

# Exhibit E

## Permits for Construction and Operation

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**Wagon Trail Solar Project  
December 2023**

**Prepared for**



**Prepared by**



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## Acronyms and Abbreviations

Applicant	Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC
CFR	Code of Federal Regulations
Council	Energy Facility Siting Council
FAA	Federal Aviation Administration
Facility	Wagon Trail Solar Project
NPDES	National Pollutant Discharge Elimination System
O&M	operations and maintenance
OAR	Oregon Administrative Rule
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
U.S.C.	United States Code
WPCF	Water Pollution Control Facility

## 1.0 Introduction

Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC (Applicant) proposes to construct and operate the Wagon Trail Solar Project (Facility), a solar energy generation facility and related or supporting facilities in Morrow County, Oregon. This Exhibit E was prepared to meet the submittal requirements in Oregon Administrative Rule (OAR) 345-021-0010(1)(e).

## 2.0 Identification and Description of Required Permits

*OAR 345-021-0010(1)(e) Information about permits needed for construction and operation of the facility, including:*

*(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.*

*(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant’s analysis of whether the permit should or should not be included in and governed by the site certificate.*

### 2.1 Federal Permits

**Table E-1. Federal Permits**

Permit	Agency	Authority/Description
Notice of Proposed Construction or Alteration (Form 7460-1)	Federal Aviation Administration (FAA)  Attn: Dan Shoemaker, Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Avenue SW Renton, WA 98057 (425) 227-2791 Dan.shoemaker@faa.gov	Federal Aviation Act of 1958 (14 U.S.C. § 44718); 14 CFR § 77  Description: The Applicant will use the FAA Notice Criteria Tool to identify if a Form 7460-1 is required. This federal process is not within the jurisdiction of the Council and therefore should not be included in the site certificate.

<b>Permit</b>	<b>Agency</b>	<b>Authority/Description</b>
Supplemental Notice of Actual Construction or Alteration (Form 7460-2)	<p>FAA</p> <p>Attn: Dan Shoemaker, Airspace Specialist Seattle Obstruction Evaluation Group 1601 Lind Avenue SW Renton, WA 98057 (425) 227-2791 Dan.shoemaker@faa.gov</p>	<p>Federal Aviation Act of 1958 (14 U.S.C. § 44718); 14 CFR § 77</p> <p>Description: If a Notice of Proposed Construction or Alteration with the FAA is required, then submission of the Supplemental Notice of Actual Construction or Alteration form must be filed within 5 days after construction reaches its greatest height as specified in the No Hazard Determination. This federal process is not within the jurisdiction of the Council and therefore should not be included in the site certificate.</p>

## 2.2 State Permits Not Federally Delegated

**Table E-2. State Permits Not Federally Delegated**

<b>Permit</b>	<b>Agency</b>	<b>Authority/Description</b>
Energy Facility Site Certificate	<p>Oregon Department of Energy and Energy Facility Siting Council</p> <p>Attn: Todd Cornett, Division Administrator 550 Capitol Street NE Salem, OR 97301 (503) 378-8328 todd.cornett@energy.oregon.gov</p>	<p>Oregon Revised Statutes (ORS) 469.300 et seq.; OAR Chapter 345, Divisions 1, 21-24</p> <p>Description: This site certificate is the subject of this Application for Site Certificate.</p>
On-site Sewage Disposal Construction-Installation Permit	<p>Oregon Department of Environmental Quality (ODEQ), Eastern Region Water Quality On-site Program</p> <p>Attn: Bob Baggett, Technical Assistance and Variances 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 633-2036 baggett.robort@deq.state.or.us</p>	<p>ORS 454 and 468B; OAR Chapter 340, Division 71</p> <p>Description: Facilities with an on-site sewage disposal system must obtain a Construction-Installation Permit before construction. The Facility will have a daily sewage flow of fewer than 2,500 gallons and the Applicant's third-party contractor will obtain the permit from ODEQ for the operations and maintenance (O&amp;M) building. Note that the Facility will either utilize the existing Wheatridge Renewable Energy Facilities I, II, and III O&amp;M building or a new O&amp;M building. Therefore, this permit should not be included in and governed by the site certificate.</p>

**Exhibit E: Permits for Construction and Operation**

Permit	Agency	Authority/Description
<p>Water Right Permit or Water Use Authorization</p>	<p>Oregon Water Resources Department Water Rights Section, District 5</p> <p>Attn: Greg Silbernagel, District 5 Watermaster 116 SE Dorion Avenue Pendleton, OR 97801 (541) 278-5456 Greg.M.Silbernagel@oregon.gov</p>	<p>ORS 537 and 540.505-589; OAR 690, Divisions 310, 340, and 410</p> <p>Description: During construction, the construction contractor will be responsible for identifying water sources and assuring that any needed permits or approval are obtained for construction water use. Water will either be obtained from the Hermiston Water Department, Stanfield Public Works, Boardman Public Works, the Port of Morrow, or another municipal source. See Exhibit O for further discussion.</p> <p>During operation, the Facility will obtain water from an exempt, on-site groundwater well or wells, which allows the use of up to 5,000 gallons per day of groundwater for industrial and commercial applications. The exempt well can be used for long-term operational use such as for solar panel-washing. This permit should be included in and governed by the site certificate.</p>
<p>Oversize Load Movement Permit/Load Registration</p>	<p>Oregon Department of Transportation (ODOT)</p> <p>Attn: Christy Jordan, Manager Motor Carriers Transportation Division 3930 Fairview Industrial Drive SE Salem, OR 97302 (503) 378-6192 Christy.A.Jordan@odot.state.or.us</p>	<p>ORS 818.030; OAR Chapter 734, Division 82</p> <p>Description: Authorization for oversized loads. Movement of construction cranes and other equipment and materials may require this permit. If needed, the Applicant's third-party contractor will obtain this permit and load registration from ODOT and therefore this permit should not be included in and governed by the site certificate.</p>
<p>Access Management Permit</p>	<p>ODOT</p> <p>Attn: ODOT Utility and Miscellaneous Permit Specialist ODOT District 12 1327 SE Third Street Pendleton, OR 97801 (541) 276-1241</p>	<p>OAR Chapter 734, Division 51</p> <p>Description: Access from Oregon state highways will require an access permit, which may be issued by the local ODOT District Offices. If needed, the Applicant's third-party contractor will obtain this permit directly from ODOT and therefore this permit should not be included in and governed by the site certificate.</p>

**Exhibit E: Permits for Construction and Operation**

Permit	Agency	Authority/Description
<p>Permit to Occupy or Perform Operations Upon a State Highway</p>	<p>ODOT                      Attn: ODOT Utility and Miscellaneous Permit Specialist                      ODOT District 12                      1327 SE Third Street                      Pendleton, OR 97801                      (541) 276-1241</p>	<p>OAR Chapter 734, Division 55 (Pole Lines, Buried Cables, and Miscellaneous Operations)</p> <p>Description: Utility installations within the right-of-way of a state highway in Oregon require a permit issued by the ODOT. If needed, the Applicant's third-party contractor will obtain this permit directly from ODOT and therefore this permit should not be included in and governed by the site certificate.</p>
<p>State Electrical Permit</p>	<p>Oregon Department of Consumer &amp; Business Services, Building Codes Division                      800 SE Emigrant Avenue, Suite 360                      Pendleton, OR 97801                      (541) 276-7814</p>	<p>OAR 918, Division 309</p> <p>Description: A state electrical permit is required prior to the installation of electric, phone, or cable service to the operations and maintenance building or the Facility collector substations. Electrical permits may be obtained in person at the Building Codes Division Pendleton office, or online through the state's e-permitting system (available at: <a href="http://www.oregon-epermitting.info/">http://www.oregon-epermitting.info/</a>). A state electrical permit will be obtained by the construction contractor prior to construction of each component for which electrical, phone, or cable service will be required and therefore should not be included in and governed by the site certificate.</p>



**Exhibit E: Permits for Construction and Operation**

Permit	Agency	Authority/Description
Airspace Review	<p>Oregon Department of Aviation</p> <p>Attn: Heather Peck 3040 25<sup>th</sup> Street, SE Salem, OR 97302-1125 (503) 378-4880</p>	<p>14 CFR § 77; ORS 836.530 and 836.535; OAR Chapter 738, Division 70</p> <p>Description: The Oregon Department of Aviation provides an airspace review and determination letter following review of Form 7460-1 for structures greater than 200 feet above ground surface or within the distances from airports listed in OAR 738-70-0110. No permit is issued by the Oregon Department of Aviation. The aviation facilities (including public, private, and military) within 15 nautical miles of the Facility are the Lexington Airport (4.4 miles S SW), Portland General Electric Boardman Airport (8.3 miles N NW), West Buttercreek Airport (10.3 miles NE), Boardman Airport (14.6 miles NW), and the K2 Airport (14.8 miles NE). The airspace review is useful in understanding the 7460-1 process and is within the Council jurisdiction. Therefore, this permit should be included in and governed by the Site Certificate. Consideration of this permit was added in response to comments received on the Applicant’s Notice of Intent filed June 11, 2021.</p>
<p>1. The WPCF 1700-B permit is not included due to the ODEQ website stating the permit expired as of October 31, 2017. This permit was included in response to the Applicant’s Notice of Intent filed June 11, 2021, however the permit is no longer active.</p>		

**2.3 State Permits Federally Delegated**

**Table E-3. State Permits Federally Delegated**

Permit	Agency	Authority/Description
National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit 1200-C	<p>Oregon Department of Environmental Quality (ODEQ), Eastern Region</p> <p>Attn: Patty Isaak, Permit Coordinator 800 SE Emigrant Avenue, Suite 330 Pendleton, OR 97801 (541) 278-4600 Patty.Isaak@state.or.us</p>	<p>Clean Water Act, Section 402 (33 United States Code [U.S.C.] § 1342); 40 Code of Federal Regulations (CFR) § 122; ORS 468 and 468B; OAR Chapter 340, Division 45</p> <p>Description: An NPDES permit is required for construction activities that will disturb one or more acres of land and have a potential to impact waters of the state. The Applicant will obtain this permit directly from ODEQ and it should not be included in and governed by the site certificate.</p>

2.4 Local Permits

Table E-4. Local Permits

Permit	Agency	Authority/Description
<p>Conditional Use Permit and Zoning Permit</p>	<p>Morrow County Planning Department                       Attn: Tamra Mabbott, Planning Director                      P.O. Box 40                      205 Third Street NE                      Irrigon, OR 97844                      (541) 922-4624                      tmabbott@co.morrow.or.us</p>	<p>Morrow County Comprehensive Plan; Morrow County Zoning Ordinance Article 1, Section 1.050; Article 3, Section 3.010(C)-(D) and 3.010(K)(3); Article 6</p> <p>Description: The Applicant elects to obtain a Council determination under Oregon Revised Statutes (ORS) Chapter 469.504(1)(b). Under ORS 469.401(3), following issuance of the site certificate, the County, upon the applicant’s submission of the proper application and fee, shall issue the permits addressed in the site certificate, subject only to the conditions set forth in the site certificate and without hearings or other proceedings. Because the Council will make the land use determination, this permit should be included in and governed by the site certificate.</p>
<p>Building Permit</p>	<p>City of Boardman Building Department (provides services for building projects within Morrow County)                       Attn: Glenn McIntire, Building Official                      200 City Center Circle                      P.O. Box 229                      Boardman, OR 97818                      (541) 481-9252                      mcintireg@cityofboardman.com</p>	<p>ORS 455; Oregon Administrative Rules 734, Division 51</p> <p>Description: A building permit is required prior to beginning construction of the Facility. Morrow County does not have its own building department, so relies on the City of Boardman Building Department for review and approval of all building permits in the county. A building permit will be obtained by the construction contractor prior to construction of each component for which a building permit will be required; therefore, this permit should not be included in and governed by the site certificate.</p>

Permit	Agency	Authority/Description
Utility Crossing Permit and Access Approach Site Permit	Morrow County Public Works  Attn: Eric Imes, Public Works Director Morrow County Public Works P.O. Box 428 Lexington, OR 97839 (541) 989-9500 eimes@co.morrow.or.us	ORS 374.305 to 374.325; Morrow County Zoning Ordinance Article 4, Section 4.010(B)  Description: A Utility Crossing permit is required to install a utility within or across a County road right-of-way. Approach Site Permits will be required for new project access points with county roads, or for upgrades to existing county roads. Existing road improvements are not proposed for the Facility at this time. If required, these permits will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in and governed by the site certificate.
Construction Permit to Build on Right-of-Way	Morrow County Public Works  Attn: Eric Imes, Public Works Director Morrow County Public Works P.O. Box 428 Lexington, OR 97839 (541) 989-9500 eimes@co.morrow.or.us	Morrow County Zoning Ordinance Article 4, Section 4.010(B)  Description: A construction permit is required to make improvements to access roads that intersect with county road rights-of-way or to make improvements to existing public roads. Existing road improvements are not proposed for the Facility at this time. If required, this permit will be obtained by the construction contractor prior to construction. Therefore, this permit should not be included in and governed by the site certificate.

### 3.0 Permit Applications Not Federally Delegated

*OAR 345-021-0010(1)(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:*

*(i) In Exhibit J for permits related to wetlands.*

No permits for wetland impacts will be required. Please see Exhibit J for additional information.

*(ii) In Exhibit O for permits related to water rights.*

Water for construction and periodic solar panel washing (if required) will either be obtained from Hermiston Water Department, Stanfield Public Works, Boardman Public Works, the Port of Morrow or another municipal water source under an existing municipal water right. During operations, the

Applicant expects to rely on an exempt well allowed under ORS 537.545 to provide water to the O&M building. This well will use less than 5,000 gallons per day, which will not require the Applicant to obtain a new water right. See Exhibit O for additional information.

## 4.0 Permit Applications Federally Delegated

*ORAR 345-021-0010(1)(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.*

The Applicant will obtain an NPDES permit prior to construction via the ODEQ Your DEQ Online platform.<sup>1</sup> The Applicant will obtain an NPDES permit based on final design directly from the ODEQ as it is outside the jurisdiction of the Council.

## 5.0 Third-Party State or Local Permits

*ORAR 345-021-0010(1)(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.*

As outlined above, the Applicant or its contractors will obtain the permits as needed for construction and operation. The third-party permits listed in Table E-5 are routine and common permits in Oregon and are not dependent on a unique resource or location. During construction and operation, the Applicant will select similarly qualified contractors with experience constructing renewable energy facilities and a reasonable likelihood of securing the required permits.

**Table E-5. Potential Third-Party State or Local Permits**

Permit Name	Project Phase	Description
ODEQ Onsite Sewage Disposal Construction-Installation Permit	Construction	An on-site sewage disposal construction installation permit will be obtained for the operations and maintenance building during construction. The septic system will serve the employee bathrooms and kitchen facilities.
ODOT Oversized Load Movement Permit/Load Registration	Construction	An oversize load movement permit/load registration will be required for transporting large or overweight equipment to the site over state roads.
ODOT Access Management Permit	Construction	An access permit will be required for access usage of Oregon state highways.

<sup>1</sup> <https://ordeq-edms-public.govonlinesaas.com/pub/login?web=1>

<b>Permit Name</b>	<b>Project Phase</b>	<b>Description</b>
ODOT Permit to Occupy or Perform Operations Upon a State Highway	Construction	A permit to occupy or perform operations will be required for utility installations within the right-of-way of a state highway.
ODEQ – Oregon Department of Environmental Quality; ODOT – Oregon Department of Transportation		

*(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.*

As indicated above, for each permit identified, the Applicant has worked with contractors familiar with constructing or operating renewable energy facilities (for example the adjacent Wheatridge Renewable Energy Facilities I, II, and III), and who are knowledgeable of the requirements for applications and activities under such permits. The Applicant will select the same, or similar, contractors who have the necessary experience to likely obtain the necessary permits.

## **6.0 Third-Party Federally Delegated Permits**

*OAR 345-021-0010(1)(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:*

*(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.*

*(ii) Evidence that the responsible agency has received a permit application.*

*(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.*

No federally delegated permits that would be issued to a third party are proposed for the Facility at this time.

## **7.0 Monitoring**

*OAR 345-021-0010(1)(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.*

Prior to construction, the Applicant will develop and implement a Compliance Plan to monitor compliance with all site certificate terms and conditions and applicable status and rules, as described by OAR 345-026-0048.

## 8.0 Submittal Requirements and Approval Standards

### 8.1 Submittal Requirements

**Table E-6. Submittal Requirements Matrix**

Requirement	Location
OAR 345-021-0010(1)(e) Information about permits related to the siting of the facility, including:	-
(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit.	Section 2.0
(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant’s analysis of whether the permit should or should not be included in and governed by the site certificate.	Section 2.0
(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. The applicant may show this evidence:	-
(i) In Exhibit J for permits related to wetlands.	Section 3.0
(ii) In Exhibit O for permits related to water rights.	Section 3.0
(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision.	Section 4.0
(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third party permit and for each:	-
(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.	Section 5.0
(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit.	Section 5.0
(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard.	N/A
(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:	-
(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit.	Section 6.0
(ii) Evidence that the responsible agency has received a permit application.	Section 6.0
(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision.	Section 6.0

<b>Requirement</b>	<b>Location</b>
(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.	Section 7.0

## **8.2 Approval Standards**

OAR 345 Division 22 does not provide an approval standard specific to Exhibit E.

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