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OREGON DEPARTMENT OF ENERGY

Regarding Statutes, Administrative Rules)
and Other Requirements Applicable to the)
Proposed ANTELOPE RIDGE WIND FARM)

PROJECT ORDER

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I. BACKGROUND

5 On April 27, 2009, Antelope Ridge Wind Power Project LLC (Antelope Ridge LLC), a
6 wholly-owned subsidiary of Horizon Wind Energy LLC, submitted to the Oregon Department of
7 Energy (ODOE or the “Department”) a Notice of Intent (NOI) to file an application for a site
8 certificate for a proposed wind energy facility. The proposed facility, named the Antelope Ridge
9 Wind Farm, would be located entirely within Union County about ten miles southeast of La
10 Grande, Oregon, and as described in the NOI would have a peak generating capacity of up to 300
11 megawatts (MW). The facility will require a site certificate from the Oregon Energy Facility
12 Siting Council (EFSC or the “Council”).

13 On April 30, 2009, the Department issued public notice of the NOI to the EFSC mailing
14 list and to adjacent property owners as defined at OAR 345-020-0011(1)(f). The Department
15 also published the notice in the La Grande Observer. The public notice included announcement
16 of a public information meeting to be held May 12, 2009 in La Grande and requested public
17 comments on the NOI by June 1, 2009. Several persons expressed concern at the May 12
18 information meeting about the proposed facility. At the close of the comment period on June 1,
19 2009 the Department had received five written comments from members of the public (see
20 Section VII for discussion of public comments).

21 On May 1, 2009 Horizon Wind Energy distributed the NOI to the reviewing agencies
22 identified by the Department. In accordance with OAR 345-020-0040, the NOI was sent with a
23 memorandum from the Department requesting comments from reviewing agencies no later than
24 June 1, 2009. At the close of the comment period the Department had received comments from
25 the Confederated Tribes of the Colville Reservation, the Oregon Department of Fish and Wildlife
26 (ODFW), the Oregon Parks and Recreation Department (OPRD), the State Historic Preservation
27 Office (SHPO, an office within OPRD), and the U.S. Fish and Wildlife Service (USFWS).
28 Comments from reviewing agencies are discussed in Section VII.

29 The Department issues this project order in accordance with Oregon Administrative Rule
30 (OAR) 345-015-0160, which requires the Department to specify the state statutes, administrative
31 rules, and local, state, and tribal permitting requirements applicable to the construction and
32 operation of the proposed facility (see Sections I through V). This project order specifies the
33 analysis areas for the proposed facility (Section VI) and discusses comments received by the
34 Department from reviewing agencies and members of the public that address matters within the
35 jurisdiction of the Council that the applicant shall consider and discuss in the application for a
36 site certificate (Section VII). This project order also includes sections concerning the expiration
37 date of the Notice of Intent (Section VIII), discussion of project order amendments (Section IX)
38 and the applicant’s duty to comply with applicable requirements (Section X).

1 Oregon Revised Statutes (ORS) 469.401(4) provide that a site certificate issued by the
 2 Council does not govern certain matters. This project order does not consider matters outside the
 3 Council's jurisdiction. The applicant must nevertheless comply with all statutes, regulations, and
 4 local ordinances applicable to the proposed facility.

5 As provided in ORS 469.330(4), the Department or the Council may amend this project
 6 order at any time. The definitions in ORS 469.300 and OAR 345-001-0010 apply to the terms
 7 used in this project order, except where otherwise stated or where the context indicates
 8 otherwise.

9 **THEREFORE**, pursuant to ORS 469.330(3) and OAR 345-015-0160(1), the Department
 10 issues this order establishing the requirements for a site certificate application for the Antelope
 11 Ridge Wind Farm.
 12

**Proposed Facility: Antelope Ridge Wind Farm
 Project Order**

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1 **I. STATE STATUTES, ADMINISTRATIVE RULES, AND RELATED PERMIT REQUIREMENTS**
2 **APPLICABLE TO THE PROPOSED FACILITY**
3

4 This section identifies the Oregon statutes and administrative rules that Antelope Ridge
5 LLC must address in the application, and related state permits and approvals.

6 **(a) Energy Facility Siting Council**

7 **Statute and Rule References:** Statutes pertaining to the regulation of energy
8 facilities, starting at ORS 469.300, and administrative rules in OAR Chapter 345,
9 including the general provisions of Division 1 and the requirements of Divisions 21,
10 22, 24, 26 and 27 (as discussed further below).

11 **Permit:** An energy facility site certificate is required before construction or
12 operation.

13 **Discussion:**

14 OAR Chapter 345, Division 21 (Application for Site Certificate)

15 See Section V for a discussion of specific information to be included in the
16 application per the requirements of OAR 345-021-0010.

17 OAR Chapter 345, Division 22 (General Standards for Siting Facilities)

18 All general standards in OAR Chapter 345, Division 22, apply to the proposed
19 facility. For a wind energy facility, the Council is not required to make findings on
20 the standards described in OAR 345-022-0020 (Structural), OAR 345-022-0090
21 (Historic, Cultural and Archaeological Resources), OAR 345-022-0110 (Public
22 Services), and OAR 345-022-0120 (Waste Minimization). Nevertheless, Antelope
23 Ridge LLC should address these standards in the application because the Council
24 may apply the requirements of the standards to impose conditions on the site
25 certificate.

26 OAR Chapter 345, Division 24 (Specific Standards for Siting Facilities)

27 Specific standards addressed in OAR Chapter 345, Division 24, apply to the
28 proposed facility, including: Public Health and Safety Standards for Wind Energy
29 Facilities (OAR 345-024-0010); Siting Standards for Wind Energy Facilities (OAR
30 345-024-0015); and Siting Standards for Transmission Lines (OAR 345-024-0090).

31 OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities)

32 If the Council issues a site certificate for the proposed facility, the certificate holder
33 must implement a compliance plan, as described in OAR 345-026-0048 and
34 periodically must submit reports as described in OAR 345-026-0080.

35 OAR Chapter 345, Division 27 (Site Certificate Conditions)

36 The site certificate will contain the mandatory conditions, applicable site-specific
37 conditions, and monitoring conditions described in OAR 345-027-0020, -0023 and -
38 0028.

1 **(b) Oregon Department of Agriculture, Plant Division — Native Plant**
2 **Conservation Program**

3 **Statute and Rule References:** ORS Chapter 564 (Wildflowers; Threatened or
4 Endangered Plants); and OAR Chapter 603, Division 73 (Plants: Wildflowers and
5 Endangered, Threatened, and Candidate Species).

6 **Permit:** None required.

7 **Discussion:** The Oregon Department of Agriculture (ODA) provides technical
8 review and recommendations regarding compliance with the Council's threatened
9 and endangered species standard (OAR 345-022-0070) as it relates to plant species.

10 OAR 603-073-0070 contains the state list of endangered and threatened plant
11 species. OAR 603-073-0080 gives ODA the authority to designate candidate
12 plants. If Antelope Ridge LLC finds any state-listed threatened or endangered plant
13 species that may be affected by the proposed facility, Antelope Ridge LLC must
14 address the requirements of OAR 603-073-0090(5)(d)(A)-(E) in the application for
15 a site certificate.

16 Antelope Ridge LLC should include in its application for a site certificate a list of
17 both state- and federally-listed endangered, threatened, and candidate plant species
18 that have potential to occur in the analysis area. Antelope Ridge LLC should
19 identify these species based on a review of literature, consultation with
20 knowledgeable individuals, and reference to the list of species maintained by the
21 Oregon Natural Heritage Program.¹

22 Antelope Ridge LLC should include in its application for a site certificate a
23 description and the results of a field survey for the listed plant species. The survey
24 must be conducted by a person with expertise in field botany, plant taxonomy and
25 biological conservation. The survey should be conducted during the time of year
26 when it is possible to identify any listed plants (usually when these plants are in
27 flower or fruit). The field survey report should include written descriptions of the
28 survey methods and areas surveyed. Antelope Ridge LLC should consult with the
29 Oregon Department of Agriculture, Native Plant Conservation Program, regarding
30 field survey methods, appropriate survey seasons, qualifications of field survey
31 personnel, and the information to be included in the field survey report.

¹ OAR 345-022-0070 applies only to state-listed plant and animal species. Nevertheless, OAR 345-021-0010(1)(q) requires applicants to consider plant and animal species listed as endangered or threatened under both state and federal law. This requirement applies because the Council, in making its decision, must be mindful of possible adverse impacts to federally listed species. Note also that OAR 345-022-0070 applies to all lands affected by a proposed facility including state, federal and private lands.

1 (c) **Oregon Department of Environmental Quality — Water Quality Division**

2 **Statute and Rule References:** ORS Chapter 468B (Water Quality); OAR Chapter
3 340, Divisions 40 (Groundwater Quality Protection), 45 (Regulations Pertaining To
4 NPDES and WPCF Permits), and 71 (Onsite Wastewater Treatment Systems).

5 **Permits:** National Pollutant Discharge Elimination System (NPDES), Water
6 Pollution Control Facilities (WPCF), and onsite wastewater system permits.

7 **Discussion:**

8 OAR Chapter 340, Division 45 (NPDES and WPCF Permits)

9 In accordance with OAR 345-021-0000(5), Antelope Ridge LLC must submit to the
10 Department three copies of all applications for federally-delegated permits
11 (including NPDES permits). The applicant must also provide a letter or other
12 indication from the Oregon Department of Environmental Quality (DEQ) stating
13 that the agency has received a permit application from the applicant, identifying any
14 additional information the agency is likely to need from the applicant based on the
15 agency's review of the application as submitted, and estimating the date when the
16 agency will complete its review and issue a permit decision.

17 The U.S. Environmental Protection Agency has delegated authority to DEQ to issue
18 NPDES Storm Water Discharge permits for construction and operation activities.
19 The Council does not have jurisdiction over the federally-delegated NPDES permit,
20 but the Council may rely on the determinations of compliance and the conditions in
21 the federally-delegated permit in making its determination about whether other
22 standards and requirements under the Council's jurisdiction are met.

23 OAR Chapter 340, Division 71 (Onsite Wastewater Treatment Systems)

24 The NOI states that the Operations and Maintenance (O&M) Building will
25 discharge sanitary waste to an onsite septic system. Such discharges may require a
26 WPCF permit from DEQ. In such event, Antelope Ridge LLC must first verify that
27 the site is suitable for an onsite sewage disposal system by applying to DEQ or its
28 designated agency for a site evaluation of groundwater and soil conditions. In the
29 application for a site certificate, Antelope Ridge LLC should provide information
30 demonstrating that the proposed septic system is exempt from the WPCF permit
31 requirement or, if it is not exempt, that it meets the requirements for a permit.

32 If a WPCF permit is required, it is a state permit that is under Council jurisdiction.
33 The requirements for the WPCF permit are set forth in OAR Chapter 340, Division
34 71. Regulations pertaining to WPCF permits are in OAR Chapter 340, Division 45.
35 Antelope Ridge LLC must include in the application for a site certificate all
36 information that would otherwise be required by DEQ in an application for the
37 permit.

1 **(d) Oregon Department of Environmental Quality — Land Quality Division**

2 **Statute and Rule References:** ORS Chapters 465 and 466 (Hazardous Waste and
3 Hazardous Materials I and II); and OAR Chapter 340, Divisions 100 through 122
4 (Hazardous Waste Management).

5 **Permit:** None required.

6 **Discussion:** Antelope Ridge LLC must include in the application a list of all
7 hazardous materials that potentially would be stored or used at the facility site
8 during construction and operation. Antelope Ridge LLC must comply with DEQ
9 regulations concerning the use of hazardous materials and the clean up and disposal
10 of hazardous wastes. The requirement is incorporated in the general standard of
11 review, OAR 345-022-0000.

12 The DEQ hazardous waste program implements requirements of the U.S.
13 Environmental Protection Agency (EPA) and is a federally-delegated program.
14 However, information on hazardous materials use and storage is important in
15 determining the potential for spills that could adversely affect soils and potentially
16 affect the cost and success of site restoration. A complete application would
17 include sufficient information on plans and programs for storage of hazardous
18 materials and management of hazardous waste for DEQ to comment on their
19 adequacy.

20 **(e) Oregon Department of Environmental Quality — Noise Control Regulations**

21 **Statute and Rule References:** ORS 467.020 and ORS 467.030 (Noise Control);
22 and OAR Chapter 340, Division 35 (Noise Control Regulations).

23 **Permit:** None required

24 **Discussion:** The proposed facility must comply with the noise control regulations
25 applicable to wind energy facilities. The requirement is incorporated in the general
26 standard of review, OAR 345-022-0000.

27 Antelope Ridge LLC shall include a noise analysis in the application for a site
28 certificate. The analysis must contain information to support a finding by the
29 Council that the proposed facility would comply with the requirements of OAR
30 340-035-0035. The analysis must:

- 31 • Identify the locations of all noise sensitive properties that might receive noise
32 levels potentially exceeding applicable limits from the Antelope Ridge Wind
33 Farm turbines;
- 34 • Identify all turbine locations used in performing the analysis;
- 35 • Provide manufacturer's warranted sound power levels, including octave band
36 data, for all turbine types that might be used at the Antelope Ridge project. If
37 specific turbine types are not known, Antelope Ridge LLC must provide the
38 maximum sound power level and octave band data that would not be exceeded
39 by any turbine type used at the facility; and

- Identify all input parameters used in performing noise modeling.

(f) **Oregon Department of Fish and Wildlife**

Statute and Rule References: ORS Chapter 496 (Application, Administration and Enforcement of Wildlife Laws); ORS Chapter 498 (ORS 498.301 through 498.346—Screening and By-pass Devices for Water Diversions or Obstructions); ORS Chapter 506 (ORS 506.036—Protection and Propagation of Fish and ORS 506.109—Food Fish Management Policy); ORS Chapter 509 (ORS 509.140—Placing Explosives in Waters and ORS 509.580 through 509.910—related to Fish Passage); and OAR Chapter 635, Division 100 (Wildlife Diversity Plan) and Division 415 (Fish and Wildlife Habitat Mitigation Policy)

Permit: None required

Discussion:

OAR Chapter 635, Division 100 (Wildlife Diversity Plan)

The Oregon Department of Fish and Wildlife (ODFW) provides technical review and recommendations on compliance with Council standards. ODFW will base its review and recommendations on state wildlife policy and threatened and endangered species policy (Application, Administration and Enforcement of Wildlife Laws, see ORS 496.012 and ORS 496.171 - .192).

OAR Chapter 635, Division 100, provides authority for adoption of the state sensitive species list and the Wildlife Diversity Plan and contains the State list of threatened and endangered wildlife species. Antelope Ridge LLC should include in its application for a site certificate a list of both state-listed and federally-listed threatened and endangered wildlife species and State Sensitive Species that have potential to occur in the analysis area. Antelope Ridge LLC should identify these species based on a review of literature, consultation with knowledgeable individuals, and reference to the list of species published by the Oregon Natural Heritage Information Center.

Antelope Ridge LLC should include in its application a description and the results of a field survey for the listed wildlife species performed by qualified survey personnel during the season or seasons appropriate to the detection of these species. The field survey report should include written descriptions of the survey methods and areas surveyed. Antelope Ridge LLC should consult with ODFW regarding field survey methods, appropriate survey seasons and qualifications of field survey personnel.

OAR Chapter 635, Division 415 (Fish and Wildlife Habitat Mitigation Policy)

OAR Chapter 635, Division 415, classifies six habitat categories and establishes a mitigation goal for each category. Antelope Ridge LLC must identify the appropriate habitat category for all areas affected by the proposed facility and provide the basis for each category designation. Antelope Ridge LLC must show how it would comply with the habitat mitigation goals and standards by appropriate monitoring and mitigation.

1 **(g) Oregon Department of Geology and Mineral Industries**

2 **Statute and Rule References:** OAR 345-022-0020

3 **Permit:** None required.

4 **Discussion:** The Department of Geology and Mineral Industries (DOGAMI)
5 provides technical review and recommendations on compliance with the Council's
6 structural standard, OAR 345-022-0020. In its application, Antelope Ridge LLC
7 must include a geotechnical report that includes, as a minimum, the information
8 required by OAR 345-021-0010(1)(h). Also relevant is the information required by
9 OAR 345-021-0010(1)(i). (See Section V of this project order for additional
10 discussion concerning application requirements.)

11 The Department understands that wind developers typically do not perform the
12 detailed site-specific geotechnical exploration described in the geotechnical report
13 until they have identified exact turbine sites. If Antelope Ridge LLC plans to defer
14 some of the site-specific geotechnical work pending completion of facility design,
15 then the application for a site certificate must include evidence of consultation with
16 DOGAMI regarding the appropriate level of pre-application site-specific
17 geotechnical investigation.

18 **(h) Oregon Parks and Recreation Department**

19 **Statute and Rule References:** ORS 97.745 (Indian Graves and Protected Objects);
20 ORS 358.920 (Archaeological Objects and Sites); ORS 390.010 (Outdoor
21 Recreation); ORS 390.235 (Archaeological Sites and Historical Material); and OAR
22 Chapter 736, Division 51 (Archaeological Permits).

23 **Permit:** An archaeological permit may be required to conduct archaeological
24 investigations of the site.

25 **Discussion:** The Oregon Parks and Recreation Department provides technical
26 review and recommendations on compliance with Council standards.

27 The State Historic Preservation Office (SHPO) within the Oregon Parks and
28 Recreation Department provides technical review and recommendations in
29 reference to the Council's Historic, Cultural and Archaeological Resources
30 Standard (OAR 345-022-0090). The application for a site certificate should include
31 an archaeological and cultural survey conducted by a qualified archaeologist.
32 Antelope Ridge LLC should work as early as possible with SHPO to ensure that
33 Antelope Ridge LLC provides required information in SHPO's preferred formats.

34 **NOTE:** Information concerning the location of archaeological sites or objects may be exempt
35 from public disclosure under ORS 192.501(11). Specific location information should not be
36 included in the text of application for a site certificate. Such information, including
37 archaeological survey reports, should be provided separately only after consultation with the
38 Department.

1 (i) **Oregon Department of State Lands — Removal-Fill Authorizations**

2 **Statute and Rule References:** ORS 196.800 - 990 (Removal of Material; Filling);
3 and OAR Chapter 141, Division 85 (Administrative Rules Governing the Issuance
4 and Enforcement of Removal-Fill Authorizations Within Waters of Oregon
5 Including Wetlands).

6 **Permit:** A removal-fill permit is required if 50 cubic yards or more of material is
7 removed, filled or altered within a jurisdictional water of the State (OAR 141-085-
8 0520).

9 **Discussion:** Antelope Ridge LLC should include information in the application for
10 a site certificate to support a finding on whether a removal-fill permit is needed.
11 Antelope Ridge LLC should consult with the Department of State Lands and obtain
12 its concurrence, which may require a formal delineation of wetlands and waters of
13 the State within the site boundary. If a removal-fill permit is needed, the
14 application must include an itemized demonstration of each applicable provision of
15 ORS 196.825 (Criteria for Issuance of a Permit) and OAR 141-085-0550
16 (Application Requirements for All Authorizations). If the permit is needed, the
17 Council will make the issuing decision in consultation with the Department of State
18 Lands.

19 (j) **Oregon Water Resources Department — Water Rights/Adjudications Division**

20 **Statute and Rule References:** ORS Chapters 536 through 540 (Water
21 Resources/Water Rights); and OAR Chapter 690 (Water Resources Department),
22 Divisions 1 through 410.

23 **Permit:** Water right.

24 **Discussion:** Antelope Ridge LLC should include information in the application for
25 a site certificate to support a finding of whether a water right is or is not required.
26 The application for a site certificate must identify the sources of water to be used by
27 the proposed facility during construction and operation, the water right under which
28 the water would be provided, the quantity of water needed, and the means of
29 disposal of all water discharges from the proposed facility.

30 If a new water right or water right transfer is required, the application for a site
31 certificate must include information to support a finding for issuance of a
32 groundwater or surface water permit under ORS Chapter 537 (Appropriation of
33 Water Generally) or transfer of a water use under ORS Chapter 540 (Transfer or
34 Forfeiture of Water Rights), including a discussion and evaluation of all relevant
35 factors, including those factors listed in ORS 537.153(2) and (3), ORS 537.170(8)
36 and OAR Chapter 690, Divisions 310 (Water Right Application Processing) and
37 380 (Water Right Transfers). If a permit or transfer is needed, the Council will
38 make the issuing decision in consultation with the Oregon Water Resources
39 Department.

1 **II. NATIVE AMERICAN TRIBES**

2 **Statute and Rule References:** Not applicable

3 **Permit:** None

4 **Discussion:** The application for a site certificate should include evidence of consultation
5 with affected tribes, including the Confederated Tribes of the Umatilla Indian
6 Reservation, the Confederated Tribes of Warm Springs, the Burns Paiute Tribe, the Nez
7 Perce Tribe, and the Confederated Tribes of the Colville Reservation, regarding
8 archaeological and cultural sites and materials within the site boundary. The affected
9 tribes provide technical review and recommendations in reference to the Council's
10 Historic, Cultural and Archaeological Resources Standard (OAR 345-022-0090).

11 **III. APPLICABLE LOCAL GOVERNMENT ORDINANCES**

12 **Statute and Rule References:** Applicable substantive criteria from the Union County
13 code and comprehensive plan.

14 **Permit:** Conditional Use Permits.

15 **Discussion:** In the NOI, Antelope Ridge LLC states that it intends to request a Council
16 determination regarding land use in accordance with ORS 469.504(1)(b). The proposed
17 site is entirely within Union County (the "County") and the Council must consider the
18 applicable substantive criteria from this county. Union County has been appointed as a
19 Special Advisory Group, as required under ORS 469.480. The applicable substantive
20 criteria are those in effect on the date the application is submitted, as defined by ORS
21 460.504(1)(b)(A). In addition, the application must identify any Land Conservation and
22 Development Commission administrative rules and goals and any land use statutes that
23 are not implemented in the County's comprehensive plans and are therefore directly
24 applicable to the facility under ORS 197.646.

25 Antelope Ridge LLC should contact the Union County Planning Department to discuss
26 the requirements for conditional use permits. In the application for a site certificate,
27 Antelope Ridge LLC should include information necessary to demonstrate compliance
28 with the substantive criteria from the Union County code and comprehensive plan that
29 are applicable to issuance of the permits. As provided in ORS 469.401(3), if the Council
30 issues a site certificate, the County will be bound to issue the conditional use permits,
31 subject only to the conditions set forth in the site certificate.

32 **IV. OTHER CONSTRUCTION-RELATED REGULATIONS**

33 If the Council issues a site certificate, the certificate holder must comply with
34 construction-related regulations that apply to the proposed facility. As provided under
35 ORS 469.401(4), the site certificate does not address these regulations.

1 **V. APPLICABLE REQUIREMENTS FROM OAR CHAPTER 345, DIVISION 21**

2 OAR 345-021-0000 (General Requirements)

3 All requirements apply. Antelope Ridge LLC must submit the information required by
4 OAR 345-021-0000, particularly the information in sections (6) and (7) regarding the
5 status of non-federally-delegated and federally delegated permits.

6 OAR 345-021-0010 (Contents of an Application)

7 The application for a site certificate should include the information described in OAR
8 345-021-0010(2) and (4), as well as the information from 345-021-0010(1), as discussed
9 below.

10 OAR 345-021-0010 (Contents of an Application)

11 OAR 345-021-0010(1) requires the applicant to include in its application the information
12 necessary to address each provision of the rules identified in this project order. Each of
13 the paragraphs below indicates which provision(s) of OAR 345-021-0010(1)(a) – (dd)
14 will apply to the Antelope Ridge Wind Farm.

15 **(a) Exhibit A – General Information about the Applicant**

16 Paragraphs (A) through (D) apply. Note that paragraph (B) calls for a list of
17 “participating persons, other than individuals.” “Person” is defined in OAR 345-
18 001-0010(45). Include in the application information about all third-party entities
19 (persons other than individuals) that are important to the facility.

20 **(b) Exhibit B – General Information about the Proposed Facility**

21 All paragraphs apply except (A)(vi), (vii) and (viii). Paragraph (D) applies only if
22 the transmission line associated with the Antelope Ridge Wind Farm (a “related
23 facility” under Council Rules) is more than 10 miles long.

24 Antelope Ridge LLC must provide specifications on all turbine types that might
25 be used at the Antelope Ridge Wind Farm. If specific turbine types are not
26 known, Antelope Ridge LLC must provide information on the range of turbine
27 types that might be used. Specifications include: peak generating capacity,
28 turbine hub height in meters, rotor diameter in meters, maximum sound power
29 level (and octave band data), overall weight of metals in the tower and nacelle per
30 turbine in net (U.S.) tons, estimated cubic yards of concrete per turbine in the
31 tower foundation to a depth of three feet below grade (that is, the concrete in the
32 foundation above that depth), and the maximum diameter of the tower foundation.
33 If the proposed facility might include more than one size of turbine (generating
34 capacity), Antelope Ridge LLC must state the maximum number of turbines in
35 each turbine size that would be built and the maximum combined peak generating
36 capacity of the facility as a whole.

37 Antelope Ridge LLC must include a physical description and description of the
38 location of all components of the facility including, but not limited to, turbines,
39 meteorological towers, access roads, road modifications, transmission lines

1 (including collector lines), substations, interconnection facilities and O&M
2 buildings. Antelope Ridge LLC must include a written legal description of the
3 micrositing corridors similar in form to the legal description required under OAR
4 345-027-0020(2). Corridors for turbine strings, access roads and transmission
5 lines may be defined by Global Positioning System (GPS) coordinates and a
6 distance from centerline. Antelope Ridge LLC must describe any improvement or
7 modification of existing structures, including roads.

8 The applicant should note the additional information required by OAR 345-021-
9 0010(1)(b)(D)(i) – (viii) if the Antelope Ridge transmission line exceeds 10 miles
10 in length and crosses more than one jurisdiction. Although it does not appear to
11 apply if the applicant ties into the BPA’s La Grande substation, it might apply to
12 the alternate route mentioned in the NOI.

13 **(c) Exhibit C – Location**

14 Maps included in Exhibit C should provide enough information for property
15 owners potentially affected by the facility to determine whether their property is
16 within or adjacent to the site. Major roads should be named. The application for
17 a site certificate should include identification of lands enrolled in the
18 Conservation Reserve Program and lands currently used for commercial
19 agriculture. Antelope Ridge LLC should include maps drawn to a scale of 1 inch
20 = 2,000 feet when necessary to show detail.

21 Maps should indicate the “site boundary” as defined in OAR 345-001-0010(53).
22 The site boundary must include all areas within proposed micrositing corridors for
23 turbines or other components. The proposed turbine string layout should be
24 indicated. If the use of different turbine sizes would result in different turbine
25 string alignments, all variations in turbine string alignments should be shown.

26 **(d) Exhibit D – Organizational Expertise**

27 All paragraphs apply.

28 **(e) Exhibit E – Permits**

29 All paragraphs apply.

30 **(f) Exhibit F – Property Owners**

31 The NOI states that the facility corridors are not within an urban growth
32 boundary, but are within farm and forest zones. Accordingly, the distance in
33 paragraph (C) applies (500 feet from the site boundary).

34 **(g) Exhibit G – Materials Analysis**

35 All paragraphs apply. See discussion in Section I.D (Oregon Department of
36 Environmental Quality) of this project order regarding the importance of listing
37 hazardous materials used and stored at the facility, or at temporary access and
38 laydown areas. ODOE also uses the materials analysis to identify any hazardous
39 materials whose storage could affect site restoration.

1 **(h) Exhibit H – Geology**

2 All paragraphs apply except (E).

3 The application should include all results of field and laboratory investigations
4 and any other geotechnical and geologic hazard evaluation work. A thorough
5 ground shaking amplification, liquefaction, and lateral spread analysis with all of
6 the calculations, methodologies, and recommendations based on this site-specific
7 analysis will be required.

8 The Department understands that detailed site-specific geotechnical investigation
9 for every turbine site is not always practical for wind energy facilities in advance
10 of completing the facility design. However, the rule requires consultation with
11 DOGAMI prior to submitting the application if the applicant proposes to base
12 Exhibit H on limited pre-application geotechnical work.

13 **NOTE:** OAR 345-021-0010(1)(h), paragraphs (A), (F)(i), and (F)(iv), each contain
14 references to potentially outdated guidelines and codes. The applicant should consult directly
15 with the Oregon Department of Geology and Mineral Industries regarding the most current
16 standards the applicant should use in preparing information for the site certificate application.
17 The application should note the codes and guidelines used to prepare information in Exhibit H
18 and provide an explanation if any are different from those cited in the Council’s rules.

19 **(i) Exhibit I – Soils**

20 All paragraphs apply. Antelope Ridge LLC should include information
21 describing the impact of construction and operation of the proposed facility on
22 soil productivity in farm zones. Describe all measures proposed to maintain soil
23 productivity during construction and operation. Antelope Ridge LLC should
24 consult with local farmers, landowners, and soil conservation districts regarding
25 mitigation of impacts to farmland. Specific discussion should be included of
26 issues related to weed encroachment, interference with irrigation equipment, and
27 the potential for restrictions to aerial applications caused by the proximity of tall
28 structures (turbines or meteorological towers). Erosion control should also be
29 emphasized on forestland (if any are impacted) to minimize/mitigate damage to
30 forest soils and streams.

31 **(j) Exhibit J – Jurisdictional Waters**

32 All paragraphs apply.

33 **NOTE:** OAR Chapter 140, Division 85 (“Administrative Rules Governing the Issuance and
34 Enforcement of Removal-Fill Authorizations Within Waters of Oregon Including Wetlands”)
35 was recently revised. The citation in OAR 345-021-0010(1)(j) to rules in Division 85 of OAR
36 Chapter 141 are no longer valid. For example, reference to OAR 141-085-0010 should now
37 be 141-085-0510 (Definitions). The citation to OAR 141-085-0018 should now be to OAR
38 141-085-0520. The applicant should consult directly with the Oregon Department of State
39 Lands if there are any questions regarding the applicable regulations.

40 **(k) Exhibit K – Land Use (Statewide Planning Goals)**

41 The NOI states that Antelope Ridge LLC will obtain a Council determination of
42 compliance with Union County’s land use laws and regulations under ORS

1 469.504(1)(b). Antelope Ridge LLC can change this election, but the election is
2 final when the application is submitted.

3 Paragraphs (A) and (C) apply. Paragraph (B) does not apply. The NOI indicates
4 that there is federal land within the site boundary (apparently managed by the
5 U.S. Bureau of Land Management). The applicant should include in its
6 application an analysis of the applicability of Paragraph (D) (for example, if there
7 is a land management plan adopted by BLM that applies to the property within the
8 site boundary). If applicable, the application should include the information
9 required by Paragraph (D).

10 The application for a site certificate should include a discussion of whether the
11 proposed facility, including its related collection and transmission lines, would be
12 compatible with farm use, would not seriously interfere with accepted farm
13 practices, and would not significantly increase the cost of accepted farm practices.

14 **(l) Exhibit L – Protected Areas**

15 All paragraphs apply.

16 **(m) Exhibit M – Financial Capability**

17 All paragraphs apply.

18 **(n) Exhibit N – Need for the Facility**

19 Exhibit N does not apply.

20 **(o) Exhibit O – Water Use**

21 All paragraphs apply except (D).

22 **(p) Exhibit P – Fish and Wildlife Habitat**

23 All paragraphs apply.

24 **(q) Exhibit Q – Threatened and Endangered Species**

25 All paragraphs apply.

26 **(r) Exhibit R – Scenic Resources**

27 All paragraphs apply. Include visual depictions of the project's impact on scenic
28 resources within the analysis area, if visual depictions are available.

29 **(s) Exhibit S – Historic, Cultural and Archaeological Resources**

30 All paragraphs apply.

31 **(t) Exhibit T – Recreation**

32 All paragraphs apply.

- 1 **(u) Exhibit U – Public Services**
2 All paragraphs apply. Include an analysis of estimated facility-related traffic
3 during construction and operation and the potential impact on traffic safety.
4 Discuss transportation of heavy equipment and shipments of facility components
5 during construction, including proposed transportation routes.
- 6 **(v) Exhibit V – Solid Waste and Wastewater**
7 All paragraphs apply.
- 8 **(w) Exhibit W – Facility Retirement**
9 All paragraphs apply. Explain and justify the methodology used to estimate
10 retirement costs.
- 11 **(x) Exhibit X – Noise**
12 All paragraphs apply. The project is considered an industrial noise source on a
13 previously unused site. The analysis should include noise predictions based on a
14 “worst case analysis” that assumes that turbines would be located within
15 micrositing corridors in a position closest to the nearest noise sensitive receiver.
16 The application for a site certificate should include documentation of any waivers
17 that Antelope Ridge LLC needs if the predicted noise levels at an affected
18 property exceed the ambient degradation standard.
- 19 **(y) Exhibit Y – Carbon Dioxide Emissions**
20 Exhibit Y does not apply.
- 21 **(z) Exhibit Z – Cooling Tower Impacts**
22 Exhibit Z does not apply.
- 23 **(aa) Exhibit AA – Electric and Magnetic Fields**
24 All paragraphs apply to any transmission line, regardless of size, that is a related
25 or supporting facility, including collector lines.
- 26 **(bb) Exhibit BB – Other Information**
27 Any information requested in this project order that is not addressed in any other
28 exhibit.
- 29 **(cc) Exhibit CC – Other Law**
30 Exhibit CC applies.
- 31 **(dd) Exhibit DD – Specific Standards**
32 Paragraphs (A) and (C) apply. Per Section I(a) of this project order, the applicant
33 should include in Exhibit DD information to support findings by the Council that
34 the proposed facility complies with the Public Health and Safety Standards for

1 Wind Energy Facilities (OAR 345-024-0010), the Siting Standards for Wind
2 Energy Facilities (OAR 345-024-0015), and the Siting Standards for
3 Transmission Lines (OAR 345-024-0090).

4 **VI. ANALYSIS AREAS FOR THE PROPOSED FACILITY**

5 The analysis areas are the minimum areas that Antelope Ridge LLC must study for
6 potential impacts from the construction and operation of the proposed facility. The
7 analysis areas described in this project order do not limit the applicant's responsibility to
8 assess the potential impacts of the facility. They are the areas in which significant
9 adverse impacts from the proposed facility are likely to occur. If significant impacts
10 could occur beyond the analysis areas described here, then Antelope Ridge LLC must
11 assess those impacts in the application for a site certificate and show how the facility
12 would comply with the applicable standard with regard to the larger area where impacts
13 could occur.

14 For all potential impacts, the analysis area includes all the area within the site boundary.
15 In addition to the definition of "site boundary" in OAR 345-001-0010(53), the site
16 boundary includes the perimeter of any micrositing corridors, of all outlying components
17 (facility components lying outside of any micrositing corridor), and all temporary
18 laydown and staging areas, turn-around areas and crane transport corridors. In its
19 application for a site certificate, Antelope Ridge LLC must describe the site boundary and
20 provide a map showing the proposed site boundary.

21 The analysis areas are as follows:

Affected Standard or Resource	Exhibit	Analysis Area
Structural Standard	Exh. H	The area within the site boundary.
Soils	Exh. I	The area within the site boundary.
Wetlands	Exh. J	The area within the site boundary.
Land Use	Exh. K	The area within the site boundary and one-half mile from the site boundary.
Protected Areas	Exh. L	The area within the site boundary and 20 miles from the site boundary, including areas outside the state.
Water Use	Exh. O	The area within the site boundary.
Fish and Wildlife Habitat	Exh. P	The area within the site boundary and within 1000 feet from all ground disturbing activities anticipated during construction.
Threatened and Endangered Species	Exh. Q	The area within the site boundary and 5 miles from the site boundary.

22

Affected Standard or Resource	Exhibit	Analysis Area
Scenic and Aesthetic Values	Exh. R	The area within the site boundary and 10 miles from the site boundary.
Historic, Cultural and Archaeological Resources	Exh. S	The area within the site boundary.
Recreational Opportunities	Exh. T	The area within the site boundary and 5 miles from the site boundary.
Public Services	Exh. U	The area within the site boundary and 30 miles from the site boundary.

2 **VII. COMMENTS FROM REVIEWING AGENCIES AND THE PUBLIC**

3 (a) **Public Comments**

4 Approximately 25 members of the public attended the Antelope Ridge NOI
5 information meeting held in La Grande, Oregon on the evening of May 12, 2009.
6 Many attendees at the meeting were concerned with the impacts that could arise
7 from constructing the facility at the proposed location, although at least one
8 attendee expressed his support for the facility. In addition to the oral comments
9 received at the meeting, five written comments were submitted to the Department
10 (some from people who also commented at the meeting). Written comments
11 received by the Department often mirrored the concerns expressed at the
12 information meeting. All of the comments were previously provided to the
13 applicant.

- 14 1. Negative visual impacts from the tower lighting required by the Federal
15 Aviation Administration (FAA) to protect aircraft. Commenters believe that
16 the nighttime glare from red flashing turbine lights required to comply with
17 FAA regulations will have a significant visual impact (“light pollution”)
18 throughout the Grande Ronde Valley. One commenter recommended siting
19 turbines “as far as possible to the east of the ridge skyline” to avoid visual
20 impacts.
- 21 2. Negative visual impacts from the collection line system and the transmission
22 system. Commenters were also concerned about the visual impacts of both
23 the electricity collection lines and the transmission lines associated with a
24 wind energy facility. One commenter was concerned that, based on a nearby
25 facility also operated by the applicant (Horizon Wind Energy), not enough
26 effort will be made to bury the collection lines to reduce the visual impact.
- 27 3. Negative impacts on wildlife (especially deer and elk) due to road and
28 transmission line construction, increased traffic, and loss of habitat due to
29 fragmentation, avoidance, and displacement. Several commenters indicated
30 that there is significant data available from the nearby Starkey Experimental
31 Forest about the impacts of roads and traffic on elk and deer behavior. One

1 commenter expressed concern that protected areas within the site boundary
2 will become undisturbed “islands” of habitat which will then become subject
3 to overuse as resident game populations move away from the disturbed areas
4 within and near the site boundary.

- 5 4. Negative impacts on natural and cultural resources, including sites throughout
6 the area that were used by Native Americans.
- 7 5. Impact on the historic Oregon Trail.
- 8 6. Noxious weed encroachment due to road access and increased traffic in the
9 area.
- 10 7. Negative impacts due to excessive noise.
- 11 8. Negative health effects. Commenter understands that “...some doctors
12 recommend wind turbines be placed no closer to human habitation than 2
13 miles.”
- 14 9. Other concerns. In addition to the concerns listed above, commenters were
15 also concerned about the risk of “proliferation” of wind turbine facilities and
16 associated transmission lines in the area, the impact that public subsidies are
17 having on the increasing numbers of wind facility, and the negative effects on
18 property values. These issues are outside of Council jurisdiction.

19 The applicant should include information in its application about the FAA
20 lighting requirements and discussion about how Antelope Ridge will minimize the
21 visual impact of complying with FAA regulations related to tower lighting.

22 The applicant should consult with the Oregon Department of Fish and Wildlife
23 (see discussion in next section) and include in its application extensive
24 information about wildlife, bat, and avian study plans; status of the plans and field
25 surveys; and a summary of the discussions and agreements to date with state and
26 federal agencies concerning wildlife impact assessments.

27 (b) **Reviewing Agency and Other Comments**

28 The Department received comments from the Oregon Department of Fish and
29 Wildlife (ODFW), Oregon Parks and Recreation (OPRD), and Oregon Parks and
30 Recreation—State Historical Preservation Office (SHPO). The ODFW and
31 OPRD had significant concerns about the proposed facility, many of which echo
32 the concerns expressed by the public. All of the reviewing agency comments
33 were provided previously to the applicant.

34 The OPRD summarized its concerns as mainly involving the impacts to the
35 scenery visible from state parks and the potential effects of noise and ground
36 vibrations affecting park visitors. SHPO states in its comments that much of the
37 project area “has not been surveyed and would be considered high probability for
38 cultural resources.” SHPO states also that the project area intersects the Oregon
39 Trail and recommends consultation with the Oregon Historic Trails Advisory
40 Council. A cultural resources survey will be required.

1 ODFW provided extensive and detailed comments, especially regarding the need
2 for various wildlife, bat, and avian studies. The Department is aware that the
3 applicant is having ongoing discussions with ODFW about the various issues
4 related to assessing wildlife impacts. The applicant should ensure that the
5 application includes significant and detailed discussion of wildlife impacts and
6 how the applicant proposes to minimize the impacts to wildlife (from elk to sage
7 grouse) throughout the study area (not just within the site boundary), given the
8 potential for displacement of game animal populations due to roads, traffic, and
9 increased human activity.

10 The Department received one comment from the U.S. Fish and Wildlife Service
11 (USFWS) and one comment from The Confederated Tribes of the Colville
12 Reservation. The Colville Tribes provided a map of tribal lands and requested
13 consultation if the project moved forward. The USFWS provided extensive and
14 detailed comments concerning the need for wildlife studies, especially bat, big
15 game, and avian species. The application for a site certificate should address the
16 concerns expressed by the USFWS, especially in the area of big game impacts,
17 sage grouse impacts, and the potential for seasonal displacement of animals from
18 the area.

19 **VIII. EXPIRATION DATE OF THE NOTICE OF INTENT**

20 In accordance with OAR 345-20-0060, the Antelope Ridge Wind Farm NOI expires on
21 April 27, 2011, unless Antelope Ridge LLC petitions the Council for an extension. If Antelope
22 Ridge LLC does not submit an application for a site certificate before the expiration of the NOI,
23 then Antelope Ridge LLC must submit a new NOI to satisfy ORS 469.330.

24 **IX. PROJECT ORDER AMENDMENT AND APPLICATION COMPLETENESS**


25 The Council or the Department may amend this project order at any time [ORS
26 469.330(4)]. Amendment may include changes to the analysis areas. To issue a site certificate,
27 the Council must determine that the proposed facility complies with Oregon statutes and
28 administrative rules identified in the project order, as amended, as applicable to the issuance of a
29 site certificate for the proposed facility [ORS 469.503(3)].

30 Under OAR 345-015-0190(4), when the Department determines the application for a site
31 certificate contains adequate information for the Council to make findings on all applicable
32 Council standards, the Department may find the application for a site certificate complete,
33 regardless of whether the application for a site certificate contains all information required under
34 OAR 345-021-0010. Notwithstanding a determination that an application for a site certificate is
35 complete, the Department may require additional information from the applicant if the
36 Department identifies a need for that information during its review of the application for a site
37 certificate [OAR 345-015-0190(7)].

1 **XI. APPLICABILITY AND DUTY TO COMPLY**

2 Failure to include an applicable statute, rule, ordinance, permit or other requirement in
3 this project order does not render that statute, rule, ordinance, permit or other requirement
4 inapplicable, nor in any way relieves applicant from the duty to comply with the same.

5 **OREGON DEPARTMENT OF ENERGY**

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11 _____
12 Thomas M. Stoops, Siting Manager
13 Oregon Department of Energy

14 Date of Issuance: June 24, 2009
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