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Attachment A: Recommended Draft Site Certificate Conditions
(to be replaced in final order with Site Certificate)

West End Solar Project

Draft Proposed Order on ASC – Attachment A – Draft Site Certificate Conditions

General Standard of Review (OAR 345-022-0000)

Recommended General Standard Condition 1 (GEN): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate.

a. Construction of the facility, facility component or phase, shall commence within three years after the date of Council action [DATE TO BE SPECIFIED]. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline by satisfying applicable preconstruction conditions and completing at least $250,000 work at the site.
b. Construction of the facility shall be completed within 24-months after the construction commencement date. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline.

[Mandatory Condition OAR 345-025-0006(4)]

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

General Standard Condition 3 (GEN): The certificate holder shall design, construct, operate and retire the facility substantially as described in the site certificate and 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;
[Mandatory Condition OAR 345-025-0006(3)]

General Standard Condition 4 (GEN): 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 the transmission line associated with the energy facility if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate holder would construct and operate part of

the facility on that part of the site even if a change in the planned route of a transmission line occurs during the certificate holder's negotiations to acquire construction rights on another part of the site.
[Mandatory Condition OAR 345-025-0006(5)]

General Standard Condition 5 (GEN): If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility or any phase of 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.
[Mandatory Condition OAR 345-025-0006(6)]

General Standard Condition 6 (GEN): 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.
[Mandatory Condition OAR 345-025-0006(11)]

General Standard Condition 7 (GEN): Before any transfer of ownership of the facility, any phase 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.
[Mandatory Condition OAR 345-025-0006(15)]

General Standard Condition 8 (GEN): The certificate holder shall:

a. Design, construct and operate electrical infrastructure in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and
b. The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line.
c. Design the battery storage system in accordance with the requirements of the National Fire Protection Association's (NFPA) 855: Standard for the Installation of Stationary Energy Storage Systems (NFPA, 2020) or most current version.

[Site Specific Condition OAR 345-025-0010(4)]

General Standard Condition 9 (PRE): At least 90 days prior to beginning construction, (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and

compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance.
[OAR 345-026-0048]

General Standard Condition 10 (GEN): The certificate holder shall:

a. Within six months after beginning construction, and every six months thereafter during construction, submit a semiannual construction progress report to the Department. 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 (b). When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this rule.
b. 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 following 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 report describing the certificate holder's compliance with all site certificate conditions that are applicable during the reporting period. 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 made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0350.
    [OAR 345-026-0080]

Organizational Expertise (OAR 345-022-0010)

Recommended Organizational Expertise Condition 1 (PRE): Prior to construction, the certificate holder shall submit to the Department a guarantee signed by its parent company guaranteeing payment and performance of the certificate holder's obligations under the site certificate using the form provided in Final Order on ASC Attachment D.

Recommended Organizational Expertise Condition 2 (GEN): Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.

Recommended Organizational Expertise Condition 3 (GEN): The certificate holder must notify the Department within 72 hours of any occurrence of the following:

a. There is an attempt by anyone to interfere with the facility's safe operation.
b. There is a significant nature event such as a fire, earthquake, flood, tsunami or tornado, or human-caused event such as a fire or explosion.
c. There is any fatal injury at the facility.

[OAR 345-026-0170]

Recommended Organizational Expertise Condition 4 (GEN): The certificate holder shall, as soon as reasonably possible:

a. Report incidents or circumstances that may violate the terms or conditions of the site certificate, terms or conditions of any order of the Council, or the terms or conditions of any order issued under OAR 345-027-0230, to the Department. In the report to the Department, the certificate holder shall provide all pertinent facts including an estimate of how long the conditions or circumstances existed, how long they are expected to continue before they can be corrected, and whether the conditions or circumstances were discovered as a result of a regularly scheduled compliance audit;
b. Initiate and complete appropriate action to correct the conditions or circumstances and to minimize the possibility of recurrence;
c. Submit a written report within 30 days of discovery to the Department. The report must contain:
    i. A discussion of the cause of the reported conditions or circumstances;
    ii. The date of discovery of the conditions or circumstances by the responsible party;
    iii. A description of immediate actions taken to correct the reported conditions or circumstances;
    iv. A description of actions taken or planned to minimize the possibility of recurrence; and
    v. For conditions or circumstances that may violate the terms or conditions of a site certificate, an assessment of the impact on the resources considered under the standards of OAR Chapter 345 Divisions 22 and 24 as a result of the reported conditions or circumstances.

[OAR 345-029-0010]

Recommended Organizational Expertise Condition 5 (PRE): Prior to construction, the certificate holder shall select a construction contractor with a low rate of historic environmental and safety compliance citations. Certificate holder shall provide the following documentation to the Department:

a. Qualifications and contact information of the of the major design, engineering and construction contractor(s) and subcontractors, as applicable.
b. Construction contractor compliance history.
c. Contract excerpt affirming that contractors are required to comply with the terms and conditions of the site certificate, including selecting design layout and construction materials that minimize impacts to resources protected under Council standards.

Recommended Organizational Expertise Condition 6 (PRE): Prior to construction, the certificate holder shall provide to the Department the qualifications and contact information of the certificate holder's construction manager.

Recommended Organizational Expertise Condition 7 (CON): During construction, the certificate holder shall:

a. Maintain an onsite construction manager.
b. Require that the construction manager implement and monitor all applicable construction related site certificate conditions.
c. 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. 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 following:
    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. 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.
    iii. Compliance Report: A report describing the certificate holder's compliance with all site certificate conditions that are applicable during the reporting period. 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.
    iv. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0050.
    [OAR 345-026-0080(1)(a)]

Recommended Organizational Expertise Condition 8 (PRO): Prior to operation, the certificate holder shall provide to the Department the qualifications and contact information of the individuals responsible for monitoring facility operations, including individuals or third-party entity responsible for onsite maintenance.

Recommended Organizational Expertise Condition 9 (OPS): During operations, the certificate holder shall maintain records of operations and maintenance activities and shall make available for Department review upon request.

Recommended Organizational Expertise Condition 10 (GEN): The certificate holder shall contractually require its third-party contractor used to transport and dispose battery and battery waste to comply with all applicable federal regulations and manufacturer recommendations related to the transport and handling of battery related waste.

Recommended Organizational Expertise Condition 11 (GEN):

a. The certificate holder shall provide to the Department a list of federal, state and local permits, including any third-party permits related to facility siting; and a schedule for obtaining identified permits.
b. Once obtained, certificate holder shall provide copies of all permits, including third-party permits, required for facility siting to the Department.

Structural Standard (OAR 345-022-0020)

Recommended Structural Standard Condition 1 (PRE): Before beginning construction, the certificate holder shall submit a site-specific geotechnical investigation report, consistent with the Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available to the Department, for review in consultation with its third-party consultant or DOGAMI. The site specific geotechnical investigation report shall include information on any potentially active faults within the site boundary, soil characteristic and Site Class determination, and include a site-specific probabilistic seismic hazards assessment to inform Site Class design.

Recommended Structural Standard Condition 2 (GEN): The certificate holder shall design, engineer and construct facility components based on Site Class (soils-related category) determined through the site-specific geotechnical investigation (Structural Standard Condition 1), as reviewed and approved by the Department in consultation with its third-party consultant or DOGAMI.

Recommended Structural Condition 3 (GEN): The certificate holder must 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 coastal subsidence.
[Mandatory Condition OAR 345-025-0006(12)]

Recommended Structural Condition 4 (GEN): The certificate holder must 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.
[Mandatory Condition OAR 345-025-0006(13)]

Recommended Structural Condition 5 (GEN): The certificate holder must 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.
[Mandatory Condition OAR 345-025-0006(14)]

Soil Protection Standard (OAR 345-022-0022)

Recommended Soil Protection Condition 1 (PRE): Prior to construction, the certificate holder shall submit for review and approval to the Department, in consultation with ODEQ, the Erosion Sediment Control Measures to be implemented during construction, consistent with the measures included in Attachment I-1 of the Final Order on the ASC. Components of the plan to be finalized shall take into consideration site specific information obtained during the preconstruction geotechnical investigation, and the final facility design.

Recommended Soil Protection 2 (CON): During construction, the certificate holder shall conduct all work in compliance with the final Erosion Sediment Control Measures approved in Soil Protection Condition 1, as modified by the Department, as necessary.

Recommended Soil Protection 3 (OPS): During operation, the certificate holder shall conduct all work in compliance with the final Erosion Sediment Control Measures approved in Soil Protection Condition 1, as applicable, and as modified by the Department, as necessary.

Recommended Soil Protection Condition 4 (PRE): Prior to construction, the certificate holder shall prepare and submit to the Department a construction Spill Prevention Control and Countermeasure Plan (SPCC), based on the draft SPCC Plan outline included in Attachment B-2 of the Final Order on the ASC.

Recommended Soil Protection 5 (CON): During construction, the certificate holder shall conduct all work in compliance with the final construction SPCC Plan. Certificate holder shall report spill and cleanup activities to the Department within 72 hours and shall make inspection records available to the Department upon request.

Recommended Soil Protection Condition 6 (OPR): During facility operation, if solar panel washing is planned to occur, the use of chemicals, soaps, detergents and heated water is prohibited, unless Chemical Safety Data Sheets for low volatile organic compound/biodegradable cleaning chemicals and solvents are submitted to the Department for review and approval. Pressure washing is allowed, so long as it does not remove paint or other finishes.

Recommended Soil Protection Condition 7 (PRO): Prior to operation, the certificate holder shall submit to the Department a final copy of an Operational Spill Prevention Control and Countermeasures Plan (SPCC Plan).

Recommended Soil Protection Condition 8 (OPR): During operations, the certificate holder shall submit any updates of the SPCC Plan in the annual report to the Department. Operational activities shall adhere to the requirements of the SPCC Plan. Certificate holder shall report spill and cleanup activities to the Department within 72 hours and shall make inspection records available to the Department upon request.

Land Use Standard (OAR 345-022-0030)

Recommended Land Use Condition 1 (PRE): Prior to construction of facility structures, as applicable, subject to the Council's jurisdiction and authority pursuant to ORS 469.504(1), the certificate holder shall obtain conditional use permits and zoning permits issued by the Planning Director, per affected tax lot, from Umatilla County Planning Department; copies of permits shall be provided to the Department.

Recommended Land Use Condition 2 (PRE): Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall submit to the Department and Umatilla County a site plan that adheres to the following development standards:

a. For the property line parallel to S. Edwards Road and Canal Road, facility structures shall be setback 60 feet from the centerline of the road or 30 feet to the property line, whichever is greater. This setback does not apply to the perimeter fence.
b. On the north and south sides of the site boundary, facility structures shall be setback a minimum of 5 feet from the property line. This setback does not apply to underground collector lines or internal access roads.
c. On the interior boundary between the two adjacent properties within the site boundary, facility structures shall be set back a minimum of 5 feet from the property line. This setback does not apply to underground collector lines or internal access roads.
d. Parking design at the O&M enclosure shall include paved surfaces, minimum of four inch curb height; and drainage infrastructure.

Recommended Land Use Condition 3 (PRE): Prior to submission of a zoning permit application to Umatilla County for the driveway off of S. Edwards Road, the certificate holder shall submit to Umatilla County, and the Department, the final design of the driveway in compliance with the following:

a. Construction materials shall be similar, or the same, as S. Edwards Road.
b. Driveway shall extend at least 25 feet back from the edge of the existing travel lane surface of S. Edwards Road.
c. Driveway shall include a minimum 10 foot vision clearance area (triangular area on the lot at the intersection of driveway and S. Edwards Road).

Recommended Land Use Condition 4 (PRE): Prior to submission of a zoning permit application for the facility, facility component or phase, the certificate holder shall submit to Umatilla County, and the Department, the final site plan of the facility demonstrating that:

a. Perimeter fence will include a minimum 10 foot vision clearance area (triangular area on the lot to any offsite roadway intersections).
b. Perimeter fence complies with Oregon Uniform Building Code requirements.

Recommended Land Use Condition 5 (PRO): Prior to operations, the certificate holder, and underlying landowners on whose property the solar facility components are located, shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.

Recommended Land Use Condition 6 (PRO): Prior to operation, the certificate holder shall provide to the Department:

a. An executed interconnection agreement with Umatilla Electric Cooperative, Bonneville Power Administration or PacifiCorp demonstrating that the facility has an interconnection agreement for the life of the facility, to one of the existing transmission lines, as presented in the Site Certificate, Figure 1.
b. An executed shared use agreement with Umatilla Electric Cooperative, Bonneville Power Administration or PacifiCorp (third-party) for shared use of the switchyard substation.
    i. If the third-party proposes to substantially modify the shared switchyard substation, certificate holder shall submit an amendment determination request to obtain a determination from the Department on whether a site certificate amendment is required or request for site certificate amendment to account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 4.

Recommended Land Use Condition 7 (PRE): Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall:

a. Provide evidence to the Department of coordination with landowners of active agricultural operations on property adjacent to the site boundary on construction schedule, including site preparation and grading activities, road construction and heavy equipment and worker traffic periods.

b. Provide to the Department a site preparation and grading plan, based on final facility design, that includes phased levels of disturbance as necessary based on landowner consultation and availability of dust and erosion control measures.

Recommended Land Use Condition 8 (CON): During construction of the facility, facility component or phase, as applicable, the certificate holder shall:

a. Adhere to the site preparation and grading plan and any necessary phased levels of disturbance to minimize dust and erosion impacts to adjacent farm practices.
b. Ensure adequate dust and erosion control measures are onsite prior to and during any grading and other ground disturbing activities.
c. Adhere to the requirements of the Traffic Management Plan under Public Services Condition 1.

Recommended Land Use Condition 9 (PRE): Prior to construction, the certificate holder shall complete all applicable preconstruction requirements established in the Noxious Weed Plan (Attachment P-4 of the Final Order on the ASC).

Recommended Land Use Condition 10 (CON): During construction, the certificate holder shall implement and adhere to the requirements of the Noxious Weed Plan (Attachment P-4 of the Final Order on the ASC or as approved to be amended by the Department).

Recommended Land Use Condition 11 (OPR): During operation, the certificate holder shall implement and adhere to the applicable requirements of the Noxious Weed Plan (Attachment P-4 of the Final Order on the ASC or as approved to be amended by the Department).

Recommended Land Use Condition 12 (PRE): Prior to construction, the certificate holder shall provide to the Department final facility design/layout maps that include at least a 10-foot setback of the southern perimeter fenceline to the pivot irrigation operation on taxlot 4N29000001700.

Protected Areas (OAR 345-022-0040)

No conditions proposed.

Retirement and Financial Assurance (OAR 345-022-0050)

Retirement and Financial Assurance Condition 1 (RET): 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.
[Mandatory Condition OAR 345-025-0006(7)]

Retirement and Financial Assurance Condition 2 (RET): 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, nonhazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.
[Mandatory Condition OAR 345-025-0006(9)]

Retirement and Financial Assurance Condition 3 (RET): 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 345-025-0006(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, nonhazardous 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.
[Mandatory Condition OAR 345-025-0006(16)]

Recommended Retirement and Financial Assurance Condition 4 (PRE): Before beginning construction of the facility or a facility component, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The total bond or letter of credit amount for the facility is $5.7 million dollars (Q3 2022 dollars), to be adjusted to the effective date, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:

a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, or any phase of the facility, by applying the unit costs presented in Table 4 of the Final Order on the ASC, and the contingencies illustrated in Table 4 of the Final Order on the ASC and may further make adjustments based on unit costs for task and actions presented in ASC Exhibit X Attachment X-1. Any revision to the restoration costs should be adjusted to the effective date as described in

(b). Any modification to the unit costs presented in Table 4 of the Final Order on the ASC are subject to review and approval by the Council.

b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:
   i. Adjust the amount of the bond or letter of credit (expressed in Q3 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 and using the third quarter 2022 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2022 dollars to present value.
   ii. Round the result total to the nearest $1,000 to determine the financial assurance amount.
c. The financial institution issuing of the bond or letter of credit must be on the Council's pre-approved financial institution list. The bond or letter of credit form approved by the Council is included as Attachment X-1 to the Final Order on ASC,.
   [Mandatory Condition OAR 345-025-0006(8)]

Fish and Wildlife Habitat (OAR 345-022-0060)

Recommended Fish and Wildlife Condition 1 (PRE): Prior to construction, the certificate holder shall:

a. Calculate the size of the habitat mitigation area (HMA) for permanent habitat impacts, based on final facility design. The calculation must be based on the ratios and methods presented in the Final Order on the ASC and provided to the Department for review and approval.
b. Provide evidence to the Department demonstrating that an agreement of outright purchase, conservation easement or similar conveyance has been executed for the enhancement and protection of the HMA under the requirements of the Habitat Mitigation Plan, to extend for the life of the facility.
c. Submit a final Habitat Mitigation Plan to the Department for review and approval, substantially similar to the draft plan provided in Attachment P-5 of the Final Order on the ASC.

Recommended Fish and Wildlife Condition 2 (OPR): During operation, the certificate holder shall implement and adhere to the requirements of the Habitat Mitigation Plan, as approved per Fish and Wildlife Condition 1.

Recommended Fish and Wildlife Condition 3 (PRE): Prior to construction, the certificate holder shall provide evidence to the Department that the design measures included in the Wildlife Monitoring and Adaptive Management Plan (Attachment P-3 of the Final Order on the ASC) have been included in the final facility design and construction contractor contracts, as applicable.

Recommended Fish and Wildlife Condition 4 (CON): During construction, the certificate holder shall adhere to the requirements of the Wildlife Monitoring and Adaptive Management Plan (Attachment P-3 of the Final Order on the ASC). Monitoring records shall be maintained throughout construction and included in the semi-annual report submitted to the Department pursuant to OAR 345-026-0080.

Recommended Fish and Wildlife Condition 5 (OPS): During operation, the certificate holder shall adhere to the requirements of the Wildlife Monitoring and Adaptive Management Plan (Attachment P-3 of the Final Order on the ASC). Monitoring records shall be maintained throughout operation and included in the annual report submitted to the Department pursuant to OAR 345-026-0080.

Threatened and Endangered Species (OAR 345-022-0070)

Recommended Threatened and Endangered Species Condition 1 (PRE): Prior to construction of the facility, facility component or phase, as applicable, that would occur within suitable Washington Ground Squirrel (WGS) habitat:

a. The certificate holder must conduct protocol-level WGS surveys within 1000 feet of any ground disturbing activity.
b. Suitable WGS habitat can be defined as any terrestrial habitat that has not been developed e.g. active agricultural lands, paved roads), 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), in suitable habitat that is contiguous with areas of ground disturbing activity (e.g., excluding areas across a paved road from ground disturbance). 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 and 2 habitat.
c. The certificate holder shall submit the WGS Survey Report to the Department and ODFW. The certificate holder shall clearly identify whether WGS were observed or colonies and burrows were identified, and include a facility layout map demonstrating how temporary and permanent impacts to WGS and WGS habitat will be avoided.

Recommended Threatened and Endangered Species Condition 2 (CON): If the WGS surveys required under Threatened and Endangered Species Condition 1 identify Category 1 WGS habitat (buffer extending 785-feet around each active burrow, excluding areas not suitable for WGS foraging or burrow establishment) or Category 2 WGS habitat (buffer extending 4,136-feet from the delineated Category 1 habitat, excluding areas of habitat types not suitable for WGS foraging or burrow establishment), during construction of the facility, facility component or phase, the certificate holder shall:

a. Map, flag and avoid delineated Category 1 and 2 WGS habitat.

b. Check the location of active burrow or colonies in subsequent years of construction to evaluate any changes that may occur in the location and delineation of Category 1 and 2 habitat.

Recommended Threatened and Endangered Species Condition 3 (PRE): Prior to and during construction of the facility, facility component or phase, as applicable, the certificate holder shall avoid via mapping and flagging, based on a 100 foot buffer (unless otherwise reviewed and approved by the Department and ODA), any incidentally identified occurrence(s) of Lawrence's milkvetch.

Scenic Resources (OAR 345-022-0080)

No conditions proposed.

Historic, Cultural and Archeological Resources (OAR 345-022-0090)

Recommended Historic, Cultural, and Archaeological Resources Condition 1 (PRE): Prior to construction of the facility, facility component or phase, submit to the Department a final Inadvertent Discovery Plan (Attachment S-3 of Final Order on ASC).

Recommended Historic, Cultural, and Archaeological Resources Condition 2 (GEN): During construction and ground disturbing operational activities, implement the final Inadvertent Discovery Plan.

Recreation (OAR 345-022-0100)

No conditions proposed.

Public Services (OAR 345-022-0110)

Recommended Public Services Condition 1 (PRE): Prior to construction of the facility, or facility component, as applicable, the certificate holder shall:

a. Based on final design, finalize, identify, and provide maps of all public roads used for construction, road names, locations, and road conditions and include in Final Traffic Management Plan identified in (b) and (c).
b. Submit executed road use agreements between Umatilla County and the certificate holder or its contractor. Any Final Traffic Management Plan that is part of the road use agreements shall include, at a minimum, the provisions designated in Section II of Attachment U-1 of the Final Order on ASC.
c. If a Final Traffic Management Plan designated in sub (a) is not included in road use agreements executed with Umatilla County, then submit a Final Traffic Management Plan. A copy of the Final Traffic Management Plan shall be provided to the Department and Umatilla County Public Works Department. The Construction Traffic Management

Plan shall, at a minimum, include the provisions in Section II of Attachment U-1 of the Final Order on ASC.

d. Submit to the Department, any ODOT permits obtained by the certificate holder, its third-party contractors or subcontractors including but not limited to Oversize Load Movement Permit/Load Registration, Permit to Occupy or Perform Operations Upon a State Highway, and/or an Access Management Permit.
e. Submit to the Department, any county permits obtained by the certificate holder, its third-party contractors or subcontractors including but not limited to utility crossing permit and road approach permit.

Recommended Public Services Condition 2 (CON): During construction of the facility, or facility component, the certificate holder shall ensure that construction contractors adhere to the requirements of the Final Traffic Management Plan.

Recommended Public Services Condition 3 (PRE): If prior to construction, the Oregon Department of Aviation's (ODA) Determinations for the facility expire, the certificate holder shall:

a. First, submit to and receive responses from the ODA of 7460-1 Notice of Proposed Construction or Alteration Forms for all aboveground facility components. The certificate holder shall provide copies of ODA's responses, which must be consistent with ORS 836.535(2), to the Department. Certificate holder shall respond to ODA recommendations, if applicable.
b. Second, once ODA responses on the 7460-1 forms are received and if the FAA determinations have expired, submit to and receive determinations from the Federal Aviation Administration (FAA) for all aboveground facility components. The certificate holder shall provide copies of FAA determinations to the Department.
c. Within 5-days of construction, certificate holder shall submit 7460-2 forms to FAA and ODA and shall report both timing of submission and any results to the Department.

Recommended Public Services Condition 4 (PRO): Prior to operation the certificate holder shall contact the Umatilla County Fire District #1 (UDFD #1) to schedule an on-site orientation to review facility layout and safety procedures. In its annual report required under General Standard of Review Condition 10, the certificate holder shall indicate the date that the training will occur or occurred.

Recommended Public Services Condition 5 (OPR): Once annually during operation the certificate holder shall contact the Umatilla County Fire District #1 (UDFD #1) to offer an on-site training to review facility layout and safety procedures. In its annual report required under General Standard of Review Condition 10, the certificate holder shall indicate the dates that they contacted UDFD #1 and offered training, and any trainings scheduled or already conducted.

Wildfire Prevention and Risk Mitigation (OAR 345-022-0115)

Recommended Wildfire Prevention and Risk Mitigation Condition 1 (PRE): Prior to construction of the facility, facility components or phase, as applicable, the certificate holder shall submit to the Department and the Umatilla County Fire District #1 (UCFD #1), a Final Construction Emergency Management and Wildfire Mitigation Plan (EMWMP) which includes the applicable measures provided in the Draft Emergency Management and Wildfire Mitigation Plan (EMWMP) (Attachment V-1 of the Final Order on ASC).

Recommended Wildfire Prevention and Risk Mitigation Condition 2 (PRO): Prior to operation of the facility and based upon final design, the certificate holder shall submit to the Department and the Umatilla County Fire District #1 (UCFD #1), an Operational Emergency Management and Wildfire Mitigation Plan (EMWMP) which includes the applicable measures provided in the Draft Emergency Management and Wildfire Mitigation Plan (EMWMP) (Attachment V-1 of the Final Order on ASC).

Recommended Wildfire Prevention and Risk Mitigation Condition 3 (OPR): During operation of the facility the certificate holder shall:

a. Implement the Operational Emergency Management and Wildfire Mitigation Plan (EMWMP) submitted under Wildfire Prevention and Risk Mitigation Condition 2.
b. Every 5 years after the first operational year, review and update the evaluation of wildfire risk under 345-022-0115(1) and submit the results in the annual report required under General Standard of Review Condition 10 for that year.
c. Submit an updated EMWMP to the Department and the Umatilla County Fire District #1 (UCFD #1) if substantive changes are made to the EMWMP as a result of the review under sub (b) of this condition, or at any other time substantiative revisions are made to the EMWMP.

Waste Minimization (OAR 345-022-0120)

Recommended Waste Minimization Condition 1 [GEN]: The certificate holder shall develop and implement plans that are likely to minimize the generation of solid waste and wastewater during construction and operation of the facility, and which would result in reuse and recycling solid waste and wastewater.

Recommended Waste Minimization Condition 2 [OPR]: In the annual report required under General Standard of Review Condition 10, the certificate holder shall include results of its waste management and recycling plans, including but not limited to:

a. Quantities of solar panels and lithium-ion batteries recycled or disposed of.
b. Identification of the availability of programs or licensed facilities that recycle solar panels and lithium-ion batteries and their capacity to accept materials. Identification of

final recycling destination facility or program for recycled solar panels and lithium-ion batteries.

c. If recycling programs or facilities are not available, the identification of final disposal destination facility or program for disposed solar panels and lithium-ion batteries and their capacity to accept waste.

Noise Control Regulation (OAR 340-035-0035)

Recommended Noise Control Condition 1 (PRE): Prior to construction, the certificate holder shall provide to the Department:

a. Final facility layout; and number, type and noise level (dBA) of all noise generating equipment. Identify differences in equipment noise level (dBA), based on manufacturer specifications, compared to noise levels presented in ASC Exhibit Y. If there are difference in equipment noise level (dBA), certificate holder shall provide an updated acoustic modeling results, if determined necessary by the Department. The certificate holder may rely on ambient noise measurements included in ASC Exhibit Y or may obtain updated ambient noise measurements, if measurement locations and protocol are approved by the Department.

b. If the final design of the facility includes distributed battery storage, provide an acoustic modeling analysis using manufacturer based noise levels (dBA) that demonstrates compliance with the ambient degradation standard and maximum allowable noise standards. The certificate holder may rely on ambient noise measurements included in ASC Exhibit Y or may obtain updated ambient noise measurements, if measurement locations and protocol are approved by the Department.

Recommended Noise Control Condition 2 (PRO): Prior to operation, the certificate holder shall:

a. Identify a facility contact that will receive, track and respond to noise complaints during facility operations.

b. Send to Noise Sensitive Receptors (NSRs) identified in ASC Exhibit Y Table Y-9, information about the facility, facility operational noise levels and the process for filing a noise complaint to facility operational personnel, as identified in (a) of the condition.

Recommended Noise Control Condition 3 (OPR): During operations, the certificate holder track and respond to any noise complaints received. Certificate holder shall notify the Department within three working days of receiving a noise complaint related to the facility and shall identify the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.

Removal Fill Law

No conditions proposed.

Water Rights

Recommended Water Rights Condition 1 (PRE): Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall:

a. Identify all water-related needs and estimate daily and annual water demand for each construction phase, as applicable.
b. Provide excerpts of agreements or other similar conveyance from the water-providing entity to the Department demonstrating that construction activities will be adequately and legally served by service providers or third-party permits.

Recommended Water Rights Condition 2 (CON): During construction of the facility, facility component or phase, as applicable, if a water right, limited water use license or water rights transfer is needed and would not be obtained by a third-party, submit and obtain approval of the applicable water permit through the site certificate amendment process.

Attachment B: Reviewing Agency Comments and Documents Referenced in DPO

TARDAEWETHER Kellen * ODOE

From: ROSENBERG Andrew J * ODFW
Sent: Wednesday, January 26, 2022 3:35 PM
To: TARDAEWETHER Kellen * ODOE
Cc: ESTERSON Sarah * ODOE
Subject: ODFW comments West End Solar pASC and dHMP
Attachments: ODFW_comments_pASC_West End Solar.pdf

Kellen,
Please see the attached ODFW comments for the preliminary application for site certificate for West End Solar. Feel free to reach out if you have any questions or need any clarification on anything.

Andrew Rosenberg
ODFW Umatilla district
Assistant District Wildlife Biologist
541 318 7967 Office
541 288 4390 Cell
Andrew.j.rosenberg@odfw.oregon.gov

Oregon
Kate Brown., Governor

Department of Fish and Wildlife
John Day Watershed
Pendleton Field Office
73471 Mytinger Lane
Pendleton, OR 97801
Voice (541) 276-2344
FAX (541) 276-4414
www.dfw.state.or.us/

January 26, 2022

Kellen Tardaeweather, Senior Siting Analyst
Oregon Department of Energy
550 Capital St. NE
Salem, OR 97301

RE: Comments on the preliminary application for site certificate and Draft Habitat Mitigation Plan for the West End Solar Project.

Dear Kellen:

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the preliminary Application for Site Certificate (pASC) and Draft Habitat Mitigation Plan (dHMP) for West End Solar Project. This Letter contains: (A) ODFW contact information for the project; and (B) ODFW's comments on the pASC and dHMP

A. Contacts

I will be the main contact person for ODFW for the Energy Facility Siting Council (EFSC) permitting process. My contact information is:

Andrew Rosenberg
73471 Mytinger Lane
Pendleton, Oregon 97801
541.318.7967
andrew.j.rosenberg@odfw.oregon.gov

B. Comments on the pASC and dHMP

Comment 1:
Exhibit P of the pASC does not include any reference to pre-construction surveys but page 3 of the dHMP briefly mentions pre-construction surveys. ODFW requests more details on what is specifically planned for pre-construction surveys.

Comment 2:
ODFW agrees with the applicant's assessment of state sensitive species with the potential to occur within the analysis area presented in Table P-4. None of the species listed as unlikely to use the analysis area would be expected by ODFW to utilize habitat at the site frequently, if at all.

Comment 3:
Section 8.0 proposes no post-construction fatality monitoring. The project is in an area with high waterfowl use, especially through fall and winter. There is concern that obligate waterbirds could be attracted to the panels and collision, injury, or stranding could occur. ODFW recommends that the applicant conduct a two-year post-construction fatality monitoring study following the best available science to document any avian and bat mortalities within the Site Boundary. Additionally, we request that mortalities found during routine maintenance activities be documented and reported to ODFW for the life of the project.

Comment 4:
ODFW requests more information describing what will be on the ground between the solar arrays. Will there be some form of vegetation remaining? Will there be weed mats or gravel? Additionally, we request that the applicant provide a noxious weed control plan for the project site describing how they will control noxious weeds to reduce impacts to surrounding habitat and private lands.

Comment 5:
ODFW agrees with the applicant's habitat categorization presented in Table P-6.

Comment 6:
The draft Habitat Mitigation Plan proposes two separate options for permanent impacts to category 5 habitat. The Plan proposes a mitigation ratio of between .1 and .5 acres for every 1 acre of category 5 habitat impacted under Option 1 (Habitat Mitigation Area). Under Option 2, a mitigation ratio of .5:1 is proposed. Option 2 proposes to fund actions that improve habitat condition on ODFW managed lands. Currently ODFW has not identified a location for Option 2, but this could change depending on the timing of construction of the project. If option one is chosen to satisfy habitat mitigation requirements, ODFW recommends a mitigation ratio of at least .5 acres for every acre of category 5 habitat impacted. A ratio of .5 to 1 will allow for higher certainty of success in providing a net benefit in habitat quantity or quality.

Comment 7:
ODFW agrees with the applicant's conclusion in Exhibit Q that no impacts to threatened, endangered, or candidate **wildlife** species are expected to occur as a result of the site.

Respectfully,

Andrew Rosenberg
Acting Assistant District Wildlife Biologist – Pendleton, Oregon

Cc:

Sarah Esterson, ODOE

TARDAEWETHER Kellen * ODOE

From: HOWARD Heather * DSL
Sent: Thursday, July 28, 2022 1:32 PM
To: rcurulla@eurusenergy.com
Cc: Umatilla (planning@umatillacounty.net); TARDAEWETHER Kellen * ODOE
Subject: WD2022-0328 Mailout

In response to your request regarding the offsite wetland determination report, here is a link to the agency decision document, http://docs.dsl.state.or.us/PublicReview/ElectronicFile.aspx?docid=3841186&&dbid=0. Please contact Peter Ryan, Aquatic Resource Specialist, at (503) 986-5232 or peter.ryan@dsl.oregon.gov with any questions.

Heather Howard
Support Services Specialist
Oregon Department of State Lands
775 Summer St. NE, Ste. 100
Salem, OR 97301
(503) 986-5235
www.oregon.gov/dsl
**Online Payment Portal, https://apps.oregon.gov/ECommerce/EPS/DSL

OFFSITE WETLAND DETERMINATION REPORT **BATCH**
OREGON DEPARTMENT OF STATE LANDS **WD#:** 2022-0328
775 Summer Street NE, Suite 100, Salem OR 97301-1279, Phone: (503) 986-5200

At your request, an offsite wetland determination has been conducted on the property described below.

County: Umatilla City: East of Hermiston City Limits

Other Address: Rob Curulla, EE West End Solar LLC (c/o Eurus Energy America Corp), 9255 Towne Center Drive, Suite 840, San Diego, CA 92121

Township: 4N Range: 29E Section: 00 Q/Q: __ Tax Lot: (Sec. 20) 1500 and 1600

Project Name: West End Solar Project

Site Address/Location: 324 acres property approximately 0.6 north of the intersection of S Edwards and Feedville Roads

☐ The National and Local Wetlands Inventory shows wetlands/waterways on or adjacent to the property.

☐ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

☒ It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetlands maps, the county soil survey and other information. An onsite investigation by a qualified professional is the only way to be certain that there are no wetlands.

☐ There may be wetlands/waterways on or adjacent to some of the properties subject to the state Removal-Fill Law.

- ☐ A state permit is required for ≥ 50 cubic yards of fill, removal, or ground alteration in the wetlands or waterways.
- ☐ A state permit may be required for any amount of fill, removal, or other ground alteration in the Essential Salmonid Habitat (ESH) and hydrologically associated wetlands.

☐ A state permit will be/will not be required for the project because/if _____.

☐ The proposed parcel division may create a lot that is largely wetland and thus create future development problems.

☐ A wetland determination or delineation may be needed prior to development to determine the location and extent of wetlands on the property. If present, a wetland delineation report should be submitted to the DSL for review and approval prior to initiating the project.

☐ A permit may be required by the Army Corps of Engineers: (503) 808-4373

Note: This report is for the state Removal-Fill Law only. City or County permits may be required for the proposed activity.

Comments: On June 13, 2022, DSL was contacted to make an offsite wetland determination for a property at the location described above. Based on available offsite information and additional information provided by the applicant, it is unlikely that jurisdictional wetlands or waterways are present on the property. That said, the offsite wetland and waters determination process is best reserved for property owners, real estate agents and appraisers, etc. interested in smaller properties. Determinations for larger study areas (such as this one) usually require more information than what is available to DSL staff working from their desks. Therefore, large study areas are best addressed by submitting a complete wetland delineation report to DSL for review and approval.

Determination by: Pete Ryan Date: 07/21/2022

☐ This jurisdictional determination is valid for five years from the above date unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months from the above date.

☒ **This is a preliminary jurisdictional determination and is advisory only**.

Copy To: ☒ Other rcurulla@eurusenergy.com ☒ Enclosures: Site Map, Tax Map
☒ Umatilla County Planning Department
☒ kellen.tardaewether@energy.oregon.gov, DOE

FOR OFFICE USE ONLY

Entire Lot(s) Checked? ☒ Yes ☐ No **Waters Present** ☐ Yes ☒ No ☐ Maybe **Request Received:** 06 / 13 /2022
LWI Area: NA **LWI Code:** NA **Lat:** 45.815773 **Long:** -119.215332 **Related DSL File** NA
Has Wetlands? ☐Y ☒N ☐Unk **ESH?** ☐Y ☒N **Wild & Scenic?** ☐Y ☒N **State Scenic?** ☐Y ☒N **Coast Zone?** ☐Y ☒N ☐Unk
Adjacent Waterbody: NA **NWI Quad:** Stanfield

TARDAEWETHER Kellen * ODOE

From: SOMERS Lindsay N * ODFW
Sent: Thursday, October 13, 2022 2:01 PM
To: TARDAEWETHER Kellen * ODOE
Cc: RIMBACH Gregory P * ODFW; ROSENBERG Andrew J * ODFW; THOMPSON Jeremy L * ODFW
Subject: ODFW Comments Complete ASC West End Solar
Attachments: 221013 ODFW Comments Complete ASC West End Solar.pdf

Hi Kellen,

I have attached a response for ODOE's comment request for the complete application for the West End Solar Project. In your previous email you mentioned that you intended to send a draft proposed order for review before the 10/17 deadline, could you cc me on the email if you send that our way.

Let me know if you have any questions,

Lindsay

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

MEMORANDUM

Department of Fish and Wildlife
Habitat Division
Intra Departmental

TO: Kellen Tardaewether
Oregon Department of Energy
550 Capitol St N.E.
Salem, OR 97301

FROM: Lindsay Somers, Region Habitat Biologist
Oregon Dept. of Fish and Wildlife
73471 Mytinger Ln.
Pendleton, OR 97801
541-388-6294
Lindsay.n.somers@odfw.oregon.gov

DATE: October 13, 2022

RE: Request for Agency Report on Compliance and Recommended Site Certificate Conditions on the Complete Application for Site Certificate for the Proposed **West End Solar Project**

Dear Kellen,

Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish and Wildlife (ODFW) on the complete application for site certification (ASC) for the West End Solar Project. This Letter contains: (1) ODFW contact information for the project; and (2) ODFW's comments on the Application.

Contacts:
I will be the main contact person for ODFW for the West End Solar Energy Facility Siting Council (EFSC) permitting process. My contact information is 541-276-2344; Lindsay.n.somers@odfw.oregon.gov. I will also be coordinating with Andrew Rosenberg.

Andrew Rosenberg
73471 Mytinger Lane
Pendleton, Oregon 97801
541-318-7967
Andrew.j.rosenberg@odfw.oregon.gov

General Comments: The Oregon Department of Energy (ODOE) has requested comments from the Oregon Department of Fish & Wildlife (ODFW) on West End Solar Project, specifically regarding Exhibits P and Q. There are several items in these exhibits that ODFW would like to address and provide comments and recommendations, which are provided in the Specific Comments section below. In addition to the specific comments, it is notable to mention that ODFW appreciates the Applicant implementing several ODFW recommendations and voluntary measures to avoid and reduce impacts to habitat and wildlife, which includes but is not limited to, minimizing impacts to Category 2 and 3 habitats by siting the project on previously disturbed habitat, capping or otherwise modifying vertical pipes and piles to prevent cavity-dwelling and nesting birds from entering, and clearing vegetation prior to the critical period for ground-nesting birds to avoid disturbing active nests.

Specific Comments: Please see the table below.

West End Solar Project Comments on the Application for Site Certificate (ASC) From Oregon Department of Fish and Wildlife			
Exhibit	**Rule/ Ordinance/Law Reference**	**Pg. / Para. / Sentence Reference (as needed)**	**Comment or Information Request**
P	OAR 345-021-0010(1)(p)(G)	Pg.21-21/Section 7.1.1	ODFW requests that the Applicant incorporate the agreed upon additional gates into the text of section 7.1.1. These gates would be located at or near fence corners to allow deer to escape if they become trapped in the facility and would be in addition to the main access gates for maintenance activities.
P	OAR 345-021-0010(1)(p)(H)	Pg. 23/Section 8.0	The Applicant proposes to conduct no post-construction fatality monitoring for birds and bats. ODFW requests that the statement "All wildlife mortalities found during routine maintenance activities within and near the fenced solar array enclosure be documented and included in mortality reports to ODOE and ODFW" be included in the text of section 8.0.
P/Att P-5/Draft HMP	OAR 635-415-0025(5)(a)	Pg.2/Sect 3.0/Para. 2	Under mitigation option 1, the Applicant proposes a mitigation ratio range of 0.1-0.5 acres for every 1 acre of Category 5 habitat permanently impacted. ODFW recommends a mitigation ratio of at least 0.5 acres for every acre of Category 5 habitat permanently impacted. The mitigation goal for permanently impacted Category 5 habitat is "a net benefit in habitat quantity or quality." A "net benefit" means an increase in overall habitat quality or quantity after development action and any subsequent mitigation measures have been completed and monitored. Depending on the habitat type and mitigation area chosen, habitat improvement efforts rarely, if ever, achieve complete success. ODFW cautions that this ratio range of 0.1-0.5:1 does not leave any margin to accommodate for the risk of mitigation failure. A ratio of 0.5 to 1 will allow for higher certainty for

West End Solar Project Comments on the Application for Site Certificate (ASC) From Oregon Department of Fish and Wildlife			
Exhibit	**Rule/ Ordinance/Law Reference**	**Pg. / Para. / Sentence Reference (as needed)**	**Comment or Information Request**
			success for the mitigation requirements and provide a cushion for less than fully successful habitat enhancement actions.

West End Solar Project –

Agency Consultation on Threatened and Endangered Species Standard (OAR 345-022-0070)

Oregon Department of Agriculture (ODA) understands that the West End Solar Project is a 50 megawatt (MW) solar photovoltaic energy generation facility, proposed to be located in Umatilla County.

ODA understands that the proposed site boundary, encompassing 324 acres, is within Exclusive Farm Use (EFU) zoned land, but is not currently used for grazing or cultivated agriculture, and that the site is predominately low quality grasslands with some shrub-steppe, and is surrounded on the north, west and southern boundaries by pivot, irrigated agriculture.

ODA understands that botanical surveys were conducted on July 3, 2019 and June 22, 2020 within the 324 acre site boundary, using the Intuitive Controlled Survey method. The survey results identified no target species, including Laurence's milkvetch, a state listed Threatened and Endangered (T&E) Species protected under the Council T&E Species standard.

Recommendations

- Based on the extent of active agriculture on adjacent lands to the site boundary, historic land surrounding Hermiston, distance from known historic Laurent's milkvetch occurrences, and absence of any known extant milkvetch occurrences nearby, ODA considers the likelihood of future occurrences of Laurence's milkvetch within previously surveyed areas to be low. Therefore, preconstruction surveys are unnecessary given the expected construction commencement to occur within 3 years, if the site certificate is approved.
    - If Laurent's milkvetch are incidentally identified during other preconstruction or construction activity at the site, it is recommended that the occurrence(s) be avoided via mapping and flagging, based on a 100 foot buffer, unless otherwise reviewed and approved by the Department and ODA.
    - ODA requests that the revegetation plan include a requirement to consult with ODA on revegetation, weed treatment and restoration in areas in proximity to incidentally identified occurrences of Laurent's Milkvetch during other preconstruction surveys or construction activities.

Based on review and discussion with ODOE staff on October 21, 2022, ODA considers that with the recommendations provided, the impacts from the proposed facility would avoid any potential impacts to the survivability or recovery of the Laurence's milkvetch.

Jordan Brown, Program Lead Conservation Biologist
Oregon Department of Agriculture – Native Plant Conservation
635 Capitol St NE, Salem, OR 97301-2532
PH: 541.737.2346 | CELL: 541.224.2245 | WEB: Oregon.gov/ODA

Pronouns: he, him, his

*Please note my email address has changed to jordan.a.brown@oda.oregon.gov

ESTERSON Sarah * ODOE

Subject: West End Solar Project - Follow up on Applicability of UCDC 152.059 and 152.617(II)(7)

From: Robert Waldher <robert.waldher@umatillacounty.gov>
Sent: Wednesday, October 26, 2022 8:21 AM
To: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Cc: carol.johnson@umatillacounty.net <carol.johnson@umatillacounty.gov>; TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>
Subject: Re: West End Solar Project - Follow up on Applicability of UCDC 152.059 and 152.617(II)(7)

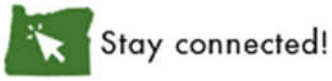
Thanks Sarah - I think this accurately captures our concerns.

Bob

On Tue, Oct 25, 2022 at 10:14 AM ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov> wrote:

> Hi Bob and Carol,
>
> Thanks again for taking the time to discuss West End Solar Project, complete ASC, and questions on applicable substantive criteria. Below is a summary of our discussion – please confirm if you believe it is accurate:
>
> - Comments received from Umatilla County on Dec 15 2021 identified UCDC 152.059 and 152.617(II)(7) as "applicable substantive criteria" for the substation/switching station.
> - Based on review of ASC Exhibit C Figure C-4, the substation/switching station will be located within the site boundary, where the site boundary is adjacent to an existing UEC transmission line; the site boundary also includes two existing transmission lines. The applicant indicates that the proposed facility would interconnect to one of these three transmission lines and therefore would not require a grid-interconnection transmission line; the location of the substation/switching station is in very close proximity (feet not miles) to the energy generation infrastructure
> - Because the substation/switching station are within the same general site as the energy generation infrastructure, omitting the need for a separate grid-interconnection transmission line, Umatilla County agrees that UCDC 152.059 and 152.617(II)(7) would not separately apply as applicable substantive criteria, and can be evaluated as part of the solar photovoltaic energy generation facility under UCDC 152.060(FF)
>   - This basis is solely because the facility omits a grid-interconnection transmission line. For any future projects with a grid-interconnection line in Umatilla County, the county would expect an evaluation under UCDC 152.059 and 152.617(II)(7) for the transmission line and grid integration equipment (i.e. substation/switching station)
>
> Feel free to modify/reject.

Sarah T. Esterson
Senior Policy Advisor
550 Capitol St. NE | Salem, OR 97301
M: 503-385-6128
P (In Oregon): 800-221-8035



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Robert Waldher, **RLA**
Director
Umatilla County Department of Land Use Planning
Tel: 541-278-6251 | Fax: 541-278-5480
216 SE 4th Street | Pendleton, OR 97801
http://www.umatillacounty.gov/planning

TARDAEWETHER Kellen * ODOE

From: Hub.HeritagePrograms@oregon.gov
Sent: Wednesday, January 12, 2022 3:39 PM
To: King, Erin
Subject: Oregon Archaeological Site Form Approval

Your site Form Submission #26171 has been approved.
A smithsonian number of 35UM00596 has been assigned.
The submission was given a SHPO national register eligibility status of Not Eligible
Comments:

No further action is required.

TARDAEWETHER Kellen * ODOE

From: McClain, Leslie <Leslie.McClain@tetratech.com>
Sent: Monday, February 7, 2022 3:13 PM
To: TARDAEWETHER Kellen * ODOE; Rob Curulla; King, Erin
Cc: ESTERSON Sarah * ODOE
Subject: RE: West End pASC SHPO Historic Comments
Attachments: Oregon Archaeological Site Form Approval

Hi Kellen,
Thanks for forwarding this letter from SHPO. I'm discussing it with our lead archaeologist Erin King and will be getting back to you with some questions.

In the meantime, attached is the email Erin received from SHPO stating that the site form for EWE-BB-01 (the historic refuse scatter in the northwest corner) was approved by SHPO as not eligible for NRHP status.

Also, per your request, the below link will provide you access to review the Confidential Submittal files for Exhibit S. Let me know if you have any trouble accessing.
https://tetratechinc-my.sharepoint.com/:f:/g/personal/leslie_mcclain_tetratech_com/EivvtG1bxwBCpPRujhF9cGMBIjFgTJb6Og2Y5FerAhT0_g?email=kellen.TARDAEWETHER%40energy.oregon.gov&e=tFT3Wl

Thanks,
Leslie

Leslie McClain | **Senior Environmental Planner and Project Manager**
Cell: 503.290.9580
leslie.mcclain@tetratech.com

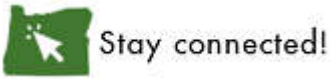
From: TARDAEWETHER Kellen * ODOE <Kellen.TARDAEWETHER@energy.oregon.gov>
Sent: Tuesday, February 1, 2022 9:36 AM
To: Rob Curulla <rcurulla@eurusenergy.com>; McClain, Leslie <Leslie.McClain@tetratech.com>
Cc: ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>
Subject: West End pASC SHPO Historic Comments

Hey Rob and Leslie,

Attached is the comment letter from the historic/above ground resource specialists at SHPO. Let me know if you have any more info about the SHPO response for archaeological resources? Thanks!

Kellen

Kellen Tardaewether
Senior Siting Analyst
550 Capitol St. NE Salem, OR 97301
C: 503-586-6551
P (In Oregon): 800-221-8035



NORTHWEST

CHP
TECHNICAL ASSISTANCE
PARTNERSHIPS

PROJECT PROFILE

Finley Buttes Landfill

4.8MW Landfill Gas
CHP System

Quick Facts

LOCATION: Boardman, Oregon
MARKET SECTORS: Municipal Solid Waste & Food Processing (thermal)
FACILITY SIZE: 1,800 acre landfill (second largest in the state of Oregon)
FACILITY PEAK LOAD: 4.8 megawatts (MW)
EQUIPMENT: 3- 1.6 MW Caterpillar Gen-sets
FUEL: Landfill gas for power and steam
USE OF THERMAL ENERGY: Steam sold for Industrial heating and food dehydration processing (13.5 MMBTU/hr)
CHP TOTAL EFFICIENCY: 80+ %
ENVIRONMENTAL BENEFITS: CO_2 reduction equal to more than 43,000 barrels of oil consumed and NO_x reductions
TOTAL PROJECT COST: $9.7 million
CHP IN OPERATION SINCE: 2007
SIMPLE PAYBACK: 4 years – Realized 2011

Site Description

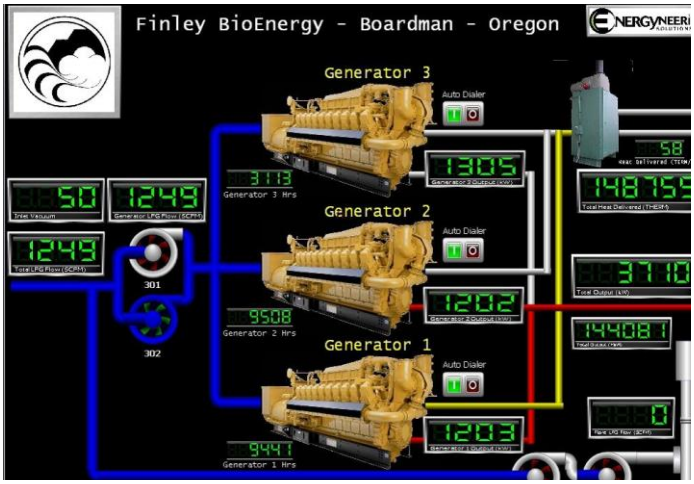
The Finley Buttes Landfill Gas to Energy facility is located ten miles south of Boardman, Oregon at the Finley Buttes Regional Landfill (FBRL). Owned and operated by Waste Connections, Inc. (WCI), the landfill began operations in 1991. It receives over 500,000 tons of municipal solid waste annually. FBRL is the second largest landfill (1,800 acres) in the state of Oregon. The landfill gas (LFG) collection and control system is made up of vertical extraction wells and a high-density polyethylene (HDPE) piping network.

Reasons for CHP

By the late 1990s, Finley Buttes Landfill was in need of expansion. Until their expansion in 2004, the landfill owners were flaring landfill gas. The expansion, however, put them in the "large" landfill category under EPA's landfill guidelines (NSPS and Emission Guideline Fact Sheet – 40 CFR 60); requiring the landfill owners to install a gas collection system for controlling the emissions, or prove the landfill emitted less than 50 Megagrams (Mg) per year of non-methane organic compounds. A gas collection system was installed. Controlling emissions involved drilling collection wells and routing the gas to suitable energy recovery systems or combustion devices. Finley BioEnergy was formed through an agreement with WCI to manage Finley Buttes potential LFG emission liabilities by utilizing the LFG as an asset. Implementing a CHP system allowed for additional revenue streams through the sale of 25 million kWh/year to the local utility(Pacific Power) through a 15 year Power Purchase Agreement (PPA) and the sale of steam to a local food processing plant (Cascade Specialties).

Finley Bioenergy CHP System Configuration. The photo to the right captures the operational monitoring with a real-time representation of each generators electric and thermal output.

PHOTO COURTESY Of Energy Solutions, Inc.



CHP Equipment & Operation

Main components of the CHP landfill gas system:

- Three 1.6 MW Caterpillar reciprocating engines, Model #3520C. This model was chosen because it was designed to handle dirty gas and can burn low Btu gas.
- Three Cain exhaust heat recovery units, Model # HSR-348D26SSS
- Three Ameridex flat plate heat exchangers, Model # X-55-83

Gas is collected through a series of vertical wells throughout the landfill site and transported via a 3-4 mile pipeline to the gen-set at approximately 5 psi.

Project Benefits

- Revenue from electricity sold to Pacific Power and heat sold to Cascade Specialties;
- Beneficial use of landfill gas including a 111.7 and 15.1 ton per year reduction in CO_{2e} and NO_x emissions respectively;
- Sale of Renewable Energy Credits (RECs) and carbon credits;
- Energy savings to Cascade Specialties – purchaser of the supplemental heat as steam. Cascade reduced daily natural gas usage by 25-30% during the eight-month season from 1000 MMBTUs to under 700;
- Helps meet Oregon Renewable Portfolio Standard (RPS) requirements for renewable energy and EPA's New Source Performance Standards (NSPS) requirements for greenhouse gas reductions.

Lessons To Share

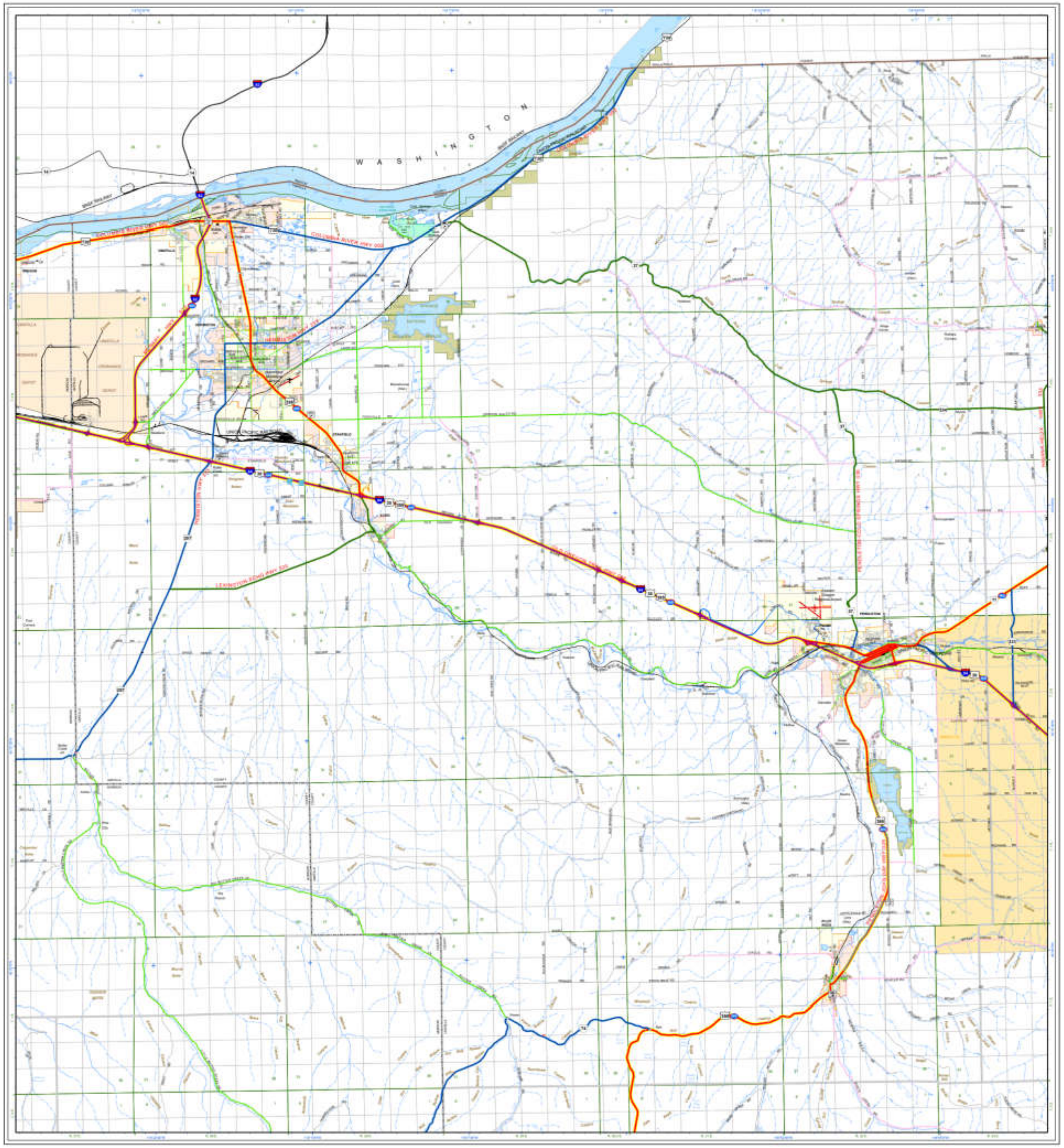
- There was a longer staff learning curve for simultaneous heat recovery from jacket water and exhaust stack than anticipated, as well as automated performance reliability – work with system installers to ensure training time.
- Information about financing coordination and options and tax credits is available from Oregon Department of Energy.
- Utility barriers: Due to the need to 'wheel' power through the local electric cooperative to BPA, the project was held up over concerns about transmission line capacity – a special exemption for systems under 4MW to be allowed was required. Early planning for this would have sped up system implementation.

For More Information

U.S. DOE NORTHWEST CHP TECHNICAL ASSISTANCE PARTNERSHIP (CHP TAP)
David Van Holde, Director
(360) 956-2071
VanHoldeD@energy.wsu.edu
More CHP Project Profiles:
www.nwchptap.org

FINLEY BIOENERGY
Gerry Friesen, Partner
503-635-1233
Gerry@friesen.com
www.gfriesen.com

Date produced: 2011 rev. 2015



LEGEND

FUNCTIONAL CLASSIFICATION

STATE HWY | OTHER JURISDICTION

FOR FURTHER FUNCTIONAL CLASSIFICATION INFORMATION, CONTACT ODOT REGION OFFICE.

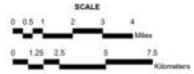
- INTERSTATE
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- MAJOR COLLECTOR
- MINOR COLLECTOR
- LOCAL
- UNIDENTIFIED ROAD OR TRAIL
- ORE. ROUTE - US. ROUTE - INTERSTATE ROUTE
- NATIONAL HIGHWAY SYSTEM ROUTE
- CITY LIMIT
- URBAN GROWTH BOUNDARY
- AMTRAK RAIL PASSENGER STATION
- COMMERCIAL - GENERAL AVIATION
- SAFETY REST AREA - WEIGH STATION
- PUBLIC BUILDING - ODOT STOCKPILE SITE
- GRAVEL PIT - QUARRY

ARRANGEMENT OF SHEETS

"This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of the information. Conclusions drawn from this information are the responsibility of the user."

"Make local inquiry of road conditions in remote areas. Some roads are impassable following severe weather conditions."

SCALE



COUNTY SHEET INDEX

Umatilla

OREGON TRANSPORTATION MAP

Showing Federal Functional Classification of Roads

UMATILLA COUNTY

Published by

Sheet 1 of 3

POPULATION 81,495

2021 Edition

NORTH

Mitigation for Adverse Effects: Examples

When federal projects, adversely affect historic properties, Section 106 of the National Historic Preservation Act requires that agencies consider ways to avoid, minimize, or mitigate those impacts. If avoidance and minimization are not feasible, the federal agency, SHPO, and other consulting parties agree to preservation-minded mitigation that is captured in a Memorandum of Agreement (MOA). While mitigation cannot fully compensate for the loss of historic properties, it provides an opportunity to preserve and document the past for the public's education and appreciation.

Appropriate mitigation is project-specific, and takes into consideration project impacts and the needs of the local community. Mitigation may include documenting historic properties before they are demolished; creating websites, displays, and brochures; archaeological investigations; holding public education events; or any number of other activities. There is no formula for mitigation. Ultimately, it is what all parties agree is appropriate. Examples of mitigation products are below.

Documentation:

Documenting historic properties with reports, photos, maps, and drawings is the most common type of mitigation, and is frequently just one component of mitigation. Projects may complete National Park Service documentation standards or the Oregon SHPO documentation standards. Documentation should be shared with state and local libraries and historic repositories, and online whenever possible.

National Register Nominations:

In some cases, it may be appropriate to list a similar property in the National Register of Historic Places. The nomination document records the history of the property, and the designation allows the owner to take advantage of state and federal grant and tax programs.

Brochures, Displays, Interpretive Panels, & Websites:

A key goal of mitigation is to educate the public about historic resources. Brochures, exhibits, interpretive panels, and websites are effective ways of achieving this goal.

Management Documents & More:

Mitigation can include creating management plans for the continued use and maintenance of a historic resource. These plans allow for continued changes to the resource, but establish guidelines for ensuring that the historic appearance is maintained. In many cases, these documents can be written to streamline future consultation. Mitigation can also include digitizing archival records, including newspapers and making them publicly available through the University of Oregon's Historic Oregon Newspaper website. Projects can also establish funding for future preservation projects, or host a farewell event to the historic property where the community can share oral histories and historic photographs.

National Wetland Plant List

U.S. ARMY CORPS OF ENGINEERS **BUILDING STRONG.**

Background: The National Wetland Plant List (NWPL) was first developed by the U.S. Fish and Wildlife Service (FWS) in 1988. The U.S. Army Corps of Engineers (USACE) assumed the lead responsibility for administering the list in December 2006.

The NWPL plays a critical role in wetland determinations under the Clean Water Act and the Wetland Conservation Provisions of the Food Security Act. Wetlands are evaluated using three factors – soils, hydrology, and vegetation in accordance with the 1987 Wetland Delineation Manual and Regional Supplements. The NWPL is used in evaluating the vegetation factor.

The NWPL is a list of wetland plants and their assigned indicator statuses. An indicator status reflects the likelihood that a particular plant occurs in a wetland or upland. The five indicator statuses are: Obligate (OBL) plants that always occur in standing water or in saturated soils; Facultative Wet (FACW) plants that nearly always occur in areas of prolonged flooding or require standing water or saturated soils but may, on rare occasions, occur in non-wetlands; Facultative (FAC) plants that occur in a variety of habitats, including wetland and mesic to xeric non-wetland habitats but commonly occur in standing water or saturated soils; Facultative Upland (FACU) plants that typically occur in xeric or mesic non-wetland habitats but may frequently occur in standing water or saturated soils; and Upland (UPL) plants that almost never occur in water or saturated soils.

Agencies involved in the process: This national effort is led by USACE in collaboration with FWS, the U.S. Environmental Protection Agency and the Natural Resources Conservation Service. Shortly after receiving the responsibility for the NWPL, USACE launched an interagency effort to update the list. This update represents the most complex and thorough evaluation of wetland plant species ratings since the inception of the 1988 list.

Interagency Process – Web-based system for scientific input and opportunity for public input: The updating process for the NWPL revolved around a Web-based system where participants could obtain information and view input made. It began with the updating of all scientific names and reorganization of plant lists using the same 10 boundaries identified in the regional wetland delineation manual supplements. Approximately 65 botanists and ecologists from the four agencies worked on National and Regional Panels for the 10 wetland regions of the U.S. and its territories.

Twelve rounds of voting and evaluation were completed on 8,200 plants typically found in wetlands. It's estimated that 442 external experts from federal, state, and tribal organizations, and the public contributed over 130,000 entries and technical comments regarding a wetland status indicator by

species during the twelve-round process. One of the rounds involved public input received through a Federal Register Notice (FRN) comment period. During the comment period, 377 individuals offered 16,432 votes on species status, 1,159 written technical comments and 35 written comment letters about the updating of the NWPL were received. Based on all the input, 18 algorithms were developed that represent either consensus on a species indicator status or weighting of input based on the evaluation of scientific evidence or information.

This national effort resulted in changes to the indicator status for 12% of the species on the 1988 list. For those species that changed, there was nearly an equal split between species that received wetter ratings and those that received drier ratings.

Implementation: The four federal agencies will use the updated NWPL on all new Jurisdictional Determinations performed after June 1, 2012. The updated NWPL can be found at http://wetland_plants.usace.army.mil. The four agencies signed an Interagency Agreement requiring use of the list by agency staff for wetland delineation purposes as required by Section 404 of the Clean Water Act and the Wetland Conservation Provisions of the Food Security Act. The Federal Register Notice announcing the updated NWPL, the Interagency Agreement, and links to the final NWPL may be found under the Latest News Section of the Headquarters Regulatory homepage at: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx

Attachment B-2. SPCC Plan Outline

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West End Solar Project

Proposed Outline of Spill Prevention, Control, and Countermeasure Plan

Prepared for
EE West End Solar LLC

Prepared by

Tetra Tech, Inc.

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Proposed Outline of Spill Prevention, Control, and Countermeasure Plan

Section 1: Plan Administration

1.1 Management Approval and Designated Person

1.2 Professional Engineer Certificate

1.3 Location of SPCC Plan

1.4 Plan Review

1.5 Facilities, Procedures, Methods, or Equipment Not Yet Fully Operational

1.6 Cross-Reference with SPCC Provisions

Section 2: General Facility Information

2.1 Facility Description

- 2.1.1 Plant Area
- 2.1.2 Solar Array
- 2.1.3 O&M Building and Substation
- 2.1.4 Energy Storage Enclosures

2.2 Summary of Oil Containers and Equipment

2.3 Evaluation of Discharge Potential

Section 3: Plan Requirements and Activities

3.1 Compliance with Applicable Requirements

3.2 Inspections

3.3 Spill Response

3.4 Recordkeeping

3.5 Training

3.6 Security

Appendix A Site Map

Appendix B Container/Equipment Data Sheets

Appendix C Substantial Harm Certification Determination

Attachment D: Performance Guarantee Agreement

[To be executed with site certificate execution]

PERFORMANCE GUARANTEE AGREEMENT

For value received, and in consideration of, and in order to support the Oregon Energy Facility Siting Council (EFSC) in issuing the Site Certificate for the West End Solar Energy Project, Issue Date _____ (Site Certificate) to EE West End Solar LLC, a subsidiary of Eurus Solar Holdings LLC (Subsidiary), the undersigned, Eurus Solar Holdings LLC (Guarantor), a Delaware limited liability company with its principal place of business in the United States in San Diego, California, hereby unconditionally guarantees to the EFSC the full and prompt payment and performance of all obligations, accrued and executory, which Subsidiary presently or hereafter may have under the Site Certificate. Guarantor further agrees to indemnify the EFSC against any losses the EFSC may sustain and expenses it may incur as a result of the enforcement or attempted enforcement by the EFSC of any of its rights and remedies under the Site Certificate, in the event of a default by Subsidiary thereunder, and/or as a result of the enforcement or attempted enforcement by the EFSC of any of its rights against Guarantor hereunder.

Guarantor has read and consents to the Subsidiary's signing of the Site Certificate. Guarantor further agrees that Subsidiary and EFSC shall have the full right, without any notice to or consent from Guarantor, to make any and all modifications or amendments to the Site Certificate without affecting, impairing, or discharging, in whole or in part, the liability of Guarantor hereunder.

Guarantor hereby expressly waives all defenses that might constitute a legal or equitable discharge of a surety or guarantor, and agrees that this Performance Guarantee Agreement shall be valid and unconditionally binding upon Guarantor regardless of (i) the reorganization, merger, or consolidation of Subsidiary into or with another entity, corporate or otherwise, or the liquidation or dissolution of Subsidiary, or the sale or other disposition of all or substantially all of the capital stock, business or assets of Subsidiary to any other person or party, or (ii) the institution of any bankruptcy, reorganization, insolvency, debt agreement, or receivership proceedings by or against Subsidiary, or adjudication of Subsidiary as a bankrupt, or (iii) the assertion by the EFSC against Subsidiary of any of the EFSC's rights and remedies provided for under the Site Certificate, including any modifications or amendments thereto, or under any other document(s) or instrument(s) executed by Subsidiary, or existing in the EFSC's favor in law, equity, or bankruptcy.

Guarantor further agrees that its liability under this Performance Guarantee Agreement shall be continuing, absolute, primary, and direct, and that the EFSC shall not be required to pursue any right or remedy it may have against Subsidiary or other Guarantors under the Site Certificate, or any modifications or amendments thereto, or any other document(s) or instrument(s) executed by Subsidiary, or otherwise. Guarantor affirms that the EFSC shall not be required to first commence any action or obtain any judgment against Subsidiary before enforcing this Performance Guarantee Agreement against Guarantor, and that Guarantor will, upon demand, pay the EFSC any amount, the payment of which is guaranteed hereunder and the payment of which by Subsidiary is in default under the Site Certificate or under any other document(s) or instrument(s) executed by Subsidiary as aforesaid, and that Guarantor will, upon demand,

perform all other obligations of Subsidiary, the performance of which by Subsidiary is guaranteed hereunder.

Guarantor agrees to assure that it shall cause this Performance Guarantee Agreement to be unconditionally binding upon any successor(s) to its interests regardless of (i) the reorganization, merger, or consolidation of Guarantor into or with another entity, corporate or otherwise, or the liquidation or dissolution of Guarantor, or the sale or other disposition of all or substantially all of the capital stock, business, or assets of Guarantor to any other person or party, or (ii) the institution of any bankruptcy, reorganization, insolvency, debt agreement, or receivership proceedings by or against Guarantor, or adjudication of Guarantor as a bankrupt.

Guarantor further warrants and represents to the EFSC that the execution and delivery of this Performance Guarantee Agreement is not in contravention of Guarantor's Articles of Organization, Charter, by-laws, and applicable law; that the execution and delivery of this Performance Guarantee Agreement, and the performance thereof, has been duly authorized by the Guarantor's Board of Directors, Trustees, or any other management board which is required to participate in such decisions; and that the execution, delivery, and performance of this Performance Guarantee Agreement will not result in a breach of, or constitute a default under, any loan agreement, indenture, or contract to which Guarantor is a party or by or under which it is bound.

No express or implied provision, warranty, representation or term of this Performance Guarantee Agreement is intended, or is to be construed, to confer upon any third person(s) any rights or remedies whatsoever, except as expressly provided in this Performance Guarantee Agreement.

In witness thereof, Guarantor has caused this Performance Guarantee Agreement to be executed by its duly authorized officer, on _____.

EURUS SOLAR HOLDINGS LLC

By: _____
Name:
Title:

Acknowledged and Agreed to:
ENERGY FACILITY SITING COUNCIL

By: _____
Name:
Title: Chair

Attachment I-1. Erosion Sediment Control Measures

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West End Solar Project
Erosion Sediment Control Measures

West End Solar Project
September 2022

Prepared for
EE West End Solar LLC

Prepared by

Tetra Tech, Inc.

Modified by Department October 2022

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Erosion and Sediment Control Measures

I. Introduction

EE West End Solar LLC (Applicant), a subsidiary of Eurus Energy America Corporation, proposes to construct the West End Solar Project (Project), a solar energy generation facility and related or supporting facilities in Umatilla County, Oregon. The Project Site Boundary includes 324 acres. Land uses within the Site Boundary consists primarily of fallow agriculture land with two existing transmission lines that pass through the Site Boundary. Land within the Site Boundary is zoned Exclusive Farm Use by the Umatilla County.

Based on the Natural Resources Conservation Service Soil Data (NRCS 2019), there are two major soil types in the Project Site Boundary. The Adkins fine sandy loam makes up 73 percent of the Site Boundary and are eolian deposits, consisting of deep, well-drained soils deposited or transported by wind activity. The remainder of the Site Boundary is composed of Quincy fine sand (27 percent). The Quincy fine sand is both colluvial and alluvial deposits, consisting of very deep excessively drained soils formed in sands on dunes and terraces. Soils within the Site Boundary have a K factor (erosion factor that indicates the susceptibility of a soil to sheet and rill erosion by water) that ranges from approximately 0.1 to 0.32, which could be considered slight to moderate erodibility (NRCS 2019). However, precipitation is limited in the Project Site Boundary, as the historical average of precipitation and snow received in Umatilla, Oregon averages 8.93 inches annually, most of which occurs between October and April (Climate Data 2020). Wind erosion is moderate for the Adkins fine sandy loam and is severe for the Quincy fine sand.

The Site Boundary occupies slopes ranging from approximately zero to 15 percent, with an average slope of less than 2 percent. Elevations within the Site Boundary range from approximately 665 feet to 732 feet above mean sea level. No wetland or stream features were mapped by the National Wetlands Inventory (NWI) database and National Hydrography Dataset (NHD) within or immediately adjacent to the Site Boundary and none were documented during the Project field investigations.

II. Regulatory Background

The U.S. Environmental Protection Agency has delegated authority to the ODEQ to issue National Pollutant Discharge Elimination System (NPDES) stormwater discharge permits for construction and operations activities. A NPDES permit is required for construction activities that will disturb more than one acre of land and has the possibility of stormwater running off the site into surface waters or conveyance systems leading to surface waters of the state.

Project activities will disturb more than one acre of land; however, as there are no surface waters or ditches/conveyance systems within or adjacent to the Site Boundary and the topography of the Project site is such that rainfall or snowmelt would not leave the site or enter a waterway, the Applicant maintains that there is no possibility of stormwater running off the site into surface waters of the state or into a conveyance systems leading to surface waters of the state. Therefore, the Applicant understands that a NPDES 1200-C permit is not required.

An Erosion and Sediment Control Plan (ESCP) is required with NPDES 1200-C permit coverage. Although 1200-C permit coverage is not required, the Applicant has prepared this document to provide a description of erosion and sediment control measures and best management practices that will be implemented prior to and during construction to reduce erosion. A site-specific ESCP may be developed prior to construction in coordination with the county and any required grading permit documents.

III. Vegetation Management

- To the extent practicable, existing vegetation will be preserved. Where vegetation clearing is necessary, root systems would be conserved if possible.
- The Applicant will provide long-term soil stability by reseeding disturbed areas to reestablish vegetation. Temporarily impacted areas that are reseeded will be monitored for restoration success according this plan, the Noxious Weed Control Plan (Final Order Attachment P-4) and the Habitat Mitigation Plan (Final Order Attachment P-5).
- ~~o~~ Applicant will provide long-term soil stability by reseeding disturbed areas to reestablish vegetation. At the completion of land-disturbing activities, the site will be revegetated with an appropriate seed mix. The seed will be applied with mulch to protect the seeds as the grass establishes. Scarifying and reseeding of affected areas will occur after construction has been completed.

- Vegetate and mulch disturbed areas.
    - Apply temporary and/or permanent soil stabilization measures immediately on all disturbed areas as grading progresses. Temporary or permanent stabilizations measures are not required for areas that are intended to be left unvegetated, such as dirt access roads or utility pole pads.
    - Exposed soil will be seeded and mulched as soon as practicable after grading is completed.

~~III.~~*IV. Erosion and Sediment Control Measures and Best Management Practices*

Erosion control best management practices will be implemented during all ground disturbing activity until permanent site ground covers are in place. A best management practice (BMP) is a physical, chemical, structural or managerial practice that prevents, reduces or treats contamination of water or which prevents or reduces soil erosion. The following BMPs protect exposed soil surfaces from rain generated splash erosion, dust erosion, and help slow flows across a site of ground disturbance.

- Erosion Prevention Practices:
    - Grading will be minimized to the maximum extent practicable and existing vegetation preserved where practical.
    - Grading will be scheduled/phased to minimize soil exposure and prevent exposed inactive areas from becoming a source of erosion. Existing vegetation will not be removed any sooner than is necessary.
    - Applicant will implement BMPs for erosion, including perimeter controls (e.g., silt fence), soil stabilization (e.g., mulching or tackifiers), and dust control

- Fugitive Dust Abatement:
    - Water, soil-binding agents, or other dust control techniques will be implemented as needed to avoid wind-blown soil. Watering will be applied without creating ponding or mists that travel beyond the site. If soil-binding agents are used, they will be applied in a way to not travel beyond the site.
    - Fugitive dust from truck traffic will be minimized by applying water to access roads and by keeping paved public rights-of-way (ROW) clean or wet down. All trucks entering and leaving the Site will adhere to the posted speed limit, which shall be no more than 10 miles per hour (mph). All trucks leaving unpaved areas to paved areas of the public ROW, whether full or empty, will be visually inspected for loose material. Stabilized construction exits (e.g., 3- to 6-inch cobblestone or rip rap placed on top of a geotextile) will be used to assist with cleaning of truck tires as the vehicles leave unpaved areas. Any loose material is to be removed and placed into the truck trailer.
    - Fugitive dust from grading will be minimized by implementing a phased grading approach. During grading or soil excavation a combination of the following measures may be implemented: water spray/mist, adjust grading activities, and/or suspend work under unfavorable conditions (sustained wind speed greater than 20 miles per hour).
    - For areas where soils are stockpiled, a combination of the following measures may be implemented: water spray/mist, soil-binding agents , and/or other dust suppression systems such as covering stockpiles particularly if sustained wind greater than 20 miles per hour are expected.
    - For soil loading, hauling, and backfilling, use airborne dust wet suppression system and water spray mist as required.
    - Before land-disturbing activities begin, BMPs will be in place to prevent the tracking of sediment onto public or private roads such as using graveled (or paved) exits and parking areas, placing gravel on unpaved roads onsite, or using an exit tire wash. Haul truck traffic will be limited to improved access roads and gravel-covered haul roads, limiting deep soil compaction and disturbance. The loads of the haul trucks and heavy equipment, and the resulting induced stress, will be distributed through the gravelly surfacing material, minimizing compaction of the native soils. Mitigation efforts to reduce impacts from soil compaction will include scarifying and reseeding affected areas after construction is completed.
- Sediment retention:
    - Sediment will be kept on site by using sediment basins, traps or sediment barriers. Sediment basins and traps will be located at low points below disturbed areas. Earth dikes or swales will be implemented as needed to route drainage from disturbed areas into the basins. Sediment barriers and sediment fences will be placed below small disturbed areas on gentle to moderate slopes.

References

West End Solar Application for Site Certificate Exhibit U, K, and U,

NRCS (Natural Resources Conservation Service) 2019 Web Soil Survey Map. Electronic document, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Last modified May 20, 2020

Attachment P-3: Wildlife Monitoring and Adaptive Management Plan

Measures to Avoid, Reduce or Mitigate Impacts to State Sensitive Species –
OAR 345-021 0010(1)(p)(G)

> *OAR 345-021-0010(1)(p) (G) A description of any measures proposed by the applicant to avoid, reduce, or mitigate the potential adverse impacts described in (F) in accordance with the general fish and wildlife habitat mitigation goals and standards described in OAR 635- 415-0025 and a description of any measures proposed by the applicant to avoid, minimize, and provide compensatory mitigation for the potential adverse impacts described in (F) in accordance with the sage-grouse specific habitat mitigation requirements described in the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-140-0000 through -0025, and a discussion of how the proposed measures would achieve those goals and requirements.*

This plan identifies the avoidance, minimization, and mitigation measures that will be implemented during facility design, construction and operation to avoid, minimize, and mitigate potential adverse impacts to state sensitive species with a potential to occur within the site.

> Note: several measures that would minimize potential impacts to wildlife species, including noxious weed control, vegetation management and habitat mitigation, are not included in this plan because they are covered in other conditions of the site certificate.

Prior to each phase below, the certificate holder shall provide a compliance plan or similar format to the Department for how it intends to demonstrate, implement and track compliance with the measures identified.

The measures included in this plan may be amended from time to time by agreement of the certificate holder and EFSC. Such amendments may be made without an amendment of the Site Certificate. The Council authorizes ODOE to agree to amendments to this plan and to mitigation actions that may be required under this plan. ODOE shall notify EFSC of all amendments and mitigation actions, and the Council retains the authority to approve, reject or modify any amendment of this plan or mitigation action agreed to by ODOE.

1.0 Project Design

Prior to construction, the certificate holder shall ensure that facility components are designed in accordance with the following:

- The substation and associated equipment will be designed to comply with APLIC Guidelines.

- Outdoor lighting at the substation and O&M enclosure will be limited in intensity, shielded, and hooded in a manner that prevents the lighting from projecting onto adjacent properties, roadways, and waterways.

- Vertical pipes and piles will be capped or otherwise modified to prevent entrance or use by cavity dwelling and nesting birds, as well as small mammals and lizards.

- Facility perimeter fencing will include one or more gates in corners of facility site to allow deer to escape if they become trapped. Certificate holder shall consult with ODOE and ODFW on wildlife escape gates and shall demonstrate on a site plan the perimeter fencing includes wildlife escape fencing consistent with recommendations received during ODOE/ODFW consultation.

2.0 Pre-Construction

Prior to construction, the certificate holder shall complete the following:

- Develop a facility-specific worker environmental training program that all employees and contractors working in the field will be required to attend prior to working on-site. The training shall include information regarding the sensitive biological resources including potentially occurring listed and sensitive species, individual responsibilities associated with the Project, and the consequences of non-compliance.

- Contact Blue Mountain Wildlife to establish their ability to respond to the facility during construction in the event of injured wildlife.

- Schedule vegetation clearing to occur before the critical period for ground-nesting birds (April 15 – September 1) to avoid disturbing active nests. If vegetation removal is necessary during the critical period for ground nesting birds, the certificate holder shall hire a qualified biologist to conduct a clearance survey for nesting birds prior to vegetation removal. Active nests identified during the clearance survey shall be flagged for avoidance, and marked as sensitive areas on construction maps.

3.0 Construction

During construction, the certificate holder shall complete the following:

- Vegetation clearing will be scheduled to occur before the critical period for ground-nesting birds (April 15 – September 1) to avoid disturbing active nests. If vegetation removal is necessary during the critical period for ground nesting birds, the certificate holder shall hire a qualified biologist to conduct a clearance survey for nesting birds prior to vegetation removal. Active nests identified during the clearance survey shall be flagged for avoidance, and marked as sensitive areas on construction maps.

- Implement speed limit restrictions on internal access roads for all onsite vehicles, not to exceed 20 miles per hour.

- Utilize Blue Mountain Wildlife or other licensed local wildlife rehabilitator(s) to respond to the facility in the event of injured wildlife.

- Report any incidences of injured wildlife within the site boundary to ODFW and ODOE.

- Implement a facility-specific worker environmental training program that all employees and contractors working in the field will be required to attend prior to working on-site. The training shall include information regarding the sensitive biological resources including potentially occurring listed and sensitive species, individual responsibilities associated with the Project, and the consequences of non-compliance.

4.0 Operations

During operations, the certificate holder shall complete the following:

- Utilize Blue Mountain Wildlife or other licensed local wildlife rehabilitator(s) to respond to the facility in the event of injured wildlife.

- Report any incidences of injured wildlife within the site boundary to ODFW and ODOE.

- Implement speed limit restrictions on internal access roads for all onsite vehicles, not to exceed 20 miles per hour.

Attachment P-4 Draft Noxious Weed Plan

West End Solar Project

Draft Noxious Weed Control Plan

West End Solar Project
April 2022
As Amended by ODOE in preparation of the Draft Proposed Order issued in October 2022

Prepared for
EE West End Solar LLC

Prepared by

Tetra Tech, Inc.

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1.0 Introduction

EE West End Solar LLC (Applicant), a subsidiary of Eurus Energy America Corporation, proposes to construct the West End Solar Project (Project), a solar energy generation facility and related or supporting facilities in Umatilla County, Oregon. The Project will be a photovoltaic solar energy facility with an estimated nominal and average generating capacity of 50 megawatts (MW) of alternating current. The Project may include an energy storage system with a capacity of up to 70 MW. The Project Site Boundary is 324 acres within which all Project facilities will be located.

Oregon Administrative Rule (OAR) 660-033-0130 (38)(h)(D) states, in regard to photovoltaic solar power generation facilities, that:

> *"Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval."*

This Draft Noxious Weed Control Plan (Plan) was prepared to comply with OAR 660-033-0130 (38)(h)(D) and describes the noxious weed control measures that will be implemented during construction and operation of the Project. Noxious weed control practices for the Project described in this plan were developed in coordination with the Umatilla County Weed Department Supervisor.

1.1 Background

The measures described in this Plan are designed to minimize the introduction of new noxious weed species and to control existing populations of target noxious weeds (See Section 1.2). In addition, new noxious weeds detected during post-construction revegetation (as described below) will be considered a result of construction activities and shall be controlled and treated accordingly. For the purposes of this Plan, treatment of target noxious weeds will focus on the entire area within the Project Site Boundary (Figure 1) to minimize noxious weed impacts to surrounding habitat and agricultural areas.

Designated noxious weeds are those invasive weed species that are of elevated economic or environmental concern to the State of Oregon or local jurisdictions and receive priority during management planning and operations. Under Oregon Revised Statutes (ORS) Chapter 569, the Oregon Department of Agriculture (ODA) and Oregon State Weed Board (OSWB) develop and maintain a State Noxious Weed List. OSWB and the ODA classify noxious weeds in Oregon in accordance with the ODA Noxious Weed Classification System (ODA 2020a). Noxious weeds, for the under this system are classified as either "A" or "B" Listed Weeds and may also be listed as "T-Designated Weeds" which are priority target weeds for control, as directed by the OSWB. The ODA also designates select weeds from either the "A" or "B" list as "T" designated weeds. "T" designated

weeds are priority noxious weeds that the ODA has targeted for prevention and control. Per ODA 2020a, the definitions for these classifications are as follows:

- **"A" Listed Weed:** A weed of known economic importance which occurs in the state/county in small enough infestations to make eradication/containment possible; or is not known to occur, but its presence in neighboring states/counties makes future occurrence in Oregon seem imminent.
  Recommended action: infestations are subject to eradication or intensive control when and where found.

- **"B" Designated Weed:** A weed of known economic importance, which is regionally abundant, but which may have limited distribution in some counties.
  Recommended action: limited to intensive control at state, county, or regional level as determined on a case-by-case basis. Where implementation of a fully integrated statewide management plan is feasible, biological control shall be the main control approach for species for which biological agents are available.

- **T-Designated Weed:** A designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority. T-designated noxious weeds are determined by the Oregon State Weed Board and directs ODA to develop and implement a statewide management plan. T-designated noxious weeds are species selected from either the A or B list.

Currently, the ODA lists 46 Class A noxious weed species and 94 Class B noxious weed species (ODA 2020a; Appendix A).

In addition to the State Noxious Weed List, Chapter 97 of the Umatilla County Code includes the Umatilla County Weed Ordinance which defines what is considered a noxious weed, identifies the responsibility of private land owners to control weeds, and outlines the authority of the weed control district and Umatilla County Board of Commissioners to enforce the ordinance. Per ORS 569.350 through 569.520, Umatilla County maintains a Umatilla County Noxious Weed Control List (Umatilla County 2017). This list, adopted by the County in 2017, includes 39 noxious weed species that have been found currently or previously growing in the County (Umatilla County 2017; see Appendix B). Of these 39 species, 19 are classified as "A" designated weeds and 20 are classified as "B" designated weeds.

1.2 Target Noxious Weed Species

For the purposes of this Plan, target noxious weeds include County-listed "A" and "B" noxious weed species and ODA-listed "A" and "T" noxious weed species (see Appendices A and B). Based on botanical surveys conducted in 2019 and 2020 (Tetra Tech 2020), six target noxious weed species were observed within the Project Site Boundary (Table 1). Three of these listed noxious weeds, yellow starthistle (*Centaurea solstitialis*), rush skeletonweed (*Chondrilla juncea*), and cereal rye (*Secale cereale*), were highly abundant through the Project area (Tetra Tech 2020). Although these six

species will specifically be targeted for control, if other ODA-listed "A" or "T" noxious weeds or County-listed "A" and "B" noxious weeds are observed in the Project Site Boundary, they will also be treated.

Table 1. Target Noxious Weeds Located Within the Project Site Boundary

Scientific Name	Common Name	ODA Status	County Status
Bassia scoparia	mock cypress, burning bush, kochia	B	B
Centaurea solstitialis	yellow starthistle	B	B
Chondrilla juncea	rush skeletonweed	B, T	A
Onopordum acanthium	Scotch thistle	B	B
Secale cereale	cereal rye, rye	not listed	B
Tribulus terrestris	puncturevine, goat's head	B	B

2.0 Noxious Weed Control

The Applicant's primary objective is to prevent the introduction of new noxious weed populations and control existing target noxious weed populations within the Project Site Boundary[1]. Due to the pervasiveness of the noxious weeds as well as other non-native, invasive species present at the site (Tetra Tech 2020), weed control efforts will begin prior to construction. Throughout pre-construction, construction, and operational activities, the Applicant will take appropriate actions to control and prevent the spread of noxious weeds.

If, during construction or operation, occurrences of Lawrence's milkvetch are incidentally observed within the perimeter fenceline, -the certificate holder shall confer with the Oregon Department of Agriculture on the revegetation, weed treatment, and restoration of areas in proximity to these occurrences to ensure that actions are suitable to support the state-listed T&E plant species.

Initial short-term weed control will be through herbicide use (as discussed in Section 2.2.1) or mechanical methods (as discussed in Section 2.2.2). Additional spot-treatment of weeds through herbicide use may be needed for long-term weed control. As an additional form of long-term weed control within the solar array footprint, the Applicant anticipates installing and maintaining low-growing vegetation between the solar arrays and installing and maintaining either a gravel base or low-growing vegetation below the solar arrays. Revegetation will be accomplished by the seeding of site-suitable, drought-tolerant, low-stature (< 2 feet) native or non-native, non-invasive perennial grasses and forbs species known to compete well with the noxious weeds and other non-native, invasive species occurring at the site (i.e., desirable vegetation). Seeding will occur between October 1 and February 1 (the preferred seeding dates specified by the Oregon Department of Transportation for construction east of the Cascades)[2].

It will be important to ensure that herbicide use does not affect establishment of desirable vegetation in revegetation areas that will provide long-term control. Supplemental seeding, as well

[1] The Project fence line is located within the Site Boundary and therefore would be subject to this Plan.
[2] Oregon Department of Transportation. Oregon Standard Specification for Construction 2018. Section 01030.43(b)

as spot herbicide treatments may be needed on a case-by-case basis. Subsequent fertilizer application will be limited in areas treated for target noxious weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

2.1 Preventative Methods

The Applicant ~~will~~ shall implement best management practices (BMPs) before and during Project construction and operation to help prevent the invasion and spread of noxious weeds onsite. These ~~may~~ BMPs will include the implementation of the following measures as appropriate:

- Educating workers of the importance of noxious weed prevention and treatment measures;
- Providing information to construction crews and operational staff regarding target noxious weed species at the operations and maintenance enclosure;
- Inspecting all vehicles and equipment for evidence of noxious weeds before leaving the Project site. If a vehicle or piece of equipment shows visual signs of potential noxious weeds, the vehicle will be cleaned in a designated area onsite, including wheel washing or applying compressed air, before exiting the Project site.
- Equipment and vehicles used to move vegetation and topsoil in noxious weed-infested areas during the clearing phases of the Project will be cleaned of seeds, roots, and rhizomes prior to being allowed to proceed to other areas of the Project site. In most infestation locations, vehicles will be cleaned using compressed air.
- Inspecting for weeds in materials such as gravel or fill for roads, seed mixes used for revegetation, and/or vegetation removed from the site prior to transporting to/from the site;
- Routine, scheduled inspections of the construction area will be conducted on an ongoing basis, beginning with a survey of the site prior to commencement of construction activities and followed by periodic surveys for the duration of the construction process;
- Preventing conditions that favor noxious weed establishment by revegetating disturbed areas as soon as appropriate following construction;
- Inspecting and certifying that the seed mixes are free of weed seed and propagules.
- Monitoring areas of temporary and permanent disturbance for noxious weeds after construction, during the normal course of revegetation maintenance, and implementing control measures appropriately (as described below);
- After construction has concluded, annual monitoring of the site for the presence of noxious weeds for the operating life of the Project. If a noxious weed is detected, it will be addressed (i.e. abated, controlled or eradicated) and the detection area monitored; and
- Including noxious weed prevention and control measures, such as Project inspection and documentation, in operations plans.

2.2 Treatment Methods

Control of noxious weeds will be implemented through manual, mechanical or chemical (i.e., herbicide) control measures. Manual control methods include hand-pulling and using hand tools to remove noxious weeds. Mechanical control includes mowing or disking with machinery. Chemical

application is accomplished through use of herbicides targeted to the individual weed species. The Applicant will be responsible for hiring a qualified contractor to implement the treatment of noxious weeds. The most appropriate control method depends on the noxious weed species being treated, the size of the infestation, and the terrain and habitat needing treatment. Standard treatment methods for noxious weeds can be found in the Pacific Northwest Weed Management Handbook (Peachey 2022), ODA's Oregon Noxious Weed Profiles (ODA 2020b), and Weed Control in Natural Areas in the Western United States (UC Davis 2013). If chemical control is implemented, it will be timed and conducted during suitable climatic conditions to minimize or prevent drift. Initial wed control efforts will begin prior to construction.

2.2.1 Herbicide Treatment

The specific herbicide used and the timing of application will be chosen based on the specific noxious weed being treated, as appropriate herbicides differ between species and types of plants (i.e., dicots versus monocots). Recommended treatment methods, as well as the recommended timing of treatments for the six target noxious weeds identified within the Project Site Boundary, can be found in the Pacific Northwest Weed Management Handbook (Peachey 2022) and Weed Control in Natural Areas in the Western United States (UC Davis 2013). Only herbicides approved by the U.S. Environmental Protection Agency and ODA will be applied and appropriate best management practices will be implemented during application. Herbicides will be applied with a spreader sticker surfactant (e.g., Dynamic Green Concepts, Phase).

2.2.2 Manual and Mechanical Treatment

Manual and mechanical control methods rely on removal of plants, seed heads, and/or cutting roots with a shovel or other hand tools or mechanical equipment that can be used to remove, mow, or disc noxious weed populations. Hand removal of plants is also included under this treatment method. Manual and mechanical methods are useful for smaller, isolated populations of noxious weeds or in areas of sensitive species or habitats, or can be used in combination with chemical control methods. Additionally, hand removal of small infestations can minimize soil disturbance, allowing desirable species to remain and limiting conditions favorable for noxious weeds. Some rhizomatous plants can spread by discing or tillage; therefore, implementation of discing, where applicable, will be species specific.

If such a method is used in areas where revegetation will be implemented, subsequent seeding will be conducted to establish desirable vegetative cover that will stabilize the soils and slow the potential re-invasion of noxious weeds.

3.0 Monitoring

A pre-construction monitoring survey will be scheduled before construction to identify noxious weed species within the Project Site Boundary, with a focus on target noxious weed species observed during the on botanical surveys conducted in 2019 and 2020 (Table 1, Tetra Tech 2020).

Weed control measures (manual, mechanical, and/or chemical) will occur prior to commencement of construction activities.

During the construction phases of the Project, construction staff will conduct periodic monitoring of target noxious weeds within the Project Site Boundary. Any signs of new target noxious weed growth, or of re-growth in treated areas, will be addressed promptly with further herbicide, manual, or mechanical treatments or other best management practices.

Following construction, monitoring for target noxious weeds will be conducted annually for the first five years to assess weed growth and to inform noxious weed control measures. Noxious weed monitoring will consist of a site survey, conducted during the growing season, to identify noxious weed species that have established within the Project Site Boundary, as well as inspections of treated areas to assess the success of previous noxious weed treatments.

The initial post-construction monitoring survey will be scheduled slightly before post-construction herbicide application, as applicable, to identify noxious weed species within the Project Site Boundary, with a focus on target noxious weed species observed prior to construction (Table 1), or other populations of target noxious weeds not previously observed in these areas.

The results of the initial monitoring will be summarized in a monitoring report that details all noxious weed species observed, identifies treatment protocols for target noxious weed species, and describes the location of target noxious weed species identified. Subsequent monitoring will assess the success of noxious weed treatments and will document any new target noxious weed infestations observed. These results will be summarized in short memorandums provided to the County and ODOE that describe the treatment success or failure, make recommendations to improve treatment success (if necessary), and note any new target noxious weed species or emergence. If the Applicant contracts with the County Weed Department Supervisor to perform weed control at the Project, then no monitoring report will be provided except for a statement that the County performed the work.

The Applicant will maintain ongoing communication with individual landowners and the County regarding noxious weeds within the Project Site Boundary. Landowners may also contact the Applicant to report the presence of noxious weeds. The Applicant will control the reported noxious weeds on a case-by-case basis and will include a summary of actions taken for that incident in the memorandum.

4.0 Weed Department Supervisor Review

Teddy Orr, Weed Department Supervisor, was provided with a copy of this Plan for review in April 2022 and his comments were addressed in this plan.

Teddy Orr, Weed Department Supervisor
Umatilla County Road Department
3920 Westgate Street
Pendleton, OR 97801-3920
(541) 278-5462; theodore.orr@umatillacounty.gov

The Applicant shall coordinate with the Umatilla County Weed Department Supervisor on any proposed amendments of the plan.

5.0 Plan Amendment

This Plan may be amended from time to time by agreement of the Applicant and the Energy Facility Siting Council (Council). Such amendments may be made without an amendment of the Site Certificate. The Council authorizes ODOE to agree to amendments to this plan. ODOE shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendments of this plan agreed to by ODOE.

6.0 References

ODA (Oregon Department of Agriculture). 2020a. Noxious Weed Policy and Classification System. Noxious Weed Control Program. Salem, OR. Available online at: https://www.oregon.gov/ODA/shared/Documents/Publications/Weeds/NoxiousWeedPolicyClassification.pdf. Accessed March 2022.

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Umatilla County. 2017. Weed Control Board. Umatilla County Noxious Weed List. Available online at: https://www.co.umatilla.or.us/road/departments/road/weed/noxious-weed-control-list (accessed March 2022).

University of California at Davis (UC Davis). 2013. Weed control in natural areas in the Western United States. University of California Weed Research and Information Center. 544 pages.

7.0 Figures

West End Solar Project

Figure 1
Site Boundary
(Micrositing Corridor)

UMATILLA COUNTY, OR

- Proposed Site Boundary
- Existing Transmission Line
- Hermiston Municipal Airport
- City/Town
- US Highway
- County Highway
- Local Roads
- County Boundary

TETRA TECH Eurus Energy

Reference Map

1:20,000 WGS 1984 UTM Zone 11N

0 0.25 0.5 1 1.5 2 Miles

NOT FOR CONSTRUCTION

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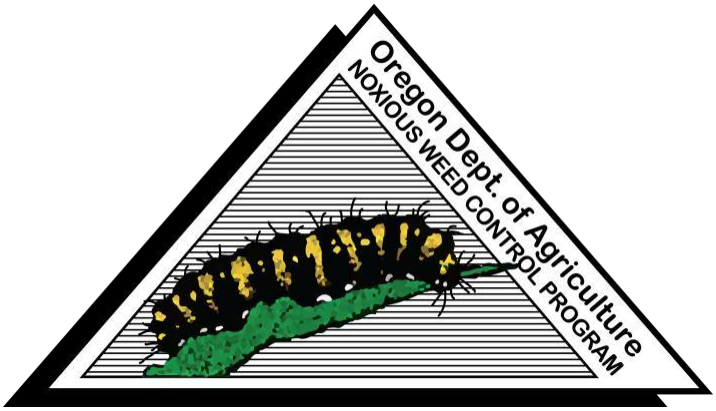
8.0 Appendices

Appendix A. ODA Noxious Weed Policy and Classification System 2020

Oregon Department of Agriculture

Noxious Weed Policy and Classification System 2020



Noxious Weed Control Program

Address: 635 Capitol Street NE, Salem, Oregon 97301
Phone: (503) 986-4621 **Fax:** (503) 986-4786
www.oregon.gov/ODA/programs/Weeds/Pages/AboutWeeds.aspx

Mission Statement

To protect Oregon's natural resources and agricultural economy from the invasion and proliferation of invasive noxious weeds.

Program Overview

The Oregon Department of Agriculture (ODA) Noxious Weed Control Program provides statewide leadership for coordination and management of state listed noxious weeds. The state program focuses on noxious weed control efforts by implementing early detection and rapid response projects for new invasive noxious weeds, implementing biological control, implementing statewide inventory and survey, assisting the public and cooperators through technology transfer and noxious weed education, maintaining noxious weed data and maps for priority listed noxious weeds, and assisting land managers and cooperators with integrated weed management projects. The Noxious Weed Control Program also supports the Oregon State Weed Board (OSWB) with administration of the OSWB Grant Program, developing statewide management objectives, developing weed risk assessments, and maintaining the state noxious weed list.

Tim Butler
Program Manager
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Noxious Weed Control Policy and Classification System

Definition

"Noxious weed" means a terrestrial, aquatic or marine plant designated by the Oregon State Weed Board under ORS 569.615 as among those representing the greatest public menace and as a top priority for action by weed control programs.

Noxious weeds have become so thoroughly established and are spreading so rapidly on private, state, county, and federally owned lands, that they have been declared by ORS 569.350 to be a menace to public welfare. Steps leading to eradication, where possible, and intensive control are necessary. It is further recognized that the responsibility for eradication and intensive control rests not only on the private landowner and operator, but also on the county, state, and federal governments.

Weed Control Policy

Therefore, it shall be the policy of ODA to:

1. Assess non-native plants through risk assessment processes and make recommendations to the Oregon State Weed Board for potential listing.
2. Rate and classify weeds at the state level.
3. Prevent the establishment and spread of listed noxious weeds.
4. Encourage and implement the control or containment of infestations of listed noxious weed species and, if possible, eradicate them.
5. Develop and manage a biological weed control program.
6. Increase awareness of potential economic losses and other undesirable effects of existing and newly invading noxious weeds, and to act as a resource center for the dissemination of information.
7. Encourage and assist in the organization and operation of noxious weed control programs with government agencies and other weed management entities.
8. Develop partnerships with county weed control districts, universities, and other cooperators in the development of control methods.
9. Conduct statewide noxious weed surveys and weed control efficacy studies.

Weed Classification System

The purpose of this Classification System is to:

1. Act as the ODA's official guideline for prioritizing and implementing noxious weed control projects.
2. Assist the ODA in the distribution of available funds through the Oregon State Weed Board to assist county weed programs, cooperative weed management groups, private landowners, and other weed management entities.
3. Serve as a model for private and public sectors in developing noxious weed classification systems that aid in setting effective noxious weed control strategies.

Criteria for Determining Economic and Environmental Significance

2

Detrimental Effects

1. A plant species that causes or has the potential to cause severe negative impacts to Oregon's agricultural economy and natural resources.
2. A plant species that has the potential to or does endanger native flora and fauna by its encroachment into forest, range, aquatic and conservation areas.
3. A plant species that has the potential or does hamper the full utilization and enjoyment of recreational areas.
4. A plant species that is poisonous, injurious, or otherwise harmful to humans and/or animals.

Plant Reproduction

1. A plant that reproduces by seed capable of being dispersed over wide areas or that is long-lived, or produced in large numbers.
2. A plant species that reproduces and spreads by tubers, creeping roots, stolons, rhizomes, or other natural vegetative means.

Distribution

1. A weed of known economic importance which occurs in Oregon in small enough infestations to make eradication/containment possible; or not known to occur, but its presence in neighboring states makes future occurrence seem imminent.
2. A weed of economic or ecological importance and of limited distribution in Oregon.
3. A weed that has not infested the full extent of its potential habitat in Oregon.

Difficulty of Control

A plant species that is not easily controlled with current management practices such as chemical, cultural, biological, and physical methods.

Noxious Weed Control Classification Definitions

3

Noxious weeds, for the purpose of this system, shall be listed as either A or B, and may also be designated as T, which are priority targets for control, as directed by the Oregon State Weed Board.

- **A Listed Weed:**

  A weed of known economic importance which occurs in the state in small enough infestations to make eradication or containment possible; or is not known to occur, but its presence in neighboring states make future occurrence in Oregon seem imminent (Table I).

  Recommended action: Infestations are subject to eradication or intensive control when and where found.

- **B Listed Weed:**

  A weed of economic importance which is regionally abundant, but which may have limited distribution in some counties (Table II).

  Recommended action: Limited to intensive control at the state, county or regional level as determined on a site specific, case-by-case basis. Where implementation of a fully integrated statewide management plan is not feasible, biological control (when available) shall be the primary control method.

- **T-Designated Weed (T):**

  A designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority. T-designated noxious weeds are determined by the Oregon State Weed Board and directs ODA to develop and implement a statewide management plan. T-designated noxious weeds are species selected from either the A or B list.

Weed Biological Control

Oregon implements biological control, or "biocontrol" as part of its integrated pest management approach to managing noxious weeds. This is the practice of using host-specific natural enemies such as insects or pathogens to control noxious weeds. The Oregon Department of Agriculture Noxious Weed Program has adopted the International Code of Best Practices for biological control of weeds. Only safe, effective, and federally-approved natural enemies will be used for biocontrol.

Table I: A Listed Weeds

Common Name	Scientific Name
African rue (T)	*Peganum harmala*
Camelthorn	*Alhagi pseudalhagi*
Cape-ivy (T)	*Delairea odorata*
Coltsfoot	*Tussilago farfara*
Common frogbit	*Hydrocharis morsus-ranae*
Cordgrass	
Common	*Spartina anglica*
Dense-flowered (T)	*Spartina densiflora*
Saltmeadow (T)	*Spartina patens*
Smooth (T)	*Spartina alterniflora*

Delta arrowhead (T)	*Sagittaria platyphyla*
European water chestnut	*Trapa natans*
Flowering rush (T)	*Butomus umbellatus*
Garden yellow loosestrife (T)	*Lysimachia vulgaris*
Giant hogweed (T)	*Heracleum mantegazzianum*
Goatgrass	
Barbed (T)	*Aegilops triuncialis*
Ovate	*Aegilops ovata*
Goatsrue (T)	*Galega officinalis*
Hawkweed	
King-devil	*Hieracium piloselloides*
Mouse-ear (T)	*Hieracium pilosella*
Orange (T)	*Hieracium aurantiacum*
Yellow (T)	*Hieracium floribundum*
Hoary alyssum (T)	*Berteroa incana*
Hydrilla	*Hydrilla verticillata*
Japanese dodder	*Cuscuta japonica*
Kudzu (T)	*Pueraria lobata*
Matgrass (T)	*Nardus stricta*
Oblong spurge (T)	*Euphorbia oblongata*
Paterson's curse (T)	*Echium plantagineum*
Purple nutsedge	*Cyperus rotundus*
Ravennagrass (T)	*Saccharum ravennae*
Silverleaf nightshade	*Solanum elaeagnifolium*
Squarrose knapweed (T)	*Centaurea virgata*

(T) T-Designated Weed (See page 4)

(Continued) Table I: A Listed Weeds

Common Name	Scientific Name
Starthistle	
Iberian (T)	*Centaurea iberica*
Purple (T)	*Centaurea calcitrapa*
Syrian bean-caper	*Zygophyllum fabago*
Thistle	
Plumeless (T)	*Carduus acanthoides*
Smooth distaff	*Carthamus baeticus*
Taurian (T)	*Onopordum tauricum*
Turkish (T)	*Carduus cinereus*
Welted (curly plumeless) (T)	*Carduus crispus*
Woolly distaff (T)	*Carthamus lanatus*
Water soldiers	*Stratiotes aloides*
West Indian spongeplant	*Limnobium laevigatum*
White bryonia	*Bryonia alba*
Yellow floating heart (T)	*Nymphoides peltata*
Yellowtuft (T)	*Alyssum murale, A. corsicum*

(T) T-Designated Weed (See page 4)

Table II: B Listed Weeds

Common Name	Scientific Name
Armenian (Himalayan) blackberry	*Rubus armeniacus (R. procerus, R. discolor)*
Biddy-biddy	*Acaena novae-zelandiae*
Broom	
French*	*Genista monspessulana*
Portuguese (T)	*Cytisus striatus*
Scotch*	*Cytisus scoparius*
Spanish	*Spartium junceum*
Buffalobur	*Solanum rostratum*
Butterfly bush	*Buddleja davidii (B. variabilis)*
Common bugloss (T)	*Anchusa officinalis*
Common crupina	*Crupina vulgaris*
Common reed	*Phragmities australis ssp. australis*
Creeping yellow cress	*Rorippa sylvestris*
Cutleaf teasel	*Dipsacus laciniatus*
Dodder	
Smoothseed alfalfa	*Cuscuta approximata*
Five-angled	*Cuscuta pentagona*
Bigseed	*Cuscuta indecora*
Dyer's woad	*Isatis tinctoria*
English hawthorn	*Crataegus monogyna*
Eurasian watermilfoil	*Myriophyllum spicatum*
False brome	*Brachypodium sylvaticum*
Field bindweed*	*Convolvulus arvensis*
Garlic mustard (T)	*Alliaria petiolata*
Geranium	
Herb Robert	*Geranium robertianum*
Shiny leaf	*Geranium lucidum*
Giant reed (T)	*Arundo donax*
Gorse* (T)	*Ulex europaeus*

Halogeton	*Halogeton glomeratus*
Houndstongue	*Cynoglossum officinale*
Indigo bush	*Amorpha fruticosa*

* Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Ivy	
Atlantic	*Hedera hibernica*
English	*Hedera helix*
Johnsongrass	*Sorghum halepense*
Jointed goatgrass	*Aegilops cylindrica*
Jubata grass	*Cortaderia jubata*
Knapweed	
Diffuse*	*Centaurea diffusa*
Meadow*	*Centaurea pratensis*
Russian*	*Acroptilon repens*
Spotted* (T)	*Centaurea stoebe (C. maculosa)*
Knotweed	
Bohemian	*Fallopia x bohemica*
Giant	*Fallopia sachalinensis (Polygonum)*
Himalayan	*Polygonum polystachyum*
Japanese	*Fallopia japonica (Polygonum)*
Kochia	*Kochia scoparia*
Lesser celandine	*Ranunculus ficaria*
Meadow hawkweed (T)	*Pilosella caespitosum (Hieracium)*
Mediterranean sage*	*Salvia aethiopis*
Medusahead rye	*Taeniatherum caput-medusae*
Old man's beard	*Clematis vitalba*
Parrot feather	*Myriophyllum aquaticum*
Perennial peavine	*Lathyrus latifolius*
Perennial pepperweed (T)	*Lepidium latifolium*
Pheasant's eye	*Adonis aestivalis*
Poison hemlock*	*Conium maculatum*
Policeman's helmet	*Impatiens glandulifera*
Punctureveine*	*Tribulus terrestris*
Purple loosestrife*	*Lythrum salicaria*
Ragweed	*Ambrosia artemisiifolia*
Ribbongrass (T)	*Phalaris arundinacea var. Picta*
Rush skeletonweed* (T)	*Chondrilla juncea*
Saltcedar* (T)	*Tamarix ramosissima*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

(Continued) Table II: B Listed Weeds

Common Name	Scientific Name
Small broomrape	*Orabanche minor*
South American waterweed	*Egeria densa (Elodea)*
Spanish heath	*Erica lusitanica*
Spikeweed	*Hemizonia pungens*
Spiny cocklebur	*Xanthium spinosum*
Spurge laurel	*Daphne laureola*

Spurge	
Leafy* (T)	*Euphorbia esula*
Myrtle	*Euphorbia myrsinites*
St. Johnswort*	*Hypericum perforatum*
Sulfur cinquefoil	*Potentilla recta*
Swainsonpea	*Sphaerophysa salsula*
Tansy ragwort* (T)	*Senecio jacobaea (Jacobaea vulgaris)*
Thistle	
Bull*	*Cirsium vulgare*
Canada*	*Cirsium arvense*
Italian	*Carduus pycnocephalus*
Milk*	*Silybum marianum*
Musk*	*Carduus nutans*
Scotch	*Onopordum acanthium*
Slender-flowered*	*Carduus tenuiflorus*
Toadflax	
Dalmatian* (T)	*Linaria dalmatica*
Yellow*	*Linaria vulgaris*
Tree of heaven	*Ailanthus altissima*
Velvetleaf	*Abutilon theophrasti*
Ventenata grass	*Ventenata dubia*
Primrose Willow	
Large-flower (T)	*Ludwigia grandiflora*
Water primrose (T)	*Ludwigia hexapetala*
Floating (T)	*Ludwigia peploides*
Whitetop	
Hairy	*Lepidium pubescens*
Lens-podded	*Lepidium chalepensis*
Whitetop (hoary cress)	*Lepidium draba*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

Yellow archangel	*Lamiastrum galeobdolon*
Yellow flag iris	*Iris pseudacorus*
Yellow nutsedge	*Cyperus esculentus*
Yellow starthistle*	*Centaurea solstitialis*

*Biocontrol (See page 4) (T) T-Designated Weed (See page 4)

4/2020

Oregon
Department
of Agriculture

Appendix B. Umatilla County Noxious Weed Control List

Introduction

INTRODUCTION: The Umatilla County Weed Control Board and Board of County Commissioners believes that the prevention and eradication of newly invading weed species yields the greatest return for the resource investment. This is best achieved through an intensive survey and inventory program allowing for early detection and early action. Education and awareness is an integral part of prevention and early detection. Being familiar with what is growing around us is the best way to assure that when a new invader arrives, it will be noticed and dealt with at the most effective stage of development.

ORS.569.350-569.520

Per ORS.569.350-569.520 the following lists is 2017 adopted Umatilla County Noxious Weed Control List. The weeds listed here are those on the 2017 Umatilla County list (this list was recommended by the Umatilla County Weed Board and approved by the Umatilla County Board of Commissors) CURRENTLY FOUND GROWING OR KNOWN TO HAVE GROWN PREVIOUSLY in Umatilla Co. They are divided according to control requirements categories "A" and "B"

“A” designated weed-a weed of known economic importance which occurs in the state/county in small enough infestations to make eradication/containment possible; or is not known to occur, but its presence in neighboring states/county make future occurrence in Oregon seem imminent.

“B” Designated weed-a weed of known economic importance which is regionally abundant, but which may have limited distribution in some counties. Where implementation of a fully integrated statewide management plan is feasible, biological control shall be the main control approach for species which biological agents are available; noted by asterisk.

"A" Designated Weed List

These Class “A” weeds have been found as single plants or in very limited populations in the county. Prevention, early detection, and eradication is high priority. Cost share may be available at the Weed Board discretion

- Camelthorn (Alhagi pseudalhagi)
- Common Bugloss (Anchusa officinalis)
- Common Crupina (Cupina vulgaris)
- Creeping Yellow Cress (Roripa sylvestris)
- Flowering Rush (Botomus umbellatus)
- Garlic Mustard (Alliaria petiolata)

- Japanese Knotweeds [fleece flower] (Polygonum cuspidatum [Fallopia japonica])
- Leafy Spurge (Euphorbia esula)
- Marijuana (Cannabis sativa)
- Meadow Knapweed (Centaurea jacea XC. Nigra)
- Myrtyle Spurge (Euphorbia myrsinites)
- Purple Loosestrife (Lythrum salicaria)
- Purple Starthistle (Centaurea calcitrapa)
- Rush Skeletonweed (Chondrilla juncea)
- Spike Weed (Hemizonia pungens)
- Spotted Knapweed (Centaurea maculosa)
- Tansy ragwort (Senecio jacobaea)
- Viper's bugloss (Echiuin vulgare)
- Yellow flag iris (Iris pseudacorus)

RECOMMENDED ACTION: Infestations are subject to intensive control when and where found.

"B" Designated Weed List

RECOMMENDED ACTION: Limited to intensive control at state or county level as determined on a case-by case basis.

- Austrian Peaweed (Sphaerophysa salsula)
- Canada Thistle (Circium arvense)
- Cereal Rye (Secale cereale)
- Dalmation Toadflax (Linaria dalmatica)
- Dodder (Cuscuta pentagona)
- Diffuse Knapweed (Cuscuta pentagona)
- Hoary Cress (Cardaria draba)
- Johnsongrass (Sorghum halepense)
- Jointed Goatgrass (Aegilopscylindrica)
- Kochia (Kochia scoparia)
- Mediterranean Sage (Salvia aethiopis)
- Musk Thistle (Carduus nutans)
- Puncturevine (Tribulus terrestris)
- Poison hemlock (Coium maculatum)
- Quackgrass (Agropyron repens)
- Ragweed (Ambrosia artemisiifolia)
- Russian Knapweed (Acroptilion repens)
- Scotch Thistle (Onopordum acanthium)
- St. Johswort (Hypericum perforatum)
- Yellow Starthistle (Centaurea solstitialis)

Enforcement emphasis groups; these groups of invasive plants have been targeted for additional enforcement throughout the County according to the land types and corresponding agricultural uses associated. Three land uses types have been identified and weed lists developed for each they are:

- Dry Land Annual Cropping Areas: Emphasis Weeds, Canada Thistle, Scotch Thistle, Yellow Starthistle, Goatgrass, and Kochia.
- Irrigated Crops and Pastures: Emphasis Weeds, Canada Thistle, Scotch Thistle, Bull Thistle, Musk Thistle, Yellow Starthistle, Diffuse Knapweed.

- Dryland Range/Pasture/Timber: Scotch Thistle, Bull Thistle, Canada Thistle Spotted Knapweed, Diffuse Knapweed, Russian Knapweed.

Other Links

ODOT Region 5 ODA

Most Wanted Weed

Road Department

Contact Information

Umatilla County Road Department
3920 Westgate Street
Pendleton, Or 97801
Info:541-278-5462
The Weed Department is open 6:30 am. to 5 pm. Mon. through Thr.

Pendleton Office
3920 Westgate
Pendleton, OR 97801
Phone: 541-278-5424
Hours: Mon-Thr, 6:30AM-5PM
Hours: Fri, 8AM-5PM

Disclaimer

West End Solar Project
Draft Habitat Mitigation Plan

West End Solar Project
October 2022

Prepared for
EE West End Solar LLC

Prepared by

Tetra Tech, Inc.

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1.0 Introduction

This draft Habitat Mitigation Plan (HMP) describes how EE West End Solar LLC (Applicant) will mitigate for the unavoidable wildlife habitat impacts of the West End Solar Project (Project). Specifically, this HMP[1] outlines how the Applicant will construct and operate the Project consistent with the Oregon Department of Fish and Wildlife (ODFW) Habitat Mitigation Policy. This plan addresses mitigation for permanent impacts of Project components (permanent impacts); there are no anticipated temporary impacts associated with the Project. The Applicant proposes the acquisition of conservation land or a conservation easement to protect and enhance a compensatory habitat mitigation area (HMA). In addition, the Applicant reserves the right to pursue alternative mitigation pathways if available in the future by pursuing an amendment to this HMP, as provided under Section 8.0 below. The proposed mitigation is an Applicant-developed mitigation site; this plan specifies potential habitat enhancement actions and monitoring procedures to evaluate the success of those actions, as applicable.

2.0 Description of the Impacts Addressed by the HMP

Construction of the Project will result in approximately 324 acres of permanent impacts, contained within the Project's perimeter fence line and located within the Project's Site Boundary (Table 1).

Table 1. Acres of Impact to Habitat Categories and Types

Habitat Category	Habitat Type	Habitat Subtype	Permanent Impact (acres)
3	Upland Grassland, Shrub-steppe and Shrubland	Shrub-steppe	20
4	Upland Grassland, Shrub-steppe and Shrubland	Eastside grassland	139
5	Upland Grassland, Shrub-steppe and Shrubland	Eastside grassland	161
6	Agriculture, Pasture, and Mixed Environs	Orchards, Vineyards, Wheat Fields, Other Row Crops	4
Total			**324**
Note: Totals in this table may not appear to sum correctly due to rounding.			

The areas proposed to be impacted are primarily composed of Eastside Grassland (Category 4 and 5; 93 percent of the Site Boundary), but also include Shrub-steppe (Category 3; 6 percent of the Site Boundary) as well as cultivated cropland (i.e., Orchards, Vineyards, Wheat Fields, Other Row Crops;

[1] This HMP will be incorporated by reference in the site certificate for the West End Solar Project and must be understood in that context. It is not a "stand-alone" document.

Category 6; 1 percent of the Site Boundary). The Project will not have any impacts on Category 1 or 2 habitat. No mitigation is required for impacts to Category 6 areas.

3.0 Methods for Calculating the Size of the Mitigation Area

The mitigation area for the Project will be determined based on the final design and actual habitat impacts. Before beginning construction, the Applicant will provide the Oregon Department of Energy (ODOE) with a map showing the final design configuration of the Project, and a table showing the estimated acres of permanent impacts by habitat category (Table 1), if changed from the anticipated impacts presented in this HMP.

A mitigation ratio of 1 acre for every 1 acre of Category 3 and 4 habitat permanently impacted will be used to ensure that the mitigation area is large enough to achieve "no net loss" of habitat quantity; site specific enhancement actions will be identified to achieve a "no net loss" of habitat quality. A mitigation ratio of 0.5 acres for every acre of Category 5 habitat impacted and site-specific enhancement actions will be used to ensure a "net benefit" in habitat quantity or quality. No mitigation will be implemented for impacts on Category 6 habitat. Table 2 identifies the anticipated mitigation requirement based on the anticipated habitat permanently impacted.

Table 2. Mitigation Calculation

Impact Type and Habitat Category	Anticipated Permanent Impact (Acres)	Mitigation Acres per Acre Impacted	Estimated Mitigation (Acres)
3	19.9	1	19.9
4	139.5	1	139.5
5	160.7	0.5	80.4
Total			**239.8**
Note: Totals in this table may not appear to sum correctly due to rounding.			

4.0 Mitigation

As described above, the Applicant has identified an option for addressing the mitigation obligation. The final mitigation approach will offer enough suitable habitat to achieve the ODFW habitat mitigation goals of no net loss of habitat quantity or quality for impacts to Category 3 and 4 habitat, and a net benefit in habitat quality or quantity for impacts to Category 5 habitat. Prior to operation, the Applicant will acquire the legal right to create, maintain, and protect the HMA for the life of the Project by means of an outright land purchase, easement, or similar conveyance with a covenant restricting use for HMA conservation purposes, and will provide a copy of the documentation to ODOE.

4.1 Habitat Mitigation Area

Under this option, the Applicant will establish a conservation easement or purchase conservation lands in the Columbia Plateau ecoregion. The Applicant has preliminarily identified an area that could be used for a mitigation site, where habitat enhancements could benefit raptors and grassland birds and contains sufficient habitat of the appropriate type and quality (i.e., vegetatively Category 3 through 5 grasslands and shrub-steppe) to meet the ODFW Habitat Mitigation Policy goals and habitat mitigation requirements for the Project. The potential HMA is located within the 2100-acre Olex Ranch owned by Karen Kronner and Bob Gritski (i.e., BioDiversity, LLC) and is located in Gilliam County, Oregon. The Applicant has executed an option agreement with the landowners of the potential HMA for a 240-acre conservation easement; a copy of this option agreement has been provided to ODOE.

Habitat within the potential Olex HMA includes planted grassland, native grassland, annual grassland, and shrub-steppe (Table 3, Figure 1), as determined based on aerial imagery and landowner interviews. The quality of the habitat at the potential Olex HMA ranges from Category 2 to 5 based primarily on its vegetative characteristics (e.g., level of disturbance, seral stage, and presence of non-native species). However, the site is also located entirely within ODFW-designated mule deer winter range (ODFW 2013), which is considered Category 2 habitat (Table 3, Figure 1).

Table 3. Mitigation Area Habitat

Location	Habitat Subtype	Habitat Category[1]	Area (Acres)
Northern HMA	Native Perennial Grassland	2	31.4
	Revegetated or Other Planted Grassland	2	12.0
	Annual Grassland	2	9.5
	Shrub-steppe	2	11.7
Northern HMA Subtotal			*64.7*
Southern HMA	Native Perennial Grassland and Shrub-steppe Mosaic	2	74.1
	Revegetated or Other Planted Grassland	2	89.6
	Shrub-steppe	2	12.3
Southern HMA Subtotal			*176.0*
Grand Total			**240.7**

Note: Totals in this table may not appear to sum correctly due to rounding.

1. All habitat within the HMA is considered Category 2 due to overlap with ODFW-designated Mule Deer Winter Range.

Vegetation within the potential Olex HMA includes rabbitbrush (e.g., *Ericameria nauseosum*), buckwheat species (i.e., *Eriogonum* sp.), and sagebrush (*Artemisia tridentata*) shrubs, as well as areas with diverse native forbs (e.g., lupines [*Lupinus* sp.] and yarrow [*Achillea millefolium*]) and non-native grasses (e.g., cheatgrass [*Bromus tectorum*]). The potential Olex HMA is not currently grazed, although livestock grazing is an allowable use of the property. The Applicant will conduct a

pre-construction Habitat Assessment of the HMA, using methods similar to those used for the Project's pre-construction surveys, to inform the selection of habitat enhancement actions (see Section 4.1.1) and develop appropriate monitoring procedures (see Section 4.1.2) and quantitative success criteria (see Section 5.0) in consultation with ODFW and ODOE.

4.1.1 Habitat Enhancement Actions

Prior to construction, the Applicant will update this HMP with details on habitat enhancement actions (i.e., implementation schedule, protection measures, etc.) to improve the habitat conditions of the mitigation site. The objectives of habitat enhancement are to protect habitat within the HMA from degradation and to improve the habitat quality of the HMA. By achieving these objectives, the Applicant can address the permanent habitat impacts of the Project and meet the ODFW habitat mitigation goals. Based on consultation with ODOE and ODFW, the Applicant shall choose one or more of the following enhancement actions to be included in the conservation easement or performed on the conservation lands, based on the needs of the HMA, to improve habitat conditions and demonstrate a "no net loss" in habitat quantity or quality and "net benefit" in habitat quantity or quality, as applicable:

1. **Shrub Planting.** The Applicant will plant sagebrush or other native shrubs in locations within approximately 20 acres within the HMA where existing native shrubs are in poor condition. The final location and density of shrub planting will be determined prior to construction, taking into consideration the condition of the HMA at the time of construction. The Applicant will complete the initial shrub planting within 1-2 years after the beginning of construction of the Project. Supplementing existing, but disturbed, sagebrush areas with sagebrush seedlings, scattering locally collected sagebrush seeds, or transplanting young plants will assist the restoration of this valuable shrub-steppe component. However, if, at the time of construction and habitat enhancement implementation, the condition of the areas with existing shrubs within the HMA is such that shrub planting is not warranted, the Applicant will plant shrubs over a 20 acre area of the HMA that does not currently support shrubs but is capable of supporting shrubs (e.g., within revegetated or other planted grasslands). The Applicant will obtain shrubs from a qualified nursery, located in the same ecoregion as the mitigation area if possible. The Applicant will identify the optimal time of year to plant (e.g., late winter-early spring) and area to be planted with sagebrush or other native shrubs after consultation with ODFW, subject to final approval by ODOE. If shrubs are planted in the same areas as seeding occurs (see enhancement action #3 below), shrub planting will occur following seeding. The Applicant will mark the planted shrub clusters at the time of planting for later monitoring purposes, and will keep a record of the number of shrubs planted.
2. **Weed Control.** The Applicant will implement a weed control program within the HMA. Under the weed control program, the Applicant will conduct a pre-management weed assessment to identify the type and percentage of non-native species within the HMA. The Applicant will then monitor the HMA to locate weed infestations. The Applicant will continue weed control monitoring, as needed, for the life of the Project. As needed, the

Applicant will use appropriate methods to control weeds. Appropriate weed control methods shall include identification of noxious weeds within the HMA, timing, herbicides, and application mechanism and be based on consultation with the Gilliam County Weed Department. Weed control on the HMA will reduce the spread of noxious weeds within the HMA and on any nearby land. Weed control will promote the growth of desirable native vegetation and planted sagebrush. The Applicant may consider weeds to be successfully controlled when weed clusters have been eradicated or reduced to a non-competing level. Weeds may be controlled with herbicides or hand-pulling. The Applicant will notify the landowners of the specific chemicals to be used on the site and when spraying will occur. To protect locations where young desirable forbs may be growing, spot-spraying may be used instead of total area spraying. Weed control may also include control of annual grasses, followed by shrub-planting (see enhancement action #1 above) and/or seeding (see enhancement action #3 below) in areas with high annual grass cover and low native grass, forb, and shrub diversity (e.g., see example annual grass treatment and seeding areas across approximately 5 acres within the northern HMA in Figure 2).

3. **Seeding.** The Applicant will plant an ODFW-approved seed mix within the HMA in areas that would benefit from increased forb and grass diversity, such as areas of planted grassland and annual grassland. The method for seed application will be determined primarily based on the size of the area to be seeded. The Applicant will seed a minimum of 5 acres. Figure 2 depicts potential areas of seeding across approximately 5 acres within the northern HMA. Controlling weeds and seeding to increase forb and grass diversity in these areas will provide uplift to habitat within the larger HMA by removing weed seed sources and providing a larger contiguous area of higher quality habitat. The final size of the seeded area will depend on the area that would benefit from seeding within the HMA at the time of construction. The Applicant will complete the initial seeding within 1-2 years after the beginning of construction of the Project. The Applicant will record and mark the seeded areas at the time of seeding for later monitoring purposes. The Applicant will develop success criteria for seeding, including the use of paired monitoring and reference sites.

4. **Fire Control.** The Applicant will implement a fire control plan for wildfire minimization. The Applicant will provide a copy of the fire control plan to ODOE before starting habitat enhancement actions. The Applicant will include in the plan appropriate fire prevention measures, methods to detect fires that may occur, and a protocol for fire response if a fire were to occur when Project personnel were present. If any part of the HMA is damaged by future wildfire, the Applicant will assess the extent of the damage and implement appropriate actions to restore habitat quality in the damaged area.

5. **Restricted Grazing.** The Applicant will restrict grazing within the HMA for conservation of vegetation communities and habitat values, and as a permitted use compatible with conservation goals. Grazing will be restricted to December 1 through mid-March, unless other dates are agreed to prior to the initiation of grazing and/or as winter/spring conditions allow (i.e., with the potential to start later and end earlier). Grazing will be restricted to the following number of animals per 100 acres:

- Cattle: four pairings of a mother and calf per month or an equivalent amount of yearlings, assuming a yearling to mother and calf pairing ratio of 0.6.
- Other domestic livestock (may include horses or sheep): number of horses shall be equivalent to the number of cows stated above and the number of sheep shall be at three times the number of cows stated above.

Success criteria will be developed to ensure grazing is not impacting the health and vigor of shrubs, and is not causing irreversible damage to native perennial grasses.

The landowners have indicated these enhancement actions are appropriate and feasible at the potential HMA (e.g., see Figure 2 provided by the landowner). The final enhancements will be approved by ODOE in consultation with ODFW prior to construction and based on the site-specific conditions of the HMA at the time of construction.

4.1.2 Monitoring

The Applicant will hire a qualified investigator (botanist, wildlife biologist, or revegetation specialist) to conduct a monitoring program for the HMA. The final HMP will describe monitoring and, at a minimum, include sampling design (i.e., paired monitoring and reference sites, with the number of sites based on diversity of habitat subtypes and enhancement action locations) and vegetation maps with monitoring locations identified; description of data collection methods and monitoring procedures; monitoring schedule; agency consultation schedule and methods for data analysis. The purpose of the monitoring program is to evaluate on an ongoing basis the protection of the habitat quality and the results of enhancement actions, especially during the wildlife breeding seasons.

The investigator will monitor the HMA for the life of the Project beginning in the year following the initial treatment. Monitoring will occur annually during the first 5 years following initial treatment, then will occur every 3 years thereafter, unless increased frequency is recommended by ODOE, in consultation with ODFW. As part of finalizing the HMP, the Applicant will submit a description of the monitoring program for review and comment by ODOE, in consultation with ODFW. ODOE, in consultation with ODFW, may recommend or require one or more of those actions and/or additional monitoring actions for the HMA and the habitat enhancement actions. Based upon specific enhancement actions completed, the final HMP will include procedures or description of data collection methods for the following monitoring actions:

1. Assess vegetation cover (species, structural stage, etc.) and progress toward meeting the success criteria;
2. Record environmental factors (such as precipitation at the time of surveys and precipitation levels for the year);
3. Record any wildfire that occurs within the HMA and any remedial actions taken to restore habitat quality in the damaged area;

4. Assess the success of the weed control program and recommend remedial action, if needed; and
5. Assess the survival rate and growth of planted species.

4.1.3 Reporting

Prior to construction of the Project, the Applicant shall provide a draft report template (e.g., table of contents) for review and comment by ODOE, in consultation with ODFW. Based on the agency-reviewed report template, Applicant will provide ODOE and ODFW a report following each monitoring period (within 60 days) detailing the observations and results, including the details of implemented enhancement actions.

The monitoring reports will document enhancement actions implemented to date and additional remedial actions planned for areas that are not apparently trending toward success, and the anticipated dates of completion of each of these actions. The investigator will report on the timing and extent of any livestock grazing that has occurred within the HMA since the previous monitoring visit.

5.0 Success Criteria

The success will be based on improvement of habitat quality based on evidence of indicators such as survival of planted shrubs, natural recruitment of sagebrush, and/or successful weed control. Enhancement actions and habitat quality at the HMA will be compared against the following success criteria to evaluate compliance with the Council's Fish and Wildlife Habitat standard (i.e., consistency with the habitat mitigation goals for Category 3-Category 5 habitat impacts):

- Shrub plantings will generally be considered successful if a 30 percent survival rate is achieved after 4 years.
- Successful weed control (weed monitoring and treatment) within the HMA for the life of the Project. Percentage of noxious weed cover reduced to at or below level found in baseline assessment. Prevention of noxious weed species not present in HMA as of baseline assessment.
- Vegetation density in seeded areas is equal to or greater than that of reference sites.
- Species diversity of desirable vegetation in seeded areas is equal to or greater than that of reference sites.
- Provide a copy of the fire control plant to the rural fire district and ODOE.

The Applicant is obligated to demonstrate that the HMAs meets or that it is demonstrating a trend towards meeting the success criteria for the life of the Project. If the Applicant cannot demonstrate that the HMA is trending toward the habitat quality goals described above within 5 years after the initial enhancement actions, the Applicant will propose remedial action. ODOE may require

supplemental planting or other corrective measures such as additional acreage or new habitat mitigation area throughout the life of the Project depending on ongoing reported trends.

6.0 Agency Consultation

6.1 Pre-construction Requirements

Prior to construction of the Project, the Applicant will complete the following steps as part of finalizing the draft HMP:

1. **HMA Habitat Assessment and Agency Site Visit:** The Applicant will conduct a desktop or field survey, as determined appropriate by ODOE, in consultation with ODFW, of the HMA. Applicant will submit a report or memo, including maps and tables, identifying the habitat subtypes and categories present within the HMA. The Applicant will coordinate with ODOE and ODFW to determine whether a site visit is necessary to further evaluate site specific conditions and inform the final enhancement actions.
2. **Finalize Enhancement Actions:** Following review of the HMA Habitat Assessment, Applicant will seek input from ODOE and ODFW on enhancement action opportunities at the HMA. Enhancement actions will, at a minimum, consider those listed in Section 4.1.1 and further defined based on review of the HMA Habitat Assessment or HMA site visit conducted by the Applicant and ODOE and/or ODFW. The final HMP will include a detailed description of final enhancement actions to be implemented and monitored at the HMA.
3. **Finalize Success Criteria:** Following identification of final list of enhancement actions, the Applicant will finalize, for ODOE and ODFW review and approval, success criteria appropriate for tracking the success of enhancement actions to be implemented and monitored at the HMA. The success criteria will be substantially similar as those identified in Section 5 of this HMP, unless other enhancement actions are selected or Applicant seeks approval of an amendment to the HMP.
4. **Finalize Monitoring Requirements:** The Applicant will identify paired monitoring and reference sites within the HMA. Reference sites will be identified, in consultation with ODFW, near the enhancement areas to represent pre-enhancement conditions. One or more reference sites will be identified that closely resembles the pre-enhancement characteristics of the identified enhancement areas. The Applicant will consider land use patterns, soil type, local terrain, and noxious weed densities in selecting reference sites. Once reference sites are selected by the Applicant and approved by ODOE in consultation with ODFW, the reference site will remain in the same location unless approval for use of a differing reference site is obtained by ODOE in consultation with ODFW. Prior to construction of the Project, the Applicant will provide to ODOE and ODFW a map and table presenting pre-enhancement habitat category and habitat types and location of the reference sites, enhancement areas, and designated monitoring sites within enhancement areas in proximity to the reference sites.

5. **Legal Instrument:** Prior to construction of the Project, the Applicant shall acquire the legal right to create, maintain, and protect the HMA for the life of the Project by means of an outright purchase, conservation easement, or similar conveyance and will provide a copy of the documentation to ODFW and ODOE. The legal instrument shall, at a minimum, adhere to the requirements outlined in Section 7.

6.2 Operational Requirements

During HMP implementation, the Applicant will establish a consultation schedule based on enhancements, monitoring, and reporting schedule. At a minimum, the Applicant will consult with the ODOE and ODFW 30 days prior to the initial enhancements and monitoring, and within 30 days of monitoring report submission, to discuss details of report observations and recommendations.

The consultation frequency may be amended, based upon agreement between the Applicant, ODOE, and ODFW, but is intended to provide agencies the opportunity and ability to efficiently assess information; maintain current understanding of the mitigation implementation, effectiveness and issues; and provide relevant recommendations based on timing of any issues identified during HMP implementation.

During HMP implementation, the Applicant will coordinate with the Department and ODFW to offer an annual site visit to the HMA each of the first 5 years following initial treatment and then every 3 years thereafter, unless increased frequency is recommended by ODOE, in consultation with ODFW. The timing of the site visit will be based on optimal seasonal conditions for observation of seeding and shrub planting success and/or weed infestations, and is intended to provide agencies an opportunity to review compliance with the terms of the legal instrument and HMP requirements and to provide any onsite recommendations based on site review.

7.0 Legal Instrument

The Applicant will enter into an enforceable and recordable legal instrument, such as a conservation easement or other similar conveyance, that demonstrates reliability and durability of the habitat mitigation for the life of the Project. Prior to construction, the Applicant will provide a draft of the legal instrument to ODOE for review and approval, in consultation with ODFW. ODOE and ODFW review will ensure, at a minimum, that the legal instrument demonstrates or includes the following:

- References and is consistent with the HMP;
- A map and description of all existing structures, impervious surfaces, and access road networks within the HMA;
- Identification of and restrictions on conflicting uses within the HMA, including, but not limited to new roads and associated infrastructure, transmission lines and energy development, land division, and establishment of a feedlot;

- Identification of allowable uses that demonstrate consistency with the HMP wildlife habitat goals; and
- Specifies that ODOE has authority to conduct inspections pursuant to Oregon Administrative Rules 345-026-0050 to ensure that HMAs are being managed consistent with the HMP, with reasonable written notice to the property owner and Applicant.

8.0 Amendment of the HMP

This HMP may be amended from time to time by agreement of the Applicant and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes ODOE to agree to amendments to this HMP. ODOE shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this HMP agreed to by ODOE.

9.0 References

ODFW (Oregon Department of Fish and Wildlife). 2013. ODFW Winter Range for Eastern Oregon. GIS dataset available online at: https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml

GILLIAM COUNTY, OREGON **2022-000155**
D-E
Cnt=1 Pgs=4 DAWNP **04/21/2022 11:05:16 AM**
$20.00 $11.00 $60.00 $10.00 **Total:$101.00**

00009658202200001550040043

I, Ellen Wagenaar, County Clerk for Gilliam County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Ellen Wagenaar - County Clerk

RECORDING REQUESTED BY and
WHEN RECORDED RETURN TO:

EE West End Solar LLC
c/o Eurus Energy America
9255 Towne Centre Drive, Suite 840
San Diego, CA 92121
Attention: General Counsel

(Space above this line for Recorder's use only)

MEMORANDUM OF OPTION FOR CONSERVATION EASEMENT

This Memorandum of Option of Conservation Easement ("Memorandum") is made and entered into effective as of April 13, 2022 ("Effective Date"), by and between Robert Gritski and Karen Kronner ("Owners") and EE West End Solar LLC, a Delaware limited liability company ("Optionee").

1. On the 13th day of April, 2022, Owners and Optionee entered into an Option for Conservation Easement (the "Option Agreement"), under which Option Owners granted Optionee an option to acquire one or more easements for land conservation purposes over approximately two hundred forty (240) acres located on certain real property (the "Property") in Gilliam County, Oregon, subject to consideration and other terms and conditions as set forth in the Option Agreement.

2. The term of the option under the Option Agreement will expire not earlier than three (3) years following the Effective Date of this Memorandum.

3. Owners and Optionee desire to memorialize the Option Agreement by recording this Memorandum.

4. The Property description is set forth in Exhibit A, attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, the Parties have executed this Memorandum as of the date set forth above.

Optionee:

EE West End Solar LLC,
a Delaware limited liability company

By: _____

Title: Hidenori Mitsuoka
President

Owners:

Robert Gritski
Robert Gritski

Karen Kronner
Karen Kronner

STATE OF OREGON
NO
CO
MY COMMISSION

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) §
County of San Diego)

On April 13, 2022, before me, D. Jeffords, Notary Public a Notary Public, personally appeared Hidenori Mitsuoka who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

(Affix seal here)

D. JEFFORDS
Notary Public - California
San Diego County
Commission # 2289109
My Comm. Expires Jun 15, 2023

Signature of Notary

EXHIBIT A

A 240-acre portion of that certain real property consisting of greater than 240 acres situated in Gilliam County, Oregon with Assessor's Parcel Number 1S21E 2901, described as follows:

Section 14: NW¼, EXCEPT: Deed Book W, page 346, beginning at a point 4 chains West and 1.93 chains South of the Northeast corner of the NW¼ at a stone 8x8x15 inches marked with "X" on top, running thence South 78° 28' East, 2 chains to iron pin in ground; thence South 73° East, 1 chain to iron pin, thence South 57° East 50 links to iron pin, thence South 47° East 40 links to Rock Creek; thence South 47° East 3.40 chains to Rock Creek Bluff to rock marked "C" (which rock is witnessed by rock in bluff marked "X" 18.5 links below); thence in a Southeasterly direction along Rock Creek Bluff to where said bluff intersects the North and South center line of Section 14; thence North on said line to intersection of county road; thence West along South line of said county road a distance of 4 chains from the Northeast corner of NW¼; thence South to the place of beginning.

Excepting the existing 8-foot wide ingress and egress trail for landowner, originating at the public road, Upper Rock Creek located outside of the 240 acres for the conservation easement.

And: Existing overhead utility easement including the terms and provisions thereof, dated October 3, 1973, recorded October 31, 1973, in Gilliam County Deed Book 54, page 42. Grantor: W.N. and Inez J. Noakes. Grantee: Columbia Basin Electric Cooperative, Inc.

Section 23: All of the N½, EXCEPT the parcel in the NE¼NE¼ which is North and East of the line which begins at the Northwest corner of S½NW¼SW¼ and proceeds Southeasterly as described in the second paragraph of the description in Section 14, ALSO, the NE¼SW¼; SE¼.

Section 26: NE¼.

Figures

West End Solar Project

Figure 1
Mitigation Area Habitat Types

GILLIAM COUNTY, OR

- Olex Property Boundary
- Mule Deer Winter Range

Habitat Subtype

- Native Perennial Grassland
- Native Perennial Grassland and Shrub-steppe Mosaic
- Revegetated or Other Planted Grassland
- Shrub-steppe
- Annual Grassland

TETRA TECH Eurus Energy

Reference Map

1:25,000

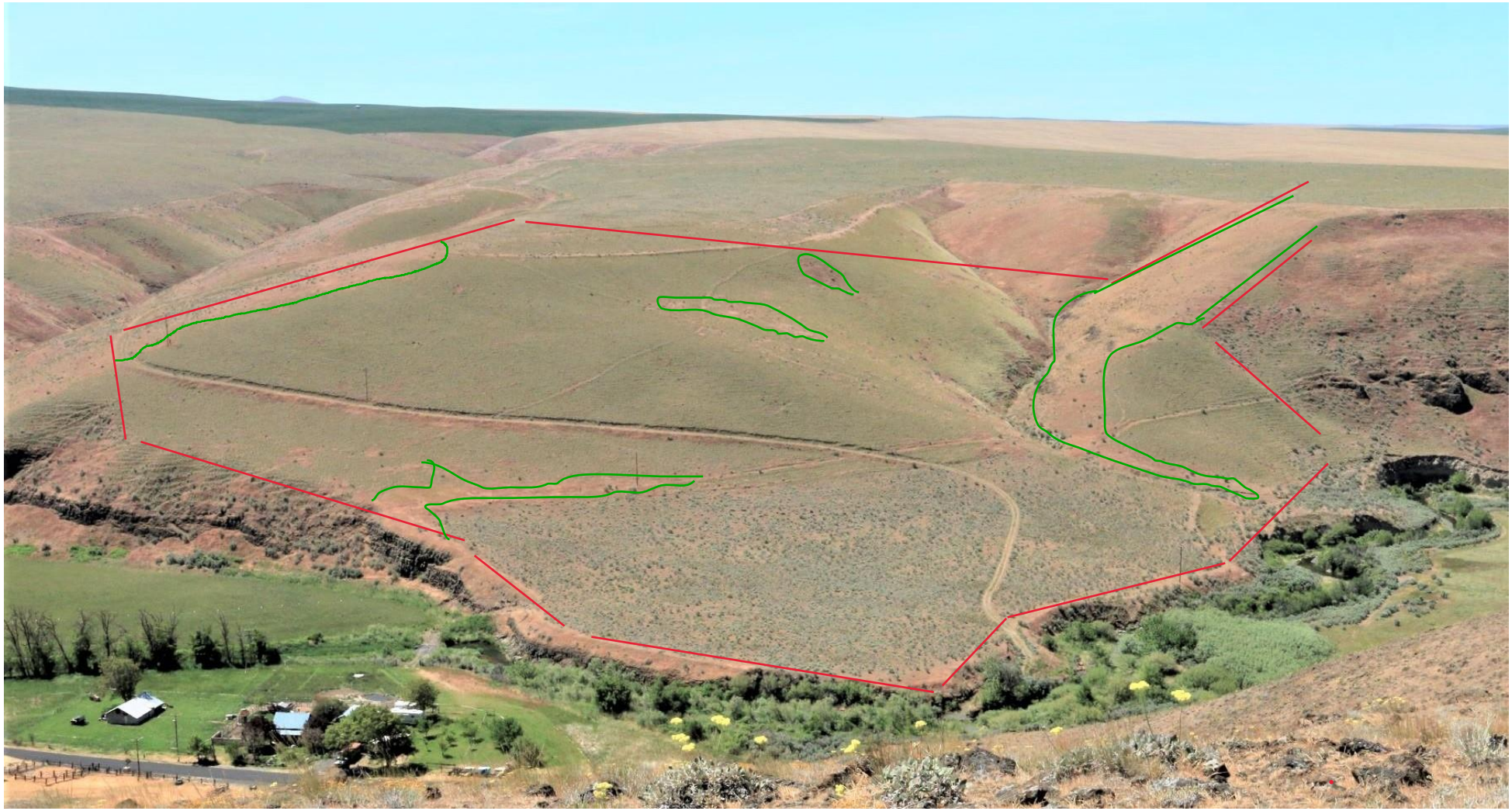
WGS 1984 UTM Zone 10N

0 0.25 0.5 1 1.5 2 Miles

NOT FOR CONSTRUCTION

P:\GIS_PROJECTS\Eurus\WestEndSolar\Maps\HabitatMitigation_20211005\Eurus_WestEnd_HabitatMitigation_11i7i_20221020.aprx

Figure 2. Example Weed Treatment and Seeding Areas, North Habitat Mitigation Area



West End Solar Project Potential Habitat Mitigation Area, approximate boundary. Looking southwest from Baseline Road

Approximate Boundary of Annual Grassland – cheatgrass and annual ryegrass control areas, follow with native perennial grasses as needed

Attachment S-3. Inadvertent Discovery Plan

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Draft
Inadvertent Discovery Plan for Cultural Resources

West End Solar Project, Umatilla County, Oregon

SHPO CASE # TBD

The West End Solar Project (Project) is located entirely on private lands near Hermiston, in Umatilla County, Oregon. The Project Area is bound by Canal Road on the west, South Edwards Road on the east, and agricultural fields to the north and south. Eurus Energy America, LLC (Eurus) will develop the solar Project on 324 acres (Project Area) covering Tax Lots 4N29C00000500 and 4N29C00000200. The Project Area is located on fallow agricultural land zoned as Exclusive Farm Use (EFU) by Umatilla County. The Project's regulatory compliance is limited to Oregon Department of Energy (ODOE) and Energy Facility Siting Council (EFSC) oversight.

This Inadvertent Discovery Plan (IDP) should be followed if cultural materials including human remains are encountered during construction.

Protocol for Coordination in the Event of Inadvertent Discovery

1. In the event of an inadvertent discovery of possible cultural materials, including human remains, all work will stop immediately in the vicinity of the find. For archaeological sites, a 30-meter buffer should be placed around the discovery; a 5-meter buffer around isolated finds; and a 60-meter buffer around human remains. Buffers may be marked with pin flags, wooden stakes with flagging tape, or other available markers. Work may proceed outside of this buffered area unless additional cultural materials are encountered.
2. The area will be secured and protected.
3. The Applicant's project manager or consultant for the Applicant will be notified. The project manager will notify the State Historic Preservation Office (SHPO) and Oregon Department of Energy (ODOE). If possible human remains are encountered, the Oregon State Police, the Oregon Legislative Commission on Indian Services (LCIS), SHPO, and, if determined to be Native American, appropriate Tribes will also be notified.

Role	Name	Contact Information
Construction Manager	TBD	TBD
Project Archaeologist	TBD, Eurus	TBD
	TBD, Contractor	TBD
Project Managers	TBD, Eurus	TBD
	TBD, Contractor	TBD
	TBD, Other	TBD

Role	Name	Contact Information
Confederated Tribes of the Umatilla Indian Reservation (CTUIR), Cultural Resources Protection Program (CRPP)	Teara Farrow Ferman, CRPP Manager Shawn Steinmetz, Archaeologist	Phone: (541) 276-3447 Email: TearaFarrowFerman@ctuir.org Phone: (541) 429-7963 office (541) 240-9206 cell Email: shawnsteinmetz@ctuir.org
Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO)	Roberta Kirk, Assistant THPO Christian Nauer, Archaeologist	Phone: (541) 553-3555 Email: Roberta.kirk@ctwsbnr.org Phone: (541) 553-2026 Email: christian.nauer@ctwsbnr.org
Oregon State Police Contact	Chris Allori	Phone: (503) 731-4717 Cell: (503) 708-6461 Dispatch: (503) 731-3030
Oregon Legislative Commission on Indian Services	Danny Santos, Interim Director	Phone: (503) 986-1067 Email: LCIS@oregonlegislature.gov
SHPO	John Pouley, State Archaeologist	Phone: (503) 480-9164 Email: john.pouley@oregon.gov
ODOE	TBD	TBD

4. No work may resume until consultation with the SHPO, ODOE, and, for Native American-related resources, Tribes has occurred and a professional archaeologist is able to assess the discovery.
5. If human remains are encountered, do not disturb them in any way. Do not call 911. Do not speak with the media. Secure the location. Do not take photos. The location should be secured, and work will not resume in the area of discovery until all parties involved agree upon a course of action.
6. A professional archaeologist may be needed to assess the discovery and, for archaeological sites, they will consult with SHPO, ODOE, and, for Native American-related resources, appropriate Tribal Governments to determine an appropriate course of action.
7. Archaeological excavations may be required. This is handled on a case by case basis by the professional archaeologist and project manager, in consultation with SHPO, ODOE, and, for Native American-related sites, appropriate Tribes.

When to Stop Work

Construction work may uncover previously unidentified Native American or Euro-American artifacts. This may occur for a variety of reasons, but may be associated with deeply buried cultural material, access restrictions during project development, or if the area contains impervious

surfaces throughout most of the project area which would have prevented standard archaeological site discovery methods.

Work must stop when the following types of artifacts and/or features are encountered:

- ***Native American artifacts may include (but are not limited to):***
    - Flaked stone tools (arrowheads, knives scrapers etc.);
    - Waste flakes that resulted from the construction of flaked stone tools;
    - Ground stone tools like mortars and pestles;
    - Layers (strata) of discolored earth resulting from fire hearths. May be black, red or mottled brown and often contain discolored cracked rocks or dark soil with broken shell;
    - Human remains;
    - Structural remains – wooden beams, post holes, fish weirs.
- ***Euro-American artifacts may include (but are not limited to):***
    - Glass (from bottles, vessels, windows etc.);
    - Ceramic (from dinnerware, vessels etc.);
    - Metal (nails, drink/food cans, tobacco tins, industrial parts etc.);
    - Building materials (bricks, shingles etc.);
    - Building remains (foundations, architectural components etc.);
    - Old Wooden Posts, pilings, or planks (these may be encountered above or below water);
    - Remains of ships or sea-going vessels, marine hardware etc.;
    - Old farm equipment may indicate historic resources in the area;
    - Even what looks to be old garbage could very well be an important archaeological resource.

When in doubt, call it in!

<u>Proceeding with Construction</u>

- Construction can proceed only after the proper archaeological inspections have occurred and environmental clearances are obtained. This requires close coordination with SHPO, ODOE, and, for Native American-related sites, Tribes.
    - When confirmed isolated finds are discovered and there is no potential for additional archaeological materials to be present, as determined by the professional archaeologist, construction may recommence once SHPO and ODOE have been

notified ***and*** the find is documented on an isolate form and submitted to SHPO. Isolated finds are defined as 9 artifacts or fewer with no more than 30 meters between each artifact.

- When archaeological sites are discovered, as determined by the professional archaeologist, construction may only recommence following consultations under Step 6 above with SHPO, ODOE, and, for Native American-related sites, Tribes, and any treatments have been completed. Archaeological sites are defined as 10 artifacts or more with no more than 30 meters between each artifact, or a single feature.

- After an inadvertent discovery, some areas may be specified for close monitoring or 'no work zones. Any such areas will be identified by the professional archaeologist to the Project Manager, and appropriate Contractor personnel.
- In coordination with the consulted agencies and Tribes, as appropriate, the Project Manager will verify these identified areas and be sure that the areas are clearly demarcated in the field, as needed.

Attachment U-1: Draft Traffic Management Plan

Draft Traffic Management Plan

I. Introduction

The applicant will finalize a traffic management plan prior to construction and in coordination with Umatilla County. The traffic management plan, at a minimum will include and address the measures identified in this Draft Traffic Management Plan.

Peak construction periods would result in a maximum of approximately 500 workers onsite. Most workers would drive alone; vehicle trips per day are based on an assumed 1.25 occupancy rate. Estimated maximum worker daily trip rate would be 400 round trips and 800 one-way trips. Estimated maximum haul and delivery trip rate would be 45 round trips and 90 one-way trips per day. Total maximum daily construction-related traffic would be approximately 890 one-way trips and 445 round trips.

Throughout construction the 90 one-way truck trip and deliveries would include the following activities:

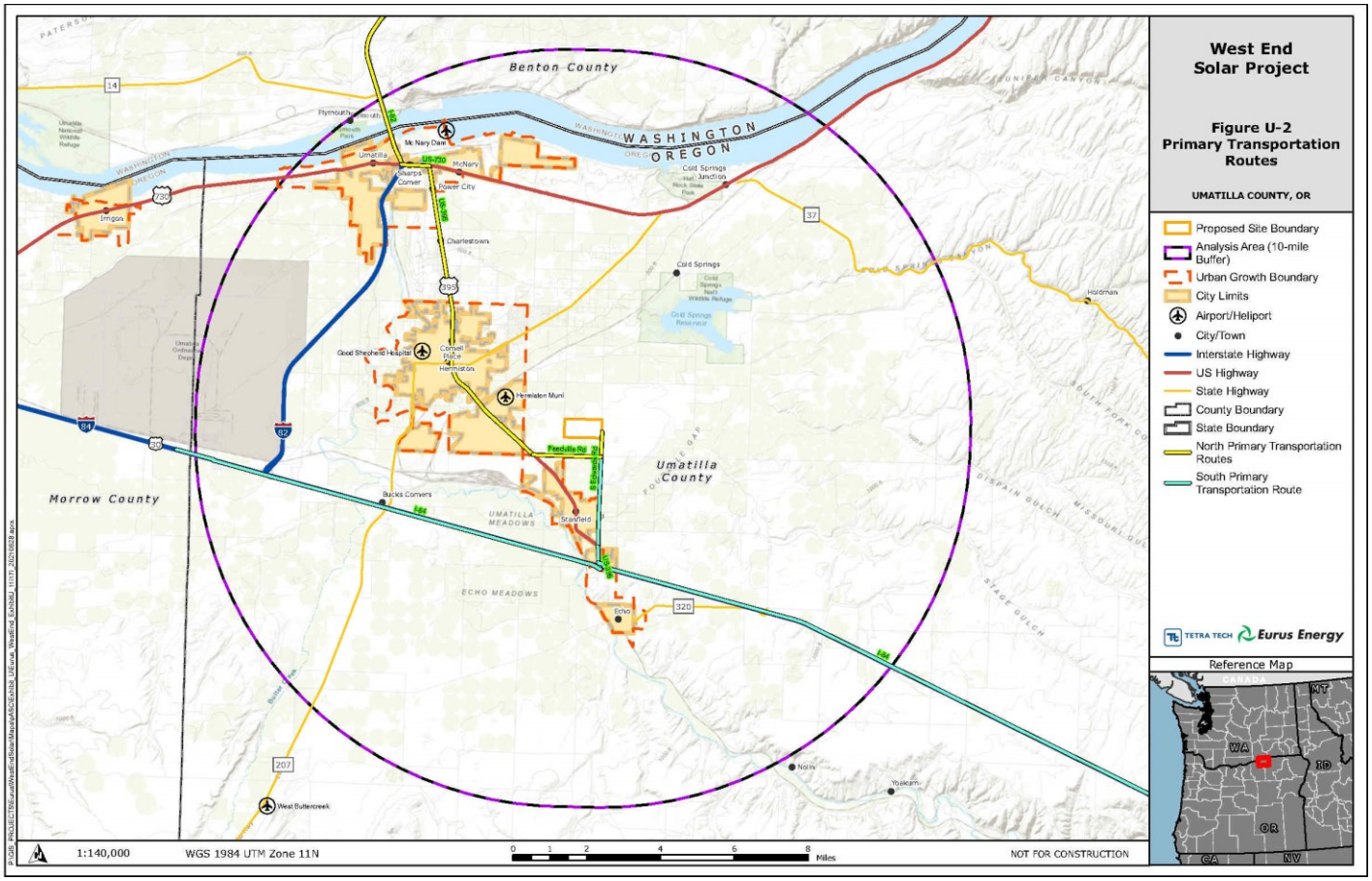
- Delivery of civil construction and materials (sand, aggregate, and cement) for new roads, laydown areas, and equipment pads/foundations for substation and inverters.
- Heavy duty trucks to deliver solar modules and related equipment delivery, including racking system structure, electrical wiring/cabling and equipment, steel posts, inverters, and transformers;
- Substation component delivery, including the main power transformer, circuit-breakers, electrical buses and insulators, disconnect switches, control enclosure, metering and control equipment, grounding, and associated control wiring, and all related equipment based on the final design;
- Energy Storage System (ESS) delivery, including containers, battery modules, and related equipment;
- Delivery of on-site construction equipment such as cranes, dozers, graders, compactors, forklifts, etc.; and
- Light-duty delivery trucks would deliver water and would be used to apply water for dust suppression as well as delivering electrical equipment and materials required for solar panel construction and power transmission.
- Heavy-duty trucks carry gravel and other materials required for site grading and to construct the new site access road segments.

I.a. Construction Access Roads

The primary transportation highway corridors that would be used are I-82, I-84, and US-395. For deliveries and workers arriving from the northern transportation route via I-82, the route would use a short section of US-730 to access US-395 and from there would take Country Road (CR) 1000 east (Feedville Road) from US-395, to S. Edwards Road north. For deliveries and workers arriving from the southern transportation route via I-84 (east or west), access would be anticipated to be from I-84 exit 188 to US-395, and then to S. Edwards Road. The main access

point to the facility site is anticipated to be located off of S. Edwards Road near the proposed substation. A new driveway off of S. Edwards Road would be required at the access point and will be constructed to Umatilla County standards.

Figure 1: Preliminary Construction Transportation Routes



II. Construction Best Management Practices to Minimize Traffic Service Provider Impacts

Traffic Safety Best Management Practices (BMPs):

- A construction traffic management plan will be completed and submitted to the County prior to construction along with the County road use agreement. More detailed information on the timing of construction and anticipated daily vehicle trips will be available after the Project design is refined which will better inform the construction traffic management plan. The Applicant anticipates including the following traffic management plan measures:
    - During the peak construction period, equipment deliveries will be staggard to minimize impacts within the site and on the local road network.

    - Construction worker carpooling will be encouraged.
    - Construction manager will provide construction schedules to adjacent landowners prior to start of construction and will work with adjacent landowners on mitigating any traffic impacts to harvest time activities.
- Movements of normal heavy trucks (dump trucks, concrete trucks, standard size tractor-trailers or flatbeds, etc.) will be minimized (essential deliveries only), to the extent practicable, during peak traffic times.
- Movements of oversize trucks will be prohibited during peak times (rush-hour traffic periods), to the extent practicable. If possible, and considering worker safety, such oversize deliveries will occur during other parts of the day, when background traffic tends to be lower, such as late morning and early afternoon.
- Coordinating the timing and locations of road closures or oversize load movements in advance with emergency services such as fire, paramedics, and essential services such as mail delivery and school buses.
- Maintaining emergency vehicle access to private property.
- Developing plans as required by county or state permit to accommodate traffic where construction would require closures of state- or county-maintained roads for longer periods.
- Posting signs on county- and state-maintained roads, where appropriate, to alert motorists of construction and warn them of slow, merging, or oversize traffic.
- Using traffic control measures such as traffic control flaggers, warning signs, lights, and barriers during construction to ensure safety and to minimize localized traffic congestion. These measures will be required at locations and during times when trucks will be entering or exiting highways frequently.
- Using chase vehicles as required (or police vehicles, if required by ODOT) to give drivers additional warning.
- Notifying landowners prior to the start of construction near residences.
- Restoring residential areas as soon as possible, and fencing construction areas near residences at the end of the construction day. Gates will be installed on access roads to reduce unauthorized access when requested by property owners.

II.a. Permits - ODOT and Umatilla County

The applicant will coordinate with ODOT and Umatilla County road officials as needed on road improvements, road closures, and permits needed for construction or movement of oversized loads of construction equipment or materials. One permit from ODOT and County permit(s) may be required (see also Exhibit E):

- ODOT - Oversize Load Movement Permit/Load Registration. This permit is required for the movement of oversize or overweight loads on state highways, such as construction cranes, substation transformers, or other large equipment.
- Umatilla County - Approach Permit. This permit may be needed if construction of a road approaches onto a county or public road, and private road crossings of county and public roads.

II.b. Agency Coordination – Umatilla County

Applicant will coordinate with Umatilla County road officials as needed to address necessary road turning radius improvements, temporary road closures, oversize load movements, and monitoring of impacts to county roads. Pursuant to ORS 374.305, all affected counties require permitting for any work to be done within a county right-of-way, including making improvements to roads or intersections, or crossing a county road with the collector lines. The specific permit requirements and the names of those permits vary from county to county, as indicated in Exhibit E, Third Party State or Local Permits; the applicant would verify and comply with all local permit requirements prior to beginning construction on the proposed facility.

The applicant would cooperate with the Public Works Department in Umatilla County with respect to obtaining permits to improve the roads and also to make repairs to roads that might result from construction traffic. In addition, the applicant expects to enter into road use agreements with Umatilla County, to ensure that public roads impacted by construction would be left in 'as good or better' condition than that which existed prior to the start of construction. A component of road use agreements would be a traffic management plan. The traffic management plan will include, at a minimum, the measures in this Draft Plan and measures that address such issues as flagging, signage, and traffic flow around work sites on public roads; timing of oversize/overweight truck loads to avoid impacts to school bus schedules or during peak travel hours; and other mitigation measures if deemed necessary. These measures would help to prevent any construction-related traffic safety issues and would facilitate the free movement of traffic through the proposed facility vicinity. While the movement of heavy or oversized loads of construction materials or equipment may cause some localized traffic delays, these disruptions would be intermittent and temporary.

Attachment V-1: Draft Emergency Management and Wildfire Mitigation Plan

Table of Contents

List of Tables

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1.0 General Information

1.1 Introduction

EE West End Solar LLC (Applicant) proposes to construct the West End Solar Project (Project or Facility), a solar energy generation facility and related or supporting facilities in Umatilla County, Oregon. The Project will be a photovoltaic solar energy facility with an estimated nominal and average generating capacity of 50 megawatts (MW) of alternating current (AC). The Project may include an energy storage system with a capacity of up to 70 MW. The Project Site Boundary is 324 acres within which all Project facilities will be located.

This document provides an annotated outline of the Emergency Management Plan and the Projects' Wildfire Mitigation Plan (Emergency Management and Wildfire Mitigation Plan or EMWMP) that would be implemented at the Project during construction and operation of the Project. The information in this outline is subject to change and the full WMWMP will be prepared prior to construction by the Applicant and construction contractor and will contain policies and procedures for preparing for and responding to a range of potential emergencies, including fires.

The plan will list project emergency contact information for the contractor, Applicant, sub-contractors, and local emergency services. The plan will also establish a communication plan for the Project's operational period that will provide annual communications with emergency providers to discuss emergency planning and response should an onsite emergency occur such as a fire. At the beginning of Project operations, a copy of the site plan indicating the arrangement of the Project structures and access points will be provided to the local fire district.

1.1.1 Plan Purpose and Updates

This EMWMP sets forth the Applicant's plan to effectively respond to and address all types of emergency and hazardous situations that may affect facility generation and operations. It will be finalized prior to construction and will comply with all Federal, State, Original Equipment Manufacture's standard operation procedures and utility industry requirements and or best practices.

This EMWMP specifies communication channels the Applicant intends to pursue with local fire protection agency personnel, for example, annual meetings to discuss emergency planning, and invitations to observe any emergency drill conducted at the Project. At the beginning of Project operations, a copy of the site plan indicating the arrangement of the Project structures and access points will also be provided to the local fire district as well as ODOE. Implementation of the EMWMP will ensure risks to public health and safety and risks to emergency responders are minimized.

As discussed in this EMWMP, the Applicant will minimize risk of facility components causing wildfire through Project design, through operations and maintenance activities including the regular maintenance and inspection of Project components and the Project's vegetation

management program, and through the Project's emergency response plan. These measures and activities will minimize potential for wildfire damage to resources evaluated by Council standards such as the potentially eligible historic utility lines located within the Site Boundary.

The Applicant will conduct a review and update (if necessary) this EMWMP every five years during the operational period of the Project. The review of the EMWMP will include an evaluation of wildfire risks following the outline in Section 1.3.4. Updates to the EMWMP wildfire risk assessment outlined in Section 1.3.3 and wildfire risk minimization and management measures as outlined in Section 4.2, will be made if needed and applicable to the facility based on the review of the wildfire risk. Best practices and emerging technologies to minimize and mitigate wildfire risk will be reviewed and incorporated into the plan as appropriate. Best practices and emerging technologies could be related to vegetation management, equipment updates, or updates in remote monitoring devices. If the EMWMP is updated after each five-year review, a copy of the updated plan will be provided to the Oregon Department of Energy (ODOE) with the annual compliance report required under OAR 345-026-008(2). If after the 5-year review of the EMWMP, a determination is made that no updates are required, an explanation of this determination will be provided in the annual compliance report.

The Applicant will incorporate a summary of the results of the quarterly facility inspections (see Section 1.2.3.1) and the annual vegetation survey assessment (see Section 4.2.2) into each of the annual compliance reports required under OAR 345-026-008(2). A summary of the vegetation management conducted within the fence line will also be included in the annual report. The EMWMP will be periodically updated to account for changes in local fire protection agency personnel and changes in best practices for minimizing and mitigating fire risk. A copy of the updated EMWMP will be provided to ODOE

A revision control summary is set forth at the very end of this document.

Implementation of the EMWMP shall be coordinated with reliability measures and policies implemented by EMWMP personnel pursuant to the standards and regulations of all applicable Federal and State agencies including, but not limited to, the Federal Emergency Management Agency (FEMA), North American Energy Reliability Corporation ("NERC") and the Western Electric Reliability Council (WECC), Occupational Health and Safety Administration etc.

1.1.2 Activation Trigger/EMP Situation

The EMP shall be activated whenever a Regulatory Agency announces, or it becomes evident to Facility personnel, that an emergency, threat or hazard has occurred or is about to occur. Any such set of circumstances shall be treated as an "EMP Situation".

It shall be the responsibility of the Facility Site Manager, in consultation with management of the Applicant to identify and declare such an EMP Situation, activate the EMP, and initiate all relevant and applicable steps towards mitigating potential damage to Facility operations. Emergency conditions necessitating activation of this EMP shall also be communicated to the Facility 24/7 Remote Operations Control Center (ROCC), Qualified Scheduling Entity (QSE) and power

purchaser and any required Regulatory Agency. However, in the absence of an alert from an outside party, the Facility Manager shall monitor potential emergencies or threats of any kind as they occur and be prepared to respond accordingly.

1.2 Project Description

The major components of the Project are the solar arrays (composed of solar modules), collector line system, battery energy storage system (BESS), Project collector substation, switchyard substation, operations and maintenance (O&M) enclosure, and access roads. All components will be within the approximately 324-acre Site Boundary. The layout of the Project has not been finalized and may vary depending on project size, technology, and other constraints. Prior to finalization of this plan, the final site plan will be incorporated into Section 1.3.2.

Detailed description of facility design features that reduce the risk of fires are described in Section 1.2.1 and details about vegetation management practices that reduce the risk of wildfire are discussed in Section 4.2.2.

1.2.1 Project Design Features that Minimize Fire Risk

- Maintain a noncombustible, defensible space clearance along the fenced perimeter of the Site Boundary. Any potential fires inside the solar array will be controlled by trained Facility staff who will be able to access the Facility around the clock. These measures will help keep external fires out or internal fires in.
- Smoke/fire detectors will be placed around the site that will be tied to the supervisory control and data acquisition (SCADA) system and will contact local firefighting services. The SCADA system allows each component of the Project to be monitored for activity in present time. If an issue arises with a solar string, it alerts the O&M staff so that the component can be shut down to minimize consequences of failure and potential safety risks. In the event an anomaly is observed by the SCADA system or during an inspection, original equipment manufacturer (i.e., OEM) engineering is advised, and further inspection may be carried out by subject matter experts to determine root cause and resulting action required to rectify the issue.
- Roads and Vehicles:
    - Project access roads would be sufficiently sized for emergency vehicle access. Specifically, roads would be 12 to 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade to provide access to emergency vehicles. Vegetation will be cleared and maintained along perimeter roads to provide a vegetation clearance for fire safety. All newly constructed roads will be graded and graveled to meet load requirements for all equipment.
    - Maintenance vehicles would drive and park on maintained gravel roads and areas cleared of vegetation, avoiding hazards associated with driving or parking in tall dry grass.
- Solar Panel and BESS Design:

- Proper installation and maintenance of electrical equipment to prevent short-circuits and consequent sparking, and reduction in fuel to reduce the chance of fire spreading.
- Electrical equipment would meet National Electrical Code and Institute of Electrical and Electronics Engineers standards and would not pose a significant fire risk.
- Solar array would have shielded electrical cabling, as required by applicable code, to prevent electrical fire.
- The collector system and substation/switchyard will have redundant surge arrestors to deactivate the Project during unusual operational events that could start fires.
- The substation and switchyard will also include a lightning protection system.
- The areas immediately around the Project substation, BESS, and switchyard would be graveled, with no vegetation present. The collector substation, switchyard, and battery storage will have also sufficient spacing between equipment to prevent the spread of fire.
- The lithium-ion ESS will have the following fire prevention features and controls:
    - Each energy storage system unit will have a thermal management system designed and sized so heat generated can be removed ensuring the batteries operate in an environment that does not exceed the operational temperature range defined by the battery manufacturer.
    - Each unit will have temperature, current, voltage, and humidity sensors which provide a real time information of the conditions inside the enclosures.
    - There will be a Fire Safety System that monitors heat, and smoke, and provides dedicated annunciation/alarming in the event a fire condition is detected, automatically returns the system to a standby mode and if necessary automatically deploys an appropriate suppression agent. The fire alarm functions are handled by a common fire alarm control panel (FACP) in the auxiliary control cabinet. The FACP monitors the status of the detectors and initiates an alarm if a fire is detected. The panel is set up with fire detection zones for the detectors in the battery enclosures. The FACP is connected to the local strobe and siren unit for alarm annunciation. Internal batteries in the FACP provide backup power if the main power supply is temporarily lost.
    - The structure of the enclosure will be designed so that if an internal fire occurs, it can impede flames from moving to adjacent enclosures or the environment.
    - The energy storage system enclosures will be equipped with proper safety labels and signages for the safety of site personnel. The enclosure will be electrically touch safe and grounded.
    - On-site personnel will be able to activate an emergency stop via an emergency stop button on the external wall of the energy storage system enclosures.
    - Adherence to the requirements and regulations, personnel training, safe interim storage, and segregation from other potential waste streams will minimize any public hazard related to transport, use, or disposal of batteries.
- Vegetation within the fence line will be managed as needed to reduce fuels for fire (see Section 4.2.2).

1.2.2 Construction Activities and Sequencing/Schedule

To be determined (TBD)

1.2.3 Operations and Maintenance Activities and Schedule

1.2.3.1 Facility Inspections

In general, the Project will be monitored and operated remotely using the Supervisory Control and Data Acquisition (SCADA) System which will be installed to collect operating and performance data from the solar arrays. Smoke/fire detectors will be placed around the site that will be tied to the SCADA System and will contact local firefighting services as needed.

Additionally, the BESS will have an integrated fire safety system that monitors heat, and smoke, and provides dedicated annunciation/alarming in the event a fire condition is detected, automatically returns the system to a standby mode and if necessary, automatically deploys an appropriate suppression agent. The fire alarm functions are handled by a common fire alarm control panel (FACP) in the auxiliary control cabinet. The FACP monitors the status of the detectors and initiates an alarm if a fire is detected. The panel is set up with fire detection zones for the detectors in the battery enclosures. The FACP is connected to the local strobe and siren unit for alarm annunciation. Internal batteries in the FACP provide backup power if the main power supply is temporarily lost.

The SCADA system will allow the Applicant to monitor the Project components, such as the substation, solar arrays, and BESS, 24 hours a day, 7 days a week. The SCADA system will have functionality that will allow the applicant to start and stop any aspect of the facility. These facility components would be inspected quarterly.

These operational monitoring and maintenance measures are also discussed in Section 1.2.1, under Project Design Features that Minimize Fire Risk.

In addition to the remote monitoring, onsite inspections of Project equipment will occur quarterly. Onsite inspections will include check lists provided by the Original Equipment Manufacturer and the use of utility industry best practices.

1.2.3.2 Heightened Wildfire Risk Preventive Action

The Applicant will minimize risk of facility components causing wildfire through Project design (see Section 1.2.1), through operations and maintenance activities including the regular maintenance and inspection of Project components (see Section 1.2.3.1) and the Project's vegetation management program (see Section 4.2.2), and through the emergency response procedures described in this EMWMP.

Additionally, The Northwest Interagency Coordination Center (NWCC) Predictive Services group provides fire weather advisories (such as Red Flag Warnings) and fuel and fire behavior advisories (including fuel status reports and fuel moisture content predictions) for each predictive service area (PSA) in the northwest. The Project Site Boundary is located within PSA NW10. Fire danger

forecasts for the Project area will be monitored, and Project activities and mitigation measures will be adjusted based on their annual variations.

1.3 Site Description

1.3.1 Site Access

Site access will be limited to authorized personal only and based on Federal and State legislation in addition to utility industry best practices. Ingress and egress points will be identified in Facility specific construction drawings.

1.3.2 Site Plan

TBD

1.3.3 Areas Subject to Heightened Fire Risk

Based on data provided in Exhibit V of the 2022 ASC and in the Final Order on the ASC, the area within the Project Site Boundary has a moderate wildfire risk mainly due to the existing vegetation and the relatively dry climate in this region.

However, the lands immediately north, west, and south of the Site Boundary have a low wildfire risk as these lands are mostly irrigated agriculture. Lands immediately east of the site boundary share similar characteristics as the land within the Site Boundary and therefore has a moderate wildfire risk. However, the moderate risk lands east of the Site Boundary are separated from the Site Boundary by S. Edwards Road, a paved county road that would serve as a fire break were a wildfire to occur east of the Site Boundary. Therefore, there is low risk of a wildfire entering into the Site Boundary from surrounding lands.

Within the Site Boundary, the only existing structures area the existing transmission lines. If a wildfire were ignited onsite, the areas subject to heighted risk would be the areas associated with the existing transmission line poles. The transmission line towers may be considered areas of high fire consequence as there is the potential for high fire hazard for these structures.

During Project operations, the areas within the Site Boundary that are subject to a heightened risk of wildfire include the solar array areas. This is because the solar array areas will have low-growing vegetation maintained below them during the operational period of the Project. Measures for reducing the risk of fire ignition and reducing the risk of equipment damage were a wildfire to occur will include regular maintenance and inspection of Project components (see Section 1.2.3.1), the Project's vegetation management program (see Section 4.2.2), and through the emergency response procedures described in this EMWMP. The substation and switchyard areas as well as the distributed inverter/transformer pads will have reduced risk for fire due to the fact that these areas will have a gravel base with no vegetation to reduce fire risk.

1.3.4 Updated Review of Wildfire Risk

Every five years, the Applicant will review wildfire risk at the Project site. Evaluation of wildfire risk will be consistent with the requirements of OAR 345-022-0115(1) and will include an evaluation of Baseline and Seasonal wildfire risk using current data from reputable sources and will update as applicable:

- Baseline wildfire risk, based on factors that are expected to remain fixed for multiple years, which may include topography, vegetation, Fire Hazards to Infrastructure, Fire History, Active Fires, and Burn Probability and climate;
- Seasonal wildfire risk, based on factors that are expected to remain fixed for multiple months but may be dynamic throughout the year, including but not limited to, cumulative precipitation, weather advisories, and fuel moisture content;

During the 5-year review of wildfire risk at the Project site, the Applicant will also include the evaluation and identification of:

- Areas subject to a heightened risk of wildfire, based on the information provided above.
- High-fire consequence areas, including but not limited to areas containing residences, critical infrastructure, recreation opportunities, timber and agricultural resources, and fire-sensitive wildlife habitat.

2.0 Personnel Responsibilities and Communication

2.1 Project Emergency Information

Preliminary list below – TBD.

Table 1. Project Emergency Contact Information

Title	Name	Phone	Email	Physical Address
Local Emergency Services				
Oregon 811		811 800.332.2344		
Emergency Services	EMS	911		
Local Law Enforcement	Umatilla County Sheriff	541-966-3600 541-966-3651		915 SE Columbia Ave., Hermiston, Oregon 97838
Local Fire Department	Umatilla County Fire District #1 Station 24	541-667-5130	fire.district@ucfd1.com	280 W Coe Ave., Stanfield, Oregon 97875
Local Occupational Clinic	Health One	541-567-2600		645 West Orchard, Hermiston, OR 97838
Local Health Care Facility (Level III Trauma Center)	Good Shepherd Health Care Services	541-667-3400		610 NW 11th Street, Hermiston, Oregon 97838
Local Hospital (Level I Trauma Center)	Oregon Health & Science University Hospital and Legacy Emmanuel Medical Center	503-413-2200		2801 N. Gantenbein Ave. Portland, OR 97227
EE West End Solar LLC				
Facility Manager	Jerod Cole	214-437-6818	jcole@eurusenergy.com	84670 Ringer Road Milton-Freewater, OR 97862
Engineering Manager	Lee Peacock	858-444-7704	lpeacock@eurusenergy.com	9255 Towne Centre Drive Suite 840, San Diego, CA 92121
<Contractor>				
TBD; Operations Manager				
<Subcontractors>				
TBD				
Local Utility Services				
TBD				

2.2 Personnel Roles and Responsibilities

- *TBD*
- *Jerod Cole is currently anticipated to be the Facility Manager with overall responsibility for Facility operations.*
- *Lee Peacock is currently anticipated to be Engineering Manager supporting overall performance of the Facility.*
- *A contracted Operations Manager has yet to be determined.*
- *Personnel will be identified and added to this section prior to finalization of this plan.*

2.2.1 Project Safety Manager

- *TBD*
- *Jerod Cole is currently anticipated to be the Facility Manager with overall responsibility for operations of the Facility.*

2.2.2 Site Personnel / Subcontractors

- *TBD*
- *A Facility Operations Manager and subcontractors are to be determined.*

2.3 Communication

2.3.1 Communication Plan

Upon the recognition of an EMP Situation, the Facility Manager shall communicate immediately to all Facility personal, EEA and all necessary outside parties: what type of emergency is taking place as well as all short- and medium-term actions will be taken.

2.4 Training

Training to be based on Federal, State and local legislation, Original Equipment Manufacturer's manuals and utility industry best practices.

3.0 Pre-Emergency Planning

3.1 Pre-Emergency Planning

All Facility personnel and relevant support personal involved with managing the operations shall participate in an annual drill to test the procedures outlined in this EMP. It is important that all types of emergencies (physical, meteorological and cyber, etc.) all considered when conducting a drill, because often the response to different kinds of emergencies will be substantially the same. Following any drill, Facility staff and support personal will assess the effectiveness of the drill and modify the EMWMP Plan as needed.

3.2 Notices and Signage

To be based on Federal, State and local legislation, Original Equipment Manufacturer's manuals and utility industry best practices.

3.3 PPE and Emergency Equipment

To be based on Federal, State and local legislation, Original Equipment Manufacturer's manual and utility industry best practices.

4.0 Emergency Response Procedures

To be based on Federal, State and local legislation, Original Equipment Manufacturer's manual and utility industry best practices.

4.1 Emergency Medical Treatment

In the event of a medical emergency facility personal or designated representative will call Emergency Servies at 911.

4.2 Fire Prevention and Protection and Emergency Responsibilities and Procedures

To be in accordance with Federal, State and local legislation, Original Equipment Manufacturer's manuals and utility industry best practices and in accordance with construction drawings.

4.2.1 Fire Prevention and Protection

4.2.1.1 Understanding Conditions Associated with Photovoltaic Solar Arrays

TBD

4.2.1.2 Construction Avoidance, Reduction, and Mitigation Measures to Reduce Fire Hazard

Preliminary list of Construction Avoidance, Reduction, and Mitigation Measures to Reduce Fire Hazard provided below. Subject to revision prior to finalizing plan.

- The Facility will be deenergized for most of the construction period, only during the final commissioning stage it's expected to be connected to grid.
- During construction, contractor will follow all relevant Occupational Safety and Health Administration and NFPA requirements related to fire hazards including: no smoking policy, fire permit requirement, hazardous material and combustible storage areas, pre task planning to assess fire risks, relevant fire awareness training, lockout-tagout requirement, hazardous materials documentation, appropriate management, and disposal.

- Fire Prevention, Suppression and Emergency Preparedness:
    - During periods of high fire danger potential sources of fire ignition (vehicle exhaust systems, cigarettes, matches, propane torches, sparks from various hot work operations, etc.) must be used with extra precaution.
    - During construction, a water truck would be on-site to keep the ground and vegetation moist during extreme fire conditions.
    - Prior to start of construction work activities, contact the local fire department(s) and advise them of work type, location, and probable duration. Maintain open communication with local fire district personnel to identify and address fire hazards
    - Keep emergency firefighting equipment on-site when potentially hazardous operations are taking place.
    - Prior to performing hot work (anything that creates a spark or an open flame is considered hot work), fire suppression equipment must be immediately available, hot work must only be done on road or surfaces cleared of vegetation, and the on-site Safety Supervisor must be notified (see also Section 4.2.4.1).
- Vehicles:
    - Plan and manage the work and the movement of vehicles. No off-road driving is to be done while working alone.
    - Prohibit construction workers from parking vehicles in areas of tall dry vegetation, to prevent fires caused by contact with hot mufflers or catalytic converters
    - Each vehicle used on-site shall have a shovel and fire extinguisher of sufficient type and capacity to suppress small fires around vehicles. Vehicle occupants shall be familiar with the location of these fire extinguishers. All employees who may have a need to use a fire extinguisher shall be current in their training on the general principles of fire extinguisher use and the hazards involved with incipient stage firefighting.
    - The general contractor would be responsible for identifying and marking the path for all off-road vehicle travel.
    - All off-road vehicle travel is to stay on the identified path.
    - In the event a vehicle gets stuck, shut the engine off. Periodically inspect the area adjacent to the exhaust system for evidence of ignition of vegetation. Do not "rock" the vehicle to free it; rather, pull it out. Inspect the area after the vehicle has been moved.
    - In tall grass (i.e., tall or taller than the exhaust system of the vehicle[s]), pre-wet the area with water prior to driving on it with vehicles.
- Fueling
    - The general contractor would designate a location for field fueling operations at each construction yard. Any fueling of generators, pumps, etc., shall take place at this location only.
    - Fuel containers, if used, shall remain in a vehicle or equipment trailer, parked at a designated location alongside county rights-of-way. No fuel containers shall be in the

vehicles that exit the right-of-way except for one 5-gallon container that is required for the water truck pump

- Smoking
    - Smoking shall only be allowed in the designated smoking areas of the Proposed facility.

4.2.1.3 Operations Avoidance, Reduction, and Mitigation Measures to Reduce Fire Hazard

The Applicant will minimize risk of facility components causing wildfire through Project design (see description of design features that minimize fire risk in Section 1.2.1), through operations and maintenance activities including the regular maintenance and inspection of Project components (see Section 1.2.3.1) and the Project's vegetation management program (see Section 4.2.2 below), and through emergency response procedures described in this EMWMP.

4.2.2 Vegetation Management Fire Risk Reduction Procedures

- Vegetation within the fence line and below the solar arrays will be maintained to a height of 18- inches and provide a minimum of 24-inch clear distance to any exposed electrical cables. Exposed electrical wires should be running under the solar panels at the midpoint or higher than the center of the panel.
- Vegetation will be removed within 10-foot perimeter of the inverter/transformer/battery unit pads. Gravel or similar noncombustible base will be located within the 10-foot perimeter of these pads. Vegetation will be removed from inside the Project collector substation fence line. Gravel or similar noncombustible base shall be used.
- Vegetation maintenance during operation of the Project will ensure that vegetation does not grow in a manner that blocks or reduces solar radiation reaching the solar panels and reduce the risk of starting a fire. Vegetation control will employ Best Management Practices (BMPs) and techniques that are most appropriate for the local environment. BMPs may include physical vegetation control such as mowing or introduction of a non-invasive species that is low growing. In rare circumstances where it is necessary to use herbicides, an effort will be made to minimize use and only apply bio-degradable, Environmental Protection Agency -registered, organic solutions that are non-toxic to wildlife. Any herbicides used for vegetation management the site will be selected and used in a manner that fully complies with all applicable laws and regulations.
- To minimize vegetation maintenance, an agency-approved seed mix for low-growing vegetation will be applied post construction, following preparation of the soil. The seed mix is anticipated to encourage low-growing vegetation that does not require mowing. However, periodic vegetation maintenance through various means such as mechanical/grazing/hand pulling may be needed in the spring in combination with the noxious weed control plan. (*Reference to be made to separate Noxious Weed Control Plan. The final version of this plan will identify the selected seed mix for revegetation*).

Vegetation Management Procedures and Timing

- The Applicant will conduct periodic vegetation maintenance within the Project's fenced area to maintain vegetation within the fence line and to maintain a 5-foot noncombustible, defensible space clearance along the fenced perimeter of the Site Boundary. Defensible space will be free of combustible vegetation or other materials. Roads and parking areas will be maintained to be free of vegetation tall enough to contact the undercarriage of the vehicle. The timing and frequency of the periodic vegetation maintenance (e.g., mechanical/grazing/hand pulling, etc.) will depend on the conditions on site (weather, vegetation growth, season, etc) but is anticipated to be conducted weekly or monthly during the vegetation growing season (spring/early summer) and will be less frequent during the dry season where vegetation is anticipated to go dormant.
- A physical vegetation survey assessment of the fenced area will be completed at least once annually to monitor for vegetation clearances, maintenance of fire breaks, and monitor for wildfire hazards. The vegetation survey assessment will occur in May or June, prior to the start of the dry season, a time when wildfire risk is heightened. The survey will be conducted by the Site Operations Manager and will be used to assess the frequency of the periodic vegetation maintenance (e.g., mechanical/grazing/hand pulling, etc.) and identify areas that may need additional attention. Observations in the vegetation survey will include:
    - Location
    - Species
    - Estimated growth rate
    - Abundance
    - Clearance / Setbacks
    - Risk of fire hazard

4.2.3 Fire Department Access

(See also Section 1.3.1)

4.2.3.1 Site Access

To be defined in construction drawings.

4.2.3.2 Internal Site Access Roads

To be defined in construction drawings.

4.2.3.3 Access Aisles

To be defined in construction drawings.

4.2.4 Controlling Hazards & Prevention Practices

4.2.4.1 Welding and Open Flame / Hot Work

To be in accordance with Occupational Health and Safey Code of Federal Regulation 1917.153 Welding, cutting and heating (hot work)

4.2.4.2 Combustibles

To be in accordance with National Fire Protection Association (NFPA) and Occupational Health and Safety Codes of Federal Legislation.

4.2.4.3 Electric Fire Hazards

To be in accordance with National Fire Protection Association (NFPA) and Occupational Health and Safety Codes of Federal Legislation

4.2.5 Equipment Fire Safety

To be based on Federal, State and local legislation, Original Equipment Manufacturer's manuals and utility industry best practices.

4.2.6 Emergency Response

- Emergency Notification and Follow Up
    - The following course of action should be taken if an emergency situation develops:
        - Evacuate as necessary. Maintain site security and control if possible. If crews are working at different areas of the site, a designated meeting location would be created for all people to gather.
        - Notify proper emergency services (fire, ambulance, etc.) for assistance.
        - Notify site management of any possible fires.
        - Prepare a summary report of the incident as soon as possible after the incident.

4.3 Spill Prevention and Response

Reference to be made to separate Spill Prevention, Control, and Countermeasures (SPCC Plan)

4.4 Severe Weather

4.4.1 Severe Thunderstorm and Tornado Warnings

4.4.2 Floods

4.4.3 Extreme Temperatures and Red Flag Warnings

The Northwest Interagency Coordination Center (NWCC) Predictive Services group provides fire

weather advisories (such as Red Flag Warnings) and fuel and fire behavior advisories (including fuel status reports and fuel moisture content predictions) for each predictive service area (PSA) in the northwest. The Project Site Boundary is located within PSA NW10.

Fire danger forecasts for the Project area for PSA NW10 will be monitored by the Site Operations Manager or designee. Project activities and mitigation measures will be adjusted as needed to address fire risks.

5.0 Post-Emergency Procedures

5.1 Accident / Incident Reporting

To be based on Federal, State and local legislation, Original Equipment Manufacturer's manuals and utility industry best practices.

5.2 Restoration and Salvage

To be based on Federal, State and local legislation, Original Equipment Manufacturer's manuals and utility industry best practices.

6.0 Attachments and Forms

Revision Control Summary

Date of change	Sections Amended	Approval Signature(s)

The last update to this EMP was approved effective _____, and supersedes and replaces all previous EMPs or amendments adopted, including the last comprehensive update on October __, 2022.

7.0 References

References will be added based on final sources used to finalize plan and when plan is reviewed and updated.

Attachment X-1: EFSC Approved Bond Template (2022-04-22) and EFSC Approved LOC Template (2022-01-28)

SITE CERTIFICATE BOND

Bond No. TEMPLATE

KNOW ALL PERSONS BY THIS INSTRUMENT, THAT WE

SITE CERTIFICATE HOLDER (Hereinafter called Principal), as Principal and **INSURANCE COMPANY**, a corporation duly organized and existing under and by virtue of the laws of the State of Oregon (hereinafter called "Surety") as Surety, are held and firmly bound unto the STATE OF OREGON, acting by and through the ENERGY FACILITY SITING COUNCIL, (Hereinafter called "Obligee"), as Obligee, in the penal sum of **WRITE OUT AMOUNT** Dollars, (**$X,XXX,XXX**) good and lawful money of the United States of America, to be paid to the Obligee, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said Principal has been granted a Site Certificate for the **Project Name** dated **Month day, Year** ("Site Certificate"), and

WHEREAS, the Principal is required to provide and maintain financial security to the Obligee in the amount of **$X,XXX,XXX** (**X** Quarter, 20--dollars) under Condition **Number** of the Site Certificate; and

WHEREAS, the Principal is required to retire the facility and restore the site according to a final retirement plan approved by the Council under Condition **Number** of the Site Certificate.

THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that if the said Principal complies with the conditions of the Site Certificate referenced above, OR, if the Principal obtains and provides alternate financial assurance approved by the Council then this obligation shall be void, otherwise this obligation will remain in full force and effect.

The Surety shall become liable on this bond obligation if the Principal fails to fulfill its obligations to comply with the conditions of the Site Certificate referenced above. Upon notification by the Obligee that the Principal has failed to perform as guaranteed by this bond, the Surety will be obligated to pay monies to the Obligee, limited to the penal sum of this bond, within 90 days.

PROVIDED, HOWEVER, THAT THIS BOND IS EXECUTED BY THE PRINCIPAL AND SURETY AND ACCEPTED BY THE OBLIGEE SUBJECT TO THE FOLLOWING EXPRESS CONDITIONS:

1. It is understood by all parties that the terms of this bond shall become effective on **Month Day, Year**.

2. The liability of the Surety shall in no event exceed the penal sum of the bond.

3. The Surety has no obligation to perform any restoration work and no responsibility to contract with any other party for restoration work at the site. The Surety's obligation under this bond consists solely of the payment of sums due the Obligee and no other obligation.

4. No right of action shall accrue under this bond to or for the use or benefit of anyone other than the named Obligee or its successors or assigns. No assignment by the Principal shall

be effective without the written consent of the Surety.

5. The Surety may cancel this bond at any time by giving the Principal and Obligee one hundred twenty (120) days written notice of the Surety's intent to cancel this bond. Notice to the Obligee must be sent to:

Oregon Energy Facility Siting Council
c/o Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

6. If the Surety provides notice of intent to cancel this bond prior to the Principal fulfilling its obligation to retire the facility and restore the site, but Principal does not provide alternate financial assurance approved by the Council within 90 (ninety) days after the date the notice of intent to cancel is received by the Obligee from the Surety, the Surety will be obligated to pay monies to the Obligee, limited to the penal sum of this bond, upon demand by the Obligee prior to the effective date of the cancellation.

7. If any conflict or inconsistency exists between the Surety's obligations as described in the bond and as described in the underlying Site Certificate, then the terms of the bond shall prevail.

8. No modification of the Site Certificate guaranteed by this bond shall be binding on the Surety or covered by this bond without the written consent of the Surety.

9. The Surety may issue a rider or riders annually to adjust the penal sum of the bond for inflation as consistent with Condition **Number** of the Site Certificate based on the U.S. Gross Domestic Product Implicit Price Deflator, chain weighted, as published in the Oregon Department of Administration Services' "Oregon Economic and Revenue Forecast," or by any successor agency ("the Index"). Any rider adjustment will be subject to normal underwriting procedures and approval by the Surety, and if approved by the Surety, will adjust the penal sum of the bond based on the percentage increase in the noted index. If at any time the index is no longer published, the Obligee shall select comparable calculation to adjust **#** Quarter **YEAR** dollars to present value under Condition **Number** of the Site Certificate.

10. The Surety agrees that it is liable for additional costs and expenses including reasonable attorneys' fees, awarded by a court to Obligee in successfully enforcing the obligation against the Surety in the event Surety wrongfully fails to pay sums owed as required under the bond.

11. This bond shall not bind the Surety unless the bond is accepted by the Obligee. The acknowledgment and acceptance of such bond is demonstrated by signing where indicated below. If this obligation is not accepted by way of signature of the Obligee below, this bond shall be deemed null and void.

IN WITNESS WHEREOF, said Principal and Surety have caused this instrument to be executed in their names and by their seals to be hereunder affixed on this XX day of Month 20XX.

Site Certificate Holder

ATTEST_____ BY_____

Principal

INSURANCE COMPANY

ATTEST_____BY _____

Name Name, Attorney-in-Fact

Witness as to Surety

The above terms and conditions of this bond have been reviewed and accepted by

_____, the Obligee

Acknowledged and Accepted:

By:_____

Printed Name:_____

Title:_____

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER _____

Date

STATE OF OREGON
Acting by and through
The Energy Facility Siting Council
c/o Energy Siting Division Administrator
Oregon Department of Energy
550 Capitol St NE – 1st floor
Salem, Oregon 97301-3737

Ladies and Gentlemen:

At the request and for the account of Site Certificate Holder, address, and on behalf of the Project N ame, we, Financial Institution hereby establish effective immediately, in favor of you, the STATE OF OREGON, acting by and through The Energy Facility Siting Council ("Beneficiary") this Irrevocable Standby Letter of Credit Number_____(the "Letter of Credit") in the amount of USD $x,xxx,xxx (write out number) (as such amount may be reduced from time to time by partial draws hereunder, the "Stated Amount").

We are informed that this Letter of Credit is being issued in connection with the Site Certificate for the P roject Name with the STATE OF OREGON dated month day, year, as may be amended from time to time.

This Letter of Credit is issued, presentable, and payable at our offices at Financial Institution, address Attention: Standby Letter of Credit Department and expires with our close of business on date (the "Expiration Date").

It is a condition of this Letter of Credit that it shall be automatically extended without amendment for successive one (1) year periods from the present or any future Expiration Date hereof, unless we provide you with written notice by overnight courier or registered mail of our election not to extend this Letter of Credit at least one hundred twenty (120) ~~day~~s prior to any such Expiration Date (the present or any future expiration date as aforesaid is referred to herein as the "Expiration Date"). For the purposes hereof, "Business Day" shall mean any day on which commercial banks are not authorized or required to close in New York.

Subject to the terms and conditions herein, funds under this Letter of Credit are available at sight against your draft drawn on us bearing upon its face the clause "Drawn under Financial Institution Letter of Credit Number_____dated __, 20__and accompanied by the following documents:

1. The original of this Letter of Credit and all subsequent amendments, if any; and

2. Your sight draft drawn on us; and

3. A dated draw certificate signed by an authorized officer of the Beneficiary and on Beneficiary's letterhead in the form of attached Exhibit(s) A, B or C to this Letter of Credit (incorporated

herein by reference and made an integral part hereof).

Partial drawing and multiple presentations are permitted under this Letter of Credit, provided that the Stated Amount of this Letter of Credit shall be permanently reduced by the amount of each such draw paid by us.

This Letter of Credit may not be transferred or any of the rights hereunder assigned. Any purported transfer or assignment shall be void and of no force or effect.

The Financial Institution agrees that a draft drawn and presented in conformity with the terms of this Letter of Credit will be duly honored upon presentation. If a draft made by Beneficiary does not conform to the terms and conditions of this Letter of Credit, we will give Beneficiary notice within three business days that the demand for payment will not be affected. Such notice will include a statement of reasons for the denial. Upon being notified that the demand for payment was not affected in conformity with this Letter of Credit, Beneficiary may attempt to correct the nonconforming demand; provided, however, that any draft or document prescribed to correct such nonconforming demand must be provided on or prior to the Expiration Date.

This Letter of Credit sets forth in full our undertaking and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any documents, instruments or agreements referred to herein, except only the exhibits referred to hereby and any such reference shall not be deemed to incorporate by reference any document, instrument or agreement except for such exhibits.

Except as otherwise expressly stated herein, this Letter of Credit is issued subject to the International Standby Practices ("ISP98"), International Chamber of Commerce Publication No. 590. As to matters not covered by the ISP98, this Letter of Credit shall be governed by the laws of the State of Oregon without regard to the principles of conflicts of laws thereunder.

_____ _____

Authorized Signature Authorized Signature

Exhibit A

[EFSC LETTERHEAD]

DRAW CERTIFICATE

[DATE]

Financial Institution
Address
City, State Zip

Attention: Standby Letter of Credit Department

Drawn under Irrevocable Standby Letter of Credit Number_____dated __, 20___

Ladies and Gentlemen:

Any capitalized term used herein shall have the meaning defined for that term by the Letter of Credit.

The undersigned, the duly elected and acting_____of the Beneficiary, hereby certifies as follows:

1. Site Certificate Holder has permanently ceased commercial operation of the energy facility described in the Site Certificate for the Project Name, as amended from time to time (the "Site Certificate").

2. Either [Select Applicable Provision]:

[ ] Site Certificate Holder has failed to submit to Beneficiary a retirement plan for the Project Name as required by OAR 345-027-0110.

Or

[ ] Beneficiary has issued a final order disapproving the final retirement plan proposed by Site Certificate Holder for the Project Name.

Or

[ ] Site Certificate Holder has failed to comply with the terms and conditions of the approved final retirement plan for the Project Name and Beneficiary's order authorizing retirement of the Project Name.

3. As a result of said breach of the Site Certificate, the Beneficiary is entitled pursuant to the provisions of the Site Certificate to make demand under the Letter of Credit in the amount of $_____.

4. The undersigned has concurrently presented to you its sight draft drawn in the amount specified in Paragraph 3 above, which amount does not exceed the lesser of (a) the amount the Beneficiary is entitled to draw pursuant to the provisions of the Site Certificate, and (b) the Stated Amount as of the date hereof. The date of the sight draft is the date of this Certificate, which is not later than the Expiration Date.

5. Funds paid pursuant to the provisions of the Letter of Credit shall be wire transferred to the Beneficiary in accordance with the following instructions:

_____

_____

_____

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this certificate as of the ___day of _____, 20_.

STATE OF OREGON, acting by and through the Energy Facility Siting Council, as Beneficiary

By: _____

Title: _____

Exhibit B

[EFSC LETTERHEAD]

DRAW CERTIFICATE

[DATE]

Financial Institution
Address
City, State Zip

Drawn under Irrevocable Standby Letter of Credit Number_____dated __, 20__

Ladies and Gentlemen:

Any capitalized term used herein shall have the meaning defined for that term by the Letter of Credit.

The undersigned, the duly elected and acting_____of the Beneficiary, hereby certifies as follows:

1. Financial Institution has heretofore provided written notice to the Beneficiary of the Financial Institution's intent not to renew the Letter of Credit following the present Expiration Date thereof.

2. Site Certificate Holder is required to deliver to the Beneficiary and keep in effect, a bond or letter of credit that satisfies the requirements of Condition number of the Site Certificate for the Project Name, as amended from time to time (the "Site Certificate").

3. Neither Site Certificate Holder nor any person acting on its behalf has, at least thirty (30) days prior to the present Expiration Date of the Letter of Credit, delivered to Beneficiary a bond or letter of credit that satisfies the requirements of Condition number of the Site Certificate.

4. As a result of said breach of the Site Certificate, the Beneficiary is entitled pursuant to the provisions of the Site Certificate to make demand under the Letter of Credit in the amount of $.

5. The undersigned has concurrently presented to you its sight draft drawn in the amount specified in Paragraph 4 above, which amount does not exceed the lesser of (a) the amount the Beneficiary is entitled to draw pursuant to the provisions of the Site Certificate, and (b) the Stated Amount as of the date hereof. The date of the sight draft is the date of this Certificate, which is not later than the Expiration Date.

6. Funds paid pursuant to the provisions of the Letter of Credit shall be wire transferred to the Beneficiary in accordance with thefollowing instructions:

_____

_____

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this certificate as of the _____ day of_____, 20_.

STATE OF OREGON, acting by and through the Energy Facility Siting Council, as Beneficiary

By: _____

Title: _____

Exhibit C

[EFSC LETTERHEAD]

DRAW CERTIFICATE

[DATE]

Financial Institution
Address
City, State Zip

Attention: Standby Letter of Credit Department

Drawn under Irrevocable Standby Letter of Credit Number ___dated ___, 20_____

Ladies and Gentlemen:

Any capitalized term used herein shall have the meaning defined for that term by the Letter of Credit.

The undersigned, the duly elected and acting _____ of the Beneficiary, hereby certifies as follows:

1. Site Certificate Holder has begun construction of the project described in the Site Certificate for the Project Name, as amended from time to time (the "Site Certificate") but has not completed construction by the deadline specified in Condition Number of the Site Certificate.

2. Neither Site Certificate Holder nor any successor has requested an amendment of the Site Certificate extending the construction completion deadline in compliance with applicable rules.

3. As a result of said breach of the Site Certificate, the Beneficiary is entitled pursuant to the provisions of the Site Certificate to make demand under the Letter of Credit in the amount of $ _____.

4. The undersigned has concurrently presented to you its sight draft drawn in the amount specified in Paragraph 4 above, which amount does not exceed the lesser of (a) the amount the Beneficiary is entitled to draw pursuant to the provisions of the Site Certificate, and (b) the Stated Amount as of the date hereof. The date of the sight draft is the date of this Certificate, which is not later than the Expiration Date.

5. Funds paid pursuant to the provisions of the Letter of Credit shall be wire transferred to the Beneficiary in accordance with the following instructions:

_____

_____

_____

IN WITNESS WHEREOF, the Beneficiary has executed and delivered this certificate as of the_____ day of _____, 20___.

STATE OF OREGON, acting by and through the Energy Facility Siting Council, as Beneficiary

By: _____

Title: _____