

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

**First Amended Site Certificate
for the
Klondike III Wind Project**

November 3, 2006

The Oregon Energy Facility Siting Council

FIRST AMENDED SITE CERTIFICATE FOR THE KLONDIKE III WIND PROJECT

I. INTRODUCTION

1 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the
2 Klondike III Wind Project (the facility) in the manner authorized under ORS Chapter 469. This
3 site certificate is a binding agreement between the State of Oregon (State), acting through the
4 Council, and Klondike Wind Power III LLC (certificate holder) authorizing the certificate holder
5 to construct and operate the Klondike III Wind Project in Sherman County, Oregon.

6 The findings of fact, reasoning and conclusions of law underlying the terms and
7 conditions of this site certificate are set forth in the following documents related to the facility,
8 which are incorporated herein by this reference: (a) the Council's Final Order on the Application
9 and (b) the Council's Final Order on Amendment #1. In interpreting this site certificate, any
10 ambiguity will be clarified by reference to the following, in order of priority: (1) this First
11 Amended Site Certificate, (2) the Final Order on Amendment #1, (3) the Final Order on the
12 Application and (4) the record of the proceedings that led to the Final Orders on the Application
13 and Amendment #1. [Amendment #1]

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

II. SITE CERTIFICATION

- 16 1. To the extent authorized by state law and subject to the conditions set forth herein, the State
17 authorizes the certificate holder to construct, operate and retire a wind energy facility,
18 together with certain related or supporting facilities, at the site in Sherman County, Oregon,
19 as described in Section III of this site certificate. ORS 469.401(1).
- 20 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
21 effect on the date that termination is sought or until the site certificate is revoked under ORS
22 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation
23 is ordered. ORS 469.401(1).
- 24 3. This site certificate does not address, and is not binding with respect to, matters that were not
25 addressed in the Council's Final Orders on the Application and Amendment #1. Such matters
26 include, but are not limited to: building code compliance, wage, hour and other labor
27 regulations, local government fees and charges and other design or operational issues that do
28 not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules
29 for which the decision on compliance has been delegated by the federal government to a state
30 agency other than the Council. 469.503(3). [Amendment #1]
- 31 4. Both the State and the certificate holder shall abide by local ordinances, state law and the
32 rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
33 addition, upon a clear showing of a significant threat to public health, safety or the
34 environment that requires application of later-adopted laws or rules, the Council may require
35 compliance with such later-adopted laws or rules. ORS 469.401(2).

- 1 5. For a permit, license or other approval addressed in and governed by this site certificate, the
2 certificate holder shall comply with applicable state and federal laws adopted in the future to
3 the extent that such compliance is required under the respective state agency statutes and
4 rules. ORS 469.401(2).
- 5 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and
6 political subdivisions in Oregon as to the approval of the site and the construction, operation
7 and retirement of the facility as to matters that are addressed in and governed by this site
8 certificate. ORS 469.401(3).
- 9 7. Each affected state agency, county, city and political subdivision in Oregon with authority to
10 issue a permit, license or other approval addressed in or governed by this site certificate shall,
11 upon submission of the proper application and payment of the proper fees, but without
12 hearings or other proceedings, issue such permit, license or other approval subject only to
13 conditions set forth in this site certificate. ORS 469.401(3).
- 14 8. After issuance of this site certificate, each state agency or local government agency that
15 issues a permit, license or other approval for the facility shall continue to exercise
16 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 17 9. After issuance of this site certificate, the Council shall have continuing authority over the site
18 and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or
19 request another state agency or local government to inspect, the site at any time in order to
20 ensure that the facility is being operated consistently with the terms and conditions of this
21 site certificate. ORS 469.430.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

22 The energy facility is an electric power generating plant with an average electric
23 generating capacity of approximately 95 megawatts and a peak generating capacity of not more
24 than 285 megawatts that produces power from wind energy. The facility consists of not more
25 than 165 wind turbines, each with a peak generating capacity of not more than 2.4 megawatts.
26 Turbines are mounted on tubular steel towers. The turbine towers are about 263 feet tall at the
27 turbine hub and have an overall height of not more than 415 feet including the radius swept by
28 the turbine blades. The energy facility is described further in the Final Order on Amendment #1.
29 [Amendment #1]

(b) Related or Supporting Facilities

30 The facility includes the following related or supporting facilities described below and in
31 greater detail in the Final Order on the Amendment #1:

- 32 • Power collection system
- 33 • Substations and interconnection system
- 34 • Meteorological towers
- 35 • Operations and maintenance building
- 36 • Control system
- 37 • Access roads

- Temporary construction areas

[Amendment #1]

Power Collection System

A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine to a collector substation. Most of the collection system is in underground segments but may include aboveground segments, not exceeding 12 miles in combined length, mounted on monopole support structures. Power from the eastern section of the facility is transmitted to a substation near Schoolhouse underground and aboveground 34.5-kV collector lines. [Amendment #1]

Substations and Interconnection System

The facility includes one substation located near existing Klondike I and II “Schoolhouse” facilities. The power generated by the facility interconnects with the regional transmission grid at that location. [Amendment #1]

Meteorological Towers

The facility includes three permanent meteorological (met) towers. The met towers are non-guyed steel towers approximately 80 meters in height.

Operations and Maintenance Building

The facility includes an operations and maintenance (O&M) building of approximately 5,000 square feet.

Control System

A fiber optic communications network links the wind turbines to a central computer at the O&M building. A “supervisory, control and data acquisition” (SCADA) system collects operating and performance data from each wind turbine and the project as a whole and provides remote operation of the wind turbines.

Access Roads

The facility includes access roads to provide access to the turbine strings. Access roads connect to graveled turbine turn-out and pad areas at the base of each wind turbine. The roads are approximately 20 feet wide and constructed with crushed gravel.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment during construction and temporary crane paths for efficient movement of cranes between turbine strings. [Amendment #1]

2. Location of the Proposed Facility

The facility is located approximately 4 miles east of Wasco, in Sherman County, Oregon, about 5 miles south of the Columbia River. The site is in Townships 1 and 2 North and Ranges 17, 18 and 19 East Sections. The facility is located on land subject to lease agreements with several landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

1 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
2 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
3 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
4 for Facilities). These conditions should be read together with the specific facility conditions
5 listed in Section V to ensure compliance with the siting standards of OAR Chapter 345,
6 Divisions 22 and 24, and to protect the public health and safety. In these conditions, “Office of
7 Energy” means the Oregon Department of Energy, and the other definitions in OAR 345-001-
8 0010 apply.

9 The obligation of the certificate holder to report information to the Department or the
10 Council under the conditions listed in this section and in Section V is subject to the provisions of
11 OAR 345-001-0040, which addresses information that may be exempt under the Oregon Public
12 Records Law. To the extent permitted by law, the Department and the Council will not publicly
13 disclose information that may be exempt from public disclosure under ORS 192.502 *et seq.* or
14 ORS 469.560 if the certificate holder has clearly labeled such information and stated the basis for
15 the exemption at the time of submitting the information to the Department or the Council. If the
16 Council or the Department receives a request for the disclosure of the information, the Council or
17 the Department, as appropriate, will make a reasonable attempt to notify the certificate holder
18 and will refer the matter to the Attorney General for a determination of whether the exemption is
19 applicable, pursuant to ORS 192.450.

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

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

29 (1) OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate
30 except as provided for in OAR Chapter 345, Division 27.

31 (2) OAR 345-027-0020(2): Except as provided in OAR 345-027-0023(6), before beginning
32 construction, the certificate holder shall submit to the Office of Energy a legal description
33 of the site.

34 (3) OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the
35 facility:

36 (a) Substantially as described in the site certificate;

37 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
38 and applicable state and local laws, rules and ordinances in effect at the time the site
39 certificate is issued; and

40 (c) In compliance with all applicable permit requirements of other state agencies.

41 (4) OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
42 facility by the dates specified in the site certificate. (*See conditions (26) and (27).*)

- 1 (5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed for
2 transmission lines or pipelines under this section, the certificate holder shall not begin
3 construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site
4 until the certificate holder has construction rights on all parts of the site. For the purpose of
5 this rule, “construction rights” means the legal right to engage in construction activities. For
6 transmission lines or pipelines, if the certificate holder does not have construction rights on
7 all parts of the site, the certificate holder may nevertheless begin construction, as defined in
8 OAR 345-001-0010, or create a clearing on a part of the site if:
9 (a) The certificate holder has construction rights on that part of the site; and
10 (b) The certificate holder would construct and operate part of the facility on that part of
11 the site even if a change in the planned route of the transmission line or pipeline occurs
12 during the certificate holder’s negotiations to acquire construction rights on another part of
13 the site.
- 14 (6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding
15 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
16 shall consult with affected state agencies and local governments designated by the Council
17 and shall develop specific mitigation plans consistent with Council findings under the
18 relevant standards. The certificate holder must submit the mitigation plans to the Office and
19 receive Office approval before beginning construction or, as appropriate, operation of the
20 facility.
- 21 (7) OAR 345-027-0020(7): The certificate holder shall prevent the development of any
22 conditions on the site that would preclude restoration of the site to a useful, non-hazardous
23 condition to the extent that prevention of such site conditions is within the control of the
24 certificate holder.
- 25 (8) OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
26 shall submit to the State of Oregon, through the Council, a bond or letter of credit,
27 satisfactory to the Council, in an amount specified in the site certificate to restore the site to
28 a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of
29 credit in effect at all times until the facility has been retired. The Council may specify
30 different amounts for the bond or letter of credit during construction and during operation
31 of the facility. (*See Condition (32).*)
- 32 (9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
33 permanently ceases construction or operation of the facility. The certificate holder shall
34 retire the facility according to a final retirement plan approved by the Council, as described
35 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
36 useful, non-hazardous condition at the time of retirement, notwithstanding the Council’s
37 approval in the site certificate of an estimated amount required to restore the site.
- 38 (10) OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all
39 representations in the site certificate application and supporting record the Council deems to
40 be binding commitments made by the applicant.
- 41 (11) OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall
42 restore vegetation to the extent practicable and shall landscape portions of the site disturbed
43 by construction in a manner compatible with the surroundings and proposed use. Upon
44 completion of construction, the certificate holder shall dispose of all temporary structures

1 not required for facility operation and all timber, brush, refuse and flammable or
2 combustible material resulting from clearing of land and construction of the facility.

3 (12) OAR 345-027-0020(12): The certificate holder shall design, engineer and construct the
4 facility to avoid dangers to human safety presented by seismic hazards affecting the site that
5 are expected to result from all maximum probable seismic events. As used in this rule
6 “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading,
7 tsunami inundation, fault displacement and subsidence.

8 (13) OAR 345-027-0020(13): The certificate holder shall notify the Office of Energy, the State
9 Building Codes Division and the Department of Geology and Mineral Industries promptly
10 if site investigations or trenching reveal that conditions in the foundation rocks differ
11 significantly from those described in the application for a site certificate. After the Office
12 receives the notice, the Council may require the certificate holder to consult with the
13 Department of Geology and Mineral Industries and the Building Codes Division and to
14 propose mitigation actions.

15 (14) OAR 345-027-0020(14): The certificate holder shall notify the Office, the State Building
16 Codes Division and the Department of Geology and Mineral Industries promptly if shear
17 zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the
18 site.

19 (15) OAR 345-027-0020(15): Before any transfer of ownership of the facility or ownership of
20 the site certificate holder, the certificate holder shall inform the Office of Energy of the
21 proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of
22 ownership that requires a transfer of the site certificate.

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

39 (17) OAR 345-027-0023(4): If the energy facility or related or supporting facility is a
40 transmission line, the certificate holder shall restore the reception of radio and television at
41 residences and commercial establishments in the primary reception area to the level present
42 prior to operations of the transmission line, at no cost to residents experiencing interference
43 resulting from the transmission line.

1 (18) OAR 345-027-0023(5): If the facility includes any high voltage transmission line under
2 Council jurisdiction:

3 (a) The certificate holder shall design, construct and operate the transmission line in
4 accordance with the requirements of the National Electrical Safety Code (American
5 National Standards Institute, Section C2, 1997 Edition); and

6 (b) The certificate holder shall develop and implement a program that provides
7 reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or
8 structures of a permanent nature that could become inadvertently charged with electricity
9 are grounded or bonded throughout the life of the line.

10 (19) OAR 345-027-0023(6): If the proposed energy facility is a pipeline or a transmission line or
11 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
12 specify an approved corridor in the site certificate and shall allow the certificate holder to
13 construct the pipeline or transmission line anywhere within the corridor, subject to the
14 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
15 application for a site certificate, the Council may, subject to the Council's standards,
16 approve more than one corridor. Before beginning operation of the facility, the certificate
17 holder shall submit to the Office a legal description of the permanent right-of-way where
18 the applicant has built the pipeline or transmission line within an approved corridor. The
19 site of the pipeline or transmission line subject to the site certificate is the area within the
20 permanent right-of-way.

21 (20) OAR 345-027-0028: The following general monitoring conditions apply:

22 (a) The certificate holder shall consult with affected state agencies, local governments
23 and tribes and shall develop specific monitoring programs for impacts to resources
24 protected by the standards of divisions 22 and 24 of this chapter and resources addressed by
25 applicable statutes, administrative rules and local ordinances. The certificate holder must
26 submit the monitoring programs to the Office of Energy and receive Office approval before
27 beginning construction or, as appropriate, operation of the facility.

28 (b) The certificate holder shall implement the approved monitoring programs described in
29 section (a) and monitoring programs required by permitting agencies and local
30 governments.

31 (c) For each monitoring program described in sections (a) and (b), the certificate holder
32 shall have quality assurance measures approved by the Office before beginning
33 construction or, as appropriate, before beginning commercial operation.

34 (d) If the certificate holder becomes aware of a significant environmental change or
35 impact attributable to the facility, the certificate holder shall, as soon as possible, submit a
36 written report to the Office describing the impact on the facility and any affected site
37 certificate conditions.

38 (21) OAR 345-026-0048: Following receipt of the site certificate, the certificate holder shall
39 implement a plan that verifies compliance with all site certificate terms and conditions and
40 applicable statutes and rules. As a part of the compliance plan, to verify compliance with
41 the requirement to begin construction by the date specified in the site certificate, the
42 certificate holder shall report promptly to the Office of Energy when construction begins.
43 Construction is defined in OAR 345-001-0010. In reporting the beginning of construction,
44 the certificate holder shall describe all work on the site performed before beginning
45 construction, including work performed before the Council issued the site certificate, and

1 shall state the cost of that work. For the purpose of this exhibit, “work on the site” means
2 any work within a site or corridor, other than surveying, exploration or other activities to
3 define or characterize the site or corridor. The certificate holder shall document the
4 compliance plan and maintain it for inspection by the Office of Energy or the Council.

5 (22) OAR 345-026-0080: The certificate holder shall report according to the following
6 requirements:

7 (a) General reporting obligation for non-nuclear facilities under construction or
8 operating:

9 (i) Within six months after beginning construction, and every six months thereafter
10 during construction of the energy facility and related or supporting facilities, the certificate
11 holder shall submit a semiannual construction progress report to the Council. In each
12 construction progress report, the certificate holder shall describe any significant changes to
13 major milestones for construction. The certificate holder shall include such information
14 related to construction as specified in the site certificate. When the reporting date coincides,
15 the certificate holder may include the construction progress report within the annual report
16 described in this rule;

17 (ii) The certificate holder shall, within 120 days after the end of each calendar year
18 after beginning construction, submit an annual report to the Council addressing the subjects
19 listed in this rule. The Council secretary and the certificate holder may, by mutual
20 agreement, change the reporting date.

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

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

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

32 (ii) Reliability and Efficiency of Power Production: For electric power plants,
33 (A) The plant availability and capacity factors for the reporting year. If equipment
34 failures or plant breakdowns had a significant impact on those factors, the certificate holder
35 shall describe them and its plans to minimize or eliminate their recurrence;

36 (B) The efficiency with which the power plant converts fuel into electric energy.
37 If the fuel chargeable to power heat rate was evaluated when the facility was sited, the
38 certificate holder shall calculate efficiency using the same formula and assumptions, but
39 using actual data; and

40 (C) The facility’s annual hours of operation by fuel type and, every five years
41 after beginning operation, a summary of the annual hours of operation by fuel type as
42 described in OAR 345-024-0590(5);

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

1 (iv) Industry Trends: A discussion of any significant industry trends that may affect
2 the operations of the facility;

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

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

12 (vii) Facility Modification Report: A summary of changes to the facility that the
13 certificate holder has determined do not require a site certificate amendment in accordance
14 with OAR 345-027-0050; and

15 (viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities
16 that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of
17 operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).

18 (23) OAR 345-026-0100: The certificate holder shall promptly notify the Office of Energy of
19 any changes in major milestones for construction, decommissioning, operation or
20 retirement schedules. Major milestones are those identified by the certificate holder in its
21 construction, retirement or decommissioning plan.

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

29 (25) OAR 345-026-0170: The certificate holder shall notify the Office of Energy within 72
30 hours of any occurrence involving the facility if:

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

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

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

V. SPECIFIC FACILITY CONDITIONS

36 The conditions listed in this section include conditions based on representations in the
37 site certificate application and supporting record. The Council deems these representations to be
38 binding commitments made by the applicant. These conditions are required under OAR 345-027-
39 0020(10). The certificate holder must comply with these conditions in addition to the conditions
40 listed in Section IV. This section includes other specific facility conditions the Council finds
41 necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and
42 24, and to protect the public health and safety. For conditions that require subsequent review and
43 approval of a future action, ORS 469.402 authorizes the Council to delegate the future review

1 and approval to the Department if, in the Council’s discretion, the delegation is warranted under
2 the circumstances of the case.

1. Certificate Administration Conditions

3 (26) The certificate holder shall begin construction of the facility within three years after the
4 effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is
5 effective upon execution by the Council Chair and the applicant. The Council may grant an
6 extension of the deadline to begin construction in accordance with OAR 345-027-0030 or
7 any successor rule in effect at the time the request for extension is submitted.

8 (27) The certificate holder shall complete construction of the facility within five years after the
9 effective date of the site certificate. Construction is complete when: 1) the facility is
10 substantially complete as defined by the certificate holder’s construction contract
11 documents, 2) acceptance testing has been satisfactorily completed and 3) the energy
12 facility is ready to begin continuous operation consistent with the site certificate. The
13 certificate holder shall promptly notify the Department of the date of completion of
14 construction. The Council may grant an extension of the deadline for completing
15 construction in accordance with OAR 345-027-0030 or any successor rule in effect at the
16 time the request for extension is submitted.

17 (28) The certificate holder shall construct a facility that includes up to 165 wind turbines
18 substantially as described in the site certificate, subject to the following restrictions on
19 turbine selection:

20 (a) For any turbine string, the certificate holder may select any combination of GE 1.5-
21 megawatt or Vestas V82 1.65-megawatt wind turbines.

22 (b) For turbine strings K, L, M, N, R, S, U, V, W and X as identified in Table 1 of the
23 Final Order on Amendment #1, in addition to the turbine types listed in (a), the certificate
24 holder may select any turbine type such that the hub height does not exceed 80 meters, the
25 rotor diameter does not exceed 92.5 meters, the peak generating capacity does not exceed
26 2.4 megawatts and the maximum sound power level does not exceed 107 dBA.

27 (c) Notwithstanding the restriction described in (b) and in addition to the turbine types
28 listed in (a), the certificate holder may select any turbine type for location K-02 as shown
29 on Figure B-1 as described in the Final Order on Amendment #1, such that the hub height
30 does not exceed 80 meters, the rotor diameter does not exceed 92.5 meters, the peak
31 generating capacity does not exceed 2.4 megawatts and the maximum sound power level
32 does not exceed 110 dBA.

33 (d) Before beginning construction, the certificate holder shall identify all turbine types
34 selected for the project and provide evidence satisfactory to the Department that the
35 selected turbine types comply with this condition.

36 [Amendment #1]

37 (29) The certificate holder shall obtain all necessary state and local permits or approvals
38 required for construction, operation and retirement of the facility or ensure that its
39 contractors obtain the necessary state and local permits or approvals.

40 (30) Before beginning construction, the certificate holder shall notify the Department in advance
41 of any work on the site that does not meet the definition of “construction” in OAR 345-001-

1 0010 or ORS 469.300 and shall provide to the Department a description of the work and
2 evidence that its value is less than \$250,000.

3 (31) Before beginning construction and after considering all micrositing factors, the certificate
4 holder shall provide to the Department a detailed map of the proposed facility, showing the
5 final locations where facility components are proposed to be built in relation to the 300-foot
6 and 900-foot corridors having centerlines defined by the endpoints shown on Table 1 of the
7 Final Order on Amendment #1. In accordance with Condition (2), the certificate holder
8 must submit a legal description of the site to the Department. For the purposes of this site
9 certificate, the term “legal description” means a description of location by reference to a
10 map and geographic data that clearly and specifically identifies the physical location of all
11 parts of the facility. Notwithstanding OAR 345-027-0020(2), for the purposes of this site
12 certificate, construction of parts of a wind facility within micrositing corridors is
13 comparable to construction of pipelines or transmission lines within Council-approved
14 corridors as described in OAR 345-027-0023(6). Before beginning operation of the facility,
15 the certificate holder shall submit to the Department a legal description for those parts of
16 the facility constructed within micrositing corridors. The final site of the facility includes
17 the final turbine site corridors and other facility components as described in the Final Order
18 on Amendment #1 and in this site certificate. [Amendment #1]

19 (32) Before beginning construction, the certificate holder shall submit to the State of Oregon
20 through the Council a bond or letter of credit naming the State of Oregon, acting by and
21 through the Council, as beneficiary or payee. The initial bond or letter of credit amount is
22 \$1.089 million (2005 dollars) adjusted to the date of issuance as described in (b) or the
23 amount determined as described in (a). The certificate holder shall adjust the amount of the
24 bond or letter of credit on an annual basis thereafter as described in (b). Notwithstanding
25 the adjustments described in (a) and (b), the minimum bond or letter of credit amount is
26 \$500,000.

27 (a) The certificate holder may adjust the amount of the initial bond or letter of credit
28 based on the final design configuration of the facility by applying the unit costs and general
29 costs shown in Table 3 of the Final Order on Amendment #1 to the final design and
30 calculating the financial assurance amount as described in that order, adjusted to the date of
31 issuance as described in (b) and subject to approval by the Department.

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

34 (i) Adjust the gross cost component of the initial bond or letter of credit amount to
35 present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-
36 Weight, as published in the Oregon Department of Administrative Services’ “Oregon
37 Economic and Revenue Forecast” or by any successor agency (the “Index”) and using the
38 annual average index value for 2005 dollars and the quarterly index value for the date of
39 issuance of the new bond or letter of credit. If at any time the Index is no longer published,
40 the Council shall select a comparable calculation to adjust 2005 dollars to present value.

41 (ii) Adjust the estimated scrap value by an index factor derived from the Producer
42 Price Index values, not seasonally adjusted, reported by the U.S. Department of Labor,
43 Bureau of Labor Statistics, “Commodities: Metals and metal Products: Carbon steel scrap”
44 (Series ID: WPU101211). Using the average monthly index value for the 12 months ending
45 with December of the year preceding the year in which the adjustment is made as the
46 numerator and the average monthly index value for the 12 months ending with December

1 2005 (277.2) as the denominator, multiply the estimated scrap value of \$149 per ton (2005
2 dollars) by the resulting factor. If at any time the Producer Price Index Values are no longer
3 published, the Council shall select a comparable calculation to adjust the estimated scrap
4 value.

5 (iii) Multiply the adjusted scrap value (ii) per ton by the number of tons used to
6 calculate the scrap value component of the initial bond or letter of credit amount and
7 subtract the resulting value from the adjusted gross cost (i).

8 (iv) Add 1 percent of the subtotal (iii) for the adjusted performance bond amount, 10
9 percent of the subtotal (iii) for the adjusted administration and project management costs,
10 and 20 percent of the subtotal (iii) for the adjusted future developments contingency.

11 (v) Add the subtotal (iii) to the sum of percentages (iv) and round the resulting total
12 to the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting
13 year.

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

16 (d) The certificate holder shall use an issuer of the bond or letter of credit approved by
17 the Council.

18 (e) The certificate holder shall describe the status of the bond or letter of credit in the
19 annual report submitted to the Council under Condition (22).

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

22 [Amendment #1]

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

31 (34) Before beginning construction, the certificate holder shall notify the Department of the
32 identity and qualifications of the engineering, procurement and construction (“EPC”)
33 contractor(s) for specific portions of the work. The certificate holder shall select EPC
34 contractors that have substantial experience in the design and construction of similar
35 facilities. The certificate holder shall report to the Department any change of major
36 construction contractors.

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

42 (36) During construction, the certificate holder shall have an on-site assistant construction
43 manager who is qualified in environmental compliance to ensure compliance with all
44 construction-related site certificate conditions. During operation, the certificate holder shall

1 have a project manager who is qualified in environmental compliance to ensure compliance
2 with all ongoing site certificate conditions. The certificate holder shall notify the
3 Department of the name, telephone number, fax number and e-mail address of these
4 managers and shall keep the Department informed of any change in this information.

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

8 (38) Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if
9 the proposed change would increase the electrical generation capacity of the facility and
10 would increase the number of wind turbines or the dimensions of existing wind turbines.

2. Land Use Conditions

11 (39) The certificate holder shall construct the public road improvements described in the site
12 certificate application to meet or exceed road standards for the road classifications in the
13 County's Transportation System Plan and Zoning Ordinance because roads will require a
14 more substantial section to bear the weight of the vehicles and turbine components than
15 would usually be constructed by the County.

16 (40) The certificate holder shall cooperate with the Sherman County Road Department to ensure
17 that any unusual damage or wear caused by construction of the facility is repaired by the
18 certificate holder. Upon completion of construction, the certificate holder shall restore the
19 county roads to at least their pre-project condition, to the satisfaction of the county public
20 works department.

21 (41) The certificate holder shall ensure that no equipment or machinery is parked or stored on
22 any county road except while in use.

23 (42) The certificate holder shall not locate any aboveground facility structure (including wind
24 turbines, O&M building, substations and meteorological towers but not including
25 aboveground transmission lines and junction boxes) within 30 feet from any property line
26 or within 50 feet from the right-of-way of any arterial or major collector road or street and
27 shall not allow any architectural feature, as described in Sherman County Zoning Ordinance
28 Section 4.2, to project into these required setbacks by more than 2 feet.

29 (43) The certificate holder shall locate aboveground transmission lines, junction boxes, access
30 roads and temporary construction laydown and staging areas to minimize disturbance with
31 farming practices and, wherever feasible, shall place turbines and transmission
32 interconnection lines along the margins of cultivated areas to reduce the potential for
33 conflict with farm operations. The certificate holder shall place aboveground transmission
34 lines and junction boxes along public road rights-of-way to the extent practicable. The
35 certificate holder shall place underground transmission lines and supervisory, control and
36 data acquisition (SCADA) system cables at least 36 inches below the surface of the ground.
37 [Amendment #1]

38 (44) The certificate holder shall include traffic control procedures in contract specifications for
39 construction of the facility. The certificate holder shall require flaggers to be at appropriate
40 locations at appropriate times during construction to direct traffic and to ensure minimal

1 conflicts between harvest and construction vehicles. The certificate holder shall submit a
2 final transportation plan to Sherman County before beginning construction.

3 (45) Before beginning construction of the facility, the certificate holder shall record Farm
4 Management Easements on the properties on which the certificate holder locates wind
5 power generation facilities. The certificate holder shall record these easements in the real
6 property records of Sherman County and shall file copies of the recorded easements with
7 the Sherman County Planning Director.

8 (46) The certificate holder shall remove from Special Farm Assessment the properties on which
9 it locates the facility and shall pay all property taxes due and payable after the Special Farm
10 Assessment is removed from such properties.

11 (47) During operation, the certificate holder shall avoid impact on cultivated land to the extent
12 reasonably possible when performing facility repair and maintenance activities.

3. Cultural Resource Conditions

13 (48) Before beginning construction, the certificate holder shall provide to the Department a map
14 showing the final design locations of all components of the facility and areas that would be
15 temporarily disturbed during construction and also showing the areas that Archaeological
16 Investigations Northwest, Inc. (AINW) surveyed in 2005 and 2006, as described in the site
17 certificate application and the Request for Amendment #1. If the final design of the facility
18 could result in ground disturbance at specific resource sites or within high-probability areas
19 identified by AINW in the June 2006 report, the certificate holder shall hire qualified
20 personnel to conduct the resurvey or test excavations recommended by AINW in that
21 report. In addition, the certificate holder shall hire qualified personnel to conduct field
22 investigation of all areas of permanent or temporary disturbance that AINW did not
23 previously survey. The certificate holder shall provide a written report of the surveys,
24 excavations and field investigation to the Department and to the State Historic Preservation
25 Office (SHPO). If any historic, cultural or archaeological resources are found and are
26 determined significant by the SHPO, the certificate holder shall ensure that construction
27 and operation of the facility will have no impact on the resources. The certificate holder
28 shall instruct all construction personnel to avoid the areas where the resources were found
29 and shall implement other appropriate measures to protect the resources. [Amendment #1]

30 (49) The certificate holder shall ensure that a qualified person instructs construction personnel in
31 the identification of cultural materials.

32 (50) The certificate holder shall ensure that construction personnel cease all ground-disturbing
33 activities in the immediate area if any archaeological or cultural resources are found during
34 construction of the facility until a qualified archaeologist can evaluate the significance of
35 the find. The certificate holder shall notify the Department and the State Historic
36 Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is
37 significant, the certificate holder shall make recommendations to the Council for mitigation,
38 including avoidance or data recovery, in consultation with the Department, SHPO and other
39 appropriate parties. The certificate holder shall not restart work in the affected area until the
40 certificate holder has demonstrated to the Department that it has complied with the
41 archaeological permit requirements administered by SHPO.

- 1 (51) The certificate holder shall ensure that construction personnel proceed carefully in the
2 vicinity of the mapped alignment of the Oregon Trail. If any intact physical evidence of the
3 trail is discovered, the certificate holder shall avoid any disturbance to the intact segments,
4 by redesign, re-engineering or restricting the area of construction activity. The certificate
5 holder shall promptly notify the Department and the State Historic Preservation Office
6 (SHPO) of the discovery. The certificate holder shall consult with the Department and with
7 SHPO to determine appropriate mitigation measures.
- 8 (52) To offset adverse visual effects to the setting of the Oregon Trail alignment, the certificate
9 holder shall:
- 10 (a) Document the pre-construction setting of the Oregon Trail alignment from the John
11 Day River canyon to Biggs through photographs and videotape; and
- 12 (b) Enhance the existing Oregon Trail historical marker off I-84 at Biggs with an
13 additional educational and interpretive display in cooperation with the Sherman County
14 Development League and the Sherman County Historical Society.

4. Geotechnical Conditions

- 15 (53) Before beginning construction, the certificate holder shall conduct a site-specific
16 geotechnical investigation and shall report its findings to the Oregon Department of
17 Geology & Mineral Industries (DOGAMI). The certificate holder shall conduct the
18 geotechnical investigation after consultation with DOGAMI and in general accordance with
19 the site-specific seismic hazard report and the engineering geologic report guidelines that
20 have been adopted by the Oregon Board of Geologist Examiners. The guidelines are
21 available through the Board and in the DOGAMI publication O-00-04 (2000).
- 22 (54) The certificate holder shall design and construct the facility in accordance with
23 requirements set forth by the State of Oregon's Building Code Division and any other
24 applicable codes and design procedures.
- 25 (55) The certificate holder shall design, engineer and construct the facility to avoid dangers to
26 human safety presented by non-seismic hazards. As used in this condition, "non-seismic
27 hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

- 28 (56) The certificate holder shall notify the Department within 72 hours of any accidents
29 including mechanical failures on the site associated with construction or operation of the
30 facility that may result in public health and safety concerns.
- 31 (57) Before beginning construction, the certificate holder shall submit a Notice of Proposed
32 Construction or Alteration to the Federal Aviation Administration (FAA) identifying the
33 proposed final locations of the turbines and related or supporting facilities. The certificate
34 holder shall notify the Department of the FAA's response as soon as it has been received.
- 35 (58) To protect the public from electrical hazards, the certificate holder shall enclose the facility
36 substations with appropriate fencing and locked gates.
- 37 (59) The certificate holder shall not locate turbine towers within 450 feet of any residence or
38 public road.

- 1 (60) The certificate holder shall construct turbine towers that are smooth steel structures with no
2 exterior ladders or access to the turbine blades and shall install locked access doors
3 accessible only to authorized personnel.
- 4 (61) The certificate holder shall follow manufacturers' recommended handling instructions and
5 procedures to prevent damage to towers or blades that could lead to failure.
- 6 (62) The certificate holder shall have an operational safety monitoring program and shall inspect
7 turbine blades on a regular basis for signs of wear. The certificate holder shall repair turbine
8 blades as necessary to protect public safety.
- 9 (63) The certificate holder shall install and maintain self-monitoring devices on each turbine,
10 connected to a fault annunciation panel or supervisory, control and data acquisition
11 (SCADA) system at the operations and maintenance building, to alert operators to
12 potentially dangerous conditions, and the certificate holder shall immediately remedy any
13 dangerous conditions. The certificate holder shall maintain automatic equipment protection
14 features in each turbine that would shut down the turbine and reduce the chance of a
15 mechanical problem causing a fire.
- 16 (64) The certificate holder shall install generator step-up transformers at the base of each tower
17 in locked cabinets designed to protect the public from electrical hazards and to avoid
18 creation of artificial habitat for raptor prey.
- 19 (65) The certificate holder shall construct turbines on concrete foundations and shall cover the
20 ground within a minimum 10-foot radius with non-flammable material. The certificate
21 holder shall maintain the non-flammable pad area covering during operation of the facility.
- 22 (66) During construction and operation of the facility, the certificate holder shall develop and
23 implement fire management plans in consultation with local fire control authorities to
24 minimize the risk of fire and to respond appropriately to any fires that occur on the facility
25 site. In developing the fire management plans, the certificate holder should take into
26 account the dry nature of the region and should address risks on a seasonal basis.
- 27 (67) During construction and operation of the facility, the certificate holder shall ensure that
28 service vehicles are equipped with a shovel and portable fire extinguisher of a 4A50BC or
29 equivalent rating.
- 30 (68) During construction, the certificate holder shall ensure that construction vehicles and
31 equipment are operated on graveled areas to the extent possible and that open flames, such
32 as cutting torches, are kept away from dry grass areas.
- 33 (69) Upon the beginning of operation of the facility, the certificate holder shall provide to the
34 North Sherman County Rural Fire Protection District and to the Moro Rural Fire Protection
35 District copies of the approved site plan indicating the identification number assigned to
36 each turbine and the location of all facility structures. During operation of the facility, the
37 certificate holder shall provide to the North Sherman County Rural Fire Protection District
38 and to the Moro Rural Fire Protection District the names and telephone numbers of facility
39 personnel available to respond on a 24-hour basis in case of an emergency on the facility
40 site.
- 41 (70) During operation, the certificate holder shall ensure that all on-site employees receive
42 annual fire prevention and response training by qualified instructors or members of the

1 local fire department and that all employees are instructed to keep vehicles on roads and off
2 dry grassland, except when off-road operation is required for emergency purposes.

3 (71) During construction, the certificate holder shall require that all on-site construction
4 contractors develop and implement a site health and safety plan that informs workers and
5 others on-site what to do in case of an emergency and that includes the locations of fire
6 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.

7 (72) During operation, the certificate holder shall develop and implement a site health and safety
8 plan that informs employees and others on-site what to do in case of an emergency and that
9 includes the locations of fire extinguishers and nearby hospitals, important telephone
10 numbers and first aid techniques.

11 (73) The certificate holder shall use hazardous materials in a manner that protects public health,
12 safety and the environment and shall comply with all applicable local, state and federal
13 environmental laws and regulations.

14 (74) If a spill or release of hazardous materials occurs during construction or operation of the
15 facility, the certificate holder shall notify the Department within 72 hours and shall clean up
16 the spill or release and dispose of any contaminated soil or other materials according to
17 applicable regulations. The certificate holder shall make sure that spill kits containing items
18 such as absorbent pads are located on equipment and storage facilities to respond to
19 accidental spills and shall instruct employees handling hazardous materials in the proper
20 handling, storage and cleanup of these materials.

21 (75) Before beginning construction, the certificate holder shall cooperate with the Oregon
22 Department of Transportation to implement public safety improvements to the shoulders of
23 State Highway 206 by bearing the cost of constructing two viewpoint turn-offs (one on each
24 side of the highway) within the highway right-of-way in suitable locations from where the
25 public may safely view the wind turbines without entering private property or interfering
26 with facility operations.

6. Water, Soils, Streams & Wetlands Conditions

27 (76) The certificate holder shall conduct all construction work in compliance with an Erosion
28 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
29 Environmental Quality and as required under the National Pollutant Discharge Elimination
30 System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder
31 shall include in the ESCP any procedures necessary to meet local erosion and sediment
32 control requirements and storm water management requirements.

33 (77) During construction, the certificate holder shall limit truck traffic to designated existing and
34 improved road surfaces to avoid soil compaction, to the extent possible.

35 (78) The certificate holder shall cover turbine pad areas with gravel or other non-erosive
36 material immediately following exposure during construction and shall maintain the pad
37 area covering during operation of the facility.

38 (79) During construction, the certificate holder shall avoid impacts to waters of the state in the
39 following manner:

1 (a) The certificate holder shall bore under the intermittent drainage channel identified in
2 Appendix J-1 of the site certificate application in any location where the underground
3 collector system would cross the channel.

4 (b) The certificate holder shall locate transmission line support structures outside of the
5 drainage channel and the wetland identified in Appendix J-1 of the site certificate
6 application in any location where an aboveground transmission line crosses over the
7 channel or the wetland area.

8 (c) After the final turbine design locations have been identified, if construction would
9 occur in any locations not previously investigated as described in Appendix J-1 of the
10 application, the certificate holder shall conduct a pre-construction investigation to
11 determine whether any jurisdictional waters of the state exist in those locations. The
12 certificate holder shall submit a written report on the pre-construction investigation to the
13 Department of Energy and to the Department of State Lands for approval before beginning
14 construction and shall ensure that construction of the facility would have no impact on any
15 jurisdictional water identified in the pre-construction investigation.

16 (80) During construction, the certificate holder shall ensure that the wash down of concrete
17 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
18 such wash down occurs at tower foundation locations, then the certificate holder shall
19 ensure that wash down wastewater does not run off the construction site into otherwise
20 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
21 underground with the backfill over the tower foundation.

22 (81) The certificate holder shall restore areas that are temporarily disturbed during construction
23 according to the methods, monitoring procedures and success criteria described in the
24 Revegetation Plan that is incorporated in the Final Order on the Application as Attachment
25 B and as amended from time to time. During operation, the certificate holder shall restore
26 areas that are temporarily disturbed during facility maintenance or repairs according to the
27 same methods and monitoring procedures.

28 (82) During facility operation, the certificate holder shall routinely inspect and maintain all
29 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
30 measures.

31 (83) During operation, the certificate holder shall not use any water or chemicals for washing
32 turbine blades unless the certificate holder demonstrates to the satisfaction of the
33 Department before any blade-washing begins that:

34 (a) Oregon Department of Environmental Quality (DEQ) regulations do not require a
35 permit for the proposed blade-washing activity or, if a permit is required, that the proposed
36 blade-washing activity is authorized under a general permit issued by DEQ; and

37 (b) In conducting blade-washing activities, the certificate will use water only from its
38 approved on-site well and that the use of water will not exceed 5,000 gallons per day.

7. Transmission Line & EMF Conditions

39 (84) The certificate holder shall install the 34.5-kV collector system underground to the extent
40 practical. Where geotechnical conditions or other engineering considerations require, the
41 certificate holder may install segments of the collector system aboveground in developed or
42 agricultural areas that are Category 6 habitat, but the total length of aboveground segments

1 must not exceed 12 miles. The certificate holder shall construct aboveground segments of
2 the collector system using single or double circuit monopole design as described in the site
3 certificate application and shall not locate any aboveground segments within 200 feet of
4 any existing residence. [Amendment #1]

5 (85) At least 30 days before beginning preparation of detailed design and specifications for the
6 electrical transmission lines, the certificate holder shall consult with the Oregon Public
7 Utility Commission staff to ensure that transmission line designs and specifications are
8 consistent with applicable codes and standards.

9 (86) Before beginning construction, the certificate holder shall obtain a permit, substantially in
10 the form of the draft permit incorporated in the Final Order on the Application as
11 Attachment D, from the Oregon Department of Transportation authorizing the location,
12 installation, construction, maintenance and use of buried cables within the right-of-way of
13 State Highway 206.

14 (87) To protect public safety, the certificate holder shall design and maintain the transmission
15 lines so that:

16 (a) Alternating current electric fields during operation do not exceed 9 kV per meter at
17 one meter above the ground surface in areas accessible to the public.

18 (b) Induced voltages during operation are as low as reasonably achievable.

19 (88) The certificate holder shall take reasonable steps to reduce or manage human exposure to
20 electromagnetic fields, including but not limited to:

21 (a) Constructing aboveground segments of the 34.5-kV transmission line to ensure that
22 conductors have a minimum clearance of 25 feet from the ground at mid-span under
23 maximum sag conditions.

24 (b) Constructing underground segments of the 34.5-kV transmission line at least 36-
25 inches below the surface of the ground.

26 (c) Providing to landowners a map of underground and overhead transmission lines on
27 their property and advising landowners of possible health risks.

28 [Amendment #1]

8. Plants, Wildlife & Habitat Protection Conditions

29 (89) During construction and operation of the facility, the certificate holder shall implement a
30 plan to control the introduction and spread of noxious weeds. The certificate shall develop
31 the weed control plan in consultation with the Sherman County Weed Control Manager.

32 (90) The certificate holder shall design all aboveground transmission line support structures
33 following the practices suggested by the Avian Powerline Interaction Committee (APLIC
34 1996, referenced in the site certificate application, p. P-33) and shall install anti-perching
35 devices on transmission pole tops and cross arms where the poles are located within ½ mile
36 of turbines.

37 (91) If construction begins after 2006, the certificate holder shall review the ONHIC and
38 USFWS databases and consult with Frank Isaacs, Oregon State University Cooperative
39 Wildlife Unit (or other expert designated by ODFW) on an annual basis before beginning
40 construction to determine whether bald eagles or peregrine falcons have been observed in
41 or near the site of the facility. The certificate holder shall report the results of the database

1 review and consultation to the Department and to ODFW and, if there have been new
2 observations of bald eagles or peregrine falcons in the area, the certificate holder shall
3 implement appropriate measures to protect the species from adverse impact, as approved by
4 the Department and ODFW.

5 (92) The certificate holder may construct turbines and other facility components within 900-foot
6 corridors having centerlines defined by the endpoints shown on Table 1 of the Final Order
7 on Amendment #1, subject to the following requirements addressing potential habitat
8 impact and subject to the requirements of Condition 102:

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

11 (b) The certificate holder shall design and construct facility components that are the
12 minimum size needed for safe operation of the energy facility.

13 (c) To the extent possible, the certificate holder shall construct facility components in the
14 locations shown on Figure C-2 of the site certificate application.

15 (d) If the certificate holder must change the layout of facility components from what is
16 shown on Figure C-2 due to micrositing considerations, the certificate holder shall, to the
17 extent possible, construct facility components within 300-foot corridors having centerlines
18 defined by the endpoints shown on Table 1 of the Final Order on Amendment #1.

19 (e) The certificate holder may construct facility components outside the 300-foot
20 corridors if necessary due to micrositing considerations, except that the certificate holder
21 shall not construct any facility components outside 900-foot corridors having centerlines
22 defined by the endpoints shown on Table 1 of the Final Order on Amendment #1 or cause
23 any temporary disturbance outside those 900-foot corridors.

24 [Amendment #1]

25 (93) The certificate holder shall implement measures to mitigate impacts to sensitive wildlife
26 habitat during construction including, but not limited to, the following:

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

29 (b) Ensuring that a qualified person instructs construction personnel to be aware of
30 wildlife in the area and to take precautions to avoid injuring or destroying wildlife or
31 significant wildlife habitat.

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

33 (94) During construction, the certificate holder shall protect the area within a 1300-foot buffer
34 around active nests of the following species during the sensitive period, as provided in this
35 condition:

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

36 During the year in which construction occurs, the certificate holder shall use a protocol
37 approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether
38 there are any active nests of these species within a half-mile of any areas that would be
39 disturbed during construction. If a nest is occupied by any of these species after the
40 beginning of the sensitive period, the certificate holder shall not engage in high-impact

1 construction activities (activities that involve blasting, grading or other major ground
2 disturbance) or allow high levels of construction traffic within 1300 feet of the nest site. In
3 addition, the certificate holder will flag the boundaries of the 1300-foot buffer area and
4 shall instruct construction personnel to avoid any unnecessary activity within the buffer
5 area. The certificate holder shall hire an independent biological monitor to observe the
6 active nest sites during the sensitive period for signs of disturbance and to notify the
7 Department of any non-compliance with this condition. If the monitor observes nest site
8 abandonment or other adverse impact to nesting activity, the certificate holder shall
9 implement appropriate mitigation, in consultation with ODFW and subject to the approval
10 of the Department, unless the adverse impact is clearly shown to have a cause other than
11 construction activity. The certificate holder may begin or resume high-impact construction
12 activities before the ending day of the sensitive period if any known nest site is not
13 occupied by the early release date. If a nest site is occupied, then the certificate holder may
14 begin or resume high-impact construction before the ending day of the sensitive period with
15 the approval of ODFW, after the young are fledged. The certificate holder shall use a
16 protocol approved by ODFW to determine when the young are fledged (the young are
17 independent of the core nest site).

18 (95) The certificate holder shall conduct wildlife monitoring as described in the Wildlife
19 Monitoring and Mitigation Plan that is incorporated in the Final Order on the Application as
20 Attachment A and as amended from time to time.

21 (96) To mitigate for potential adverse impacts to bat species, the certificate holder shall
22 contribute \$10,000 per year for three years, beginning in the first year of operation, to fund
23 research toward better understanding wind facility impacts to bats and to develop mitigation
24 solutions. In consultation with the Oregon Department of Energy and the Oregon
25 Department of Fish and Wildlife, the certificate holder shall select an appropriate bat
26 conservation organization to receive this funding.

27 (97) Before beginning construction of the facility, the certificate holder shall acquire the legal
28 right to create, maintain and protect a habitat mitigation area for the life of the facility by
29 means of an outright purchase, conservation easement or similar conveyance and shall
30 provide a copy of the documentation to the Department. Within the habitat mitigation area,
31 the certificate holder shall improve the habitat quality as described in the Habitat Mitigation
32 Plan that is incorporated in the Final Order on the Application as Attachment C and as
33 amended from time to time.

9. Visual Effects Conditions

34 (98) To reduce the visual impact of the facility, the certificate holder shall:

35 (a) Mount nacelles on smooth, hollow steel towers, approximately 20 feet in diameter at
36 the base.

37 (b) Paint all towers uniformly in a neutral white or light gray color.

38 (c) Paint the substation buildings in a neutral color to blend with the surrounding
39 landscape.

40 (d) Not allow any advertising to be used on any part of the facility or on any signs posted
41 at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles.

1 (e) Use only those signs required for facility safety or required by law, except that the
2 certificate holder may erect a sign near the operations and maintenance building to identify
3 the wind energy facility.

4 (f) Maintain any signs allowed under this condition in good repair.

5 (99) The certificate holder shall design and construct the operation and maintenance building to
6 be generally consistent with the character of similar buildings used by commercial farmers
7 or ranchers in the area and shall paint the building in a neutral color to blend with the
8 surrounding landscape.

9 (100) The certificate holder shall not use exterior nighttime lighting except:

10 (a) The minimum turbine tower lighting required by the Federal Aviation Administration.

11 (b) Security lighting at the operations and maintenance building and at the substations,
12 provided that such lighting is shielded or downward-directed to reduce glare.

13 (c) Minimum lighting necessary for repairs or emergencies.

10. Noise Control Conditions

14 (101) To reduce noise impacts at nearby residential areas, the certificate holder shall:

15 (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.

16 (b) Require contractors to install and maintain exhaust mufflers on all combustion
17 engine-powered equipment; and

18 (c) Establish a complaint response system at the construction manager's office to address
19 noise complaints.

20 (102) Before beginning construction, the certificate holder shall present information
21 demonstrating to the satisfaction of the Department that the requirements of (a), (b) or (c)
22 have been met at property R5 (as shown on the Noise Buffer and Receptor Locations map
23 in the Application Supplement, Tab X, Item vi):

24 (a) The certificate holder has obtained a legally effective easement or real covenant
25 pursuant to which the owner of the property authorizes the certificate holder's operation of
26 the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at
27 the appropriate measurement point. A legally effective easement or real covenant shall:
28 include a legal description of the burdened property (the noise sensitive property); be
29 recorded in the real property records of the county; expressly benefit the certificate holder;
30 expressly run with the land and bind all future owners, lessees or holders of any interest in
31 the burdened property; and not be subject to revocation without the certificate holder's
32 written approval.

33 (b) If the certificate holder has not obtained a legally effective easement or real covenant
34 as described in (a) and has not met the requirements of (c), the certificate holder shall not
35 construct turbines F-05, F-06, F-07, F-08 and J-01 as shown on Figure B-1 described in the
36 Final Order on Amendment #1, shall construct turbines F-01, F-02, F-03 and F-04 within
37 the approved micro-siting corridor at least 7,990 feet away from R5 and shall construct
38 turbines J-02 through J-13 in the locations specified in Table 7 of the Final Order on
39 Amendment #1.

40 (c) If the certificate holder has not obtained a legally effective easement or real covenant
41 as described in (a), the certificate holder may, instead of meeting the requirements of (b),
42 identify the final design locations of all turbines to be built in the F and J strings and
43 perform a noise analysis, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV),

1 demonstrating that the total noise generated by the facility would meet the ambient
2 degradation test at the appropriate measurement point when all turbines are placed in their
3 final design locations. The certificate holder shall perform the noise analysis using the
4 Sound Propagation Model for Outdoor Noise Sources (SPM 9613, Version 2) and shall
5 assume the following input parameters:

- 6 (i) The maximum sound power level guaranteed by the manufacturer.
- 7 (ii) Temperature of 52° F (11° C).
- 8 (iii) Relative humidity of 70 percent.
- 9 (iv) No ground effect.
- 10 (v) No barrier effects.

11 [Amendment #1]

11. Waste Management Conditions

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

15 (104) During operation, the certificate holder shall discharge sanitary wastewater generated at the
16 O&M building to a licensed on-site septic system in compliance with county permit
17 requirements. The certificate holder shall design the septic system design with a capacity
18 that is less than 2,500 gallons per day.

19 (105) The certificate holder shall implement a waste management plan during construction that
20 includes but is not limited to the following measures:

- 21 (a) Training employees to minimize and recycle solid waste.
- 22 (b) Minimizing the generation of wastes from construction through detailed estimating of
23 materials needs and through efficient construction practices.
- 24 (c) Recycling steel and other metal scrap.
- 25 (d) Recycling wood waste.
- 26 (e) Recycling packaging wastes such as paper and cardboard.
- 27 (f) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.
- 28 (g) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
29 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
30 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
31 wastes.

32 (106) The certificate holder may dispose of waste concrete on site with the permission of the
33 landowner and in accordance with OAR 340-093-0080 and other applicable regulations.
34 The certificate holder shall dispose of waste concrete on site by placing the material in an
35 excavated hole, covering it with at least three feet of topsoil and grading the area to match
36 existing contours. If the waste concrete is not disposed of on site, the certificate holder shall
37 arrange for proper disposal in a landfill.

38 (107) The certificate holder shall implement a waste management plan during operation that
39 includes but is not limited to the following measures:

- 40 (a) Training employees to minimize and recycle solid waste.
- 41 (b) Recycling paper products, metals, glass and plastics.
- 42 (c) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.

1 (d) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
2 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
3 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
4 wastes.

VI. SUCCESSORS AND ASSIGNS

5 To transfer this site certificate or any portion thereof or to assign or dispose of it in any
6 other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

VII. SEVERABILITY AND CONSTRUCTION

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

VIII. GOVERNING LAW AND FORUM

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

IX. EXECUTION

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

16 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
17 by and through its Energy Facility Siting Council, and by Klondike Wind Power III LLC.

ENERGY FACILITY SITING COUNCIL

KLONDIKE WIND POWER III LLC

By: _____
David Ripma, Chair
Oregon Energy Facility Siting Council

By: _____
Print: _____

Date: _____

Date: _____