

EXHIBIT BB

OTHER INFORMATION

OAR 345-021-0010(1)(bb)

OAR 345-021-0010(1)(bb) *Any other information that the Department requests in the project order or in a notification regarding expedited review;*

Response: Iberdrola Renewables, Inc. (Applicant) proposes to construct the Montague Wind Power Facility (Facility) in Gilliam County, Oregon, with generating capacity of up to 404 megawatts (MW). The proposed Facility is not eligible for expedited review under the definition established in ORS 469.370(10) and documented in OAR 345-015-0300. The Applicant filed a Notice of Intent (NOI) with the Oregon Department of Energy (Department) on November 9, 2009, the Department held a public informational meeting on December 9, 2009, and a project order was issued on January 5, 2010.

The project order establishes the following:

- (a) *All state statutes and administrative rules containing standards or criteria that must be met for the Council to issue a site certificate for the proposed facility, including applicable standards of OAR Chapter 345, Divisions 22, 23 and 24.*
- (b) *All local government ordinances applicable to the Council's decision on the proposed facility.*
- (c) *All application requirements in OAR 345-021-0010 applicable to the proposed facility.*
- (d) *All state and local permits necessary to the construction and operation of the proposed facility and the name of each agency with the authority to issue such permits.*
- (e) *Any other data and information that must be included in the application for a site certificate to allow the Council to determine whether the proposed facility will comply with applicable statutes, administrative rules and local government ordinances.*
- (f) *The analysis areas for the proposed facility.*
- (g) *Public concerns that address matters within the jurisdiction of the Council that the applicant shall consider and discuss in the application for a site certificate, based on comments from the public and reviewing agencies.*
- (h) *If the applicant has identified one or more proposed corridors in Exhibit D of the notice of intent as required by OAR 345-020-0011(1)(d), any adjustments to the corridor(s) that the applicant shall evaluate in the corridor selection assessment described in OAR 345-021-0010(1)(b).*
- (i) *The expiration date of the notice of intent.*

The project order also includes comments received on the NOI from agencies and members of the public. The issues raised in the comments are provided in Table BB-1, along with a response or direction on where the response can be found in the ASC.

Table BB-1				
Project Order VII: Public and Reviewing Agency Concerns Regarding the Montague Wind Power Facility				
Item Number	Agency	Project Order, Page and Line Reference	Comment	Response
1	Steve Cherry, Oregon Department of Fish and Wildlife Date of Letter: December 14, 2009	Page 15; Lines 14, 15	The application should include a map that shows the different vegetation classifications for the project area.	Figures P-7 through P-10 in Exhibit P of the Montague Wind Power Facility (Facility) Application for Site Certificate (ASC) show vegetation classifications (labeled "habitat types") for the Facility site boundary.
2	Steve Cherry, Oregon Department of Fish and Wildlife Date of Letter: December 14, 2009	Page 15; Lines 16, 17	The applicant should conduct Washington ground squirrel surveys in suitable habitat within 1,000 feet of all ground-disturbing activities.	Iberdrola Renewables, Inc. (Applicant) conducted special-status species surveys, focused primarily on the Washington ground squirrel (WGS), in March 2008 in a portion of the site boundary (see ASC Exhibit P, Section P.3; and Exhibit Q, Figure Q-2). In addition, the Applicant reviewed personal field notes from Karen Kronner (Northwest Wildlife Consultants [NWC]) for WGS locations within the Facility vicinity. Some areas within the site boundary were previously surveyed for the Pebble Springs Wind Project (Pebble Springs) in spring 2006 and for Leaning Juniper IIB (LJIIB) in the spring of 2009. For those areas not surveyed in 2009, the Applicant will conduct additional wildlife surveys in the spring of 2010 within 1,000 feet of all ground disturbing activities.
3	Steve Cherry, Oregon Department of Fish and Wildlife Date of Letter: December 14, 2009	Page 15; Lines 18, 19, 20	The applicant should conduct raptor nest surveys within a 2 mile radius of the project area. ODFW recommends that no construction occur within a half mile of active raptor nests during the nesting season.	The Applicant has established a raptor nest survey radius of 0.5 mile from the preferred transmission line route and alternates and 2-mile raptor nest survey radius from the proposed Facility site boundary south of the transmission line corridors (i.e., for the majority of the site boundary). NWC has already surveyed approximately 50 percent of the Facility site boundary for nesting raptors (as shown in ASC Exhibit P, Figure P-4) during studies conducted for Pebble Springs and LJII. In addition, in 2009 NWC surveyed approximately 35 percent of the 2-mile Facility raptor survey radius for nesting raptors in adjacent wind facilities.

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				<p>NWC reviewed data from several adjacent wind projects surveyed for raptor nests in 2009, including LJI, LJIIA and LJIIB, and Pebble Springs. The Applicant plans to conduct surveys of the remaining area within the Facility 2-mile raptor survey radius in 2010. Within the 2009-surveyed portion of the Facility raptor nest survey area, the Applicant will also check known nests of Swainson’s and ferruginous hawks for 2010 status.</p> <p>The Applicant will comply with the seasonal restrictions documented in site certificate conditions for the LJII and Helix projects.</p> <p>If any active sensitive raptor nests such as Swainson’s hawks or ferruginous hawks are identified within 1,300 feet of transmission line poles or other Facility components, the nests will be flagged and avoided. The Applicant would not engage in high-impact construction activities (activities that involve blasting, grading, or other major ground disturbance) or allow high levels of construction traffic within 1,300 feet of these nest sites.</p>
4	Steve Cherry, Oregon Department of Fish and Wildlife Date of Letter: December 14, 2009	Page 15; Lines 21, 22, 23, 24	The applicant should conduct surveys for any Sensitive species (burrowing owls, loggerhead shrikes, long-billed curlews, white-tailed jack rabbits, grasshopper sparrows and sage sparrows) within the project area and provide a map showing the locations of the different species in respect to the proposed activities.	The Applicant conducted ground-based surveys for non-listed special-status species in March 2008 for a portion of the proposed Facility, as described in Exhibit P and Attachment P-7 (Biological Investigations Report) to the ASC. In addition, the Applicant had already surveyed some areas within the Facility site boundary for Pebble Springs and LJIIB. Surveys will be conducted in 2010 for the portions of the wildlife survey corridors that were not previously studied. Figure P-3 in ASC Exhibit P shows the locations of sensitive species.
5	Steve Cherry, Oregon Department of Fish and	Page 15; Lines 25 through 29	The application should include a detailed monitoring plan for the project. ODFW recommends that the certificate holder monitor all known raptor nest sites in the project area	The Applicant will implement a Wildlife Monitoring and Monitoring Plan (WMMP) for the Facility similar to the WMMP developed for nearby facilities, such as Leaning Juniper II and Shepherd’s Flat. Like the WMMPs for these facilities, the

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	Wildlife Date of Letter: December 14, 2009		for the life of the project. ODFW requests permission to conduct wildlife surveys on the project area that might help ODFW better understand the long-term effects of the wind farm on the native wildlife.	Montague Facility WMMP will include long term raptor nest monitoring. Under the site certificate, ODOE has the authority to inspect the Facility. In addition, the Applicant is willing to talk to the private landowners about access once ODFW has better defined their proposed wildlife studies.
6	Steve Cherry, Oregon Department of Fish and Wildlife Date of Letter: December 14, 2009	Page 15; Lines 30 through 34 Page 16; Lines 1, 2	The application should include a mitigation package that addresses the loss of habitat as a result of the construction of the proposed facility. ODFW recommends that the certificate holder acquire a “conservation easement” to protect and enhance habitat that is similar to the habitat that is altered or degraded by the proposed project. The “conservation easement” should include provisions for monitoring as well as management activities including habitat improvement as well as potential wildlife surveys or research activities.	For the impacts that cannot be avoided, the Applicant will develop mitigation by means of reliable methods and consistent with ODFW habitat mitigation goals (OAR 635-415-0025). The Applicant will implement a Habitat Mitigation Plan (HMP) for the Facility similar to the HMP developed for LJII. The HMP will describe the preservation and enhancement of a conservation area to mitigate for the impacts of the Facility on wildlife habitat, as well as monitoring procedures including wildlife surveys. The mitigation property will be protected under a conservation easement for the life of the Facility (see ASC Exhibit P, Figure P-14). For additional information, see ASC Exhibit P.
7	Steve Cherry, Oregon Department of Fish and Wildlife Date of Letter: December 14, 2009	Page 16; Lines 3 through 5	The application should include a revegetation plan. The plan should outline how the areas that are temporarily disturbed will be rehabilitated and returned to their pre-construction functionality.	The Applicant will implement a Revegetation Plan for the Facility similar to the Plans implemented for nearby Facilities such as LJII and Shepherd’s Flat. The Revegetation Plan will outline how temporarily disturbed areas will be rehabilitated to their preconstruction condition or better.
8	Susie Anderson, Gilliam County Date of Letter: December 17, 2009	Page 16; Lines 7, 8	The Gilliam County Planning Director identified the applicable substantive criteria. Copies of appropriate ordinances and plans were attached.	The Applicant addresses the applicable substantive criteria provided by Gilliam County in ASC Exhibit K.

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9	Susie Anderson, Gilliam County Date of Letter: December 17, 2009	Page 16; Line 9	The applicant should address the criteria in OAR 660-033-0130(37).	The Applicant addresses OAR 660-033-0130(37) criteria in ASC Exhibit K.
10	Susie Anderson, Gilliam County Date of Letter: December 17, 2009	Page 16; Lines 10 and 11	The application should show the location of the facility entirely within Gilliam County, including appropriate maps and identification of landowners.	The Facility will be located entirely within Gilliam County, as shown in ASC Exhibit C, Figure C-2. Landowners are identified in ASC Exhibit F.
11	Wendell Baskins, State Historic Preservation Office, Oregon Historic Trails Advisory Council Date of Letter: December 18, 2009	Page 16; Lines 14, 15	The applicant should apply the processes and protections for a trail eligible for the National Register of Historic Places and named a National Historic Trail.	The treatment and protection of the Oregon National Historic Trail (ONHT) is consistent with a Section 106-eligible historic resource.
12	Wendell Baskins, State Historic Preservation Office, Oregon Historic Trails Advisory	Page 16; Lines 16, 17	The certificate holder should avoid any intrusion upon the Oregon Trail route or remains.	The Applicant will avoid construction of Facility components on visually intact remnants of the ONHT.

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13	Wendell Baskins, State Historic Preservation Office, Oregon Historic Trails Advisory Council Date of Letter: December 18, 2009	Page 16; Line 18	The certificate holder should minimize impact on the viewshed.	The Applicant evaluates potential visual impacts within 10 miles of Facility components in ASC Exhibit R. On the basis of the initial visual impact analysis, the Applicant adjusted the locations of Facility components to reduce potential visual impacts to the ONHT.
14	Wendell Baskins, State Historic Preservation Office, Oregon Historic Trails Advisory Council Date of Letter: December 18, 2009	Page 16; Lines 19, 20	The applicant should involve the Oregon Historic Trails Advisory Council (or its designee) in mitigation for any intrusion upon the Oregon Trail route or remains.	The Applicant has offered to give the Oregon Historic Trails Advisory Council (OHTAC) a tour of the proposed Facility to review the proximity of Facility components to the Oregon Trail. The Applicant understands that ODOE, through its issuance of a site certificate, will determine whether mitigation is needed and if so, what will be required. ODOE will consider OHTAC's recommendations in determining any necessary mitigation requirements, following its review of the ASC. If ODOE determines that mitigation is required, the Applicant will involve OHTAC in developing this mitigation. The Applicant notes that no mitigation for impacts to the ONHT was required as a condition of construction of the nearby Shepherds Flat and LJII facilities.
15	Gail Shibley, Oregon Department of Human	Page 16	The Public Health Division notes its concerns regarding health effects and disturbance from noise generated by wind turbines, including potential generation of low-frequency sound or	The ASC evaluates health effects in accordance with Oregon statute and administrative rules. Among the health effects evaluated are noise, electromagnetic fields, and environmental pollution. As discussed thoroughly in the ASC (see Exhibits U,

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	Services, Public Health Division Date of Letter: December 21, 2009		infrasound, health effects and disturbance from shadow flicker from turbine blades, health effects from electromagnetic fields generated by transmission lines, and effects of environmental pollution during construction.	X, and AA), the Facility complies with Energy Facility Siting Council (EFSC) standards for protection of human health and the environment during both construction and operation.
16	Gail Shibley, Oregon Department of Human Services, Public Health Division Date of Letter: December 21, 2009	Page 16	The application should include an assessment of health risks that includes: (1) an evaluation of whether the maximum noise levels specified by OAR 340-035-0035 are sufficiently protective of human health, (2) measured or modeled data on noise levels at nearby buildings, and (3) collection of health concerns from residents living on or near the development.	To issue a site certificate, EFSC must determine that the proposed facility complies with the Oregon statutes and administrative rules that the project order identifies as applicable (ORS 469.503(3)), which always include the Oregon Department of Environmental Quality (DEQ) noise regulations. The Applicant demonstrates in ASC Exhibit X that the Facility does not exceed the maximum noise levels specified by OAR 340-035-0035. OAR chapter 340, division 35 was adopted in the interest of public health and welfare to protect health, safety, and welfare of Oregon citizens. See OAR 340-035-0005. If the Public Health Division (PHD) believes that the existing statutes and rules are not sufficiently protective of human health or the environment, then PHD should petition DEQ to change the current noise standards. The Applicant maintains that an evaluation of the protectiveness of the current standards is not a burden that should be assumed by a single project under the requirements of OAR chapter 345, divisions 21, 22, or 24, but should correctly be part of a public debate held in a rule-making setting. Furthermore, a multidisciplinary panel recently concluded that the sounds generated by wind turbines are not harmful to human health: http://www.awea.org/newsroom/releases/12-15-09-sound_panel_release.html . The findings included the following:

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				<ul style="list-style-type: none"> • "The sounds emitted by wind turbines are not unique. There is no reason to believe, based on the levels and frequencies of the sounds, that they could plausibly have direct adverse physiological effects." • If sound levels from wind turbines were harmful, it would be impossible to live in a city given the sound levels normally present in urban environments. • "Subaudible, low frequency sound and infrasound from wind turbines do not present a risk to human health." • "Some people may be annoyed at the presence of sound from wind turbines. Annoyance is not a pathological entity."
17	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		The Service encourages the use of the 2008 Oregon Columbia Plateau Ecoregion Wind Energy Siting and Permitting Guidelines (Guidelines).	The Applicant was an active member of the task force to develop the Guidelines; both Sara Parsons and Andy Linehan participated in the meetings and shared lessons learned from past projects. The Applicant relies heavily on the Guidelines and encourages other developers to follow them as well.
18	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		The Service would like to assist in pre-project assessment, monitoring, micrositing, post-project monitoring, and mitigation phases of the project to ensure any identified wildlife and habitat impacts are addressed and mitigated.	Doug Young and Jerry Cordova (USFWS), as well as representatives from other agencies and stakeholders, were invited to and attended a preproject macrositing conference call hosted by the Applicant on May 26, 2009. The details of the call are described in ASC Exhibit P, Section P.6.2. Further, the Applicant held a project briefing conference call with USFWS biologist Jerry Cordova on November 23, 2009, after Mr. Cordova was unable to participate in a November 3, 2009, site visit with ODFW. The project description, permitting, timeline, and study protocols were discussed.

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				<p>The Applicant also consulted USFWS county lists of federally protected species and the ORNHIC database during the information review for the biological resource investigation (see ASC Exhibit Q, Section Q.2.2.1). In addition, numerous prior survey results conducted nearby in similar habitats were reviewed to determine potential occurrence in Facility site boundary. The results of the information review were used to guide the field investigation. Field investigation results are presented in ASC Exhibits P and Q, and Attachments P-7 and Q-1. Monitoring will be addressed in the WMMP and HMP. The Applicant will conduct micrositeing within the micrositeing corridors and in compliance with site certificate conditions approved by ODOE.</p> <p>Finally, the Applicant has tentatively scheduled a site visit in January or February for USFWS to continue communication about the Applicant's proposed mitigation and monitoring, which will be implemented through the WMMP and HMP.</p>
19	<p>Nancy Gilbert, U.S. Fish and Wildlife Service</p> <p>Date of Letter: December 21, 2009</p>		<p>The application should provide information on the available data on wildlife impacts associated with existing wind projects and activities within the general area of the project and the anticipated cumulative impacts of the project. The project's cumulative impacts assessment should include information on previous habitat loss, fragmentation, degradation, wildlife displacement and mortality data from adjacent wind projects and an estimation of the additional cumulative impact of the proposed project on a limited number of key species that could be adversely affected by additional mortality or are highly sensitive to disturbances or habitat loss.</p>	<p>ASC Exhibit P summarizes data available for existing wind energy facilities in the vicinity of the Facility and in the larger Columbia Basin Ecoregion. Cumulative effects are discussed in ASC Exhibit P, Attachment P-8.</p>
20	Nancy Gilbert,		The applicant should conduct a survey to	The Applicant conducted special-status species surveys,

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	U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		determine presence of Washington ground squirrels in the project area within 1,000 feet of all ground-disturbing activities. The applicant should use a “two-survey system” (two surveys conducted in a perpendicular pattern during the same year between March 20 and June 1). Surveyors should look for burrows, scat, sightings, vocal alarms, and burrows without scat. Surveys should be conducted in all potential habitats.	focused primarily on the Washington ground squirrel (WGS), in March 2008 in a portion of the site boundary (see ASC Exhibit P, Section P.3 and Attachment P-7; and Exhibit Q, Figure Q-2). Table Q-2 describes the findings, which demonstrates that the surveys looked for burrows, scat, sightings, vocal alarms, and burrows without scat. In addition, the Applicant reviewed personal field notes from Karen Kronner (NWC) for WGS locations within the Facility vicinity. Some areas within the site boundary were previously surveyed for Pebble Springs in spring 2006 and for LJIIB in the spring of 2009. For those areas not surveyed in 2009, the Applicant will conduct additional wildlife surveys in the spring of 2010 within 1,000 feet of all ground-disturbing activities using standard protocols acceptable to ODFW, which include conducting two surveys.
21	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		The applicant should conduct two years of bat acoustic surveys or sampling using a combination of Pettersson bat detectors and AnaBat bat detectors in a manner that will not only help determine bat migratory patterns, but also any patterns in local movements through the project area. The hoary bat and silver-haired bat should be the main bat species surveyed. The Service recommends that bat studies be conducted at a minimum of ten sites within the proposed project area.	As described in Exhibit Q, no threatened, endangered or candidate bat species were identified with potential occurrence within 5 miles of the site boundary. As described in Exhibit P, the Applicant has conducted an extensive review of existing data on bat species information known for the general area and on wildlife monitoring studies and post-construction fatality monitoring for other projects in the Facility vicinity as well as the larger Columbia Basin Ecoregion. This assessment methodology is the same as that used for other wind projects in the area, including the Applicant’s Helix Wind Power Facility and LJII Wind Power Facility. Exhibit P, Attachment P-7 provides extensive background information on wind energy bat fatalities regionally and in the immediate vicinity of the Facility, including public data available through August 14, 2009, from the Leaning Juniper I, Pebble Springs, and Rattlesnake Road wind projects. The Applicant agrees with USFWS (December 21, 2009) that based on the species range and Facility characteristics, bat mortality at the Facility is anticipated to be similar to these operating projects, and primarily will involve

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				<p>migratory silver-haired and hoary bats.</p> <p>No other species were identified during fatality monitoring or as incidental discoveries at Leaning Juniper I during the two-year completed study. At Pebble Springs (ongoing study), for the period January through August 14, 2009, these two species were found as well as two unidentified bats (scavenged condition made identification very challenging). No bats were found at Rattlesnake Road Wind Farm for the similar study period (through August 12).</p> <p>With regard to other species in the landscape, Exhibit P, Attachment P-7 provides a comprehensive table of the bat species likely to occur within that part of Gilliam County as an aid in anticipating what species might be present within the site boundary. NWC has exhausted all sources of SonoBat/Pettersson detector voluntary study data (NWC's employee's studies). Their sampling using this setup was conducted at Arlington and along nearby Rock Creek over the past three summers and falls. They chose sites that are somewhat more mesic areas where one could expect to find bats, rather than on the dry ridges and plateaus of the operating and planned wind projects. These data do provide insight on species composition in the general area (no such Arlington area data existed prior to this) but are not reflective of species occurrence, number of individuals, or areas of concentrated movements and migration within the proposed Facility turbine strings. NWC relies on nearby wind project monitoring bat fatality data for the assessment. The Applicant will implement micrositing techniques in the final project design that will aid in limiting impacts to birds and bats, such as avoiding placing turbines in and near perennial streams, and setting back from basalt cliff-faces where bats and birds are likely to forage and roost.</p>
22	Nancy Gilbert,		Conduct one full year (including at least one	As described in Exhibit P, the Applicant has conducted an

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	U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		spring migration season and one fall migration season) of avian and bat radar studies using marine surveillance radar. These studies will provide information on passage rates, flight directions, flight paths, and altitude of nocturnal bats and birds. We recommend month-long radar studies be conducted mid-April through mid-May and in the months of September and October. These studies should be conducted at a minimum of two sites within the proposed project area.	extensive review of existing data on avian and bat species information known for the general area and on wildlife monitoring studies and post-construction fatality monitoring for other projects in the Facility vicinity as well as the larger Columbia Basin Ecoregion. This assessment methodology is the same as that used for other wind projects in the area, including the Applicant's Helix and LJII projects. The Applicant will implement micro-siting techniques in the final project design that will aid in limiting impacts to birds and bats, such as avoiding placing turbines in and near perennial streams, and setting back from basalt cliff-faces where bats and birds are likely to forage and roost.
23	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		The applicant should conduct a portion of surveys for birds and bats near water sources in the project corridor that are near any proposed turbine strings.	NWC conducted avian use surveys throughout the site boundary as described in ASC Exhibit P and shown in Figure P-15. The methods and results of the surveys are detailed in Attachment P-7.
24	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		The applicant should complete two years of pre-project assessment to obtain baseline information on: eagle nest productivity; use of feeding, roosting, nesting or wintering areas; eagle movements in relation to each proposed turbine location (including an analysis of spatial use in relation to rotor swept zone); numbers of eagles moving through the project area; movements in relation to meteorological conditions; and phenology of movements. Eagle movement studies should include more intense observations (at least 20 days for two years during nesting season when adult eagles and their fledged young are most active).	NWC conducted raptor nest and avian use surveys as described in ASC Exhibit P (and shown in Figures P-4 and P-15). The methods and results of the surveys are detailed in ASC Exhibit P, Attachment P-7. The data collected during the avian use and aerial raptor nest surveys were used to micro-site turbines within the site boundary to avoid impacts to raptors and other special-status wildlife species (see ASC Exhibit P, Section P.9). This assessment methodology is the same as that used for other wind projects in the area, including the Applicant's Helix and LJII projects. The avian impact assessment also drew from the extensive volume of existing data on avian and bat species information known for the general area and post-construction fatality monitoring in the Facility vicinity and the larger Columbia Basin Ecoregion.

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			<p>Information on migrating eagles should be collected as part of raptor migration surveys.</p> <p>Prior to micrositing wind turbines, the certificate holder should analyze the information collected on eagle migration and movement data to develop a quantitative risk assessment of the likelihood of incidental take of bald and golden eagles. If the quantitative risk assessment suggests that incidental take of eagles is likely, the certificate holder should employ micrositing measures for the wind turbines to fully avoid any incidental take of eagles. If the risk assessment suggests that incidental take of eagles is not likely, but important eagle feeding, roosting, nesting or wintering areas are nearby or migratory eagles frequent the project area, then monitoring of eagle nests and any turbine-related injury or mortality is recommended throughout the life of the facility to periodically reassess risk to eagles as protected under the Bald and Golden Eagle Protection Act. The Service is in the process of developing implementation guidance on final regulations to authorize the limited take of bald eagles and golden eagles under the BGEPA.</p>	<p>Information about eagles is provided in Exhibit P and Attachment P-7. If any active eagle nests are identified within 1,300 feet of transmission line poles or other Facility components, the nests will be flagged and avoided. The Applicant will not engage in high-impact construction activities (activities that involve blasting, grading, or other major ground disturbance) or allow high levels of construction traffic within 1,300 feet of these nest sites.</p> <p>To further minimize impacts to eagles and other avian species, the Applicant recently adopted its Avian and Bat Protection Plan, the first in the wind industry. The plan is modeled in part after the 2005 Avian Protection Plan template developed by some 30 electric utility companies, electric cooperatives, and rural utilities in partnership with the USFWS to address impacts of transmission and distribution lines on birds. The Applicant's plan will be implemented across its entire wind fleet, and contains a corporate policy about wildlife protection to evaluate and mitigate any potential avian or bat issues early on in the development process. It also establishes internal policies for pre- and post-construction monitoring and proper site design, impact assessment, permit compliance, nest management, and employee training. In addition, the plan supports the Applicant's ongoing efforts in wildlife research, quality control, and public awareness. A copy of the plan can be found on the Applicant's web site: http://www.iberdrolarenewables.us/rel_08.10.29.html.</p>
25	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		<p>The applicant should conduct raptor nest surveys to help assess project impacts and potential conservation measures necessary to maintain nest viability within the project area. Surveys should include areas where updrafts utilized by raptors are prevalent.</p>	<p>The Applicant has established a raptor nest survey radius of 0.5 mile from the preferred transmission line route and alternates and a 2-mile raptor nest survey radius from the proposed Facility site boundary south of the transmission line corridors (i.e., the majority of the site boundary). The Applicant (through NWC) has already surveyed approximately 50 percent of the Facility site boundary for nesting raptors (as shown in ASC Exhibit P, Figure P-4) during studies conducted</p>

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				for Pebble Springs and LJII. In addition, in 2009 the Applicant surveyed a large portion (approximately 35 percent) of the Facility 2-mile raptor survey radius for nesting raptors in adjacent wind projects. Data were reviewed from several adjacent wind projects surveyed for raptor nests in 2009 by NWC, including LJI, LJIIA and LJIIB, and Pebble Springs. The Applicant plans to conduct surveys of the remaining area within the Facility 2-mile raptor survey radius in 2010. Surveys will include areas where updrafts are prevalent.
26	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		The Service recommends that, in the final project design, the certificate holder should incorporate the micro-siting considerations and recommendations outlined in the Guidelines as well as the pre-project assessment surveys and mapping information.	As mentioned earlier, the Applicant helped develop the mapping, preproject assessment, and micro-siting Guidelines and is committed to following these Guidelines. During preproject assessment, the Applicant coordinated with ODFW and USFWS regarding survey protocols, identified micro-siting corridors, and retained NWC to conduct habitat mapping, avian use surveys, raptor nest surveys, and sensitive species surveys and assess project impacts. The Applicant also proposed habitat mitigation in Exhibit P and will work with ODOE and ODFW to calculate habitat mitigation acreages during the completeness review. As discussed in Exhibits P and Q, the Applicant will micro-site the Facility components within the micro-siting corridors to avoid impacts to Category 1 habitat and threatened, endangered, or candidate species populations and in compliance with site certificate conditions approved by ODOE.
27	Nancy Gilbert, U.S. Fish and Wildlife Service Date of Letter: December 21, 2009		The Service recommends that the Council implement the ODFW Habitat Mitigation Policy.	As described in Exhibits P and Q, the Applicant has mapped and rated habitat within the site boundary and will mitigate for unavoidable impacts by implementing an HMP similar to the HMPs developed for nearby facilities, including LJII and Shepherd's Flat. Habitat types and categories will be field verified and reassessed, as needed, after the spring 2010 special status wildlife surveys.

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28	Confederated Tribes and Bands of the Yakama Nation Established by the Treaty of June 9, 1855 Date of Letter: November 30, 2009		Although this project is located on private land, the proposed wind turbines are going to be connected to Bonneville Power Administration transmission lines and substations. The applicant should follow federal guidelines outlined in the National Historic Preservation Act and consult with Tribes (the Yakama, Confederated Tribes and Bands of the Warm Springs, Confederated Tribes and Bands of the Umatilla, and Nez Perce) in order to comply with the Native American Religious Freedoms Act.	The Applicant will comply with state regulations for this state-permitted project, and in its review of the application, ODOE will ensure compliance with EFSC requirements in OAR Chapter 345, division 21 and 22, including Exhibit S (Historic, Cultural, and Archaeological Resources) and the Cultural Resources Standard in OAR 340-022-0090. ODOE does not oversee the issuance of federal permits, and does not assume the obligations of federal agencies like Bonneville Power Administration (BPA). However, the Applicant expects to meet National Historic Preservation Act (NHPA) requirements for the issuance of federal actions and permits, including the BPA interconnection. The Applicant also intends to comply with Section 404.
29	Confederated Tribes and Bands of the Yakama Nation Established by the Treaty of June 9, 1855 Date of Letter: November 30, 2009		The Yakama recommend that the applicant have a professional archaeologist or Tribal representative survey access roads, staging areas and proposed turbine tower locations for cultural material and prepare a report to be reviewed by all interested parties.	The Applicant had a professional archaeologist survey all areas where Facility components are being considered, including access roads, staging areas, and proposed turbine tower locations. A representative from the Confederated Tribes and Bands of the Warm Springs Region (CTWSR) was invited to join the cultural resource survey team, and an ethnographer from CTWSR, Bridget Whipple, attended a site tour on December 1, 2009. The confidential cultural resources survey report is provided as an attachment to ASC Exhibit S and will be provided to both the CTWSR and the Confederated Tribes of Umatilla Indian Reservation. The Yakama and Nez Perce Tribes will also be noticed by ODOE.
30	David Welch, Oregon-California Trails Association Date of Letter:		The maps provided as part of the NOI are inadequate with regard to assessing the location or impacts to the Oregon National Historic Trail (ONHT). Surveys of the trail's location and status must be documented on the equivalent of a USGS topographic quad or better (1:24,000 or 1:12,000). The Oregon-	The maps provided in the NOI are intended only for scoping purposes. The Applicant assesses the location of the ONHT and potential impacts to the ONHT in relation to the Facility site boundary in ASC Exhibits S (Historic, Cultural, and Archaeological Resources) and T (Recreational Facilities and Opportunities). The Oregon-California Trails Association (OCTA) Mapping Emigrant Trails (MET) Manual is available

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	December 18, 2009		California Trails Association (OCTA) requests that the applicant use OCTA's Mapping Emigrant Trails (MET) Manual to assess impacts to the trail. The Manual provides a classification system for documenting the condition of the trail.	online at http://www.octa-trails.org/preserve/MET_field.pdf and is a method for identifying and classifying historic trails and physical impacts. Use of the MET manual is not required by EFSC standards, has not been requested on other projects in the vicinity of the ONHT (e.g., Shepherds Flat, LJII), and was not used to assess potential Facility impacts to the ONHT. However, in accordance with standard cultural resources survey protocols, the visually intact remnants of the ONHT were mapped using global positioning system (GPS) devices, photodocumented, and recorded on State of Oregon site record forms (see Appendix A to ASC Exhibit S Attachment S-1 [confidential and not for public distribution] for site record forms). The Applicant will avoid construction of Facility components on visually intact remnants of the ONHT.
31	David Welch, Oregon-California Trails Association Date of Letter: December 18, 2009		The certificate holder should avoid direct impacts to OCTA MET Class 1, Class 2 and Class 3 segments.	The Applicant's position is that the MET classification system is not required by EFSC standards. However, the Applicant will not construct Facility components on the visually intact remnants of the ONHT identified on the basis of literature and field cultural surveys conducted as described in ASC Exhibit S.
32	David Welch, Oregon-California Trails Association Date of Letter: December 18, 2009		The applicant's archaeological survey should include an historical archaeologist familiar with emigrant trails and their remaining signatures.	The cultural resource survey team included archaeologists familiar with emigrant trails and their remnants.

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33	David Welch, Oregon-California Trails Association Date of Letter: December 18, 2009		The applicant should consult with OCTA regarding mitigation for impacts to the trail. Mitigation should include improved signage and interpretation at selected sites in or near the project area.	ODOE will determine mitigation requirements, as appropriate, on review of the ASC, in consultation with the Oregon State Historic Preservation Office (SHPO), and considering input from the Oregon-California Trails Association (OCTA), OHTAC, and others. If ODOE determines that mitigation is required, the Applicant would involve OCTA in developing this mitigation. The Applicant notes that no mitigation for impacts to the ONHT has been required for other nearby wind projects, including Shepherds Flat and LJII.
34	David Welch, Oregon-California Trails Association Date of Letter: December 18, 2009		Except where it has already been improved, the identified route of the ONHT should not be used as an access road before, during or after construction.	The Applicant will not use identified visually intact remnants of the ONHT as access roads during Facility construction or operation.
35	David Welch, Oregon-California Trails Association Date of Letter: December 18, 2009		All excavations across or near the trail route should be monitored by a qualified archaeologist.	The Applicant does not plan excavations across the ONHT route.
36	David Welch, Oregon-California Trails Association Date of Letter:		Trail crossings regardless of the visual appearance should be designed to minimize impacts to the trail resource.	No direct impacts from the Facility will occur to visually intact remnants of the ONHT.

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37	David Welch, Oregon-California Trails Association Date of Letter: December 18, 2009		Visibility of turbines and infrastructure should be minimized as viewed from high quality segments of the ONHT. OCTA recommends a 0.25-mile setback from the trail. The applicant should conduct a visibility analysis as seen by a person on the trail.	The Applicant conducted a visibility analysis for the Facility as presented in ASC Exhibit R. Previous projects in the vicinity of the ONHT, including LJII and Shepherds Flat, did not include specific setback requirements from the ONHT and it is the Applicant's position that there is no reason to change that approach for the Facility.
38	David Welch, Oregon-California Trails Association Date of Letter: December 18, 2009		OCTA believes that this project is a "federal undertaking," based on the list of federal permits on page E-1 of the NOI, and that Section 106 of the National Historic Preservation Act applies. Mitigation of adverse effects will be required.	Because this is a state-permitted project, it is ODOE's obligation to ensure that the Facility will comply with EFSC requirements. EFSC cannot oversee the issuance of federal permits, and does not assume the obligations of federal agencies. However, the Applicant expects to meet National Historic Preservation Act (NHPA) requirements for the issuance of any required federal permits. Mitigation requirements, if any, will be determined by ODOE and by federal agencies as part of their permitting process.