
   - ☐ Other:
4. **DESCRIPTION OF PROPOSED PROJECT:** Include a description of the place of use as shown on the accompanying site map, the method of water diversion, the type of equipment to be used (including pump horsepower, if applicable), length and dimensions of supply ditches and pipelines:

   Montague Wind Project. The applicant proposes to pump water from the two wells into portable tanks and truck water to windmill construction site for the purpose of constructing concrete pads and roads.

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5. **PROJECT SCHEDULE:** (List day, month, and year)
   Date water use will begin: Upon LL issuance in 2024.
   Date water use will be completed: 5 years from LL issuance.

   Months of the year water would be diverted and used: Year-round

   If for other than irrigation from stored water, how and where will water be discharged after use:

   N/A

Keven Haguewood — Applicant Signature
Keven Haguewood — Print Name *and title if applicable*
5-31-24 — Date

PLEASE READ CAREFULLY

NOTE: A completed water availability statement from the local watermaster, Land Use Information Form completed by the local Planning Department, fees and site map meeting the requirements of OAR 690-340-030 must accompany this request. The fee for this request is **$280** for the first point of diversion plus **$30** for each additional point of diversion. Please review the Department's fee schedule to view fees required to request a limited license for Aquifer Storage and Recovery testing purposes or for Artificial Groundwater Recharge testing purposes.

Failure to provide any of the required information will result in return of your application. The license, if granted, will not be issued or replaced by a new license for a period of more than five consecutive years. The license, if granted, will be subordinate to all other authorized uses that rely upon the same source, or water affected by the source, and may be revoked at any time it is determined the use causes injury to any other water right or minimum perennial streamflow.

If water source is well, well logs or adequate information for the Department to determine aquifer, well depth, well seal and open interval, etc. are required. The licensee shall indicate the intended aquifer. If for multiple wells, each map location shall be clearly tired to a well log.

If a limited license is approved, the licensee shall give notice to the Department (Watermaster) at least 15 days in advance of using the water under the Limited License and shall maintain a record of use. The record of use shall include, but need not be limited to, an estimate of the amount of water used, the period of use and the categories of beneficial use to which the water is applied. During the period of the Limited License, the record of use shall be available for review by the Department upon request.

**A summary of review criteria and procedures that are generally applicable to these applications is available at: http://www.oregon.gov/owrd/pages/pubs/forms.aspx*

Mapping Requirements (OAR 690-340-0030):

(1) A request for a limited license shall be submitted on a form provided by the Water Resources Department, and shall be accompanied by the following:

a. A site map of reproducible quality, drawn to a standard, even scale of not less than 2 inches = 1 mile, showing:

i. The locations of all proposed points of diversion referenced by coordinates or by bearing and distance to the nearest established or projected public land survey corner;

ii. The general course of the source for the proposed use, if applicable;

iii. Other topographical features such as roads, streams, railroads, etc., which may be helpful in locating the diversion points in the field.

REMARKS:

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LL-1982

This page to be completed by the local Watermaster.

WATER AVAILABILITY STATEMENT

Name of Applicant: KEVIN HAGUEWOOD Limited License Number: LL-1982

1. To your knowledge, has the stream or basin that is the source for this application ever been regulated for prior rights?

☐ Yes ☒ No

If yes, please explain:

2. Based on your observations, would there be water available in the quantity and at the times needed to supply the use proposed by this application?

☐ Yes ☐ No

DEFERRED TO GROUND WATER DEPARTMENT

3. Do you observe this stream system during regular fieldwork?

☐ Yes ☒ No

If yes, what are your observations for the stream?

4. If the source is a well and if WRD were to determine that there is the potential for substantial interference with nearby surface water sources, would there still be ground water and surface water available during the time requested and in the amount requested without injury to existing water rights?

☐ Yes ☒ No ☐ N/A

What would you recommend for conditions on a limited license that may be issued approving this application? TOTALIZING FLOW METERS ON LATERALS TO TRUCK FILL LOCATIONS.

5. Any other recommendations you would like to make?

ANY MITIGATING ACRES BE READY WILLING & ABLE ACRES.

Signature Kenneth C. Thurman Jr. WM District #: 21 Date: 6/13/24

Land Use Information Form

OREGON WATER RESOURCES DEPARTMENT
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is NOT required if:

1) Water is to be diverted, conveyed, and used on federal lands only; **OR**

2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
   a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
   b. The application involves a change in place of use only;
   c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
   d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

LL-1982

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LL-1982

Land Use Information Form

OREGON WATER RESOURCES DEPARTMENT
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

NAME			PHONE
Keven Haguewood			(541) 571-6620
MAILING ADDRESS			
64396 McNab Ln.			
CITY	STATE	ZIP	EMAIL
Ione	OR	97843	kevenhaguewood59@gmail.com

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
1N	21E	1 12	NWNW SWSW	100		☒ Diverted ☐ Conveyed ☐ Used	construction for wind project
1N	21E	1-5, 8-17, 20-29, 32-36	All			☐ Diverted ☐ Conveyed ☒ Used	construction for wind project
1N	22E	3-10, 15-22, 27-34	All			☐ Diverted ☐ Conveyed ☒ Used	construction for wind project
2N	21E	13-17, 20-29, 32-36	All			☐ Diverted ☐ Conveyed ☒ Used	construction for wind project
2N	22E	15-22, 27-34	All			☐ Diverted ☐ Conveyed ☒ Used	construction for wind project

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Gilliam

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

☐ Permit to Use or Store Water ☐ Water Right Transfer ☐ Permit Amendment or Ground Water Registration Modification
☒ Limited Water Use License ☐ Exchange of Water ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 140 ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Construction

Briefly describe:

Montague Wind Project. The applicant proposes to pump water from two existing wells into portable tanks and truck water to windmill construction sites for the purpose of constructing concrete pads and roads.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

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See Page 4 →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☐ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____

☒ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:
Conditional Use Permit	ORS 469.401(3)	☒ Obtained ☐ Being Pursued ☐ Denied ☐ Not Being Pursued
		☐ Obtained ☐ Being Pursued ☐ Denied ☐ Not Being Pursued
		☐ Obtained ☐ Being Pursued ☐ Denied ☐ Not Being Pursued
		☐ Obtained ☐ Being Pursued ☐ Denied ☐ Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

Name: Matt Davis Title: Interim Gilliam County Planning Director

Signature: MD Date: 06/14/2024

Governmental Entity: Gilliam County Phone: 541-763-3200

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:
Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____

LL-1982

WATER WELL REPORT
STATE OF OREGON

4047 S.W. Green Hills Way Portland, OR 97221

GILL 38

RECEIVED
SEP 17 1981
WATER RESOURCES DEPT
SALEM, OREGON

Gill 38 R

State Well No. 1N/21E-16b

State Permit No. .....

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Salem, OR

(1) OWNER:
Name THE PLATEAU FARMS
Address
City State

(2) TYPE OF WORK (check):
New Well XX Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air X Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation X Test Well ☐ Other ☐
Thermal: Withdrawal ☐ Reinjection ☐

CASING INSTALLED:
Steel Threaded X Plastic ☐ Welded XX

20" Diam. from +1 ft. to 19 ft. Gauge .250
16" Diam. from +1 ft. to 346 ft. Gauge .375

LINER INSTALLED:
14" Diam. from +1 ft. to 528 ft. Gauge .312

(6) PERFORATIONS:
Perforated? ☐ Yes X No
Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? ☐ Yes X No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level

Was a pump test made? X Yes ☐ No If yes, by whom? FARMORE
" gal./min. with ft. drawdown after hrs.
" " " "
Air test 420 gal./min. with drill stem at 1080 ft. 10 hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
Temperature of water 61 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Special standards: Yes ☐ No X
Well seal—Material used Cement
Well sealed from land surface to 19 and 346' ft.
Diameter of well bore to bottom of seal 19 1/2 in.
Diameter of well bore below seal 15 3/8 in.
Number of sacks of cement used in well seal 356 sacks
How was cement grout placed? Positive pressure up with grout line line and pump

Was pump installed? Type HP Depth ft.
Was a drive shoe used? X Yes ☐ No Plugs Size: location ft.
Did any strata contain unusable water? ☐ Yes X No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes X No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:
County Gillam Driller's well number 80-7
NW ¼ NW ¼ Section 1 T. 1N R. 21E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.
Depth at which water was first found 499 ft.
Static level 380 ft. below land surface. Date 6/8/81
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 12"
Depth drilled 1086 ft. Depth of completed well 1066 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Clay W/ Gravel	0	11	
Clay brn	11	25	
Clay brn W/sand	25	41	
Clay tan W/sand	41	57	
Clay tan W/fine gravel	57	66	
Clay tan W/sand	66	73	
Clay white W/gravel	73	79	
Clay pink W/sand	79	88	
Clay brn W/cobbles	88	93	
Clay brn W/fine sand/siltgrave	93	106	
Basalt brn broken	106	126	
Clay brn W/fine gravel	126	147	
Clay brn W/sand	147	160	
Sandstone brn coarse	160	180	
Sandstone brn med	180	246	
Sandstone tan med.	246	272	
Sandstone pink med.	272	298	
Sanstone tan W/gravel	298	320	
Sandstone pink	320	326	
Basalt grey hard	326	376	
Basalt blk hard fract.	376	384	

Work started 6 May 1981 Completed 24 Aug 1981
Date well drilling machine moved off of well 29 Aug 1981

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] (Drilling Machine Operator) Date 1-[illegible], 19[illegible]
Drilling Machine Operator's License No. 1293

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name MARINELLI & AUSTIN DRILLING (Person, firm or corporation) (Type or print)
Address P.O. Box 302, The Dalles, OR. 97058
[Signed] (Water Well Contractor)
Contractor's License No. 672 Date 15 Sept., 1981

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*12658-690

LL-1982

GILL 38

WATER WELL REPORT

STATE OF OREGON

GILL 37

RECEIVED

SEP 17 1981

WATER RESOURCES DEPT

SALEM, OREGON

4047 S.W. Dreanhills Way Portland, OR 97221

State Well No. 1N/2E-16bb

State Permit No. C

(1) OWNER:

Name THE PLATEAU FARMS Pg. 2 Cont.

Address

City State

(2) TYPE OF WORK (check): See pg. 1 Cont

New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
C ☐ Bored ☐

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐
Thermal: Withdrawal ☐ Reinjection ☐

(5) CASING INSTALLED:

Steel ☐ Plastic ☐
Threaded ☐ Welded ☐

....." Diam. from ..... ft. to ..... ft. Gauge .....

....." Diam. from ..... ft. to ..... ft. Gauge .....

LINER INSTALLED:

....." Diam. from ..... ft. to ..... ft. Gauge .....

(6) PERFORATIONS:

Perforated? ☐ Yes ☐ No

Type of perforator used

Size of perforations in. by in.

..... perforations from ..... ft. to ..... ft.

..... perforations from ..... ft. to ..... ft.

..... perforations from ..... ft. to ..... ft.

(7) SCREENS:

Well screen installed? ☐ Yes ☐ No

Manufacturer's Name .....

Type ..... Model No. .....

Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.

Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level

Was a pump test made? ☐ Yes ☐ No If yes, by whom?

gal./min. with ft. drawdown after hrs.

" " "

Air test gal./min. with drill stem at ft. hrs.

Bailer test gal./min. with ft. drawdown after hrs.

Artesian flow g.p.m.

erature of water Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:

Special standards: Yes ☐ No ☐

Well seal—Material used .....

Well sealed from land surface to ..... ft.

Diameter of well bore to bottom of seal ..... in.

Diameter of well bore below seal ..... in.

Number of sacks of cement used in well seal ..... sacks

How was cement grout placed? .....

.....

.....

Was pump installed? ..... Type ..... HP ..... Depth ..... ft.

Was a drive shoe used? ☐ Yes ☐ No Plugs ..... Size: location ..... ft.

Did any strata contain unusable water? ☐ Yes ☐ No

Type of Water? depth of strata

Method of sealing strata off

Was well gravel packed? ☐ Yes ☐ No Size of gravel: .....

Gravel placed from ..... ft. to ..... ft.

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Salem, OR

(10) LOCATION OF WELL:

County GILLAM Driller's well number 80-7

NW ¼ NW ¼ Section 1 T. 1N R. 21 E. W.M.

Tax Lot # Lot Blk Subdivision

Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found See pg. 1 ft.

Static level ft. below land surface. Date

Artesian pressure lbs. per square inch. Date

(12) WELL LOG: See Pg. 1

Diameter of well below casing .....

Depth drilled ft. Depth of completed well ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Clay W/sand brn soft	384	399	
Basalt blk. hard	399	410	
Baslat blk. hard fract.	410	415	
Sandstone tan	415	419	
Basalt grey (clay & gravel)	419	430	
Basalt blk.fract hard	430	434	
Basalt blk. hard	434	487	
Basalt blk. hard fract.	487	499	
Gravel cemented WB	499	516	380
Basalt hard blk	516	520	
Cinder red (case d out water	520	523	
Basalt blk. W/red	523	535	
Basalt grey hard	535	541	dry
Basalt grey vey hard	541	561	
Basalt black med fract.	561	564	
Basalt blk. med. hard	564	585	
Basalt blk. hard	585	638	
Basalt blk. very hard	638	727	
Basalt blk. hard sm. fract.	727	735	
Basalt blk. hard	735	830	
Basalt blk. med. hard	830	838	

Work started Cont. pg. 3 19 Completed 19

Date well drilling machine moved off of well 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] ..... Date ....., 19.....
(Drilling Machine Operator)

Drilling Machine Operator's License No. .....

Water Well Contractor's Certification: See pg. 3

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name .....
(Person, firm or corporation) (Type or print)

Address .....

[Signed] .....
(Water Well Contractor)

Contractor's License No. ..... Date ....., 19.....

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*12658-690

LL-1982

4047 S.W. Greenhills Way Portland, OR 97221

GILL 38

RECEIVED
SEP 27 1981
WATER RESOURCES DEPT
SALEM, OREGON

WATER WELL REPORT
STATE OF OREGON

State Well No. 1N/21E-16bb
GILL 38
State Permit No.

PAGR 3 Cont.

(1) OWNER:
Name THE PLATEAU FARMS
Address
City State

(2) TYPE OF WORK (check): See pg. 1
New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary Air	☐	Driven	☐
Rotary Mud	☐	Dug	☐
C	☐	Bored	☐

(4) PROPOSED USE (check):

Domestic	☐	Industrial	☐	Municipal	☐
Irrigation	☐	Test Well	☐	Other	☐
Thermal:		Withdrawal	☐	Reinjection	☐

(5) CASING INSTALLED:
Steel ☐ Plastic ☐ Threaded ☐ Welded ☐
..... " Diam. from ..... ft. to ..... ft. Gauge .....
..... " Diam. from ..... ft. to ..... ft. Gauge .....

LINER INSTALLED:
..... " Diam. from ..... ft. to ..... ft. Gauge .....

(6) PERFORATIONS:
Perforated? ☐ Yes ☐ No
Type of perforator used
Size of perforations in. by in.
..... perforations from ..... ft. to ..... ft.
..... perforations from ..... ft. to ..... ft.
..... perforations from ..... ft. to ..... ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☐ No
Manufacturer's Name .....
Type ..... Model No. .....
Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.
Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
..... gal./min. with ..... ft. drawdown after ..... hrs.
" " "
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
...rature of water Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:
Special standards: Yes ☐ No ☐
Well seal—Material used .....
Well sealed from land surface to ..... ft.
Diameter of well bore to bottom of seal ..... in.
Diameter of well bore below seal ..... in.
Number of sacks of cement used in well seal ..... sacks
How was cement grout placed? .....
.....
.....
Was pump installed? ..... Type ..... HP ..... Depth ..... ft.
Was a drive shoe used? ☐ Yes ☐ No Plugs ..... Size: location ..... ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☐ No Size of gravel: .....
Gravel placed from ..... ft. to ..... ft.

Received by OWRD
JUN 17 2024
Salem, OR

(10) LOCATION OF WELL:
County GILLAM Driller's well number 80-7
NW ¼ NW ¼ Section 1 T. 1N R. 21 E. W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.
Depth at which water was first found See pg. 1 ft.
Static level ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing .....
Depth drilled ft. Depth of completed well ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Basalt Blk. Very hard	838	855	
Basalt blk hard fract.	855	898	
Basalt blk. very hard	898	966	
Basalt blk. fract. WB	966	981	370
Basalt blk. hard	981	1009	
Basalt blk. fract.	1009	1026	
Basalt blk. hard	1026	1056	
Basalt blk. med fract. WB	1056	1066	380
Clay green soft	1066	1072	
Basalt fract W/Clay green	1072	1076	
Basalt blk. hard	1076	1086	
Liner set to 528 ft. and first water cut off. Drilled 12 in. hole to 1000' and reduced hole diameter to 10" for balance of hole			

Work started 19 Completed 19
Date well drilling machine moved off of well 19

Drilling Machine Operator's Certification: See Pg 1

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] ..... Date ....., 19.....
(Drilling Machine Operator)
Drilling Machine Operator's License No. .....

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name MARINELLI & AUSTIN DRILLING
(Person, firm or corporation) (Type or print)
Address P.O. Box 302 The Dalles, OR 97058

[Signed] .....
(Water Well Contractor)
Contractor's License No. 672 Date 15 Sept. 81, 19.....

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT,
SALEM, OREGON 97310
within 30 days from the date of well completion.

SP*12658-690

LL-1982

WATER WELL REPORT
STATE OF OREGON

GILL 45

GILL 45

RECEIVED
SEP 17 1981
WATER RESOURCES DEPT
SALEM, OREGON

Received by OWRD JUN 17 2024

State Well No. 1N/2E-12cc

State Permit No.

(1) OWNER:
Name The Plateau Farms
Address 4047 SW Greehhills Way
City Portland, Oregon 97221 State

(2) TYPE OF WORK (check):
New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air [X] Driven [ ]
Rotary Mud [ ] Dug [ ]
O[illegible] [ ] Bored [ ]

(4) PROPOSED USE (check):
Domestic [ ] Industrial [ ] Municipal [ ]
Irrigation [X] Test Well [ ] Other [ ]
Thermal: [ ] Withdrawal [ ] Reinjection [ ]

5) CASING INSTALLED:
Steel [X] Plastic [ ]
Threaded [ ] Welded [X]
20 " Diam. from +1 ft. to 26 ft. Gauge .250
" Diam. from ft. to ft. Gauge

LINER INSTALLED:
16 " Diam. from +1 ft. to 299 ft. Gauge .312

(6) PERFORATIONS:
Perforated? [ ] Yes [X] No
Type of perforator used
Size of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:
Well screen installed? [ ] Yes [X] No
Manufacturer's Name
Type Model No.
Diam. Slot Size Set from ft. to ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? [X] Yes [ ] No If yes, by whom? FARMORE
gal./min. with ft. drawdown after hrs.
" " " "
Air test 380 gal./min. with drill stem at 1060 ft. 6 hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
erature of water 82 Depth artesian flow encountered ft.

(9) CONSTRUCTION:
Special standards: Yes [ ] No [X]
Well seal—Material used Cement
Well sealed from land surface to 26 (16" to 299') ft.
Diameter of well bore to bottom of seal 24" in. (19 3/8")
Diameter of well bore below seal 15 3/8 in.
Number of sacks of cement used in well seal 240 sacks
How was cement grout placed? Positive pressure up with grout line and pump
Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft.
Did any strata contain unusable water? [ ] Yes [X] No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? [ ] Yes [X] No Size of gravel:
Gravel placed from ft. to ft.

(10) LOCATION OF WELL:
County Gillam Driller's well number 80-6
SW ¼ SW ¼ Section 12 T. 1N R. 21 E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.
Depth at which water was first found 660 ft.
Static level 420 ft. below land surface. Date 20 Aug 81
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing 15-12-10
Depth drilled 1093 ft. Depth of completed well 1087 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Gravel cemented	00	17	
Sandstone	17	35	
Clay with gravel	35	53	
Basalt some fract. grey	53	69	
Clay trace sand	69	95	
Sandstone tan	95	106	
Clay brown	106	109	
Sandstone tan	109	118	
Clay tan W/cobbles	118	122	
Basalt grey	122	136	
Basalt fract trace gravel	136	152	
Basalt fract Show sand & ash	152	195	
Sand & gravel cemented (clay)	195	207	
Gravel W/Clay	207	257	
Basalt hard trace of clay	257	291	
Basalt hard grey sm. fract	291	297	
Basalt grey very hard	297	346	
Clay grey	346	357	
Conglomerate cemented W clay	357	361	
Basalt grey v.Hard	361	401	
Basalt grey fract W/brn & red	401	420	

Cont. P. 2

Work started 1 April 19 81 Completed 20 Aug 1981
Date well drilling machine moved off of well 27 Aug 1981

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] Date 14 Sept, 1981
(Drilling Machine Operator)
Drilling Machine Operator's License No. 1293

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name MARINELLI & AUSTIN DRILLING
(Person, firm or corporation) (Type or print)
Address P.O. Box 302, The Dalles, OR 97058
[Signed]
(Water Well Contractor)
Contractor's License No. 672 Date 14 Sept. 1981

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the
WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310
within 30 days from the date of well completion.

SP*12658-080

LL-1982

WATER WELL REPORT
STATE OF OREGON

GILL 4540 47 S.W. Green-hills Way Portland, OR 97221

RECEIVED
SEP 17 1981
WATER RESOURCES DEPT
SALEM, OREGON

State Well No. 1N/21E-12cc

State Permit No. .....

(1) OWNER:
Name THE PLATEAU FARMS Pg. 2 Cont.
Address
City State

(2) TYPE OF WORK (check): see pg.1
New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐
Thermal: Withdrawal ☐ Reinjection ☐

5) CASING INSTALLED:
Steel ☐ Plastic ☐
Threaded ☐ Welded ☐
....." Diam. from ..... ft. to ..... ft. Gauge .....
....." Diam. from ..... ft. to ..... ft. Gauge .....

LINER INSTALLED:
....." Diam. from ..... ft. to ..... ft. Gauge .....

(6) PERFORATIONS:
Perforated? ☐ Yes ☐ No
Type of perforator used
Size of perforations in. by in.
..... perforations from ..... ft. to ..... ft.
..... perforations from ..... ft. to ..... ft.
..... perforations from ..... ft. to ..... ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☐ No
Manufacturer's Name .....
Type ..... Model No. .....
Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.
Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
gal./min. with ft. drawdown after hrs.
" " "
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
erature of water Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:
Special standards: Yes ☐ No ☐
Well seal—Material used .....
Well sealed from land surface to .....
Diameter of well bore to bottom of seal ..... in.
Diameter of well bore below seal ..... in.
Number of sacks of cement used in well seal ..... sacks
How was cement grout placed? .....
.....
.....
Was pump installed? ..... Type ..... HP ..... Depth ..... ft.
Was a drive shoe used? ☐ Yes ☐ No Plugs ..... Size: location ..... ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☐ No Size of gravel: .....
Gravel placed from ..... ft. to ..... ft.

Received by OWRD
JUN 17 2024
Salem, OR

(10) LOCATION OF WELL:
County Gillam Driller's well number 80-6
SW ¼ SW ¼ Section 12 T. 1N R. ~~XW~~E. 21E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well. see pg.1
Depth at which water was first found ft.
Static level ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing .....
Depth drilled ft. Depth of completed well ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Pg. 2 Cont. MATERIAL	From	To	SWL
Cinder red	420	427	
Basalt Brown	427	431	
Basalt blk. hard fract	431	468	
Cinder red	468	472	
Basalt blk. fract	472	540	
Basalt blk. few Sm. fract	540	660	
Basalt blk. soft fract WB	660	667	540
Basalt blk. hard some sm. fract	667	727	
Basalt hard blk. fract trace clay	727	747	
Basalt grey hard some fract	747	792	
Basalt blk. frac. trace sand	792	809	520
Basalt blk. fract med	809	822	
Basalt blk. hard	822	858	
Basalt broken trace gravel	858	877	
Basalt fract. trace clay	877	904	
Basalt blacksoft granular	904	905	480
Basalt blk. hard sm. fract.	905	955	
Basalt blk. granular med. WB	955	966	420
Basalt blk. V. hard	966	986	
Basalt blk. fract. trace clay	986	999	

Cont. Pg. 3

Work started 19 Completed 19
Date well drilling machine moved off of well 19

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] ..... Date ....., 19.....
(Drilling Machine Operator)
Drilling Machine Operator's License No. .....

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name .....
(Person, firm or corporation) (Type or print)
Address .....
[Signed] .....
(Water Well Contractor)
Contractor's License No. .....Date....., 19.....

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*12658-690

WL-1982

WATER WELL REPORT
STATE OF OREGON

GILL 45

RECEIVED
SEP 17 1981
WATER RESOURCES DEPT
SALEM, OREGON

4947 S.W. Greenhills Way
Portland, OR

State Well No. 1N/21E-12CC

97221 State Permit No. Q

(1) OWNER:
Name THE PLATEAU FARMS Pg. 3 Cont
Address
City State

(2) TYPE OF WORK (check):
See Pg. 1
New Well ☐ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Air ☐ Driven ☐
Rotary Mud ☐ Dug ☐
Cable ☐ Bored ☐

(4) PROPOSED USE (check):
Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☐ Test Well ☐ Other ☐
Thermal: Withdrawal ☐ Reinjection ☐

(5) CASING INSTALLED:
Steel ☐ Plastic ☐
Threaded ☐ Welded ☐
..... " Diam. from ..... ft. to ..... ft. Gauge .....
..... " Diam. from ..... ft. to ..... ft. Gauge .....

LINER INSTALLED:
..... " Diam. from ..... ft. to ..... ft. Gauge .....

(6) PERFORATIONS:
Perforated? ☐ Yes ☐ No
Type of perforator used
Size of perforations in. by in.
..... perforations from ..... ft. to ..... ft.
..... perforations from ..... ft. to ..... ft.
..... perforations from ..... ft. to ..... ft.

(7) SCREENS:
Well screen installed? ☐ Yes ☐ No
Manufacturer's Name .....
Type ..... Model No. .....
Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.
Diam. ..... Slot Size ..... Set from ..... ft. to ..... ft.

(8) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? ☐ Yes ☐ No If yes, by whom?
..... gal./min. with ft. drawdown after hrs.
" " "
Air test gal./min. with drill stem at ft. hrs.
Bailer test gal./min. with ft. drawdown after hrs.
Artesian flow g.p.m.
erature of water Depth artesian flow encountered ..... ft.

(9) CONSTRUCTION:
Special standards: Yes ☐ No ☐
Well seal—Material used .....
Well sealed from land surface to ..... ft.
Diameter of well bore to bottom of seal .....
Diameter of well bore below seal ..... in.
Number of sacks of cement used in well seal ..... sacks
How was cement grout placed? .....
.....
.....
Was pump installed? ..... Type ..... HP ..... Depth ..... ft.
Was a drive shoe used? ☐ Yes ☐ No Plugs ..... Size: location ..... ft.
Did any strata contain unusable water? ☐ Yes ☐ No
Type of Water? depth of strata
Method of sealing strata off
Was well gravel packed? ☐ Yes ☐ No Size of gravel: .....
Gravel placed from ..... ft. to ..... ft.

Received by OWRD
JUN 17 2024
Salem, OR

(10) LOCATION OF WELL:
County Gillam Driller's well number 80-6
SW ¼ SW ¼ Section 12 T. 1N R. 21 E W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well. See Pg. 1
Depth at which water was first found ft.
Static level ft. below land surface. Date
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:
Diameter of well below casing .....
Depth drilled ft. Depth of completed well ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

PG. 3 Cont. MATERIAL	From	To	SWL
Basalt blk. hard	999	1004	
Basalt blk. fract hard	1004	1035	
Basalt blk. V. Hard	1035	1065	
Basalt blk. Sm. fract.	1065	1078	
Basalt med. fract red. & blkWB	1078	1093	420
At 1087 could not air lift with 350 PSI air			
After set 16" casing to 299 reamed hole to 15 3/8" to approx 890 '. Plugged hole at 520 ft. and cemented to 347' & redrilled. Cleaned hole could not drill beyond 1093' TV scan indicated hole would stand up. left uncased to permit installation of larger pump per request of owner. Surface casing and 16" liner cemented.			

Work started 19 Completed 19
Date well drilling machine moved off of well 19

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] ..... Date ....., 19.....
(Drilling Machine Operator)
Drilling Machine Operator's License No. .....

Water Well Contractor's Certification: See pg. 1
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name MARINELLI & AUSTIN DRILLING
(Person, firm or corporation) (Type or print)
Address P.O. Box 302, The Dalles, OR. 97058
[Signed] .....
(Water Well Contractor)
Contractor's License No. 672 Date 14 Sept., 19 81

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report are to be filed with the WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310 within 30 days from the date of well completion.

SP*12658-690

11-1982

GILLIAM COUNTY PLANNING DEPARTMENT
OREGON TRAIL SOLAR CONDITIONAL USE PERMIT
CUP2024-03
MAY 7, 2024

REQUEST: Conditional Use Permit for a solar and wind energy facility project and support facilities in accordance the Oregon Trail Solar Facility First Amended Site Certificate granted by the Oregon Department of Energy, Energy Facility Siting Council (EFSC) issued on March 24, 2023

FILE NO: CUP2024-03

ACTION: Conditional Use Permit: Oregon Trail Solar Facility

APPLICANT/PERMITTEE
LEASEE OF PROPERTY
LANDOWNER-
REPRESENTATIVE

Oregon Trail Solar, LLC
[Oregon Trail Solar, LLC, a wholly owned subsidiary of Avangrid Renewables, LLC, the U.S. division of parent company Iberdrola, S.A.]
Contact: Marcy Patrick
2701 NW Vaughn Street, Suite 300
Portland, OR 97210
801-946-1092
marcella.patrick@avangrid.com

INTERESTED PARTY:
EFSC POLICY ADVISOR

Sarah Esterson, Oregon Department of Energy
Senior Policy Advisor
550 Capitol St., NE
Salem, OR 97301
503-385-6128 cell or 503-373-7945 office
Sarah.Esterson@oregon.gov

PROPERTY OWNER(S):

Robert F. Athearn Living Trust
333 Rose Court, Mount
Vernon, WA 98273

Ann Weatherford Flores
4240 Wills Blvd.
Pueblo, CO 81008

Timothy & Deborah Holtz
PO Box 224
Ione, OR 97843

PROPERTY DESCRIPTION:	Township 1 North, Range 21 East: Sec 14 All Sec 21, E ½ E ½ Sec 21, W ½, W ½ E ½ Sec 23, N ½
LOCATION OF SOLAR PANELS:	Northern Gilliam County. The Solar Facility is located south of Arlington, in Gilliam County. Traveling south from City of Arlington on Highway 19 towards City of Condon. Travel south approximately 13 miles along Hwy 19, upon reaching 'Shutler Flat' the solar facility/farm will be predominately located on the west side of Highway 19, west of Weatherford Road and north of Bottimiller Lane.
ZONING:	Exclusive Farm Use (EFU)

BACKGROUND:

The Oregon Energy Facility Siting Council ("EFSC") issued the Final Order on the Montague Wind Power Facility (Final Order on the Application) on September 10, 2010, which authorized construction and operation of a 404 MW wind energy generation facility, with up to 269 wind turbines and related or supporting facilities.

On December 28, 2012, the certificate holder submitted to the Department of Energy its Request for Amendment 1 (RFA1), seeking approval to extend the construction commencement and completion deadlines by two years, lower the minimum aboveground blade-tip clearance for wind turbines, and transfer of the site certificate. EFSC issued a Final Order on Amendment 1 of the Site Certificate on June 21, 2013, approving the requested changes.

On March 11, 2015, the certificate holder submitted to the Department of Energy its Request for Amendment 2 (RFA2), seeking approval to extend the construction commencement and completion deadlines by two years. EFSC issued a Final Order on Amendment 2 of the Site Certificate on December 4, 2015, approving the requested changes.

On May 4, 2017, the certificate holder submitted to the Department of Energy its Request for Amendment 3 (RFA3), seeking approval to lower the minimum aboveground blade-tip clearance. EFSC issued a Final Order on Amendment 3 of the Site Certificate on July 12, 2017, approving the requested change.

On April 5, 2019, the certificate holder filed a complete Request for Amendment 4 (RFA4), seeking approval to amend the site boundary and micro siting corridor; construct and operate battery storage and use or occupy up to 1,189 acres of agricultural-zoned lands for

solar photovoltaic equipment; and, change wind turbine layout and maximum dimension specifications. EFSC issued a Final Order on Amendment 4 of the Site Certificate on September 6, 2019, approving the requested change.

On September 25th, EFSC approved a fifth amendment of the site certificate to allow for the Montague Wind Power Facility certificate holder to split the Montague Wind Power Facility site certificate into three site certificates: (1) Montague Wind Power Facility, (2) Montague Solar Facility, and (3) Oregon Trail Solar Facility. Each of these site certificates are held by a wholly owned subsidiary and LLC created by Avangrid Renewables, 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 and are further described as follows:

- Amend the Montague Wind Power Facility site certificate to cover Phase 1 facility components (201 MW, 56 wind turbines with maximum blade tip height of 492 feet) within reduced site boundary (47,056 to 29,607 acres)
- Allocate previously approved Phase 2 facility components into two new site certificates, based entirely on the approved Montague Wind Power Facility site certificate, to be owned and operated by new limited liability companies (LLC) owned by current certificate holder owner, Avangrid Renewables LLC. The amendment request seeks approval to use or occupy more area for the layout of previously approved solar photovoltaic energy generation equipment (increase maximum footprint from 1,189 to 2,725 acres).
    - Montague Solar Facility: to include 1,496 acre solar micro siting area (1,189 acres previously approved, plus proposed addition of 307 acres) and 162 MW of previously approved solar photovoltaic energy generation equipment and related or supporting facilities, within 1,763 acre site boundary.
    - Oregon Trail Solar Facility: to include a proposed 1,228 acre solar micro siting area and 41 MW of previously approved wind and solar facility components, including up to 16 wind turbines with maximum blade tip height of 597 feet or up to 1,228 acres of solar photovoltaic energy generation equipment, or any combination of wind and solar energy generation equipment not to exceed 41 MW, and related or supporting facilities, within a 13,866 acre site boundary. Proposed new related or supporting facilities include a 2-acre switching station comprised of circuit breakers, switches, and other auxiliary equipment to link the Oregon Trail Solar Facility to the Montague Solar collector substation.
- Amend EFSC's previous goal exception taken for a 1,189 acre solar micro siting area under the statewide policy embodied in Goal 3, Agricultural Lands, to cover the proposed expansion from 1,189 to 2,725 acres. The amended goal exception would then apply to solar micro siting areas under the Montague Solar Facility (1,496 acres) and Oregon Trail Solar Facility (1,228 acres) site certificates.

- Other amendments in new site certificates:
    - Alternative 3.6-mile route segment for previously approved 230 kV transmission line.
    - Removal of Condition 89(a) 200-foot setback for transmission lines to residential structures
    - Administratively amend/delete site certificate conditions based on allocation of Phase 1 and Phase 2 facility components into amended and new site certificates

On March 24, 2023, the certificate holder received approval for a First Amended Site Certificate for the Oregon Trail Solar Facility that include further refinements to the scope and design of the Oregon Trail Solar Facility, and update conditions of approval. As described in the First Amended Site Certificate the facility is proposed to be designed as follows:

Table 1: Wind Micrositing Area Facility Component Summary

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

Table 2: Solar Micrositing Area Component Summary

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

Table 2: Solar Micrositing Area Component Summary

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

PROPOSAL/REQUEST:

The applicant requests a conditional use permit to construct the "Oregon Trail Solar Facility" in accordance with the EFSC approved Oregon Trail Solar Facility First Amended Site Certificate dated March 24, 2023.

APPLICABLE APPROVAL CRITERIA:

ORS 469.401(3) Subject to the conditions set forth in the site certificate or amended site certificate, any certificate or amended certificate signed by the chairperson of the council shall bind the state and all counties and cities and political subdivisions in this state as to the approval of the site and the construction and operation of the facility. After issuance of the site certificate or amended site certificate, any affected state agency, county, city and political subdivision shall, upon submission by the applicant of the proper applications and payment of the proper fees, but without hearings or other proceedings, promptly issue the permits, licenses and certificates addressed in the site certificate or amended site certificate, subject only to conditions set forth in the site certificate or amended site certificate. After the site certificate or amended site certificate is issued, the only issue to be decided in an administrative or judicial review of a state agency or local government permit for which compliance with governing law was considered and determined in the site certificate or amended site certificate proceeding shall be whether the permit is consistent with the terms of the site certificate or amended site certificate. Each state

or local government agency that issues a permit, license or certificate shall continue to exercise enforcement authority over the permit, license or certificate.

FINDING: Per the foregoing statute, the County is precluded from holding a public hearing as would typically be required for a conditional use permit. Furthermore, because the EFSC Site Certificate considered compliance with governing law, the only approval criteria permitted by ORS 469.401(3) is whether CUP2024-03 is consistent with the terms of the site certificate.

The application materials for the proposed conditional use are the same plans and specifications approved as part of the First Amended Site Certificate for the Oregon Trail Solar Facility issued on March 24, 2023. Accordingly, the proposal is consistent with the amended site certificate.

DECISION OF PLANNING DIRECTOR:
Based on the submitted materials and foregoing findings, the requested Conditional Use Permit is hereby approved subject to the conditions of approval contained in Oregon Trail Solar Facility First Amended Site Certificate issued March 24, 2023, which are incorporated herein by reference. This permit is specifically for the "Oregon Trail Solar Facility" as proposed to be configured under the Oregon Trail Solar Facility First Amended Site Certificate issued March 24, 2023. Any substantial changes may require additional land use review to determine if additional applicable permit(s) must be obtained from the Planning Department, local agencies and applicable state and/or federal agencies prior to any development. Please be advised that construction of this facility may require further review and approval from Gilliam County, State of Oregon Building Codes Services, or other federal, state and local entities. Without limiting the foregoing, energy facility components including but not limited to electric substation and Operations & Maintenance building will require a minimum of Gilliam County Planning site plan review. It is the responsibility of the applicant to procure all additional permits and approvals. Gilliam County respectfully asks to be provided copies of all reports required by EFSC conditions.

DATED this 7th Day of May, 2024

Matt Davis, Interim Gilliam County Planning Director

EXHIBIT A: Oregon Trail Solar Facility First Amended Site Certificate – March 24, 2023

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

First Amended Site Certificate for the Oregon Trail Solar Facility

ISSUANCE DATES:

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

Issuance Date History under Montague Wind Power Facility Site Certificate

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

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Figure 1: Approved Site Boundary

The Oregon Energy Facility Siting Council

I. INTRODUCTION

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

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

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

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

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

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

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

II. SITE CERTIFICATION

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

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

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

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

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

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

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

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

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

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

III. DESCRIPTION

a. The Facility

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

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

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

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

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

Table 1: Wind Micrositing Area Facility Component Summary

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

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

Table 2: Solar Micrositing Area Component Summary

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

Table 2: Solar Micrositing Area Component Summary

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

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

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

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

Power Collection System

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

Control System

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

Substation, Switching Station, and 230-kV Transmission Lines

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

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

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

Battery Storage

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

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

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

Meteorological Towers

The facility includes up to two permanent meteorological towers.

Operations and Maintenance Building

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

Access Roads

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

Public Roadway Modifications

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

Temporary Construction Areas

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

a.1.1 Shared Related or Supporting Facilities

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

Shared related or supporting facilities include:

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

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

Table 3: Shared Related or Supporting Facilities Component Summary

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

Table 3: Shared Related or Supporting Facilities Component Summary

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

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

a.2 Location of the Facility

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

a.3 Site Boundary and Micrositing Areas

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

evaluating the entirety of the micrositing corridors and location of wind and solar energy generation components anywhere within the respective micrositing corridors.

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

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

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

b. Facility Development

b.1 Construction

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

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

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

b.2 Operations and Maintenance

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

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

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

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

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

IV. SITE CERTIFICATE CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 [AMD3; Deleted AMD4, 2019]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Administrative Conditions

The conditions listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-025-0006. The certificate holder must comply with these conditions in addition to the conditions listed in Section IV. This section includes other specific facility conditions the Council finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect public

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

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

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

26 [Deleted in AMD5, Sept 2020]

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

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

29 The certificate holder shall:

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

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

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

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

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

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

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

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

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 2022 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 2022 dollars to present value.

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

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

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

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

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

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

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

[MWP AMD5, OTS AMD1]

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

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

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

36 The certificate holder shall:

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

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

[MWP Final Order on ASC, OTS AMD1

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

2. Land Use Conditions

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

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

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

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

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

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

(a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.
(b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.
(c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.
(d) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.
(e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each meteorological tower to the nearest edge of any public road right-of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the nearest electrical substation.
(f) The certificate holder shall maintain a minimum distance of 50 feet measured from the Montague Solar O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.
(g) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.
(h) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower from any overhead utility line.
(i) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of maximum turbine height from blade tip height, measured from the centerline of the turbine tower from federal transmission lines, unless the affected parties agree otherwise.

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

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

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

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

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

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

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

3. Cultural Resource Conditions

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

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

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

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

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

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

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

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

60

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

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

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

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

(c) During operation, the certificate holder shall:

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

ii. Implement the measures in the WMP.

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

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

[MWPAMD5, Sept 2020, OTSAMD1]

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

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

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

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

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

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

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

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

1. Identify and conduct inspections and testing of wind facility components, including but not limited to foundations, towers, blades, nacelles, pad-mounted transformers, and SCADA system, consistent with manufacturers' recommendations and recognized and generally accepted good engineering practices (RAGAGEP) for frequency and process.
2. Maintain records of each inspection and test performed. Records shall:
   i. Identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test.
   ii. Identify testing or inspection results that show deficiencies in equipment or operation issues that are outside acceptable limits or recommendations identified by the manufacturer. These issues must be corrected before further use, or in a safe and timely manner if precautions are taken to assure safe operation.

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

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

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

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

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

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

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

69 The certificate holder shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

78 The certificate holder shall:

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

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

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

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

6. Water, Soils, Streams & Wetlands Conditions

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

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

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

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

Department of Environmental Quality and as required under the National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or storm water management requirements.

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

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

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

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

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

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

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

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

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

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

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

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

[AMD5]

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

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

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

7. Transmission Line & EMF Conditions

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

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

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

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

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

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

90 [Deleted OTS AMD1]

8. Plants, Wildlife & Habitat Protection Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

96 If final facility design includes wind facility components:

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

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

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

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

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

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

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

97 [Deleted AMD5, Sept 2020]

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

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

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

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

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

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

(a) Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.
(b) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff edges, narrow ridge saddles and gaps between hilltops.
(c) Installing meteorological towers that are non-guyed structures to eliminate the risk of avian collision with guy-wires.
(d) Designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

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

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

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

8. Visual Effects Conditions

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

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

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

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

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

105 [Deleted AMD5, Sept 2020]

9. NOISE CONTROL CONDITIONS

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

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

107 The certificate holder shall provide to the Department:

(i) Prior to construction:

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

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

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

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

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

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

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

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

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

10. Waste Management Conditions

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

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

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

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

112 The certificate holder shall implement a waste management plan during facility operation that includes but is not limited to the following measures:
(a) Training employees to minimize and recycle solid waste.
(b) Recycling paper products, metals, glass and plastics.
(c) Recycling used oil and hydraulic fluid

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

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

113-115 [Deleted AMD2, Dec 2015]

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

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

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

118 The site certificate authorizes shared use of related or supporting facilities including the Montague Solar collector substation, Montague Solar O&M building, battery storage system, 230 kV transmission line, access roads, and temporary staging areas under the site certificates issued for the Montague Solar Facility and Oregon Trail Solar Facility. The site certificate authorizes shared use of related or supporting facilities including the Montague Wind collector substation under the site certificates issued for the Montague Wind Facility, Montague Solar Facility and Oregon Trail Solar Facility.
(a) Within 30 days of shared use, the certificate holder must provide evidence to the Department that the certificate holders have an executed agreement for shared use of facilities.
(b) If certificate holders of Montague Solar Facility or Oregon Trail Solar Facility propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates. If certificate holders opt to submit an amendment determination request, the requirement may be satisfied through submittal of a single amendment determination request with authorization (or signature) provided from each certificate holder.

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

[AMD5, Sept 2020]

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

VI. CONDITIONS ADDED BY OREGON TRAIL SOLAR AMENDMENT 1

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

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

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

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

VII. SUCCESSORS AND ASSIGNS

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

VIII. SEVERABILITY AND CONSTRUCTION

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

IX. GOVERNING LAW AND FORUM

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

X. EXECUTION

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

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

ENERGY FACILITY SITTING COUNCIL

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

Print: Marcia L Grail

Date: 10-Apr-2023

OREGON TRAIL SOLAR, LLC

DocuSigned by:

By: Sara Parsons
7E3636F16E82493...

Print: Sara Parsons

Date: 4/7/2023

Legal DS

and

DocuSigned by:

By: Stephanie La Pier
0D6BD32D7D4742A...

Print: Stephanie La Pier

Date: 4/10/2023

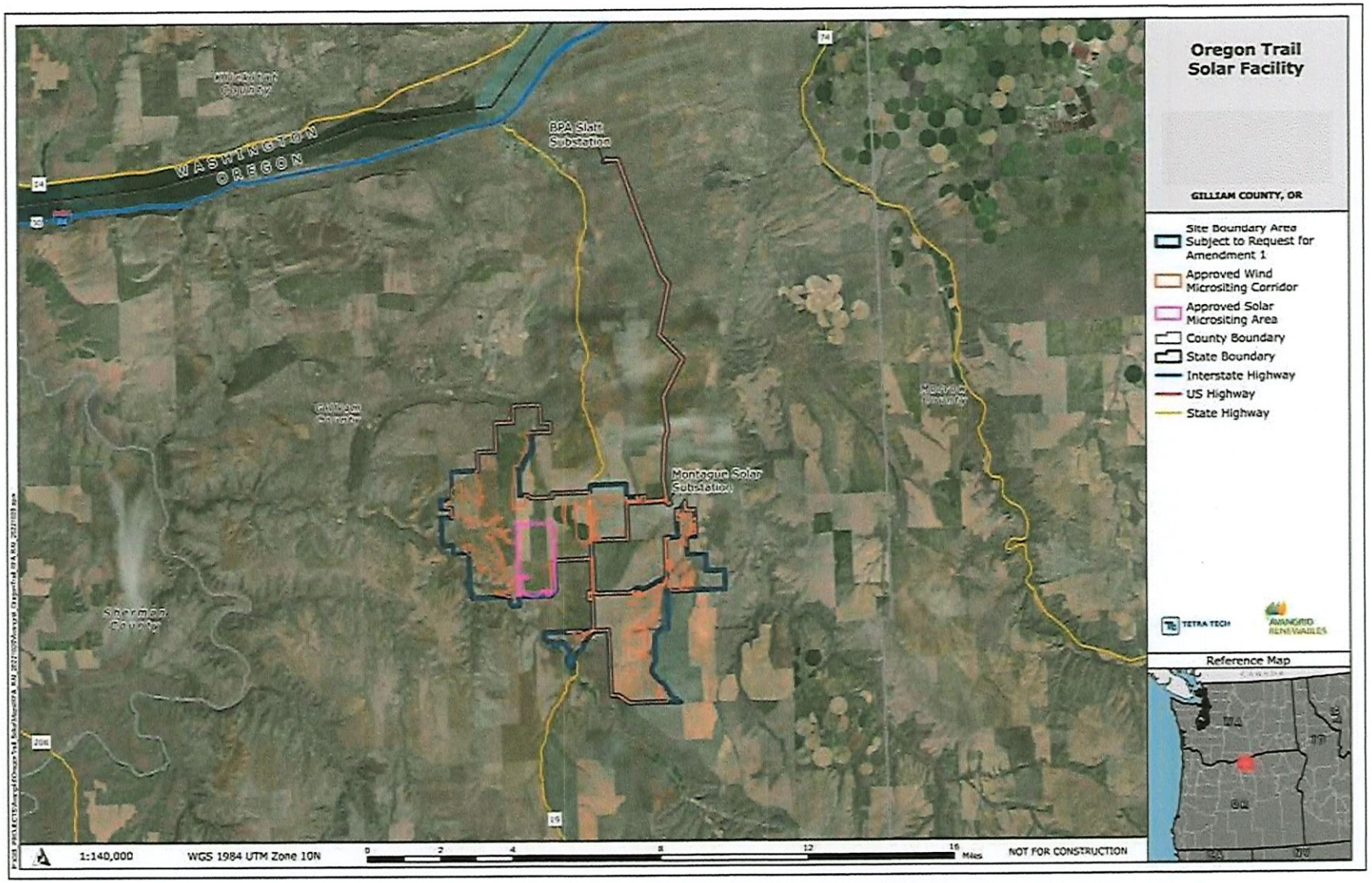
and

By: _____

Print: _____

Date: _____

Figure 1: Approved Site Boundary



GILLIAM COUNTY PLANNING DEPARTMENT
MONTAGUE SOLAR CONDITIONAL USE PERMIT
CUP2021-0001
MARCH 16, 2021

REQUEST: To approve Conditional Use Permit for a Solar energy facility project and proposed support facilities. Project received an approved Site Certificate granted by the Oregon Department of Energy, Energy Facility Siting Council (EFSC) issued on September 25, 2020 (*Montague Wind Power Facility-Fifth Amended Site Certificate*).

FILE NO:	CUP2021-0001
ACTION:	Conditional Use Permit: Montague Solar Facility - 162 MW *(previously part of Montague Wind Power Facility)*
APPLICANT/PERMITTEE LEASEE OF PROPERTY LANDOWNER-REPRESENTATIVE	Montague Solar, LLC *[Montague Solar, LLC, a wholly owned subsidiary of Avangrid Renewables, LLC, the U.S. division of parent company Iberdrola, S.A.]* Contact: Matt Hutchinson 1125 NW Couch St., Ste. 700 Portland, OR 97209 503-701-0665 matthew.hutchinson@avangrid.com
INTERESTED PARTY: EFSC POLICY ADVISOR	Sarah Esterson, Oregon Department of Energy Senior Policy Advisor 550 Capitol St., NE Salem, OR 97301 503-385-6128 cell or 503-373-7945 office Sarah.Esterson@oregon.gov
PROPERTY OWNER(S):	Weedman Brothers PO Box 84 Wasco, Or 97065 Robert Athearn Living Trust 333 Rose Court, Mount Vernon, WA 98273

Weatherford Shutler Properties
2855 E Fairview Ave
Meridian, ID 83642

PROPERTY DESCRIPTION:

Township 1 North, Range 21 East:
Sec 13 NE ¼ and S ½
Sec 14 All
Sec 22 S ½
Sec 23 All
Sec 24 All
Sec 25 All, except 89 acres south of County Road
Sec 26 All
Sec 27 All
Sec 34 All

Township 1 North, Range 22 East:
Sec 6 Lot 7; E ½ SE ¼ W ½ SE ¼
Sec 7 N ½ W ½ SW ¼
Sec 18 Lots 1, 2, 3, 4; SE ¼ NW ¼ SW ¼

LOCATION OF SOLAR PANELS:

Northern Gilliam County. The Solar Facility is located south of Arlington, in Gilliam County. Traveling south from City of Arlington on Highway 19 towards City of Condon. Travel south approximately 14 miles along Hwy 19, upon reaching 'Shutler Flat' the solar facility/farm will be predominately located on the west side of Highway 19 and on either side of county road Bottimiller Lane.

ZONING:

Exclusive Farm Use (EFU)

BACKGROUND:

The Oregon Energy Facility Siting Council ("EFSC") issued the Final Order on the Application for Site Certificate for the Montague Wind Power Facility (Final Order on the Application) on September 10, 2010, authorizing construction and operation of a 404 MW wind energy generation facility, with up to 269 wind turbines and related or supporting facilities. On December 28, 2012, the certificate holder submitted to the Department of Energy its Request for Amendment 1 (RFA1), seeking approval to extend the construction commencement and completion deadlines by two years, lower the minimum aboveground blade-tip clearance for wind turbines, and transfer of the site certificate. EFSC issued a Final Order on Amendment 1 of the Site Certificate on June 21, 2013, approving the requested changes.

On March 11, 2015, the certificate holder submitted to the Department of Energy its Request for Amendment 2 (RFA2), seeking approval to extend the construction commencement and completion deadlines by two years. EFSC issued a Final Order on Amendment 2 of the Site Certificate on December 4, 2015, approving the requested changes. On 1 May 4, 2017, the certificate holder submitted to the Department of Energy its Request for Amendment 3 (RFA3), seeking approval to lower the minimum aboveground blade-tip clearance. EFSC issued a Final Order on Amendment 3 of the Site Certificate on July 12, 2017, approving the requested change.

On April 5, 2019, the certificate holder filed a complete Request for Amendment 4 (RFA4), seeking approval to amend the site boundary and micro siting corridor; construct and operate battery storage and use or occupy up to 1,189 acres of agricultural-zoned lands for solar photovoltaic equipment; and, change wind turbine layout and maximum dimension specifications. EFSC issued a Final Order on Amendment 4 of the Site Certificate on September 6, 2019, approving the requested change.

On September 25th, EFSC approved a fifth amendment of the site certificate to allow for the following:

- Amend the Montague Wind Power Facility site certificate to cover Phase 1 facility components (201 MW, 56 wind turbines with maximum blade tip height of 492 feet) within reduced site boundary (47,056 to 29,607 acres)
- Allocate previously approved Phase 2 facility components into two new site certificates, based entirely on the approved Montague Wind Power Facility site certificate, to be owned and operated by new limited liability companies (LLC) owned by current certificate holder owner, Avangrid Renewables LLC. The amendment request seeks approval to use or occupy more area for the layout of previously approved solar photovoltaic energy generation equipment (increase maximum footprint from 1,189 to 2,725 acres).
    - Montague Solar Facility: to include 1,496 acre solar micro siting area (1,189 acres previously approved, plus proposed addition of 307 acres) and 162 MW of previously approved solar photovoltaic energy generation equipment and related or supporting facilities, within 1,763 acre site boundary.
    - Oregon Trail Solar Facility: to include a proposed 1,228 acre solar micro siting area and 41 MW of previously approved wind and solar facility components, including up to 16 wind turbines with maximum blade tip height of 597 feet or up to 1,228 acres of solar photovoltaic energy generation equipment, or any combination of wind and solar energy generation equipment not to exceed 41 MW, and related or supporting

facilities, within a 13,866 acre site boundary. Proposed new related or supporting facilities include a 2-acre switching station comprised of circuit breakers, switches, and other auxiliary equipment to link the Oregon Trail Solar Facility to the Montague Solar collector substation.

- Amend Council's previous goal exception taken for a 1,189 acre solar micro siting area under the statewide policy embodied in Goal 3, Agricultural Lands, to cover the proposed expansion from 1,189 to 2,725 acres. The amended goal exception would then apply to solar micro siting areas under the Montague Solar Facility 1 (1,496 acres) and Oregon Trail Solar Facility (1,228 acres) site certificates.
- To be included in the amended and new site certificates:
    - Alternative 3.6 mile route segment for previously approved 230 kV transmission line.
    - Removal of Condition 89(a) 200 foot setback for transmission lines to residential structures
    - Administratively amend/delete site certificate conditions based on allocation of Phase 1 and Phase 2 facility components into amended and new site certificates

The facility has not yet been built. Construction must begin by August 30, 2022 and be completed within 3 years of commencement per the conditions of approval to the amended site certificate.

PROPOSAL/REQUEST:

The applicant requests a conditional use permit to construct a solar energy facility in northern Gilliam County. The "Montague Solar Facility" will feature 162 MW of solar photovoltaic energy generation equipment and related or supporting facilities within a 1,763 acre site boundary identified in the submitted site plan.

APPLICABLE APPROVAL CRITERIA:

ORS 469.401(3) Subject to the conditions set forth in the site certificate or amended site certificate, any certificate or amended certificate signed by the chairperson of the council shall bind the state and all counties and cities and political subdivisions in this state as to the approval of the site and the construction and operation of the facility. After issuance of the site certificate or amended site certificate, any affected state agency, county, city and political subdivision shall, upon submission by the applicant of the proper applications and payment of the proper fees, but without hearings or other proceedings, promptly issue the permits, licenses and certificates addressed in the site certificate or amended site certificate, subject only to conditions set forth in the site certificate or amended site certificate. After the site certificate or amended site certificate is issued, the only issue to be decided in an administrative or judicial review of a state agency or local government permit for which compliance with governing law was considered and

determined in the site certificate or amended site certificate proceeding shall be whether the permit is consistent with the terms of the site certificate or amended site certificate. Each state or local government agency that issues a permit, license or certificate shall continue to exercise enforcement authority over the permit, license or certificate.

FINDING: Per the foregoing statute, the County is precluded from holding a public hearing as would typically be required for a conditional use permit. Furthermore, because the EFSC Site Certificate considered compliance with governing law, the only approval criteria permitted by ORS 469.401(3) is whether CUP2021-0001 is consistent with the terms of the site certificate.

The application materials for the proposed conditional use contain the same plans and specifications approved as part of the Fifth Amended Site Certificate for the Montague Wind Power Facility issued on September 25, 2020. Accordingly, the proposal is consistent with the amended site certificate.

DECISION OF PLANNING DIRECTOR:

Based on the submitted materials and foregoing findings, the Planning Director hereby approves Conditional Use Permit CUP2021-0001 subject to the conditions of approval contained in amended EFSC Site Certificate issued September 25, 2020, which are incorporated herein by reference. This permit is specifically for the construction and operation of the "Montague Solar Facility" on the 1,763 acres described in Section II.A of the amended EFSC Site Certificate issued September 25, 2020 and no other component of the energy facilities approved under the amended site certificate. This authorization does not allow for any change in use or further development of the site. Any substantial changes may require additional land use review to determine if additional applicable permit(s) must be obtained from the Planning Department, local agencies and applicable state and/or federal agencies prior to any development. Please be advised the construction of this facility may require further review and approval from Gilliam County, State of Oregon Building Codes Services, or other federal, state and local entities. Solar facility components including but not limited to electric substation and O&M building will require a minimum of Gilliam County Planning site plan review. Gilliam County respectfully asks to be provided copies of all reports required by EFSC conditions.

DATED this 3-16-2021 Michelle L Colby

Michelle L. Colby, Gilliam County Planning Director