

**ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON**

**Site Certificate for the
Daybreak Solar Project**

ISSUANCE/EFFECTIVE DATES

Site Certificate (Bakeoven Solar Project)	April 24, 2020/May 8, 2020
Site Certificate (Daybreak Solar Project)	November 19, 2021/December 6, 2021

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DAYBREAK SOLAR PROJECT SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary and Micrositing Corridor

Acronyms and Abbreviations

ASC	Application for Site Certificate
BPA	Bonneville Power Administration
Certificate Holder	Daybreak Solar, LLC
Council	Oregon Energy Facility Siting
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
Facility	Daybreak Solar Project
HMP	Habitat Mitigation Plan
HV	High voltage
Li-ion	Lithium Ion
MWac	Megawatt alternating current
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
Parent Company	Avangrid Renewables, LLC
RFA	Request for Amendment
SCADA	Supervisory Control and Data Acquisition
State	State of Oregon

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council) and Daybreak Solar, LLC (certificate holder), a subsidiary of Avangrid Renewables, LLC (certificate holder owner). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing the certificate holder to construct, operate and retire the Daybreak Solar Project (facility) at the below described site within Wasco County, subject to the conditions set forth herein.

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on Request for Amendment 1 of the Bakeoven Solar Project* issued on November 19, 2021 (b) the *Final Order on the Application for Site Certificate for the Bakeoven Solar Project* issued on April 24, 2020 (hereafter, *Final Order on the Application*). Any ambiguity will be clarified by reference to the following, in order of priority: (1) the *Final Order on Request for Amendment 1 of the Bakeoven Solar Project* (2) the *Final Order on the Application*, and (2) the record of the proceedings that led to the above referenced orders.

As authorized in *Final Order on Amendment 1*, the Bakeoven Solar Project certificate holder obtained approval to split the Bakeoven Solar Project site certificate into three site certificates – Bakeoven Solar Project, Daybreak Solar Project and Sunset Solar Project. Each of these certificate holders is a wholly owned subsidiary and LLC created by Avangrid Renewables, LLC resulting in each certificate holder owned by the same parent company. In addition, these facilities share facility components and are interconnected for the duration of long-term operation.

Because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of the site certificate as set forth in the *Final Order on the Application* are incorporated by reference into the site certificate, these underlying findings, including any findings establishing the predevelopment condition of the site and impacts of approved facility components continue to have bearing on the analysis and findings required to approve any future changes to the site certificates for the successor facilities. In other words, compliance with Council standards requiring an environmental impact analysis should be based on 2020 predevelopment conditions. This clarification is intended to establish that, with the splitting of facility components under three site certificates, baseline conditions (2020) and subsequent environmental impacts of the facilities, based on final design, shall not be adjusted in a way that results in greater overall impacts than the level of impacts that would be authorized under one site certificate. Future requests to amend the Bakeoven Solar Project site certificate shall

evaluate compliance with Council standard requirements based on overall impacts from the operational components as approved in the *Final Order on the Application*, and as represented in the *Final Order on Amendment 1 of the Bakeoven Solar Project*.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

The obligation of the certificate holder to report information to the Department or the Council under the conditions listed in this site certificate is subject to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the Council will not publicly disclose information that may be exempt from public disclosure if the certificate holder has clearly labeled such information and stated the basis for the exemption at the time of submitting the information to the Department or the Council. If the Council or the Department receives a request for the disclosure of the information, the Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0313 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

The definitions in ORS 469.300 and OAR 345-001-0010 apply to the terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable facility, facility component or phase, as applicable, based on final design and configuration.

2.0 Facility Location, Site Boundary and Micrositing Corridor

The facility site is located within southeastern Wasco County, approximately 5 miles east of the City of Maupin and U.S. Highway 97; and, 5 miles south of State Highway 216. The facility “site boundary” includes approximately 10,640 acres entirely within private property. A “site boundary” means the perimeter of the site of an energy facility and its related or supporting facilities, all temporary laydown and staging areas and all corridors proposed by the applicant.¹ The approved site boundary encompasses some or all of the townships, ranges and section identified in Table 1 below.

Table 1: Township, Range and Section within the Facility Site Boundary

Township	Range	Sections
4S	14E	25, 26, 27, 36
4S	15E	25, 29, 30, 31, 32, 36
4S	16E	30
5S	15E	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 23, 24, 25
5S	16E	7, 18, 19, 20, 29, 30

The approved micrositing corridor includes approximately 1,817 acres within the site boundary. As defined in OAR 345-001-0010, a “micrositing corridor” means a continuous area of land within which construction of facility components may occur, subject to site certificate conditions. Micrositing corridors are intended to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. In order for Council to authorize a micrositing corridor,

¹ OAR 345-001-0010(55)
Daybreak Solar Project Site Certificate
November 2021

allowing placement of facility components anywhere within, the Council must find that the applicant can comply with requirements of all Council standards and applicable rules and requirements based on siting of facility components anywhere within the micrositing corridor. As presented in the *Final Order on the Application* Section IV. *Evaluation of Council Standards* of this order, based on the certificate holder's methodology, where surveys and analysis encompassed the entirety of a micrositing corridor to inform the evaluation of impacts under each Council standard, the Council evaluated the permanent occupation of, and potential impacts from, the facility anywhere within an approximately 1,817 acre micrositing corridor within the site boundary. Based on this evaluation, Council approved the micrositing corridor.

The facility site boundary and micrositing corridor are presented in Attachment 1 of this site certificate.

3.0 Construction, Operation and Maintenance, and Retirement

The following sections provide information about the construction, operation and retirement phases of the facility, as represented in the ASC and RFA1.

3.1 Construction

Construction of solar photovoltaic energy components generally includes: preparation of the site and staging areas, including grading and access road construction; installation of array foundations, conductors, the operations and maintenance building, and the control enclosure; assembly of solar panels and electrical connection components; construction of the inverter pad, substation, cabling, terminations, and transmission lines; and commissioning of the array and interconnection, revegetation, and waste removal and recycling facilities. Construction of the transmission line generally includes site preparation and access road construction; structure foundation installation; erection of support structures; and, stringing of conductors, shield wire and fire optic ground wire.

The estimated construction workforce includes 250 (average) to 400 (peak) workers. Interstate Highway 84 (I-84), U.S. Highway (US) 197 near The Dalles, and Bakeoven Road are the primary transportation routes. Additional transportation routes include I-84 to US 97 (Sherman Highway) at Biggs Junction, southbound through the town of Shaniko and US 97 north/northeast to Bakeoven Road.

Construction-related water is obtained from City of Maupin and/or new or existing onsite well (any new, onsite well is limited to 5,000 gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process)..

3.2 Operations and Maintenance

Routine operations and maintenance (O&M) activity would potentially include solar panel washing (approximately 1 million gallons of water per year); infrequent repair and replacement

of solar arrays and associated electrical equipment; battery replacement every 7 years; and, replacement of electrolyte solution every 20 years at a rate of 7,000 gallons per 1 megawatt (MW) of electrolyte solution, if flow battery storage systems are selected in final design.

The vegetation in the area under and around each solar module installation would be mowed annually and maintained sufficiently low, in accordance with the certificate holder's Operational Fire Protection and Emergency Response Plan, to reduce fire-related fuels. Vegetation along the transmission line will be managed as needed to reduce fuels for wildfire. Operational-related water is obtained from a new or existing onsite well (any new, onsite well is limited to 5,000 gallons per day unless a water right or license is obtained by the certificate holder through the site certificate amendment process).

The estimated operational workforce is 5 to 10 workers.

3.3 Retirement

Retirement/decommissioning of the facility generally would involve dismantling the solar and battery components, and related aboveground equipment (O&M building, transmission and overhead collector lines, transformer/inverter pads, and substation).

Solar modules would be separated from anchored steel poles, and directly loaded onto trucks or roll-off containers for off-site disposal. Steel poles would then be removed and recycled. After oil is removed from the transformers, they would be decommissioned, hauled and disposed off-site. Liquids from flow batteries would be drained then the remains would be transported to an off-site facility for recycling. Decommissioning and disposal of lithium ion batteries would be accomplished in the same manner as routine battery replacement. The battery storage containers and associated components would be disassembled and transported off site via truck for disposal or recycling, and the footprint of the battery storage system would be regraded and seeded for final stabilization.

Concrete pads and foundations (solar panel posts, substation, O&M building and battery storage systems) would be removed to a minimum of 3 feet below grade. Portions of underground electrical and communication cable buried below 3 feet would be left in place. Disturbed areas would be regraded and reseeded with native seed mix, based on landowner consultation. Access roads would then be removed. Access road areas would be restored to surface grade and soil to a condition useful for agriculture or grazing, depending on the use of surrounding lands. Roads also may be left in place based on landowner preference.

4.0 Facility Description

A facility includes the energy facility together with any related or supporting facilities. Related or supporting facilities means any structure proposed by the applicant to be constructed or

substantially modified in connection with the construction of an energy facility.² The facility includes solar photovoltaic power generation equipment and related or supporting facilities, with a nominal and average generating capacity of approximately 140 megawatt alternating current (MWac). The certificate holder has flexibility in final facility layout, number of equipment, and technology type selected because the *Final Order on the Application* analyzed maximum impacts within a designated micro-siting corridor.

4.1 Energy Facility

The energy facility includes solar modules (mono- or poly-crystalline cells), tracker systems, posts (approx. 69,438 posts, steel or pile-type, assumed concrete foundations), and related electrical equipment (cabling; approx. 71 inverter/transformer stations; and, approx. 9.42 miles of belowground 34.5 kV collection system). The solar array will be enclosed with a chain-link perimeter fence, up to 8 feet in height, with two 16-foot-wide gates and one pedestrian, 4-foot-wide gate.³

The solar array includes shielded electrical cabling, as required by applicable code, to prevent electrical fires.

4.2 Related or Supporting Facilities

Related or supporting facilities, as further described below, include:

- 230 kV Transmission Line
- Collector Substation and Operations and Maintenance (O&M) Building/Onsite Sewage Disposal System
- Communication and SCADA System
- Site Access, Service Roads, Perimeter Fencing, and Gates
- Temporary Staging Areas
- Battery Storage System, including 10,000-gallon water tank

230 kV Transmission Line

The 230 kV transmission line is approved to extend approximately 11 miles from the facility collector substation to Bonneville Power Administration's (BPA) existing Maupin Substation, which interconnects to BPA's 230 kV Big-Eddy to Redmond transmission line. The 230 kV transmission line route extends northwest from the facility collector substation for approximately 7.5 miles, and then for approximately 3.5 miles parallels Bakeoven Road to terminate at BPA's Maupin Substation. The approved 230 kV transmission line structures include two galvanized steel or wood pole H-frame or galvanized steel or wood monopole

² OAR 345-001-0010(21) and – (50)

³ BSPAPPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 4.1.

structures ranging from 80 to 100 feet in height, spaced approximately 700 feet apart (see ASC Exhibit B Figure B-7, B-8 and B-9).

Collector Substation and O&M Building

The facility collector substation operates to combine and step up the voltage of energy generated by the energy facility to the desired transmission voltage. The facility collector substation likely includes two non-polychlorinated biphenyl oil-containing transformers (49,385 gallons total); circuit-breakers; power transformer(s); bus and insulators; disconnect switches; relaying, battery and charger; surge arresters; alternating current and direct current supplies; control enclosure; metering equipment; grounding; and associated control wiring. The facility collector substation site is an approximately 3 acre fenced, graveled area, within the fenced solar array area, within the transmission line corridor, at the southeastern end of the site boundary (see ASC Exhibit C, Figure C-2). The facility collector substation will have sufficient spacing between equipment to prevent the spread of fire and will also be located on a gravel surface with no vegetation present to reduce any risk of fire from and to the facility. All electrical equipment will meet National Electrical Code and Institute of Electrical and Electronics Engineers standards.⁴

The O&M building includes a single-story building, approximately 20 feet in height, within an approximately 5,000 square foot area, and includes office space, storage, bathroom, and breakroom facilities. Water is supplied via an existing or newly constructed on-site permit exempt groundwater well (see ASC Exhibit O). The O&M building has an on-site, state permitted septic system, permitted by the Oregon Department of Environmental Quality, with a discharge capacity of up to 7,500 gallons. Electric power and telephone service is provided via local service providers. A gravel parking and storage area is located adjacent to the building. The O&M building is located near the solar array, within the solar array perimeter fence. To reduce any risks of fire, the fenced areas around the O&M building is graveled, with no vegetation present. The O&M building has basic firefighting equipment for use on site during maintenance activities, such as shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment.

Communication and Supervisory Control and Data Acquisition System

A communication and SCADA system collects operating and performance data from the solar array. The SCADA system allows for remote operation of the facility from the O&M building and the certificate holder's national control center in Portland, Oregon. Fiber optic cables for the SCADA system are installed with the collection system. In areas where the collection system is buried, the fiber cables are installed in the same trench. Where the collection system is above ground, the fiber cables are mounted on overhead poles along with conductors.

Site Access, Service Roads, Perimeter Fencing, and Gates

⁴ BSPAPPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 2.7.

The facility is accessed from Bakeoven Road east of Maupin, Oregon. Within the site boundary, there are approximately 9.02 miles of service roads for access and maintenance purposes. New service roads within the site boundary are up to 20 feet wide with an internal turning radius sufficiently sized for emergency vehicle access. Facility roads are sized for emergency vehicle access in accordance with 2014 Oregon Fire Code requirements, including Section 503 and Appendix D - Fire Apparatus Access Roads. Specifically, roads are 16 to 20 feet wide with an internal turning radius of 28 feet and less than 10 percent grade to provide access to emergency vehicles.⁵ Chain-link perimeter fencing, up to 8 feet in height, encloses the solar array. The perimeter fencing has vehicle and pedestrian access gates, including two 16-foot-wide gates and one 4-foot-wide gate (see ASC Exhibit C, Figure C-2).

Temporary Staging Areas

Temporary staging areas used for equipment and supply storage, including one or more temporary concrete batch plant staging areas, may be needed during construction. The temporary staging area will be shared with Phase I and III. The temporary staging areas are located with the approved micro-siting corridor. Employees are required to keep vehicles on roads and off dry grassland during the dry months of the year, unless such activities are required for emergency purposes, in which case fire precautions will be observed.

Battery Storage System

The 100 MW battery storage system is comprised of either lithium-ion (Li-ion) or flow batteries and include the following elements⁶:

- Battery storage equipment, including batteries and racks or containers, inverters, isolation transformers, and switchboards.
- Balance of plant equipment (more advanced systems required for Li-ion), which may include a warehouse-type building, medium-voltage and low-voltage electrical systems, fire suppression, heating, ventilation, and air-conditioning systems, building auxiliary electrical systems, and network/SCADA systems.
- Cooling system (more advanced systems required for Li-ion), which may include a separate chiller plant located outside the battery racks with chillers, pumps, and heat exchangers.
- High-voltage (HV) equipment, including a step-up transformer, HV circuit breaker, HV current transformers and voltage transformers, a packaged control building for the HV breaker and transformer equipment, HV towers, structures, and HV cabling.

⁵ BSPAPPDoc6 2 Exhibit B. Project Desc 2019-11-04, Section 2.7.

⁶ Megawatt (MW) capacity is presented to describe the system and is not binding unless increased MW, based on changes in technology prior to the established construction deadlines, results in changes to previously evaluated or unevaluated components as presented in the Final Order on RFA1.

- Aboveground, cylindrical water storage tank, approximately 14 feet tall and 12 feet in diameter, with a 10,000-gallon capacity to supplement water for fire-fighting and solar panel washing.

Both the Li-ion and flow battery technologies are often placed in standard-sized shipping containers on a concrete slab, as represented in ASC Exhibit B, Figure B-10. Each container would hold batteries, a supervisory and power management system, cooling system (if needed), and a fire prevention system. By connecting multiple containers, the battery storage system could be scaled to the desired capacity. Containers may be stacked up to two levels with an estimated maximum height of approximately 20 feet.

4.3 Shared Related or Supporting Facilities

The site certificates for the Bakeoven Solar Project (Phase I), Day Break Solar Project (Phase II) and Sunset Solar Project (Phase III) were originally approved as one site certificate for the Bakeoven Solar Project (April 2020). In April 2021, facility components were split or allocated into three separate site certificates, but identified that certain related or supporting facilities would be shared or used by each facility. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under each site certificate, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the Bakeoven Solar Project (Phase I), Day Break Solar Project (Phase II) and Sunset Solar Project (Phase III), including the collector substation, 230 kV transmission line, O&M building, battery storage system, collection system, temporary laydown areas, access roads, fencing and gates. These related or supporting facilities are included in each site certificate. Compliance responsibility with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between site certificates and certificate holders. In accordance with Condition GEN-GS-07, if any certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, each certificate holder would be obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a share use agreement has been executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

5.0 Site Certificate Conditions

5.1 Condition Format

The conditions in Sections 5.2 through 5.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.).⁷ The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

Some conditions are coded for more than one phase of implementation.

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1. The condition language also includes in brackets [] the name of the condition and the Council order for which it was imposed or amended (i.e. General Standard of Review Condition 1, Final Order on ASC (2020)).

⁷ The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

5.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	<p>The certificate holder shall begin and complete construction of the facility, facility component or phase by the dates specified in the site certificate.</p> <ol style="list-style-type: none"> a. Construction of the facility, facility component or phase shall commence on or before April 24, 2023, three years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline. b. Construction of the last facility, facility component or phase, shall commence on or before April 24, 2025, five years after the date of Council action. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification that it has met the construction commencement deadline. c. Construction of all facility components shall be completed on or before April 24, 2026, six years after the date of Council action. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline. <p>[General Standard Condition 1, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-02	<p>The certificate holder shall design, construct, operate, and retire the facility, facility component or phase:</p> <ol style="list-style-type: none"> a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. <p>[General Standard Condition 3, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(3)]</p>
GEN-GS-03	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, facility component or phase, 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.</p> <p>[General Standard Condition 5, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(6)]</p>
GEN-GS-04	<p>Before any transfer of ownership of the facility, facility component or phase, or ownership of the site certificate holder, the certificate holder shall inform the</p>

	<p>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. [General Standard Condition 7, Final Order on ASC (2020), AMD1 (2021); Mandatory Condition OAR 345-025-0006(15)]</p>
GEN-GS-05	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> a. Design, construct and operate the transmission line 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. <p>[General Standard Condition 8, Final Order on ASC (2020); Site Specific Condition OAR 345-025-0010(4)]</p>
GEN-GS-06	<p>The certificate holder is authorized to construct a 230 kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor extends approximately 11 miles from the micrositing corridor containing the solar arrays and other related or supporting facilities, along the transmission corridor route, to the interconnection point at the BPA Maupin Substation, as further described in ASC Exhibit B and C and as presented in Figure 1 of the site certificate.</p> <p>[General Standard Condition 9, Final Order on ASC (2020); Site Specific Condition OAR 345-025-0010(5)]</p>
GEN-GS-07	<p>The site certificate authorizes shared use of related or supporting facilities of the Bakeoven Solar Project (Phase I) and the Daybreak Solar Project (Phase II) including the battery storage system, collector substation, operations and maintenance building, Supervisory, Control and Data Acquisition system, 230 kV transmission line, collection system, access roads, fencing, gates, and temporary staging areas.</p> <ol style="list-style-type: none"> a. Within 90 days of shared use, the certificate holder must provide evidence to the Department that the certificate holders have an executed agreement for shared use of facilities. b. If any of the certificate holders of the Bakeoven Solar Project (Phase I), Daybreak Solar Project (Phase II), or the Sunset Solar Project (Phase III) propose to substantially modify a shared facility listed in sub(a) of this condition, then each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates. If certificate holders opt to submit an amendment determination request, the requirement may be satisfied through submittal of a single amendment determination request with authorization (or signature) provided from all three certificate holders.

	<p>c. Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Condition PRE-RT-02, for the operational facility, if facilities are decommissioned at different times.</p> <p>[General Standard of Review Condition 7, AMD1 (2021)]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	<p>During construction and operation of the facility, facility component or phase, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, Avangrid Renewables, LLC, such as changes within the Board of Directors, President or Chief Executive Officer, where the certificate holder considers such change to impact the certificate holder's access to the financial resources or expertise of Avangrid Renewables, LLC, as relied upon in the ASC.</p> <p>[Organizational Expertise Condition 1, Final Order on ASC (2020), AMD1 (2021)]</p>
GEN-OE-02	<p>During design, construction, operation, and retirement of the facility, facility component or phase, the certificate holder shall contractually require all contractors and subcontractors to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The contractual obligation shall be required of each contractor and subcontractor prior to that firm working on the facility. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Organizational Expertise Condition 3, Final Order on ASC (2020), AMD1 (2021)]</p>
GEN-OE-03	<p>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.</p> <p>[Organizational Expertise Condition 4, Final Order on ASC (2020)]</p>
GEN-OE-04	<p>In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department. [Organizational Expertise Condition 5, Final Order on ASC (2020)]</p>
GEN-OE-05	<p>During construction and operation of the facility, facility component or phase, 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.</p> <p>[Organizational Expertise Condition 6, Final Order on ASC (2020), AMD1 (2021)]</p>
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
GEN-SS-01	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards</p>

	<p>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.</p> <p>[Structural Standard Condition 2, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(12)]</p>
GEN-SS-02	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Structural Standard Condition 3, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(13)]</p>
GEN-SS-03	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Structural Standard Condition 4, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(14)]</p>

STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]

GEN-SP-01	<p>a. Prior to construction of the facility, facility component or phase, the certificate holder shall provide a copy to the Department of its DEQ-issued NPDES 1200-C permit, including final Erosion Sediment Control Plan and associated drawings (as provided in Attachment H-2 of the Final Order on Request for Amendment 1 of the Bakeoven Site Certificate).</p> <p>b. During construction of the facility, facility component or phase, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.</p> <p>[Soil Protection Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
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STANDARD: LAND USE (LU) [OAR 345-022-0030]

GEN-LU-01	<p>The certificate holder shall:</p> <p>a. Prior to construction of the facility, facility component or phase, provide written notification to residences located on land within 1,000 feet of the facility micrositing corridor, identifying the type, duration and frequency of construction activities. Notification materials shall also identify a mechanism for residents to</p>
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	<p>register complaints with the facility if construction noise levels or overly intrusive.</p> <p>b. During construction of the facility, facility component or phase, implement the following noise reduction measures:</p> <ol style="list-style-type: none"> 1. All construction equipment shall be equipped with noise-reduction devices such as mufflers to minimize construction noise, and all internal combustion engines shall be equipped with exhaust and intake silencers in accordance with manufacturer specifications. 2. Construction site and haul road speed limits shall be established and enforced. 3. The use of bells, whistles, alarms and horns shall be restricted to safety warning purposes only. <p>[Land Use Condition 5, Final Order on ASC (2020); AMD1 (2021)]</p>
<p>GEN-LU-02</p>	<ol style="list-style-type: none"> a. Prior to construction of the facility, facility component or phase, the certificate holder shall submit a Construction Fire Prevention and Emergency Response Plan to the Department, for review and approval, in consultation with Wasco County Planning Department. b. Prior to operation of the facility, facility component or phase, the certificate holder shall submit an Operational Fire Prevention and Emergency Response Plan, consistent with the components included in the draft plan provided in Attachment J-2 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project. c. The certificate holder shall demonstrate that the draft plans submitted under (a) and (b) of this condition were developed in consultation with the Oregon State Fire Marshal, Bakeoven Shaniko Rangeland Fire Protection Association, and Juniper Rural Flat Protection District. The plans shall, at a minimum, identify: <ol style="list-style-type: none"> 1. Fire-related risks associated with construction, operation and maintenance of facility components, during winter and summer conditions; and of the area, during both summer and winter conditions, based on specific terrain and dry nature of the area. 2. The plans shall address emergency response by local service providers, and include emergency responders contact name and telephone number; a description of and map of the location of onsite fire-fighting equipment; address, map and directions to the nearest hospitals; and, shall describe first aid techniques that could be implemented by trained onsite personnel if fire-related injuries occur onsite. 3. The plans shall address public safety through access restrictions, via perimeter fencing, and any other measures included in facility design that minimize public safety risk from hazardous areas within the facility area. <p>[Land Use Condition 7, Final Order on ASC (2020); AMD1 (2021)]</p>
<p>GEN-LU-03</p>	<p>During construction and operation of the facility, facility component or phase, the certificate holder shall prohibit posting of any advertising signs. If the facility posts</p>

external signage (i.e. outdoor displays, signs or billboards), such signage shall be limited to safety signs and no more than two signs presenting the facility name. [Land Use Condition 8, Final Order on ASC (2020), AMD1 (2021)]

STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]

GEN-RT-01	<p>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.</p> <p>[Retirement and Financial Assurance Condition 1, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(7)]</p>
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STANDARD: FISH AND WILDLIFE HABITAT [OAR 345-022-0060]

GEN-FW-01	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Revegetation Plan, based upon the draft plan provided in Attachment C-2 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. The scope of finalizing the plan shall, at a minimum, include the following: <ol style="list-style-type: none"> 1. Final assessment of temporary habitat impacts (in acres), based on habitat quality of habitat subtype, and final facility design, presented in tabular format. 2. Survey and sampling protocol for evaluating the success criteria against paired monitoring and reference sites determined to represent a statistically significant number of sites based on pre-disturbance habitat quality and diversity of habitat temporarily impacted. 3. Description of deep soil decompaction measures to be implemented. b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan; monitor and report results of revegetation activities to the Department, as required by the plan. <p>[Fish and Wildlife Habitat Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
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GEN-FW-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Noxious Weed Control Plan, based upon the draft plan provided in Attachment E-2 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW and Wasco County Planning Department. Components of the plan to be finalized shall include, at a minimum: <ol style="list-style-type: none"> 1. Pre-disturbance survey or assessment of noxious weed species within areas to be impacted. 2. Reporting format including report content and supporting materials to be included to demonstrate completion of noxious weed control activities.
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	<p>b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan. [Fish and Wildlife Habitat Condition 2, Final Order on ASC (2020); AMD1 (2021)]</p>
GEN-FW-03	<p>The certificate holder shall:</p> <p>a. Prior to construction of the facility, facility component or phase, the certificate holder shall finalize and submit a Habitat Mitigation Plan, based upon the draft plan provided in Attachment D-2 of the Final Order Request for Amendment 1 of the Bakeoven Solar Project, for review and approval by the Department, in consultation with ODFW. In the finalization of the plan, the Department may request specific reporting requirements including specific information, frequency and format. Components of the plan to be finalized shall include, at a minimum, a final assessment of permanent habitat impacts (in acres) based on habitat quality of habitat subtype, and final facility design, presented in tabular format.</p> <p>b. During construction and operation of the facility, facility component or phase, the certificate holder shall implement the requirements of the plan. [Fish and Wildlife Habitat Condition 3 Final Order on ASC (2020); AMD1 (2021)]</p>
GEN-FW-04	<p>During design of the facility, facility component or phase, the certificate holder shall ensure that:</p> <p>a. Aboveground transmission lines, including the 230 kV transmission line and aboveground segments of 34.5 kV collector line, adhere to current APLIC guidelines for minimizing avian electrocution risk associated.</p> <p>b. Spiral markers are installed on the 230 kV transmission line ground wire, in locations where the line crosses over canyons or would be located within 2 miles of a known eagle nest.</p> <p>c. New or modified vertical pipe and piles are capped to prevent entrance or use by cavity dwelling and nesting birds.</p> <p>d. Extra gates are installed within the perimeter fence line to allow big game to escape if trapped. [Fish and Wildlife Habitat Condition 4, Final Order on ASC (2020); AMD1 (2021)]</p>
GEN-FW-05	[Fish and Wildlife Habitat Condition 9, Final Order on ASC (2020); Deleted in AMD1 (2021)]
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	<p>During design of the facility, facility component or phase, the certificate holder shall demonstrate to the Department that the following best management practices have been incorporated:</p> <p>a. Solar modules with antireflective coating will be selected to minimize potential for glare.</p> <p>b. The length of overhead collector line will be minimized.</p> <p>c. Permanent lighting fixtures will contain downward shielding to limit off-site lighting.</p> <p>d. The O&M building will be painted using a low-reflectivity, neutral color to blend with the surrounding landscape.</p>

	<p>e. Onsite signage will be limited to those needed for manufacturer or installer identification, warning signs, or owner identification. [Scenic Resources Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
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STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

GEN-HC-01	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction of the facility, facility component or phase, finalize the draft Inadvertent Discovery Plan, as provided in Attachment H-2 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, based on review and concurrence from the Department, in consultation with SHPO or the Department’s third-party contractor. b. During construction of the facility, facility component or phase, require all onsite personnel to complete a Worker Environmental Awareness Training provided by a qualified archeologist as defined in OAR 736-051-0070 to properly identify sensitive historic, cultural and archeological resources that could be inadvertently uncovered during construction, and on measures to avoid accidental damage to such resources. Records of all trainings shall be maintained onsite during construction. c. During construction of the facility, facility component or phase, ensure its contractors utilize constraint maps to avoid direct impacts from facility components to archeological resources 18-344-002, 18-344-008, 18-344-014, 18-344-044. Constraint maps shall also identify the entirety of the areas not included in the pedestrian level ground surveys, if beyond 20-meters, and shall preclude placement of facility components or disturbance impacts unless appropriate field surveys are conducted. d. During construction and operation of the facility, facility component or phase, the certificate holder shall implement and adhere to the requirements of the Inadvertent Discovery Plan, as reviewed and finalized per sub(a) of this condition. <p>[Historic, Cultural and Archeological Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
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STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]

GEN-PS-01	<ul style="list-style-type: none"> a. Prior to construction of the facility, facility component or phase, the certificate holder shall: <ul style="list-style-type: none"> 1. Consult with Wasco County Road Division and ODOT to determine whether any segments of roadway or bridges are restricted for travel, and to obtain any heavy haul permits required to allow transport of these loads. 2. Execute a Road Use Agreement with Wasco County Public Works Roads Division to ensure that any unusual damage or wear to state or county roads that is caused by facility construction related traffic and road use is repaired by the certificate holder. The Road Use Agreements shall establish and provide financial security regarding county road use, maintenance, and repair from construction-related impacts. Regardless of existing pavement
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	<p>conditions, the road use agreements shall establish that roadway segments will be reviewed prior to any added construction traffic, and establish a system for monitoring safety or degradation to pavement prior to and during construction. The certificate holder shall complete a Road Impact Assessment/Geotechnical Report for public roads to be used during construction, pursuant to WCLUDO Section 10.030(C)(9), and shall incorporate the report/results into the Road Use Agreement to identify appropriate improvement and/or level of restoration.</p> <ol style="list-style-type: none"> 3. Coordinate with local transportation officials to make improvements where necessary to accommodate facility construction traffic, and improvements will be restricted to areas within the respective rights-of-way. 4. Submit to the Department for review in consultation with Wasco County Public Works Roads Division, City of Maupin, ODOT, and Bureau of Land Management a Construction Traffic Management Plan that includes, at a minimum, the best management practices provided in Attachment J-2 of the Final Order on the ASC. <p>b. During construction of the facility, facility component or phase, the certificate holder shall implement the Construction Traffic Management Plan, as approved by the Department under sub(a)(iv) of this condition.</p> <p>[Public Services Condition 3, Final Order on ASC (2020); AMD1 (2021)]</p>
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STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]

<p>GEN-WM-01</p>	<p>During construction, operation and decommissioning of the facility, facility component or phase, the certificate holder shall develop and implement a Solid Waste Management Plan that includes but is not limited to the following measures:</p> <ol style="list-style-type: none"> a. Recycling steel and other metal scrap b. Recycling wood waste c. Recycling packaging wastes such as paper and cardboard d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler e. Segregating all hazardous wastes such as oil, oily rags and oil-absorbent materials, mercury containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous waste. <p>[Waste Minimization Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
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5.3 Pre-Construction (PRE) Conditions

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
PRE-GS-01	<p>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. [General Standard Condition 4, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(5)]</p>
PRE-GS-02	<p>At least 90 days prior to beginning construction of the facility, facility component or phase (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. [General Standard Condition 10, Final Order on ASC (2020); AMD1 (2021)]; OAR 345-026-0048]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	<p>Before beginning construction of the facility, facility component or phase, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s). The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any changes of major contractors. [Organizational Expertise Condition 2, Final Order on ASC (2020); AMD1 (2021)]</p>
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
PRE-SS-01	<p>At least 60-days prior to the commencement of construction of the facility, facility component or phase, the certificate holder shall conduct a site-specific geotechnical</p>

	<p>investigation and shall report its findings to the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with the 2014 Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available.</p> <p>[Structural Standard Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
<p>STANDARD: LAND USE (LU) [OAR 345-022-0030]</p>	
PRE-LU-01	<p>Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County through mapping or other engineering drawing that the final facility, facility component or phase layout, complies with the following county setback requirements:</p> <ol style="list-style-type: none"> a. 25-foot minimum setback distance from permanent foundations (posts if in concrete, substation, O&M building) to all water bodies (seasonal or permanent) not identified on any federal, state or local inventory. Waterbodies not identified on a federal, state or local inventory within the micrositing corridor include a portion of Salt Creek (which flows through Dead Dog Canyon) and 10 unnamed ephemeral or intermittent streams. b. 50-foot minimum setback distance from structures (posts if in concrete, O&M building, substation) to the centerline of an irrigation ditch or pipeline, if the ditch or pipeline continues past the subject parcel to provide water to other nonparticipating property owners. c. 30-foot vision clearance at access road driveways constructed by the facility that provide access to a public roadway. <p>[Land Use Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
PRE-LU-02	<p>Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County that all outdoor lighting at the O&M building and substation would be limited in intensity, shielded and hooded using non-reflective, opaque materials.</p> <p>[Land Use Condition 2, Final Order on ASC (2020); AMD1 (2021)]</p>
PRE-LU-03	<p>Prior to construction of the facility, facility component or phase, the certificate holder shall obtain a road approach permit for any new or substantially modified road approaches accessing a county road. Copies of Road Approach Permits obtained from Wasco County Public Works Department and/or ODOT shall be provided to the Department.</p> <p>[Land Use Condition 3, Final Order on ASC (2020); AMD1 (2021)]</p>
PRE-LU-04	<p>Prior to construction of the facility, facility component or phase, the certificate holder shall demonstrate to the Department and Wasco County that the following actions have been completed:</p> <ol style="list-style-type: none"> a. Sign and record with the Wasco County Clerk a completed Forest-Farm Management Easement for each participating landowner (Attachment F of this order).

	<p>b. Provide a copy of the “Protection for Generally Accepted Farming and Forestry Practices – Complaint and Mediation Process” document (Attachment G of this order) to participating landowners.</p> <p>[Land Use Condition 4, Final Order on ASC (2020); AMD1 (2021)]</p>
PRE-LU-05	<p>Prior to construction of the facility, facility component or phase, the certificate holder shall provide written confirmation to the Department, based on final design, engineering and geotechnical investigation, that the O&M building, substation and battery storage system would be located on land with less than a 40 percent slope and setback at a minimum of 50 feet from the top of slopes greater than 30 percent.</p> <p>[Land Use Condition 6, Final Order on ASC (2020); AMD1 (2021)]</p>
PRE-LU-06	<p>Prior to construction of facility components necessitating state or local permits, the certificate holder shall provide evidence to the Department that:</p> <ol style="list-style-type: none"> All local permits and approvals have been obtained including a zoning permit, building permit, utility crossing permit, access approach site permit, and road use agreement. Any necessary state and local permits have been obtained by its third-party contractors, specifically and as applicable, a DEQ-issued onsite sewage disposal construction-installation permit (O&M building), a DEQ-issued General Water Pollution Control Facilities Permit (temporary concrete batch plant), Department of Water Resources-issued limited water use license (O&M well). Proof that certificate holder has filed the conditional use permit and site plan applications and filing fees pursuant to ORS 469.401(3). <p>[Land Use Condition 9, Final Order on ASC (2020)]</p>
PRE-LU-07	<p>Unless a written waiver of the condition is received by the Department, in consultation with the Oregon Department of Land Conservation and Development and Wasco County Planning Department,</p> <ol style="list-style-type: none"> Prior to the construction of the facility, the certificate holder shall submit a Goal Exception Application form to Wasco County Planning Department and necessary fees to amend the Wasco County Comprehensive Plan (WCCP) to reflect the Energy Facility Siting Council’s (Council) findings and approval of the exception taken to the statewide policy embodied in Goal 3 due to the solar facility’s use, occupation or coverage of more than 20 acres of arable land. [WCLUDO Section 3.215(M); OAR 660-033-0130(3)] The WCCP amendment requested by the certificate holder under (a) of this condition shall be subject to the county’s administrative procedures in WCCP Chapter 11(J). The county’s WCCP Chapter 11(J) administrative procedures do not represent a permit or land use decision or approval necessary for the siting or approval of the facility and cannot result in changes to the findings and approval of the goal exception taken by Council, or impact the certificate holder’s ability to comply with the terms and conditions of the site certificate or any local or state permit governed by the site certificate.

- d. The certificate holder shall notify the Department once the Wasco County Board of Commissioners amends the WCCP.
[Land Use Condition 12 Final Order on ASC (2020)]

STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01	<p>Prior to construction of the facility, facility component or phase, the certificate holder shall conduct a raptor nest survey within 0.5 mile of the defined work area to identify the location of raptor nests that could be affected by construction. The certificate holder shall submit to the Department, for review and concurrence, a survey protocol that identifies the survey area and methods to be used to identify raptor nests. [Fish and Wildlife Habitat Condition 5, Final Order on ASC (2020); AMD1 (2021)]</p>
PRE-FW-02	<p>Prior to and during construction of the facility, facility component or phase, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Conduct surveys to identify active burrowing owl burrows, using a qualified biologist, within suitable habitat within the micrositeing corridor. b. If there are any active burrows identified per (a) of this condition, a qualified biologist shall ensure that these nest locations are covered outside of the breeding season. c. To the extent practical, schedule vegetation clearing activities to occur before the critical period for ground-nesting birds (April 15 – September 1), to avoid disturbing active nests. <ul style="list-style-type: none"> 1. Any burrowing owl burrows identified inside the facility perimeter fenceline will be removed during vegetation clearing. d. If vegetation clearing activities are necessary between April 15 to September 1, the certificate holder shall hire a qualified biologist to conduct a clearance survey for nesting birds prior to vegetation removal. The certificate holder shall ensure that active nest sites identified during the clearance survey are flagged and marked as sensitive areas on construction maps. [Fish and Wildlife Habitat Condition 7, Final Order on ASC (2020); AMD1 (2021)]
PRE-FW-03	<p>Prior to and during construction of the facility, facility component or phase, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Develop constraint maps for construction contractors and facility personnel presenting the location of streams, wetlands, and other sensitive habitat features (e.g., mature trees, intact sagebrush) within the micrositeing corridor that are not proposed to be impacted. These maps should also show buffer zones and temporal restrictions of sensitive resources. b. Install flagging around all sensitive resources identified under (a) of this condition. c. Educate construction workers on avoidance of sensitive resources and instruct workers to avoid and conduct work outside of the sensitive areas.

	<p>d. Limit construction activities outside of the facility perimeter fence line during mule deer winter range sensitive season (December 1 through April 1).</p> <p>e. Impose a 20 mile per hour speed limit on all facility access roads (excluding public roads).</p> <p>[Fish and Wildlife Habitat Condition 8, Final Order on ASC (2020); AMD1 (2021)]</p>
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
PRE-TE-01	<p>Prior to construction or operation of the facility, facility component or phase, the certificate holder shall:</p> <p>a. Conduct botanical surveys to confirm the presence or absence of Tygh Valley milkvetch, a state listed threatened or endangered plant species, within areas of permanent or temporary disturbance. The certificate holder shall submit a survey protocol to establish the survey area and methods to the Department for review, in consultation with the Oregon Department of Agriculture or third-party consultant.</p> <p>b. If the pre-construction surveys identify Tygh Valley milkvetch, or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary.</p> <p>[Threatened and Endangered Species Condition 1, Final Order on ASC (2020); AMD1 (2021)]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RT-01	<p>Before beginning construction of the facility, facility component or phase, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p> <p>[Retirement and Financial Assurance Condition 4, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(8)]</p>
PRE-RT-02	<p>Before beginning construction of the facility, facility component or phase, 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 \$10,729,000 million dollars (Q2 2021 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:</p> <p>a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, facility component or phase, by</p>

	<p>applying the unit costs, general costs and contingencies illustrated in Table 5 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project. The certificate holder may provide a bond or letter of credit for the facility, facility component or phase based on the unit costs and general costs illustrated in Table 5 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b). Any modification to the unit costs presented in Table 5 of the Final Order on Request for Amendment 1 of the Bakeoven Solar Project, are subject to review and approval by the Council.</p> <p>b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:</p> <ol style="list-style-type: none"> 1. Adjust the amount of the bond or letter of credit (expressed in Q2 2021 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 first quarter 2021 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 second quarter 2021 dollars to present value. 2. Round the result total to the nearest \$1,000 to determine the financial assurance amount. <p>c. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council, based on the Council's pre-approved financial institution list.</p> <p>d. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.</p> <p>[Retirement and Financial Assurance Condition 5, Final Order on ASC (2020); AMD1 (2021)]</p>
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STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]

PRE-PS-01	<p>Prior to construction of the facility, facility component or phase, the certificate holder must coordinate with the Oregon State Fire Marshal's Office to determine if the facility is compliant with applicable Oregon Fire Code requirements for facility components (e.g. emergency access roads, substation, battery storage). A statement from the Oregon State Fire Marshal's office demonstrating their concurrence that the facility complies with their requirements shall be provided to the Department and Wasco County Planning Department.</p> <p>[Public Services Condition 5, Final Order on ASC (2020); AMD1 (2021)]</p>
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NOISE CONTROL REGULATIONS (NC) [OAR 340-035-0035]

PRE-NC-01	<p>Prior to construction of the facility, facility component or phase, the certificate holder shall:</p> <ol style="list-style-type: none"> a. Submit to the Department a noise summary report presenting the sound power levels (in dBA) of noise generating equipment including solar array inverters and transformers, substation transformers, and battery system inverters and cooling systems, as applicable to final design. The sound power levels shall be supported by equipment manufacturer specifications and noise warranty data. The certificate holder shall provide, in tabular format, a comparison of the sound power levels used in ASC Exhibit X for noise generating equipment and sound power levels validated by manufacturer specifications. b. If the sound power levels used in ASC Exhibit X to evaluate compliance with DEQ's noise rules are lower than sound power levels of final equipment selected, the certificate holder shall provide an updated noise analysis to demonstrate compliance with the ambient degradation standard and maximum allowable threshold. The ambient noise level utilized in ASC Exhibit X may be used for the updated noise analysis, if required. <p>[Noise Control Regulations, Final Order on ASC (2020); AMD1 (2021)]</p>
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5.4 Construction (CON) Conditions

Condition Number	General (GEN) Conditions																																								
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]																																									
CON-FW-01	<p>If active raptor nests are identified during the pre-construction surveys completed in accordance with Fish and Wildlife Habitat Condition 6, the certificate holder shall adhere to the spatial buffer and seasonal restrictions, for state-sensitive species, presented in the table below. For non-state sensitive species, the certificate holder shall adhere to the spatial buffer and seasonal restrictions, to the extent feasible.</p>																																								
	<table border="1"> <thead> <tr> <th colspan="4" data-bbox="341 625 1536 667">ODFW Raptor Nest Buffers and Seasonal Restrictions</th> </tr> <tr> <th data-bbox="341 667 662 751">Species</th> <th data-bbox="662 667 894 751">Spatial Buffer</th> <th data-bbox="894 667 1230 751">Seasonal Restriction</th> <th data-bbox="1230 667 1536 751">Release Date if Unoccupied</th> </tr> </thead> <tbody> <tr> <td data-bbox="341 751 662 825">Western Burrowing Owl</td> <td data-bbox="662 751 894 825">0.25 mile</td> <td data-bbox="894 751 1230 825">April 1 to August 15</td> <td data-bbox="1230 751 1536 825">May 31</td> </tr> <tr> <td data-bbox="341 825 662 867">Golden eagle</td> <td data-bbox="662 825 894 867">0.5 mile</td> <td data-bbox="894 825 1230 867">Feb 1- Aug 15</td> <td data-bbox="1230 825 1536 867">May 15</td> </tr> <tr> <td data-bbox="341 867 662 909">Red-tailed hawk</td> <td data-bbox="662 867 894 909">100-500 feet</td> <td data-bbox="894 867 1230 909">Mar 1 – Aug 15</td> <td data-bbox="1230 867 1536 909">May 31</td> </tr> <tr> <td data-bbox="341 909 662 951">Ferruginous hawk</td> <td data-bbox="662 909 894 951">0.25 mile</td> <td data-bbox="894 909 1230 951">Mar 15 – Aug 15</td> <td data-bbox="1230 909 1536 951">May 31</td> </tr> <tr> <td data-bbox="341 951 662 993">Swainson’s hawk</td> <td data-bbox="662 951 894 993">0.25 mile</td> <td data-bbox="894 951 1230 993">Apr 1 – Aug 15</td> <td data-bbox="1230 951 1536 993">May 31</td> </tr> <tr> <td data-bbox="341 993 662 1035">Prairie falcon</td> <td data-bbox="662 993 894 1035">0.25 mile</td> <td data-bbox="894 993 1230 1035">Mar 15 – Jul 1</td> <td data-bbox="1230 993 1536 1035">May 15</td> </tr> <tr> <td data-bbox="341 1035 662 1077">Peregrine falcon</td> <td data-bbox="662 1035 894 1077">0.25 mile</td> <td data-bbox="894 1035 1230 1077">Jan 1 – Jul 1</td> <td data-bbox="1230 1035 1536 1077">May 15</td> </tr> <tr> <td data-bbox="341 1077 662 1108">American kestrel</td> <td data-bbox="662 1077 894 1108">0.25 mile</td> <td data-bbox="894 1077 1230 1108">Mar 1 – Jul 31</td> <td data-bbox="1230 1077 1536 1108">May 15</td> </tr> </tbody> </table>	ODFW Raptor Nest Buffers and Seasonal Restrictions				Species	Spatial Buffer	Seasonal Restriction	Release Date if Unoccupied	Western Burrowing Owl	0.25 mile	April 1 to August 15	May 31	Golden eagle	0.5 mile	Feb 1- Aug 15	May 15	Red-tailed hawk	100-500 feet	Mar 1 – Aug 15	May 31	Ferruginous hawk	0.25 mile	Mar 15 – Aug 15	May 31	Swainson’s hawk	0.25 mile	Apr 1 – Aug 15	May 31	Prairie falcon	0.25 mile	Mar 15 – Jul 1	May 15	Peregrine falcon	0.25 mile	Jan 1 – Jul 1	May 15	American kestrel	0.25 mile	Mar 1 – Jul 31	May 15
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<p>If a nest becomes active during construction that was not identified as active during the pre-construction surveys, the certificate holder may request review by the Department, in consultation with ODFW, of an exception to the spatial buffer and seasonal restrictions.</p>																																									
<p>[Fish and Wildlife Habitat Condition 6, Final Order on ASC (2020)]</p>																																									
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]																																									
CON-PS-01	<p>During construction of the facility, facility component or phase, the certificate holder shall:</p> <ol style="list-style-type: none"> a. Provide onsite security and maintain good communication between onsite security personnel and the Wasco County Sherriff Office. b. Coordinate with Maupin Ambulance Service and South Wasco County Ambulance Service Area to determine whether a service agreement between certificate holder and service provider is needed. The certificate holder shall notify Wasco County Planning Department and the Department on the outcome of the agreement (WCLUDO Section 5.020(C)). c. Notify Wasco County 911 Operations Manager of construction commencement and provide facility location and access information (maps, 																																								

	site address, onsite safety contact information). [Public Services Condition 4, Final Order on ASC (2020); AMD1 (2021)]
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5.5 Pre-Operational (PRO) Conditions

Condition Number	General (GEN) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRO-SP-01	Prior to operation of the facility, facility component or phase, the certificate holder shall provide a copy, to the Department, of an operational Spill Prevention Control and Countermeasures (SPCC) plan, if required pursuant to OAR 340-041-0001 to -0240. [Soil Protection Condition 2, Final Order on ASC (2020); AMD1 (2021)]
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (ST) [OAR 345-024-0090]	
PRO-ST-01	Prior to operation of the facility, facility component or phase, the certificate holder shall provide landowners within 500 feet of the site boundary a map of the 230 kV transmission line and aboveground 34.5 kV collector lines and inform landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. [Siting Standards for Transmission Lines Condition 1, Final Order on ASC (2020); AMD1 (2021)]

5.6 Operational (OPR) Conditions

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	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, facility component or phase. 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. [General Standard Condition 2, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(2)]
OPR-GS-02	Upon completion of construction of the facility, facility component or phase, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the

	<p>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.</p> <p>[General Standard Condition 6, Final Order on ASC (2020); AMD1 (2021); Mandatory Condition OAR 345-025-0006(11)]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	<p>Within 90-days of commercial operation of the facility, facility component or phase, the certificate holder shall provide to the Department and Wasco County GIS Department the actual latitude and longitude location or Oregon State Plan NDA83 HARN (international feet) coordinate of all facility components. GIS layers may be provided consistent with the datum reference above or any other datum deemed acceptable by the Department.</p> <p>[Land Use Condition 10, Final Order on ASC (2020); AMD1 (2021)]</p>
OPR-LU-02	<p>During operation of the facility, facility component or phase, the certificate holder shall provide to the Department and Wasco County copies of the Chemical Safety Data Sheets (SDS) for cleaning chemicals and solvents to be used in solar panel washing. The SDSs must demonstrate that the cleaning product is low in volatile organic compounds and, to the extent feasible, is a recyclable or biodegradable product. If the product is non-recyclable or non-biodegradable, the certificate holder shall provide an explanation and demonstrate that an evaluation of the availability of recyclable and biodegradable products was completed. During any year of operation, the certificate holder shall notify and provide updated SDSs to the Department if the cleaning products change.</p> <p>[Land Use Condition 11, Final Order on ASC (2020); AMD1 (2021)]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
OPR-PS-01	<p>During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&M building to a licensed on-site septic systems in compliance with State permit requirements (DEQ issued Onsite Sewage Disposal Construction-Installation Permit). The certificate holder shall design the septic system for a discharge capacity of less than 7,500 gallons per day.</p> <p>[Public Services Condition 1, Final Order on ASC (2020)]</p>
OPR-PS-02	<p>During facility operation, the certificate holder shall ensure that if a new well is constructed to provide water to the O&M building, the certificate holder shall follow the recording requirements under OAR 690-190-0100. The certificate holder shall not use more than 5,000 gallons of water per day from the onsite well.</p> <p>[Public Services Condition 2, Final Order on ASC (2020)]</p>

5.7 Retirement Conditions (RET)

Condition Number	General (GEN) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RT-01	<p>The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.</p> <p>[Retirement and Financial Assurance Condition 2, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RT-02	<p>The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. 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 must 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.</p> <p>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, 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 must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must 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.</p> <p>[Retirement and Financial Assurance Condition 3, Final Order on ASC (2020); Mandatory Condition OAR 345-025-0006(16)]</p>

6.0 Successors and Assigns

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

7.0 Severability and Construction

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

8.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Daybreak Solar, LLC (certificate holder), a subsidiary of Avangrid Renewables, LLC (certificate holder owner).

Legal


ENERGY FACILITY SITING COUNCIL

By: 
Marcia L. Grail (Nov 24, 2021 21:58 MST)

Marcia L. Grail Chair

Date: 24-Nov-2021

Daybreak Solar, LLC

DocuSigned by:
By: 
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Sara Parsons, Authorized Representative

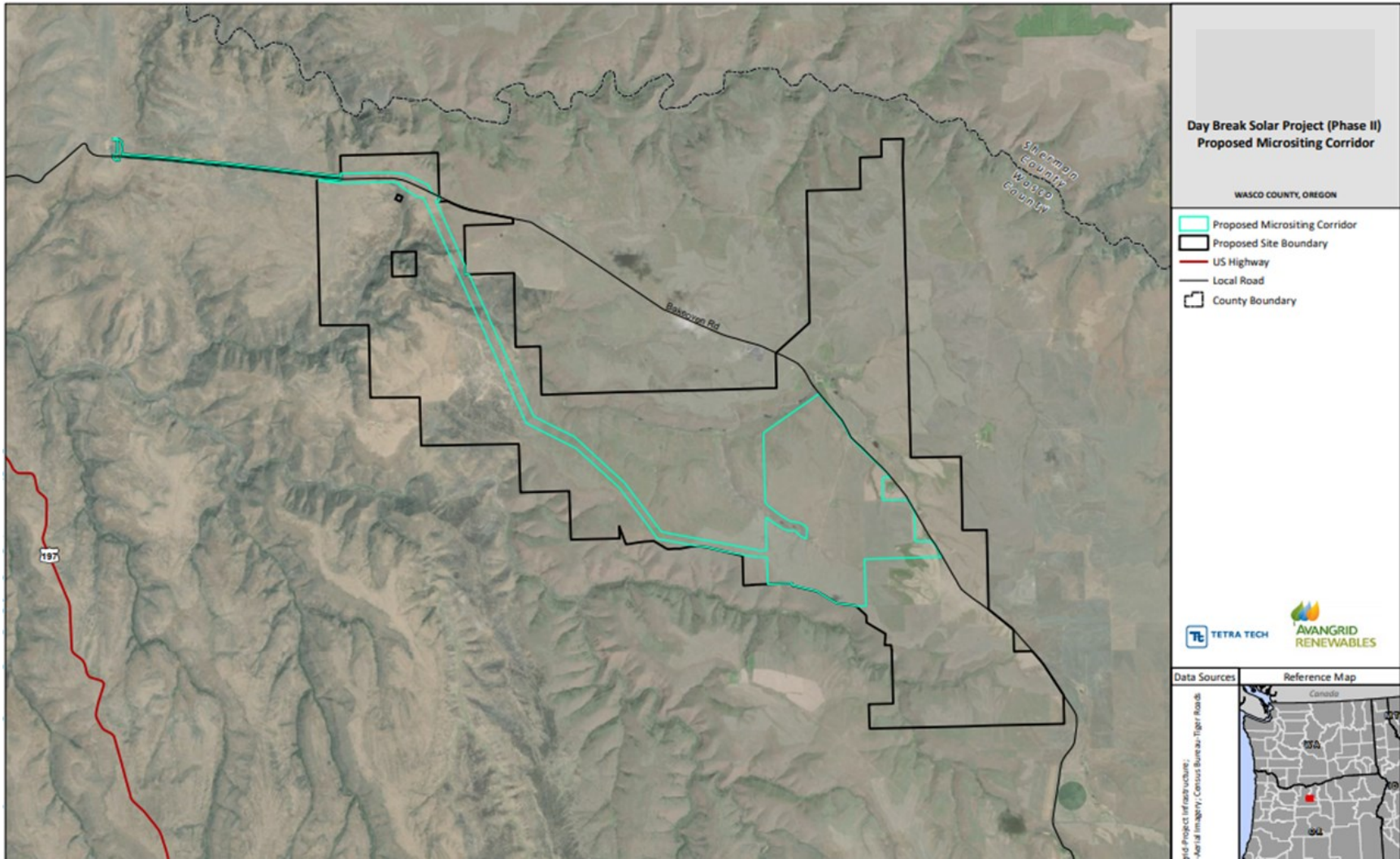
Date: 12/6/2021

DocuSigned by:
By: 
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Authorized Representative

Date: 12/6/2021



Attachment 1: Facility Site Boundary and Micrositing Corridor



Daybreak Solar Project Site Certificate
November 2021