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Senior Developer - West

May 4, 2017

Barry Beyeler  
Chairperson  
Oregon Energy Facility Siting Council  
c/o Oregon Department of Energy  
550 Capital Street NE  
Salem, Oregon 97301

Todd Cornett  
Siting Division Administrator  
Oregon Department of Energy  
550 Capital Street NE  
Salem, Oregon 97301

**Re: Montague Wind Power Facility – Request for Expedited Amendment Review**

Dear Chair Beyeler and Mr. Cornett:

The Montague Wind Power Facility, LLC ("Montague") respectfully requests expedited review of the enclosed Montague Wind Power Facility Request for Amendment No. 3 ("RFA 3") pursuant to OAR 345-027-0080. This letter, along with the enclosed RFA 3, constitutes Montague's request for expedited review under OAR 345-027-0080(1) ("Expedited Request"). Collectively, the Expedited Request contains the required information listed in OAR 345-027-0060(1) and (2), and presents the reasons justifying approval of this Expedited Request.

Reasons for the Expedited Request

We previously shared with the Energy Facility Siting Council ("EFSC") that we are working with the Oregon Department of Energy ("ODOE") and its sister agencies on pre-construction compliance activities for the Montague project. Construction of the first 202 megawatts ("MW") will start by September 14, 2017 and construction of the entire 404 MW project will be completed by September 14, 2020.

The turbine selection process is driving this Expedited Request. We issued a competitive Request for Proposal (RFP) to turbine manufacturers in Spring 2017 to identify and select turbines for the project. Based on the response to the RFP, some of the most economically viable turbines vary from the previously-approved turbine types given the advancements of

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turbine technology since the Montague was originally approved. Specifically, the RFP identified certain turbines with a higher individual turbine nameplate capacity and lower minimum blade clearance (but the identified turbines are not taller or louder than the previously-approved turbines). Montague is working with ODOE to administratively approve the increase in individual turbine nameplate capacity from 3.0 MW to 3.6 MW via a change order. This change will allow Montague to select from a range of turbines identified in RFP. If approved, this Expedited Request will allow Montague to also consider, and possibly select, another turbine type identified in the RFP having a minimum blade tip clearance of 14 meters, rather than the previously approved 20 meters.

#### Risk of Undue Harm

To complete final project design and confirm a final project layout on its construction timeline, Montague must select a turbine type as soon as possible and these two decisions are crucial to Montague's selection process. This Expedited Review, along with the administrative change order, will allow Montague the option of installing a turbine type that will significantly minimize the Facility footprint, and decrease overall adverse impacts by reducing the number of turbines by potentially half or more. The current site certificate approves up to 269 turbines whereas with the contemplated changes, Montague can design and construction the entire 404 MW project with as few as 112 turbines. If the Chair denies expedited review, Montague will not be able to take advantage of the newer, more current turbine technology and will be forced to construct the project using less economically viable turbines. This outcome would be unduly burdensome on Montague, as the certificate holder, but also on the environment given that this Expedited Request has the potential to further minimize impacts below what was previously approved.

#### Conclusion

The RFP requires Montague to select a turbine no later than Summer 2017. Montague requests that the Chair approve this Expedited Request under OAR 345-027-0080 and tentatively schedule a decision on RFA 3 for the July 2017 EFSC meeting. Montague encourages the Chair to rely on the information and proposed findings contained in RFA 3 Introduction and Section 1.1 when making findings under OAR 345-027-0080(2).

Thank you for your consideration and we look forward to working with you to make this project a reality.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Brian Walsh", is written over a horizontal line.

Brian Walsh

Enclosure

cc: ODOE/ODOJ Team  
Avangrid/CH2M/DWT Team

# Request for Amendment No. 3 to the Site Certificate for the Montague Wind Power Facility

*Prepared for*

Oregon Energy Facility Siting Council

May 2017

Prepared by



**ch2m**





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# Acronyms and Abbreviations

ACEC	Area of Critical Environmental Concern
ASC	Application for Site Certificate
CO 1	Change Order Request No. 1
Council	Energy Facility Siting Council
dBA	decibels on an A-weighted scale
EFSC	Energy Facility Siting Council
Expedited RFA 3	Request for expedited review of Request for Amendment No. 3 under Oregon Administrative Rule 345-027-0080
Facility	Montague Wind Power Facility in Gilliam County, Oregon, with up to 269 turbines and a generating capacity of up to 404 megawatts
Facility SC	Site Certificates on Amendments 1 and 2
GCZO	Gilliam County Zoning Ordinance
Montague	Montague Wind Power Facility, LLC [certificate holder]
MW	megawatt
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
ODOJ	Oregon Department of Justice
ORS	Oregon Revised Statute
PPA	Power Purchase Agreement
RFA	Request for Amendment
RFP	Request for Proposal
SC	Site Certificate
WGS	Washington ground squirrel
WWEF	Wheatridge Wind Energy Facility



# Introduction

Montague Wind Power Facility, LLC (Montague) obtained the Site Certificate (SC) for the Montague Wind Power Facility on September 14, 2010<sup>1</sup>, authorizing construction of a wind power facility in Gilliam County, Oregon, with up to 269 turbines and a generating capacity of up to 404 megawatts (MW) (Facility). Montague has obtained two SC amendments since the Oregon Energy Facility Siting Council (EFSC or Council) first approved the Facility: (1) SC on Amendment 1, dated June 21, 2013, which approved a construction deadline extension and a modification to Condition 27, decreasing the minimum blade tip clearance from 41 meters to 20 meters; and (2) SC on Amendment 2, dated December 4, 2015, which approved a second construction deadline extension (collectively, Facility SC).

Montague expects to start Facility construction by September 14, 2017, which is the construction start deadline imposed in the SC on Amendment 2. Montague plans on phasing construction, starting first with the construction of the first 202 MW (Phase 1), followed by the second 202 MW (Phase 2). Construction of Phases 1 and 2 will be completed by September 14, 2020, which is the construction stop deadline imposed in the SC on Amendment 2. Montague has a Power Purchase Agreement (PPA) with a customer for the first 202 MW that must be online by a certain date per the terms of the PPA, which is driving the construction timeline and the phased construction schedule. An additional factor driving the construction timeline is the need to refine the final Facility layout to avoid Category 1 Washington ground squirrel (WGS) habitat.

Montague is working on the final Facility layout and coordinating with the Oregon Department of Energy (ODOE) on preconstruction compliance.<sup>2</sup> As part of the final design engineering, Montague must select the specific turbine type for the Facility. The final turbine selection process is underway. Montague issued a competitive Request for Proposal (RFP) and must select a final turbine type as soon as possible. The results of the RFP identified specific turbines that are the most economically viable and also the most favorable for significantly minimizing the Facility's physical footprint. Depending on the turbine selected, Montague could decrease the number of installed turbines by potentially half of the previously approved number. All turbines would still be located within the approved micrositing corridor.

The turbine selection process is driving Montague to file Change Order Request No. 1 (CO 1), submitted to ODOE on March 17, 2017, and this Request for Amendment No. 3 (RFA 3), submitted for expedited review under Oregon Administrative Rule (OAR) 345-027-0080 (Expedited RFA 3). Some of the most economically viable turbines identified in the RFP vary from the previously approved turbine types, given the improvement in turbine technology. Specifically, the RFP has identified turbines with a higher individual turbine nameplate capacity and lower minimum blade clearance, but the identified turbines are not taller or louder than the previously approved turbines. CO 1 seeks confirmation from ODOE that an increase in individual turbine nameplate capacity from 3.0 MW to 3.6 MW does not trigger a site certificate amendment under OAR 345-027-0050. Montague anticipates a decision on CO 1 by mid-May 2017. This change will allow Montague to select from a range of the turbines identified in the RFA.

Montague is filing this Expedited RFA 3 seeking EFSC approval to use a turbine type that has a minimum blade clearance of 14 meters (such as the Vestas 3.6-MW [V136] turbine), rather than the 20 meters

<sup>1</sup> The Council issued a Final Order approving a Site Certificate on September 10, 2010. The Site Certificate was fully executed on September 14, 2010.

<sup>2</sup> Montague met with ODOE, the Oregon Department of Justice (ODOJ), and the Oregon Department of Fish and Wildlife (ODFW) on February 9, 2017, to discuss the preconstruction timeline for beginning construction by September 14, 2017, with the first 202 MW (Phase 1) and phasing construction to complete the second 202 MW by the construction stop deadline of September 14, 2020 (Phase 2). On February 13, 2017, Montague sent an email to ODOE, ODOJ, and ODFW confirming the agreed upon preconstruction timeline and provided preliminary maps of the Phase 1 layout and 2016 WGS survey data.

required by Condition 27 in the Facility SC.<sup>3</sup> If approved, this Expedited RFA will enable Montague to also consider, and possibly select, another turbine type identified in the RFP having a lower minimum blade clearance.

Montague demonstrates in the following sections that notwithstanding this change, the Facility will meet all applicable EFSC standards. For purposes of the analysis, it is assumed that by the time Expedited RFA 3 is before EFSC for approval, ODOE will have approved CO 1 allowing the increase in individual nameplate capacity from 3.0 MW to 3.6 MW. Therefore, Montague incorporates by reference the record from CO 1 to support approval of Expedited RFA 3.

No other changes are proposed in this amendment request.

## 1.1 Request for Expedited Review Under OAR 345-027-0080

Montague requests expedited review under OAR 345-027-0080. Expeditious review and approval is needed in order for Montague to select and secure a final turbine type and complete the final Facility design before the anticipated start of construction on September 14, 2017. This Expedited RFA 3, if approved, authorizes Montague to select a turbine type that could significantly minimize the Facility footprint, increase productivity, and decrease overall adverse impacts by reducing the number of turbines by potentially half or more. The Facility SC approves up to 269 turbines whereas with CO 1 and Expedited RFA 3, Montague could construct and design the Facility at maximum generating capacity (404 MW) with as few as 112 turbines.

As described above, the turbine selection process is driving this Expedited RFA 3. Bids from the RFP process were received in Spring 2017, and after evaluating the potential turbine types, Montague identified select turbines for further consideration. Montague must decide on a turbine type as soon as possible, by no later than Summer 2017. This Expedited RFA 3 could not have been reasonably foreseen. Wind turbine technology has changed significantly since the SC on Amendment 1 when Montague first sought to decrease the minimum blade clearance. Discussed earlier, the RFP identified some turbine types that otherwise would meet the Facility SC conditions, except for individual turbine nameplate capacity and minimum blade tip clearance. CO 1 is currently under review by ODOE to approve the increase in individual turbine nameplate capacity from 3.0 MW to 3.6 MW, a decision that will allow Montague to select from a range of turbines identified in the RFP (which could include, for example, the Vestas V126). This Expedited RFA 3 will allow Montague to also consider, and possibly select, another turbine type identified in the RFP with a minimum blade tip clearance of 14 meters rather than the previously approved 20 meters (which could include, for example, the Vestas V136). Regardless of the selected turbine, all turbines will be located in the previously approved micrositing corridor.

Without this amendment, a viable and economic turbine model may not be available for Montague's start of construction. Expedited review is appropriate when the timeline is driven by an RFP process that resulted in turbine options Montague could not previously have anticipated or considered. Montague conferred with ODOE on April 6, 2017, to discuss the preconstruction compliance schedule and the range types of turbine the RFP identified as the most economically viable. ODOE recognized the benefits of using a higher nameplate capacity turbine, which could decrease, not increase Facility impacts. ODOE also recognized the urgency of needing a decision from EFSC on revised Condition 27 in order for Montague to decide whether it may select a turbine like the V136.

As discussed throughout this Expedited RFA 3, a turbine like the V136 could significantly minimize the Facility's temporary and permanent impacts without causing significant adverse impacts. See further explanation in response to OAR 345-027-0060(1)(c) below. Without timely review and approval of this

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<sup>3</sup> In 2013, EFSC approved a reduction in the minimum blade clearance from 41 meters to 20 meters, which was driven by the change in turbine technology between 2011 and 2013.



Expedited RFA 3, Montague could lose the ability to start construction using one of the most viable turbine types.

For these reasons, the Council may find that Montague provides a reasonable explanation for needing expedited review, and without it, Montague will be unduly burdened to construct the Facility with potentially greater adverse impacts and less efficiency. The Council may also find that Montague could not have reasonably foreseen the need for this Expedited RFA 3 because turbine technology has improved since the SC on Amendment 1 and Montague could not have known the viable available technologies before conducting its RFP process. This Expedited RFA 3 meets the requirements of OAR 345-0270-0080(1) and expedited review may be granted under OAR 345-027-0080(2).

## 1.2 Summary of Changes Proposed in Expedited RFA 3

Montague seeks EFSC approval of the following revision to Condition 27:

The certificate holder shall construct a facility substantially as described in the site certificate and may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition.

- (a) The total number of turbines at the facility must not exceed 269 turbines.
- (b) The combined peak generating capacity of the facility must not exceed 404 megawatts and the peak generating capacity of any individual turbine must not exceed 3.0 megawatts.
- (c) The turbine hub height must not exceed 100 meters and the maximum blade tip height must not exceed 150 meters.
- (d) The minimum blade tip clearance must be ~~14~~ ~~20~~ meters above ground. [Amendment ~~1~~ ~~3~~]
- (e) The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility beyond 404 megawatts, to increase the number of wind turbines to more than 269 wind turbines or to install wind turbines with a hub height greater than 100 meters, a blade tip height greater than 150 meters or a blade tip clearance less than ~~14~~ ~~20~~ meters above ground. [Amendment ~~1~~ ~~3~~]

Montague demonstrates in this Expedited RFA 3 that revising Condition 27 (d) and (e) is consistent with Council standards and with other earlier Council approvals<sup>4</sup>.

## 1.3 Regulatory Framework for This Request

This request is organized in accordance with OARs 345-027-0030, - 0050, -0060, -0070, and -0100, which set forth the required contents of a request to amend a site certificate as well as additional considerations for the Council in deciding whether to grant an amended site certificate. The following sections of this request provide the information required by OAR 345-027-0050(1), OAR 345-027-0060, and OAR 345-027-0070(10).

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<sup>4</sup> See, for example, Biglow Canyon Site Certificate, Klondike III Site Certificate, Stateline Site Certificate, and Wheatridge Site Certificate.



# Information Required Pursuant to OAR 345-027-0060 and -0070(10) for Site Certificate Amendments

## 2.1 Information Required Pursuant to OAR 345-027-0060

### **OAR 345-027-0060(1)(a) Name and Mailing Address**

*(1) To request an amendment of a site certificate, the certificate holder shall submit a written request to the Department of Energy that includes the information described in section (2) and the following:*

*(a) The name and mailing address of the certificate holder and the name, mailing address, email address, and phone number of the individual responsible for submitting the request.*

#### **Name and Address of Certificate Holder:**

Montague Wind Power Facility, LLC  
1125 NW Couch Street, Suite 700  
Portland, OR 97209

#### **Name, Mailing Address, Email Address, and Phone Number of Individual Responsible for Submitting the Request:**

Brian Walsh  
Senior Developer  
Avangrid Renewables, LLC  
1125 NW Couch Street, Suite 700  
Portland, OR 97209  
(503) 796-6928  
brian.walsh@avangrid.com

### **OAR 345-027-0060(1)(b) Description of Facility**

*(b) A description of the facility including its location and other information relevant to the proposed change.*

Response: The Facility is a wind energy facility approved by the Council with a capacity to generate up to 404 MW of electricity. The Facility is located in Gilliam County, south of the town of Arlington. Section III of the Facility SC<sup>5</sup> fully describes the Facility. This Expedited RFA 3 does not alter the description of the Facility as set forth in the Facility SC.

### **OAR 345-027-0060(1)(c) Proposed Changes to the Permitted Facility**

*(c) A detailed description of the proposed change and the certificate holder's analysis of the proposed change under the criteria of OAR 345-027-0050(1).*

Response: This Expedited RFA 3 seeks Council approval to reduce the minimum blade tip clearance from 20 meters to 14 meters above ground. No other changes are proposed. The RFP identified an available

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<sup>5</sup> Site Certificate for the Montague Wind Power Facility, pp. 2-4 (December 4, 2015)

turbine technology that is within the range of turbine types otherwise authorized in the Facility SC and CO 1, but with a blade tip clearance of less than 20 meters. For example, the Vestas V136 has a hub height of 82 meters, a turbine blade length of 68 meters, and a maximum blade tip height of 150 meters. The 82-meter height is less than the maximum hub height of 100 meters authorized in Condition 27(c). The turbine blade length of 68 meters does not violate any Facility SC conditions and the maximum blade tip height of 150 meters is equal to the maximum blade tip height authorized by SC Condition 27(c). However, the Vestas V136 minimum blade tip clearance is 14 meters (hub height of 82 meters, minus blade length of 68 meters). This blade tip clearance is less than the authorized minimum blade tip clearance described in Condition 27(d) and (e).

As described in Section 1, selection of a turbine type like the V136 turbine (or another turbine type with comparable dimensions) can result in more cost-effective energy generation and can significantly reduce the Facility's physical footprint. For example, selection of turbines like the V136 can allow construction of fewer than the authorized 269 turbines, with potentially as few as 112 turbines for the full buildout of 404 MW. Regardless of the turbine type selected, Montague will construct all Facility turbines within the previously approved micrositing corridor.

Table 1 compares the approved and proposed turbine specifications.

**Table 1. Turbine Specification Comparison**

*Request for Amendment No. 3 to the Site Certificate for the Montague Wind Power Facility*

<b>Turbine Specification</b>	<b>Approved</b>	<b>Proposed</b>
Maximum Hub Height	100 meters	100 meters
Maximum Blade Tip Height	150 meters	150 meters
Minimum Blade Tip Clearance	20 meters	14 meters

***OAR 345-027-0060(1)(d) Proposed Changes to Site Certificate***

*(d) The specific language of the site certificate, including affected conditions, that the certificate holder proposes to change, add or delete by an amendment.*

Response: Montague proposes to revise Condition 27 by reducing the minimum blade tip clearance in Condition 27(d) and (e) from 20 meters above ground [SC on Amendment 1] to 14 meters above ground. See redlined condition language in Section 1.2 above. A redline of the proposed Third Amended Site Certificate is provided in Attachment 1.

***OAR 345-027-0060(1)(e) Relevant Council Standards***

*(e) A list of the Council standards relevant to the proposed change.*

Response: The Council standards relevant to the proposed change include Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). These standards and responses are listed below.

***OAR 345-027-0060(1)(f) Applicable Laws and Council Rules***

*(f) An analysis of whether the facility, with the proposed change, would comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances if the Council amends the site certificate as requested. For the purpose of this rule, a law, rule or ordinance is “applicable” if the Council would apply or consider the law, rule or ordinance under OAR 345-027-0070(10).*

**Response:** Section 3 of this Expedited RFA 3 contains an analysis of whether the Facility, with the proposed change, will comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules, and ordinances if the Council amends the Facility SC as requested.

**OAR 345-027-0060(1)(g) Landowners Within or Adjacent to the Facility**

*(g) An updated list of the owners of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f).*

**Response:** An updated list of Gilliam and Morrow county property owners located within 500 feet of the Facility site boundary is provided as Attachment 2. The list identifies property owners within 500 feet of the site boundary as required by OAR 345-021-0010(1)(f)(C) for a site located within a farm or forest zone. Montague has also provided a separate list of property owners between 500 and 1,000 feet of the site boundary in Gilliam County to extend notification beyond the required 500-foot site boundary. There are no Morrow County property owners between 500 and 1,000 feet of the site boundary.

Montague requested up-to-date owner information from the County tax assessor for notice purposes. The list of Gilliam County property owners was obtained from Benjamin Hanke-Hills, the County cartographer/GIS Specialist, who provided the data by email on April 21, 2017. The list of Morrow County property owners was obtained from Sandi Patton, the County data analyst, who provided the data by email on April 25, 2017.

In addition to the property owner lists, Attachment 2 contains a set of maps showing Gilliam and Morrow county tax lots within 500 and 1,000 feet, respectively, of the site boundary. The maps contain tax lot labels at a scale small enough to be easily legible, for ODOE's use in identifying a property on the map and cross-referencing the name and address of the property owner on the attached lists.

**OAR 345-027-0060(2) Incorporation by Reference**

*(2) In a request to amend a site certificate, the certificate holder shall provide the information described in applicable subsections of OAR 345-021-0000 and OAR 345-021-0010. The certificate holder may incorporate by reference relevant information that the certificate holder has previously submitted to the Department or that is otherwise included in the Department's administrative record on the facility.*

**Response:** Other than the information set forth in this amendment request, the information contained in the following documents is hereby incorporated by reference:

- Application for Site Certificate (ASC) for the Montague Wind Power Facility
- Information forming the basis for the Final Order and SC<sup>6</sup>
- Request for Amendment No. 1 to the SC for the Montague Wind Power Facility
- Information forming the basis for the Final Order and SC for Amendment 1<sup>7</sup>
- Amendment 2 to the SC for the Montague Wind Power Facility<sup>8</sup>
- Information forming the basis for the Final Order and SC for Amendment 2
- Information contained in the administrative records of proceedings granting the SC and subsequent Amendments 1 and 2 to the Facility

<sup>6</sup> The Council issued a Final Order approving a Site Certificate on September 10, 2010. The Site Certificate was fully executed on September 14, 2010.

<sup>7</sup> First Amended Site Certificate for Montague Wind Power Facility dated June 21, 2013.

<sup>8</sup> Second Amended Site Certificate for Montague Wind Power Facility dated December 4, 2015.

- Information contained in the preconstruction compliance record, including Montague's CO 1

**OAR 345-027-0060(3) and (4) Consultation with the Department**

- (3) Before submitting a request to amend a site certificate, the certificate holder may prepare a draft request and may confer with the Department about the content of the request. Although the Council does not require the certificate holder to prepare a draft request and confer with the Department, the Council recommends that the certificate holder follow this procedure.*

Response: Montague conferred with ODOE by in-person meeting on April 6, 2017, before submitting this amendment request.

- (4) The certificate holder shall submit an original and two printed copies of the amendment request to the Department. Upon a request by the Department, the certificate holder must submit printed copies of the amendment request for members of the Council. In addition to the printed copies, the certificate holder shall submit the full amendment request in a non-copy-protected electronic format acceptable to the Department. The certificate holder shall provide additional copies of the amendment request to the Department upon request and copies or access to copies to any person requesting copies. If requested by the Department, the certificate holder shall send copies of the request to persons on a mailing list provided by the Department.*

Response: ODOE requested three hard copies and one electronic copy on CD (Word and PDF file) of the amendment request, which are included with this submission.

## 2.2 Information Required Pursuant to OAR 345-027-0070(10)

**OAR 345-027-0070 Review of a Request for Amendment**

- (10) In making a decision to grant or deny issuance of an amended site certificate, the Council shall apply the applicable substantive criteria, as described in OAR 345-022-0030, in effect on the date the certificate holder submitted the request for amendment and all other state statutes, administrative rules, and local government ordinances in effect on the date the Council makes its decision. The Council shall consider the following:*
- (a) For an amendment that would change the site boundary or the legal description of the site, the Council shall consider, for the area added to the site by the amendment, whether the facility complies with all Council standards;*

Response: This Expedited RFA 3 does not seek to change the site boundary or legal description of the Facility.

- (b) For an amendment that extends the deadlines for beginning or completing construction, the Council shall consider:*

Response: Montague is not requesting to extend the deadlines for beginning or completing construction.

- (c) For any amendment not described above, the Council shall consider whether the amendment would affect any finding made by the Council in an earlier order.*

Response: Montague demonstrates below in Section 3 under each relevant standard that Expedited RFA 3 will not affect any findings made by the Council in an earlier order.

- (d) For all amendments, the Council shall consider whether the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate.*



Response: Montague has the financial backing and ability<sup>9</sup> to obtain a bond or letter of credit as outlined in Condition 32 of the site certificate. The number of turbines is a notable factor in determining the decommissioning and restoration cost of the Facility, and the Council previously concluded that Montague was capable of posting a bond or letter of credit for up to 269 turbines. The requested amendment will not change the maximum number of turbines and in fact, will allow a significant decrease in the number of turbines ultimately used in the construction of the Facility. The Council may rely on its earlier findings and conclude that the previously approved amount of the bond or letter credit is adequate for the requested amendment. In accordance with Facility SC Condition 32, Montague will provide an updated financial retirement analysis and before beginning construction will submit a bond or letter of credit sufficient to ensure restoration of the site to a useful, nonhazardous condition.

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<sup>9</sup> Iberdrola Renewables, Montague Wind Power Facility Application for Site Certificate, Exhibit M, January 21, 2010.



# OAR 345-027-0060(1)(e) and (f) for Compliance with Applicable Council Standards, Laws, and Council Rules

## 3.1 OAR 345-027-0060(1)(e) Relevant Council Standards

*(e) A list of the Council standards relevant to the proposed change.*

Response: The Council standards relevant to the proposed amendment include Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). The Facility is a wind power generating facility. Therefore, Division 23, which applies to nongenerating facilities, does not apply. Similarly, inapplicable provisions of Division 24 (e.g., standards applicable to gas plants, gas storage, nongenerating facilities) are not discussed.

The requirements of each applicable Council standard are outlined below, along with Montague's responses.

### 3.1.1 Compliance with OAR 345-022

The following Division 22 standards are addressed:

- OAR 345-022-0000 General Standard of Review
- OAR 345-022-0010 Organizational Expertise
- OAR 345-022-0020 Structural Standard
- OAR 345-022-0022 Soil Protection
- OAR 345-022-0030 Land Use
- OAR 345-022-0040 Protected Areas
- OAR 345-022-0050 Retirement and Financial Assurance
- OAR 345-022-0060 Fish and Wildlife Habitat
- OAR 345-022-0070 Threatened and Endangered Species
- OAR 345-022-0080 Scenic Resources
- OAR 345-022-0090 Historic, Cultural and Archaeological Resources
- OAR 345-022-0100 Recreation
- OAR 345-022-0110 Public Services
- OAR 345-022-0120 Waste Minimization

#### ***OAR 345-022-0000 General Standard of Review***

*(1) To issue a site certificate for a proposed facility or to amend a site certificate, the Council shall determine that the preponderance of evidence on the record supports the following conclusions:*

*(a) The facility complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to ORS 469.570 and 469.590 to 469.619, and the standards adopted by the Council pursuant to ORS 469.501 or the overall public benefits of the facility outweigh any adverse effects on a resource or interest protected by the applicable standards the facility does not meet as described in section (2);*

Response: The following sections demonstrate that the requested change to allow turbines with a lower aboveground clearance is consistent with the Council's previous analysis, and that the use of larger

turbines with greater individual generating capacity could reduce impacts because fewer turbines will be needed to reach the same maximum Facility generation output.

- (b) Except as provided in OAR 345-022-0030 for land use compliance and except for those statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council, the facility complies with all other Oregon statutes and administrative rules identified in the project order, as amended, as applicable to the issuance of a site certificate for the proposed facility. If the Council finds that applicable Oregon statutes and rules, other than those involving federally delegated programs, would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.*

**Response:** The Council previously found that the Facility complies with the requirements of its statutes.<sup>10</sup> The request to use turbines with lower blade tip clearance is consistent with state statutes and rules and local land use conditions because there will be no change to the approved site boundary, micrositing corridor, maximum number of turbines, or maximum generating capacity of the Facility. Turbines will be of similar size and located within the approved micrositing corridor, which allows the Council to rely on its prior findings and determine that the Facility, as amended, satisfies OAR 345-022-0000(1).

#### **OAR 345-022-0010 Organizational Expertise**

- (1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.*
- (2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.*
- (3) If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.*
- (4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the*

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<sup>10</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 45 (December 4, 2015).

*necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.*

**Response:**

*Certificate Holder's Expertise.* The Council previously found that Montague “has demonstrated that it has the organizational expertise to construct, operate, and retire the proposed facility in compliance with Council standards and conditions of the site certificate.”<sup>11</sup> Montague is wholly owned by Avangrid Renewables, formerly Iberdrola Renewables, and its organizational expertise was described in the ASC.<sup>12</sup> There have been no changes to Montague’s organizational expertise that would impact prior findings. Therefore, the Council may rely on its previous conclusion that the Facility complies with the Council’s Organizational Expertise standard.

*Third-Party Permits.* The Council has previously found that third parties either have any necessary permits or have a reasonable likelihood of obtaining any necessary permits<sup>13</sup>. The proposed amendment request does not affect this prior finding.

**OAR 345-022-0020 Structural Standard**

- (1) *Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that:*
  - (a) *The applicant, through appropriate site-specific study, has adequately characterized the site as to Maximum Considered Earthquake Ground Motion shown for the site in the 2009 International Building Code and maximum probable ground motion, taking into account ground failure and amplification for the site-specific soil profile under the maximum credible and maximum probable seismic events; and*
  - (b) *The applicant can design, engineer, and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from maximum probable ground motion events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement, and subsidence;*
  - (c) *The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and*
  - (d) *The applicant can design, engineer and construct the facility to avoid dangers to human safety presented by the hazards identified in subsection (c).*
- (2) *The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

**Response:** OAR 345-022-0020 authorizes the Council to issue a site certificate without making findings with respect to the Structural Standard,<sup>14</sup> but the rules also authorize the Council to impose site certificate conditions based on the requirements of OAR 345-022-0020. The Council adopted site

<sup>11</sup> Final Order on Request for Contested Case and Amendment #2 to the Montague Wind Power Facility, p. 13-14 (December 4, 2015).

<sup>12</sup> Iberdrola Renewables, Montague Wind Power Facility Application for Site Certificate, Exhibit D (January 21, 2010).

<sup>13</sup> Final Order on Request for Contested Case and Amendment #2 to the Montague Wind Power Facility, p. 13 (December 4, 2015).

<sup>14</sup> ORS § 469.501(4).

certificate conditions to address the potential for seismic and nonseismic geologic hazards at the Facility site.<sup>15</sup> Montague’s ability to design, engineer, and construct the Facility to avoid dangers to human safety, are not affected by lower blade tip clearance. Foundation sizes vary by turbine type and size and Montague will complete site-specific geotechnical investigations prior to construction to verify soil conditions are suitable at each turbine location.

Turbines will be located within the previously approved micrositing corridor where potential geological and soils hazards have already been evaluated and approved by the Council. Therefore, the proposed change in minimum blade tip clearance does not change the Facility’s compliance with OAR 345-022-0020(1) or any conditions in the site certificate.

- (3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

Response: This rule is not applicable.

#### **OAR 345-022-0022 Soil Protection**

*To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.*

Response: The Council previously found that the Facility complies with the Soil Protection Standard<sup>16</sup>. The proposed amendment makes no changes that alter the basis for the Council’s earlier findings.

The Council authorized about 237 acres of permanent impacts on soils for up to 269 turbines. This amendment request does not seek to increase the maximum number of turbines and if this Expedited RFA 3 is approved, the number of turbines used to construct the Facility could decrease from the maximum number of turbines approved in the site certificate, thereby further minimizing total permanent impacts.

Nothing in this Expedited RFA 3 impairs Montague’s ability to implement erosion control measures presented in Exhibit I or required by the Facility’s National Pollutant Discharge Elimination System 1200-C construction permit. Therefore, the Council may rely on its prior findings and conclude that this amendment request also complies with OAR 345-022-0022.

#### **OAR 345-022-0030 Land Use**

- (1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.*
- (2) The Council shall find that a proposed facility complies with section (1) if:*
- (a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or*
  - (b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:*

<sup>15</sup> See Final Order on Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 16 (December 4, 2015).

<sup>16</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 17 (December 4, 2015).



- A. *The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);*
  - B. *For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or*
  - C. *For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).*
- (3) *As used in this rule, the “applicable substantive criteria” are criteria from the affected local government’s acknowledged comprehensive plan and land use ordinances that are required by the statewide planning goals and that are in effect on the date the applicant submits the application. If the special advisory group recommends applicable substantive criteria, as described under OAR 345-021-0050, the Council shall apply them. If the special advisory group does not recommend applicable substantive criteria, the Council shall decide either to make its own determination of the applicable substantive criteria and apply them or to evaluate the proposed facility against the statewide planning goals.*
- (4) *The Council may find goal compliance for a proposed facility that does not otherwise comply with one or more statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of the Land Conservation and Development Commission pertaining to the exception process, the Council may take an exception to a goal if the Council finds:*
- (a) *The land subject to the exception is physically developed to the extent that the land is no longer available for uses allowed by the applicable goal;*
  - (b) *The land subject to the exception is irrevocably committed as described by the rules of the Land Conservation and Development Commission to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or*
  - (c) *The following standards are met:*
- A. *Reasons justify why the state policy embodied in the applicable goal should not apply;*
  - B. *The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with rules of the Council applicable to the siting of the proposed facility; and*
  - C. *The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.*
- (5) *If the Council finds that applicable substantive local criteria and applicable statutes and state administrative rules would impose conflicting requirements, the Council shall resolve the conflict consistent with the public interest. In resolving the conflict, the Council cannot waive any applicable state statute.*
- (6) *If the special advisory group recommends applicable substantive criteria for an energy facility described in ORS 469.300(10)(a)(C) to (E) or for a related or supporting facility that does not pass through more than one local government jurisdiction or more than three zones in any one jurisdiction, the Council shall apply the criteria recommended by the special advisory group. If the special advisory group recommends applicable substantive criteria for an energy facility*

*described in ORS 469.300(10)(a)(C) to (E) or a related or supporting facility that passes through more than one jurisdiction or more than three zones in any one jurisdiction, the Council shall review the recommended criteria and decide whether to evaluate the proposed facility against the applicable substantive criteria recommended by the special advisory group, against the statewide planning goals or against a combination of the applicable substantive criteria and statewide planning goals. In making the decision, the Council shall consult with the special advisory group, and shall consider:*

- (a) The number of jurisdictions and zones in question;*
- (b) The degree to which the applicable substantive criteria reflect local government consideration of energy facilities in the planning process; and*
- (c) The level of consistence of the applicable substantive criteria from the various zones and jurisdictions.*

Response: The Council previously concluded that the Facility, with a minimum blade clearance of 20 meters, complied with the Land Use Standard.<sup>17</sup> Montague confirmed with the Gilliam County Planning Director that there have been no modifications to the Gilliam County Zoning Ordinance (GCZO) since the SC on Amendment 2 that would impact the Council’s prior findings under the Land Use Standard<sup>18</sup>. In reviewing the applicable approval criteria in the GCZO, there are no standards or criteria that would directly apply to the requested change in minimum blade clearance.

The modification to Condition 27 will not increase the temporary or permanent impacts to agricultural land, impair Montague’s ability to comply with the local setback requirements, or change construction haul routes or required road improvements when transporting turbines to the site. Although turbine blades may be up to 6 meters longer than previously evaluated, the truck trips anticipated for the Facility will be similar to or less than the delivery estimates provided in Exhibit U of the ASC and therefore impacts to county and state roads will be within those previously approved. Further, no additional road improvements will be required as the longer blades still fit on the same type of truck evaluated in the ASC (i.e., no changes are needed for turning radii)<sup>19</sup>.

The modification to Condition 27 will also not impact aerial spraying operations on adjacent lands under agricultural use. While no adjacent landowners or agricultural operations have expressed a concern to Montague regarding potential limitations on aerial spraying, Montague nonetheless confirms that the modification to minimum blade tip clearance at the Facility will not affect aerial spraying for agricultural operations.

At an on-the-record public hearing for the Wheatridge Wind Energy Facility (WWEF), an owner of agricultural property adjacent to the proposed WWEF expressed concern that WWEF would significantly increase the cost of aerial spraying, which would in turn impact farming practices by limiting the available days for aerial application. WWEF provided evidence in their ASC Exhibit K, Attachment K-2, that the presence of wind facilities has not impacted the ability of an aerial spraying company to provide aerial application services and has not resulted in a change in the company’s pricing. In the Draft Final Order to the WWEF, ODOE staff recommended that the Council find that the WWEF would not force a significant change in accepted farming practices, including aerial spraying<sup>20</sup>. Montague was previously approved for construction with turbine dimensions as described. The change to minimum blade tip clearance, and the resultant potential increase to rotor diameter, do not bear on this finding.

<sup>17</sup> See Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 19 (December 4, 2015).

<sup>18</sup> Personal communication, voicemail to Paul Hicks/CH2M from Michelle Colby, April 6, 2017.

<sup>19</sup> Iberdrola Renewables, Montague Wind Power Facility Application for Site Certificate, Exhibit U, p. U-4 (January 21, 2010).

<sup>20</sup> See Proposed Order for the Wheatridge Wind Energy Facility, p. 82 (April 2017).

Accordingly, the modification to Condition 27 will not affect aerial spraying operations on surrounding agricultural lands.

For these reasons, the Council may rely on its prior findings and conclude that this Expedited RFA 3 still complies with the Land Use Standard.

**OAR 345-022-0040 Protected Areas**

- (1) *Except as provided in sections (2) and (3), the Council shall not issue a site certificate for a proposed facility located in the areas listed below. To issue a site certificate for a proposed facility located outside the areas listed below, the Council must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below. References in this rule to protected areas designated under federal or state statutes or regulations are to the designations in effect as of May 11, 2007:*
- (a) *National parks, including but not limited to Crater Lake National Park and Fort Clatsop National Memorial;*
  - (b) *National monuments, including but not limited to John Day Fossil Bed National Monument, Newberry National Volcanic Monument and Oregon Caves National Monument;*
  - (c) *Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782;*
  - (d) *National and state wildlife refuges, including but not limited to Ankeny, Bandon Marsh, Baskett Slough, Bear Valley, Cape Meares, Cold Springs, Deer Flat, Hart Mountain, Julia Butler Hansen, Klamath Forest, Lewis and Clark, Lower Klamath, Malheur, McKay Creek, Oregon Islands, Sheldon, Three Arch Rocks, Umatilla, Upper Klamath, and William L. Finley;*
  - (e) *National coordination areas, including but not limited to Government Island, Ochoco and Summer Lake;*
  - (f) *National and state fish hatcheries, including but not limited to Eagle Creek and Warm Springs;*
  - (g) *National recreation and scenic areas, including but not limited to Oregon Dunes National Recreation Area, Hell's Canyon National Recreation Area, and the Oregon Cascades Recreation Area, and Columbia River Gorge National Scenic Area;*
  - (h) *State parks and waysides as listed by the Oregon Department of Parks and Recreation and the Willamette River Greenway;*
  - (i) *State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;*
  - (j) *State estuarine sanctuaries, including but not limited to South Slough Estuarine Sanctuary, OAR chapter 142;*
  - (k) *Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;*
  - (l) *Experimental areas established by the Rangeland Resources Program, College of Agriculture, Oregon State University: the Prineville site, the Burns (Squaw Butte) site, the Starkey site and the Union site;*
  - (m) *Agricultural experimental stations established by the College of Agriculture, Oregon State University...*

- (n) Research forests established by the College of Forestry, Oregon State University, including but not limited to McDonald Forest, Paul M. Dunn Forest, the Blodgett Tract in Columbia County, the Spaulding Tract in the Mary's Peak area and the Marchel Tract;*
- (o) Bureau of Land Management areas of critical environmental concern, outstanding natural areas and research natural areas;*
- (p) State wildlife areas and management areas identified in OAR chapter 635, division 8.*
- (2) Notwithstanding section (1), the Council may issue a site certificate for a transmission line or a natural gas pipeline or for a facility located outside a protected area that includes a transmission line or natural gas or water pipeline as a related or supporting facility located in a protected area identified in section (1), if other alternative routes or sites have been studied and determined by the Council to have greater impacts. Notwithstanding section (1), the Council may issue a site certificate for surface facilities related to an underground gas storage reservoir that have pipelines and injection, withdrawal or monitoring wells and individual wellhead equipment and pumps located in a protected area, if other alternative routes or sites have been studied and determined by the Council to be unsuitable.*
- (2) The provisions of section (1) do not apply to transmission lines or natural gas pipelines routed within 500 feet of an existing utility right-of-way containing at least one transmission line with a voltage rating of 115 kilovolts or higher or containing at least one natural gas pipeline of 8 inches or greater diameter that is operated at a pressure of 125 psig.*

Response: The Council previously found that that the Facility is not located in any protected area listed in OAR 345-022-0040 and that the Facility complies with the Protected Areas standard<sup>21</sup>. There are seven protected areas within 20 miles of the Facility: Horn Butte Wildlife Area, Arlington State Park, John Day Wildlife Refuge, John Day Wild and Scenic River, John Day State Scenic Waterway, John Day (Hildebrand) State Park, and Willow Creek Wildlife Area. Potential impacts on these protected areas were evaluated based on noise, traffic, water use and wastewater disposal, and visual impacts.

The Council previously analyzed potential noise impacts on protected areas based on the loudest turbine under consideration at that time, which was assumed to have maximum sound power level of 110 decibels on an A-weighted scale (dBA) (ASC Exhibit X, Table X-6) and a layout of 134 turbines. Based on this analysis, the Council concluded that the Facility will have no significant adverse noise impact on protected areas. The Vestas V136, as an example of a turbine that could be used under this Expedited RFA 3, has a maximum sound power level of 108.2 dBA and if selected, only 112 turbines will be constructed within the previously approved micro-siting corridor<sup>22</sup>. Therefore, the previous analysis demonstrates that the Council may rely on its prior finding to conclude that turbines allowable under an amended site certificate can comply with the noise standard.

Montague will comply with Condition 107 to confirm that the Facility, with the selected turbines, complies with the Oregon Department of Environmental Quality noise rules. The Horn Butte Area of Critical Environmental Concern (ACEC) is managed by the Bureau of Land Management for long-billed curlew nesting and Facility SC Condition 97 requires Montague to protect the area within 1,300 feet of the Horn Butte ACEC during curlew nesting season in order to minimize potential noise impacts. The change to minimum blade tip clearance will not limit Montague's ability to comply with this condition. Therefore, the Council may rely on its earlier conclusion that noise from the Facility is not likely to result in any significant adverse impacts to protected areas.

<sup>21</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 22 (December 4, 2015).

<sup>22</sup> Turbine noise specifications and data for the Vestas V136 were submitted to the Oregon Department of Energy under separate, confidential cover on May 3, 2017.

The proposed modification to minimum blade tip clearance will not change the proposed primary and alternate transporter routes or haul estimates, and therefore the change will not modify the Council's previous conclusion that traffic generated by construction and operation of the Facility is not likely to result in significant traffic impacts to protected areas.

Water use and wastewater disposal during construction and operation of the Facility will not be modified by the proposed change to minimum blade tip clearance and therefore the Council may rely on its previous conclusion that water quantity and water quality in protected areas will not be affected by the Facility.

When analyzing visual impacts from the Facility on Horn Butte ACEC and other protected areas within 20 miles, the Council analyzed two scenarios: (1) a maximum layout of 269 turbines using 1.5-MW turbines, and (2) a minimum layout of 134 turbines using 3.0-MW turbines. Both scenarios were analyzed using the relevant turbine dimensions; that is, the maximum layout was analyzed using the dimensions of a 1.5-MW turbine (hub height of 80 meters and turbine blade tip height of 119 meters), while the minimum layout was analyzed using the dimensions of the 3.0-MW turbine (hub height of 100 meters, maximum turbine blade tip height of 150 meters)<sup>23</sup>. Based on this analysis, the Council concluded that there would be no significant adverse visual impact from either of these layouts on protected areas<sup>24</sup>. The proposed modification will not affect the Council's prior findings. The decrease in minimum blade tip clearance will not change the maximum blade tip height of 150 meters and it will reduce the number of turbines needed to achieve 404 MW for the Facility. This modification falls within the scope of impacts evaluated under either two visual analyses in the ASC, i.e., the turbine tip is no greater and there will be no greater number of turbines. Therefore, the proposed change will not modify the previous analysis of potential visual impacts on protected areas. Accordingly, turbines with a lower blade tip clearance could also be considered to have no significant adverse visual impact on protected areas.

For these reasons, the revision to Condition 27 makes no changes that alter the basis for the Council's earlier findings. Therefore, the Council may find that this amendment request also complies with OAR 345-022-0040.

#### ***OAR 345-022-0050 Retirement and Financial Assurance***

*To issue a site certificate, the Council must find that:*

- (1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.*
- (2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.*

Response: The Council previously found that Montague is able to restore the site to a useful, nonhazardous condition following permanent cessation of construction or operation of the Facility, and that Montague has demonstrated a reasonable likelihood of obtaining a bond or letter of credit.<sup>25</sup> As explained under OAR 345-027-0070(10)(d), the number of turbines is a notable factor in determining the decommissioning and restoration cost of the Facility, and the Council previously concluded that Montague was capable of posting a bond or letter of credit for up to 269 turbines. The requested amendment will not change the maximum number of turbines and in fact, will allow a significant decrease in the number of turbines ultimately used in the construction of the Facility. In accordance with Condition 32, Montague will provide an updated financial retirement analysis as part of

<sup>23</sup> Iberdrola Renewables, Montague Wind Power Facility Application for Site Certificate, Exhibit R, pp. R-1 and R-2 (January 21, 2010).

<sup>24</sup> Final Order on the Application for Site Certificate for the Montague Wind Power Facility, p. 65 (September 10, 2010).

<sup>25</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 22 (December 4, 2015).

preconstruction compliance, and before beginning construction, Montague will submit a bond or letter of credit sufficient to ensure restoration of the site to a useful, nonhazardous condition. Accordingly, the proposed amendment makes no changes that alter the basis for the Council's earlier findings and therefore, the Council may find that OAR 345-022-0050 is met.

***OAR 345-022-0060, Fish and Wildlife Habitat***

*To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with:*

- (1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025(1) through (6) in effect as of February 24, 2017, and*
- (2) For energy facilities that impact sage-grouse habitat, the sage-grouse specific habitat mitigation requirements of the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-415-0025(7) and OAR 635-140-0000 through -0025 in effect as of February 24, 2017.*

Response: The Council previously found that the Facility complies with the Council's Fish and Wildlife Habitat Standard<sup>26</sup>. The reduction in minimum blade clearance by 6 meters will not affect the Council's prior findings regarding the Facility's ability to satisfy the Fish and Wildlife Habitat Standard. The original analysis of the Facility's potential impacts on fish and wildlife included characterization of habitat categories and types, along with potential impacts to birds, bats, nonlisted special-status species, and other wildlife. As described in the ASC<sup>27</sup>, the Facility is outside of current sage-grouse habitat and no sage grouse have been observed in the vicinity.

Habitat types within the site boundary were categorized using the Oregon Department of Fish and Wildlife's (ODFW's) wildlife habitat categories as defined in OAR 635-415-0025. Turbines will be placed in areas of actively cultivated dry land wheat (i.e., Category 6 habitat) to avoid and minimize both temporary and permanent impacts to high-quality native habitat. Use of turbines with larger blades could also reduce the total acreage of habitat impacts as fewer turbines will be needed to achieve the maximum generation capacity of the Facility.

Turbines with longer blades have a corresponding larger rotor-swept area and the requested change to lower the blade tip clearance from 20 meters to 14 meters above ground could increase the overall swept area for the Facility by up to 30 percent. A larger rotor-swept area may have increased collision risk for birds. Barclay et al. (2007) compared avian Fatality data at wind farms using a range of turbine sizes from 0.04 to 1.8 MW, tower heights ranging from 24 to 94 meter, and rotor diameters ranging from 15 to 80 meters and concluded that avian fatality rates were not affected by any of these turbine dimensions, stating "it might be expected that as rotor-swept area increased, more animals would be killed per turbine, but our analyses indicate that this is not the case." This study did not consider the new generation turbines that are much larger; but their conclusion is relevant to the Facility as it suggests that avian impacts predicted in the original assessment may not differ substantially with increased rotor-swept area. Moreover, Montague will complete post-construction fatality monitoring using search plots scaled to the turbine size, and will implement additional mitigation if fatality rates exceed the thresholds of concern for a species group as outlined in the original analysis (see Final Order Attachment A, *Wildlife Monitoring and Mitigation Plan*<sup>28</sup>).

In addition to a larger rotor-swept area, the proposed reduction in minimum blade tip height could make low flying avian species, such as gamebirds or songbirds, more susceptible to collision. A 14-meter blade clearance is approximately 46 feet above the ground or about the height of a four- to five-story

<sup>26</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 27 (December 4, 2015).

<sup>27</sup> ASC Exhibit P, p. P-8 (January 10, 2010).

<sup>28</sup> Final Order on the Application for Site Certificate for the Montague Wind Power Facility, Attachment A (September 10, 2010).



building. Avian use studies completed at the Facility did not record flight elevations of birds observed within the search plots but avian surveyors noted that common ravens were the most frequent species observed flying at altitudes within the rotor-swept area. Horned larks and long-billed curlews also frequently fly at heights within the rotor-swept area. In addition, burrowing owl activity patterns could intersect with the new 14- to 20-meter altitude range. Burrowing owl have been sighted at the nearby Leaning Juniper facility but no burrowing owl habitat has been observed within the Montague site boundary<sup>29</sup>. There is no research in the literature documenting effects of minimum blade clearance on wildlife. The vast majority (more than 80 percent) of avian nocturnal migrants typically fly above the 150-meter maximum height of the rotor-swept zone (Mabee and Cooper, 2004; Mabee et al., 2006). In a letter describing impacts of changing turbines types at the Shiloh II Wind Project, Curry and Kerglinger (2006) noted the potential for slightly more avian impacts due to a change to a turbine with a lower blade tip clearance; the increase in impacts was described as small, and not biologically significant. The collision risk from the lower blade tip height may slightly increase the risk for some species, like common raven, horned lark, and long-billed curlew, but the increase is likely to be small, not biologically significant, and not substantially different from the original impact assessment for these species. Montague will minimize collision risk by placing turbines in low quality bird habitat (i.e., Category 6 habitat) and implementing a fatality monitoring study to measure if avian fatalities are consistent with the original analysis.

Flight altitudes of migratory bats are poorly known, especially for the migratory tree-roosting bats that appear more prone to collisions with wind turbines (Reynolds, 2006). Hoary bats and silver-haired bats, known to occur in the Facility vicinity, are species of long-range migrants that have been killed at wind power projects during their migratory periods, suggesting that at least some bats migrate below 150 meters above ground level. Bat use in the Facility area between 14 meters and 20 meters is not known. Migratory bats have been documented at heights ranging from 46 to 2,448 meters above ground level (Allen, 1939; Altringham, 1996; Peurach, 2003), which is within and above the rotor-swept area originally evaluated and approved for Montague turbines. If bats are present, they may be at increased risk of collision with wind turbines with larger rotor-swept areas; however, any change to potential impacts is difficult to estimate because little is known about flight heights of these species.

Indirect impacts resulting from displacement at wind farms have been documented for some species, including grassland-nesting birds. It is not known whether reduced blade tip clearance will modify this effect. The Facility SC authorized construction of up to 269 turbines. If larger turbines are selected, the number of turbines could be significantly reduced because only 112 3.6-MW turbines will be required to achieve the authorized 404 MW for the Facility. This reduction in the number of turbines could lessen the impact originally estimated in the ASC. There is no evidence in the literature of displacement effects to wildlife other than birds and bats.

As mentioned under the Protected Area Standard, the original studies contained in the Facility SC record were based on worst-case scenarios for evaluating potential impacts on fish and wildlife habitat. The Facility's *Wildlife Monitoring and Mitigation Plan* mentions that if fatality rates for the first year of monitoring at the Facility exceed any of the thresholds of concern or exceed the range of fatality rates found at other wind power facilities in the region, Montague will propose additional mitigation for ODOE and ODFW review within 6 months after reporting the fatality rates to ODOE. Alternatively, Montague may opt to conduct a second year of fatality monitoring immediately if the results of Year 1 monitoring are believed to be anomalous.

Accordingly, the proposed amendment makes no changes that alter the basis for the Council's earlier findings and therefore the Council may find that OAR 345-022-0060 is satisfied.

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<sup>29</sup> ASC Exhibit P, p. P-9 (January 10, 2010).

**OAR 345-022-0070, Threatened and Endangered Species**

*To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:*

- (1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:*
  - (a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or*
  - (b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and*
- (2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.*

Response: The Council previously determined that the Facility complies with the Threatened and Endangered Species Standard.<sup>30</sup> This finding was based on an analysis of state-listed plant, fish, and wildlife species with the potential to occur within 5 miles of the site boundary. The decrease in minimum blade tip clearance will not result in any new impacts to threatened or endangered plant species. The original evaluation considered potential impacts to bald eagle and WGS.

WGS could be affected by construction and operational activities near areas where WGS are active. The Council adopted Condition 94 to require additional WGS surveys, and Condition 95 to require exclusion flagging and avoidance of WGS habitat during construction. There will be no new impacts to WGS habitat and activity resulting from the change to minimum blade tip height, and therefore the Council may rely on its earlier determination that design, construction, and operation of the Facility are not likely to cause a significant reduction in the likelihood of survival or recovery of WGS.

As described in the Final Order on the ASC<sup>31</sup>, no bald eagles were observed during wildlife surveys of the Facility site or during avian use surveys for the nearby Leaning Juniper II or Pebble Springs wind projects. In addition, since the Final Order was issued, the state of Oregon has delisted the bald eagle, so that it no longer falls under the threatened and endangered species analysis. Therefore, the change in minimum blade tip height does not change the conclusion that the likelihood of adverse effects appears to be low due to the limited use of the Facility site by bald eagles. However, Condition 88 will mitigate the already low risk to bald eagles and other raptors by placing most of the Facility collector lines underground, and by requiring adherence to Avian Power Line Interaction Committee suggested practices. Conditions 68 and 57 will reduce cover for raptor prey near turbines and avoid creation of artificial habitat for raptor prey.

On the basis of the evaluation described above, the proposed change to minimum blade tip clearance will not result in impacts that were not previously evaluated by the Council. This proposed modification to the Facility will not affect the Facility's ability to avoid impacts to Category 1 habitat and will not affect the Facility's ability to avoid and minimize impacts to Category 2 habitat. As mentioned under the Fish and Wildlife Habitat Standard, the original studies contained in the SC record were based on worst-case scenarios for evaluating potential impacts to threatened and endangered species.

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<sup>30</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 29 (December 4, 2015).

<sup>31</sup> Final Order on the Application for Site Certificate for the Montague Wind Power Facility, p. 91 (September 10, 2010).

The proposed amendment makes no changes that alter the basis for the Council's earlier findings; thus, this amendment request complies with OAR 345-022-0070.

**OAR 345-022-0080 Scenic Resources**

- (1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area described in the project order.*
- (2) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

**Response:** The Council previously relied on conditions 102 through 105 imposed in the Facility SC to address the Facility's compliance with the Scenic Resources Standards.<sup>32</sup> Conditions 102 through 104 address design and lighting standards to reduce the visual effects of the Facility. As described above, the original ASC evaluated potential scenic impacts on resources identified in federal, state, and local management plans within 10 miles of the Facility. A Zone of Visual Influence (ZVI) analysis was conducted to evaluate potential turbine visibility within the 10-mile analysis area based on two scenarios: (1) a maximum layout of 269 turbines using a 1.5-MW turbine, and (2) a minimum layout of 134 turbines using a 3.0-MW turbine<sup>33</sup>. The 134-turbine analysis characterizes the "worst-case" layout in the case where turbines with the lower minimum blade tip clearance were selected, because if turbines with the lower blade tip clearance are selected, only 112 3.6-MW turbines will be needed to reach the authorized maximum of 404 MW. This amendment request does not seek to change the maximum number of turbines or the maximum blade tip height of turbines considered. Therefore, the proposed change to minimum turbine tip clearance would fall within the range of impacts analyzed under the previous 134-turbine ZVI analysis.

The requested amendment provides an opportunity to use fewer turbines that could reduce Facility impacts on visual resources. Consequently, the proposed amendment makes no changes that alter the basis for the Council's earlier findings and therefore the Council may find that this amendment request satisfies OAR 345-022-0080.

**OAR 345-022-0090 Historic, Cultural and Archaeological Resources**

- (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:*
  - (a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;*
  - (b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and*
  - (c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).*
- (2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

<sup>32</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 30 (December 4, 2015).

<sup>33</sup> Iberdrola Renewables, Montague Wind Power Facility Application for Site Certificate, Exhibit R, pp. R-15 – R-19 (January 21, 2010).

- (3) *The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

Response: The Council previously relied on conditions imposed in the existing Facility SC to address compliance with the Council's Historic, Cultural, and Archaeological Resources Standard<sup>34</sup>. Conditions 47 through 51 address construction flagging, siting, and construction restrictions in the vicinity of visible remnants of the Oregon Trail, requirements for field investigations in areas that were not previously surveyed, and training and procedures for construction personnel. The proposed change to lower the minimum blade tip clearance does not limit Montague's ability to comply with cultural conditions of the site certificate, because the site boundary and maximum number of turbines will not change, and turbines will be placed within the previously evaluated micrositing corridor. The proposed amendment makes no changes that alter the basis for the Council's earlier findings and OAR 345-022-0090 is met.

**OAR 345-022-0100 Recreation**

- (1) *Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis areas described in the project order. The Council shall consider the following factors in judging the importance of a recreational opportunity:*
- (a) *Any special designation or management of the location;*
  - (b) *The degree of demand;*
  - (c) *Outstanding or unusual qualities;*
  - (d) *Availability or rareness;*
  - (e) *Irreplaceability or irretrievability of the opportunity.*
- (2) *The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

Response: The Council previously found that the Facility complies with the Recreation Standard<sup>35</sup>. The analysis was based on the importance and uniqueness of the recreational opportunities in the area, and on usage or demand, along with potential impacts from Facility construction and operation on the recreational opportunity. Within the 5-mile analysis area, ten specific recreational opportunities were identified<sup>36</sup>. The recreational opportunities comprised seven city and state parks, a golf course, the Lewis and Clark National Historic Trail, and the Oregon National Historic Trail. There are no new important recreational opportunities within the analysis area that were not previously analyzed.

As described in the original ASC, the factors listed above under OAR 345-022-0100 were evaluated in order to determine the importance of each identified recreational opportunity. Recreational opportunities that met the criteria set forth in OAR 345-022-0100 as "important" were then analyzed to determine whether design, construction, and operation of the Facility were likely to result in a significant adverse impact to those opportunities.

The Council found in the Final Order on the Application that "recreational activities in the analysis area include camping, hiking, sightseeing, nature and wildlife observation, boating and fishing, wind surfing,

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<sup>34</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 31 (December 4, 2015).

<sup>35</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 32 (December 4, 2015)

<sup>36</sup> ASC, Exhibit T, p. T-1 (January 2010).

bicycling and upland bird and big game hunting.” The Council found that these recreational opportunities along with opportunities offered by identified city and state parks and recreational areas and by the Lewis and Clark National Historic Trail within the analysis area do not meet the criteria to be considered “important” under the standard<sup>37</sup>.

The ZVI presented in Montague’s ASC showed that although the McDonald Crossing of the Oregon National Historic Trail offers an important recreational opportunity, the Facility will not be visible from that location and therefore Facility construction and operation are not likely to result in significant adverse impact to recreational opportunities at the McDonald Crossing site. The proposed modification to minimum blade tip clearance does not change any element of the previous analysis and therefore the Council can rely on its prior findings.

The Council previously found that the Fourmile Canyon interpretive site of the Oregon National Historic Trail offers an important recreational opportunity<sup>38</sup>. Condition 105 in the SC ensures the Facility will maintain a minimum distance of 1,000 feet measured from the centerline of each turbine tower or meteorological tower to the centerline of the line-of-sight from the vantage point of the Fourmile Canyon interpretive site looking toward the visible Oregon Trail ruts. Analysis provided in the original ASC and Supplement shows that approved turbine towers would be visible from the Fourmile Canyon interpretive site<sup>39</sup>. As described in the ASC, turbines may appear in the background of the view from the Fourmile Canyon interpretive site. However, they will be entirely on private land, outside of the ¼-mile protective corridor specified in the Oregon Trail Management Plan, and will not obstruct the view of the trail ruts from the Fourmile Canyon interpretive site. The Council concluded that, with the adopted Condition 105, the Facility will not have a significant adverse effect on the view of the ruts, which is the identified scenic value at the Fourmile Canyon site. As demonstrated below, the proposed reduction in minimum blade tip clearance will not change this analysis.

Figure 1 compares the original photo-simulation showing the appearance of the previously approved 3.0-MW turbines looking west from the Fourmile Canyon interpretive site, to a simulation of the same view showing the appearance of the Vestas V136 turbines. The simulation provided in Figure 1 illustrates that the Vestas V136 layout will have a reduced visual effect on views from the Fourmile Canyon site as compared to the 3.0-MW turbine layout approved in the SC. While the vertical blade tip height remains the same, the Vestas V136 turbines have lower hub heights (82 meters instead of 100 meters), and the blades have a slimmer profile than the turbine towers that were previously more visible. The simulation shows that views of the turbines will be less prominent along the horizon of the hillside and the slimmer profile will reduce the visual effect of the Facility on the landscape, further minimizing the view of the turbines from the Fourmile Canyon interpretive site. As a result, the proposed modification to minimum blade tip clearance does not change the basis of the earlier analysis.

The proposed amendment makes no changes that alter the basis for the Council’s earlier findings and therefore this amendment request meets OAR 345-022-0100.

#### **OAR 345-022-0110 Public Services**

- (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.*

<sup>37</sup> Final Order, p. 76 (September 10, 2010).

<sup>38</sup> Final Order, p. 77 (September 10, 2010).

<sup>39</sup> Iberdrola Renewables, Montague Wind Power Facility Application for Site Certificate, Exhibit R, Figure R-1 (January 21, 2010).

- (2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*
- (3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

Response: The Council adopted Facility SC conditions to address Public Services<sup>40</sup> and found that the Facility complies with the Public Services Standard<sup>41</sup>. The proposed modification to minimum blade tip clearance will not alter the Facility's impacts on the ability of public and private service providers to supply sewer and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools. The traffic analysis presented in the ASC<sup>42</sup> included an analysis of the vehicles needed to deliver and construct turbines and there is no change to anticipated truck size, volumes, or construction equipment that will result from the proposed amendment.

The proposed amendment makes no changes to the Facility structures or configuration and no other circumstances alter the basis for the Council's earlier determination. Accordingly, the proposed amendment meets OAR 345-022-0110.

**OAR 345-022-0120 Waste Minimization**

- (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:
  - (a) The applicant's solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;*
  - (b) The applicant's plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.**
- (2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*
- (3) The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

Response: The Waste Minimization Standard analysis provides an assessment of procedures and practices needed to minimize generation of solid waste and wastewater. The requested amendment will not increase the amount of solid waste and wastewater generated by the Facility and will not modify the procedures and practices to be used to handle these materials. The Council adopted Facility SC

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<sup>40</sup> Final Order on the Montague Wind Power Facility, p. 118 (September 10, 2010).

<sup>41</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 34 (December 4, 2015).

<sup>42</sup> Application for Site Certificate, Exhibit U, p. U-17 and U-18 (January 10, 2010).

conditions 109 through 112 to address the Waste Minimization Standard<sup>43</sup>, and relied on those conditions to address Facility compliance with the Council’s Waste Minimization standard.

The proposed amendment does not alter Montague’s ability to comply with the Facility SC conditions. Therefore, the Council may rely on its earlier finding that OAR 345-022-0120 is met.

### 3.1.2 Compliance with OAR 345-024

The following Division 24 standards are addressed:

- OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities
- OAR 345-024-0015 Siting Standards for Wind Energy Facilities
- OAR 345-024-0090 Transmission Lines

#### ***OAR 345-024-0010, Public Health and Safety Standards for Wind Energy Facilities***

*To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant:*

- (1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.*
- (2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.*

Response: The Council previously found that Montague could design, construct, and operate the Facility to exclude members of the public from proximity to turbine blades and equipment. Site certificate conditions specify design and construction requirements to prevent members of the public from gaining access to potentially dangerous Facility components. Other conditions require fire safety training and procedures as well as coordination with local facilities. Traffic safety is addressed through road design and construction requirements as well as flagging and traffic control procedures. In addition to these measures, the SC provides for minimum safety setbacks from residences, roads, and site boundaries (Condition 42). The proposed change to minimum blade tip clearance does not alter Montague’s ability to comply with these conditions.

The Council previously found that Montague could design, construct, and operate the Facility to preclude structural failure, and to implement adequate procedures to warn of impending failure and minimize consequences should it occur.

For these reasons, the Council may find that the Facility still complies with OAR 345-024-0010.

#### ***OAR 345-024-0015 Cumulative Effects Standard for Wind Energy Facilities***

*To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant can design and construct the facility to reduce cumulative adverse environmental effects in the vicinity by practicable measures including, but not limited to, the following:*

- (1) Using existing roads to provide access to the facility site, or if new roads are needed, minimizing the amount of land used for new roads and locating them to reduce adverse environmental impacts.*
- (2) Using underground transmission lines and combining transmission routes.*
- (3) Connecting the facility to existing substations, or if new substations are needed, minimizing the number of new substations.*

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<sup>43</sup> Final Order on the Montague Wind Power Facility, pp. 123-126 (September 10, 2010).

- (4) Designing the facility to reduce the risk of injury to raptors or other vulnerable wildlife in areas near turbines or electrical equipment.*
- (5) Designing the components of the facility to minimize adverse visual features.*
- (6) Using the minimum lighting necessary for safety and security purposes and using techniques to prevent casting glare from the site, except as otherwise required by the Federal Aviation Administration or the Oregon Department of Aviation.*

Response: The Council previously found that the Facility complies with the Siting Standards for Wind Energy Facilities<sup>44</sup>. The proposed amendment will not affect Montague's use of existing roads where possible, installation of underground transmission lines, or need for substations. The Facility still will be designed to reduce risk of injury to raptors and other wildlife, and there will be no change to the visual impact analysis previously conducted. Lighting will be consistent with the previous analysis.

Therefore, this Expedited RFA 3 does not affect the cumulative environmental effects of Facility components or otherwise change the facts upon which the Council relied to make its earlier findings. As a result, this request satisfies OAR 345-024-0015.

***OAR 345-024-0090 Siting Standards for Transmission Lines***

*To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:*

- (1) Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;*
- (2) Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.*

Response: The Council previously found that the Facility complies with this standard<sup>45</sup>. The Expedited RFA 3 does not propose changes to the previously approved collector system or 230-kilovolt transmission line. Therefore, the Council may rely on its earlier findings when concluding that the amendment meets OAR 345-024-0090.

## 3.2 OAR 345-027-0060(1)(f) Other Applicable Requirements

- (b) An analysis of whether the facility, with the proposed change, would comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances if the Council amends the site certificate as requested. For the purpose of this rule, a law, rule or ordinance is "applicable" if the Council would apply or consider the law, rule or ordinance under OAR 345-027-0070(10).*

Response: In the analysis provided in this amendment request, Montague demonstrates that the Facility, as amended, will comply with the applicable requirements outlined in OAR 345-027-0060(1)(f). Montague has provided sufficient evidence for the Council to reasonably conclude that the requested SC amendment is warranted and allowed.

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<sup>44</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 39 (December 4, 2015).

<sup>45</sup> Final Order on the Request for Contested Case and Amendment #2 for the Montague Wind Power Facility, p. 41 (December 4, 2015).



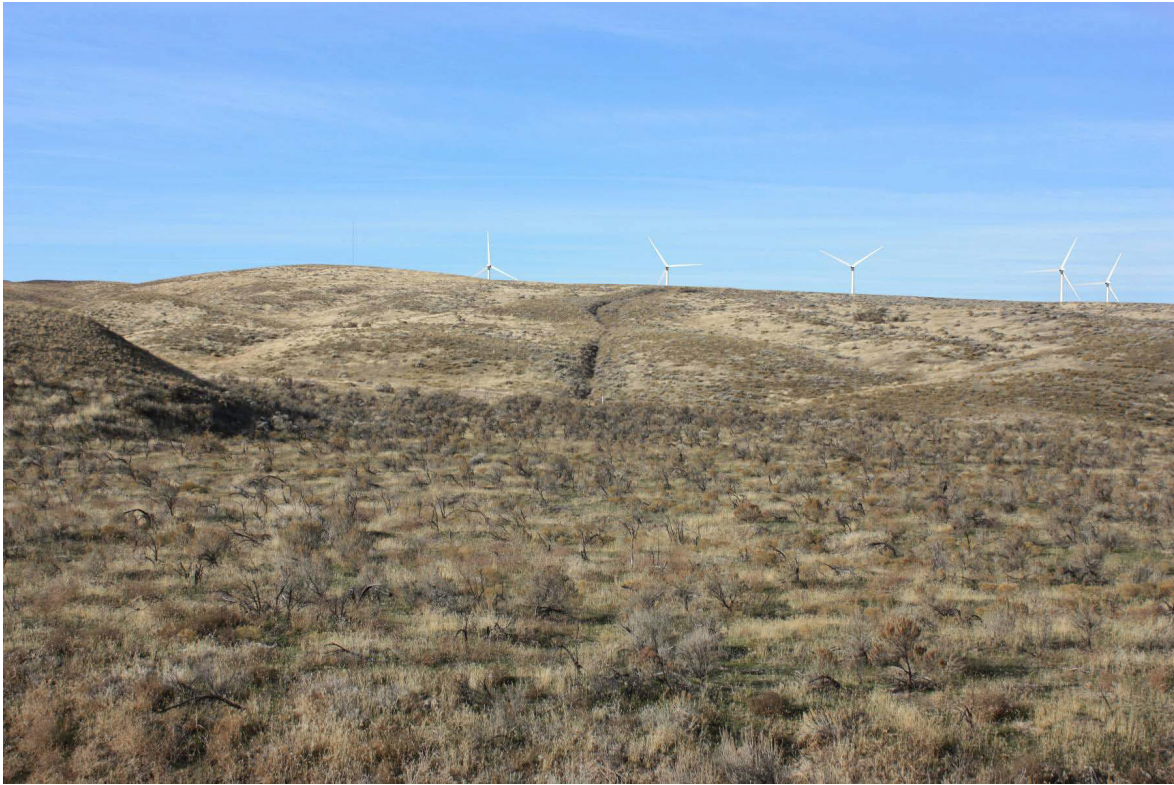
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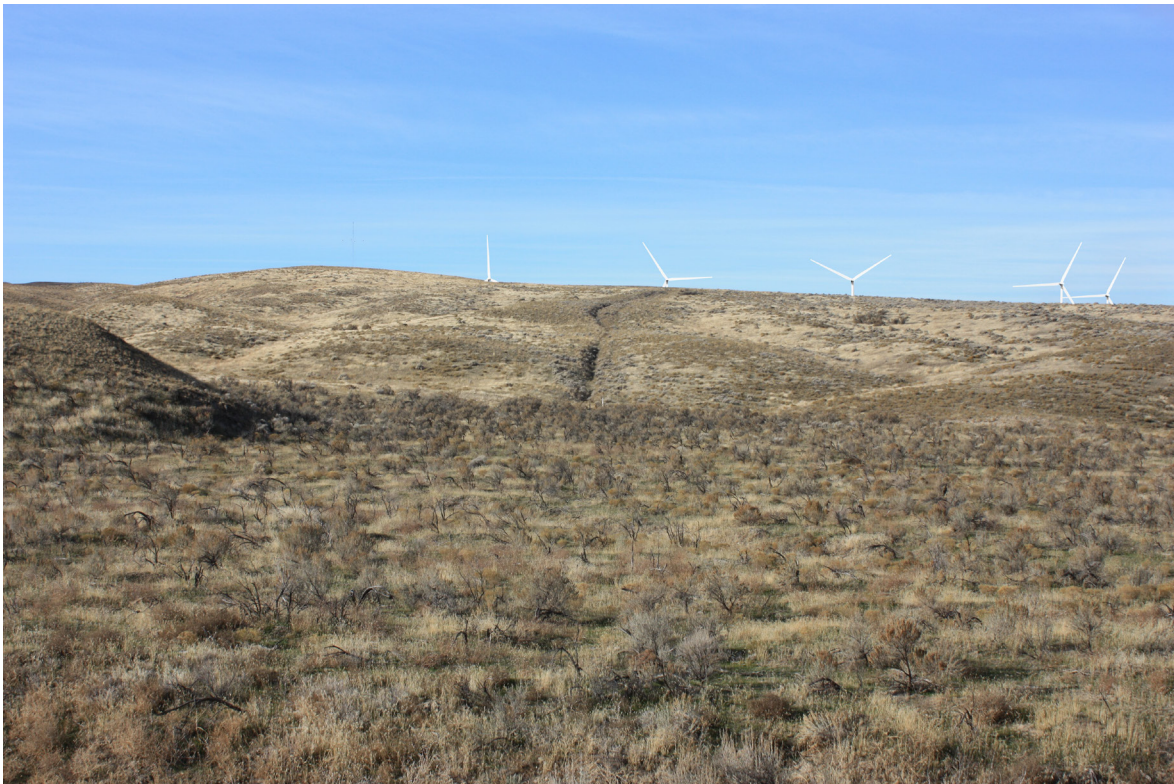


Figure





Simulation of approved 3.0-MW turbines viewed looking west from the Fourmile Canyon BLM interpretive site.



Simulation of proposed Vestas 3.6-MW turbines viewed looking west from the Fourmile Canyon BLM interpretive site.



Attachment 1  
Redline of Proposed Third Amended  
Site Certificate





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

**Third Amended** Site Certificate  
for the  
Montague Wind Power Facility

~~December 4, 2015~~  
**July \_\_, 2017**

The Oregon Energy Facility Siting Council

**THIRD AMENDED SITE CERTIFICATE**

**FOR THE MONTAGUE WIND POWER FACILITY**

**I. INTRODUCTION**

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Montague Wind Power Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Montague Wind Power Facility LLC (certificate holder) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon. [Amendment #23]

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on the Application for Site Certificate for the Montague Wind Power Facility* issued on September 10, 2010 (hereafter, *Final Order on the Application*), (b) the *Final Order on Amendment #1* issued on June 21, 2013; ~~and~~, (c) the *Final Order on Amendment #2* issued on December 4, 2015; ~~and~~ (d) the *Final Order on Amendment #3* issued on July \_\_\_, 2017. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this *Third Amendment Site Certificate, Certificate*, (2) the *Final Order on Amendment #3, Second Amended Site* (23) the *Final Order on Amendment #2*, (34) the *Final Order on Amendment #1*, (45) the *Final Order on the Application*, and (56) the record of the proceedings that led to the *Final Order on the Application*, the *Final Order on Amendment #1*, ~~and~~ the *Final Order on Amendment #2*, ~~and the~~ *Final Order on Amendment #3*. [Amendment #23]

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

**II. SITE CERTIFICATION**

1. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate and retire a wind energy facility, together with certain related or supporting facilities, at the site in Gilliam County, Oregon, as described in Section III of this site certificate. ORS 469.401(1).
2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS 469.401(1).
3. This site certificate does not address, and is not binding with respect to, matters that were not addressed in the *Final Order on the Application*, *Final Order on Amendment #1*, ~~and~~ *Final Order on Amendment #2*, ~~and~~ *Final Order on Amendment #3*. Such matters include, but are not limited to: building code compliance, wage, hour and other labor regulations, local government fees and charges and other design or operational issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules for which the decision on compliance has been

1 delegated by the federal government to a state agency other than the Council.

2 469.503(3). [Amendment #2#3]

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

8 5. For a permit, license or other approval addressed in and governed by this site certificate,  
9 the certificate holder shall comply with applicable state and federal laws adopted in the  
10 future to the extent that such compliance is required under the respective state agency  
11 statutes and rules. ORS 469.401(2).

12 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities  
13 and political subdivisions in Oregon as to the approval of the site and the construction,  
14 operation and retirement of the facility as to matters that are addressed in and governed by  
15 this site certificate. ORS 469.401(3).

16 7. Each affected state agency, county, city and political subdivision in Oregon with authority to  
17 issue a permit, license or other approval addressed in or governed by this site certificate  
18 shall, upon submission of the proper application and payment of the proper fees, but  
19 without hearings or other proceedings, issue such permit, license or other approval subject  
20 only to conditions set forth in this site certificate. ORS 469.401(3).

21 8. After issuance of this site certificate, each state agency or local government agency that  
22 issues a permit, license or other approval for the facility shall continue to exercise  
23 enforcement authority over such permit, license or other approval. ORS 469.401(3).

24 9. After issuance of this site certificate, the Council shall have continuing authority over the  
25 site and may inspect, or direct the Oregon Department of Energy (Department) to inspect,  
26 or request another state agency or local government to inspect, the site at any time in order  
27 to ensure that the facility is being operated consistently with the terms and conditions of  
28 this site certificate. ORS 469.430.

29 10. Following the completion of surveys required by this site certificate, the Department will  
30 present the results of those surveys and required consultations at the next regularly  
31 scheduled Council meeting.

### III. DESCRIPTION

#### 1. The Facility

##### (a) The Energy Facility

32 The energy facility is an electric power generating plant with an average electric generating  
33 capacity of up to 134.7 megawatts and a peak generating capacity of not more than 404  
34 megawatts that produces power from wind energy. The facility consists of not more than 269  
35 wind turbines. The maximum peak generating capacity of each turbine is not more than 3.0

megawatts. The energy facility is described further in the *Final Order on the Application, Final Order on Amendment #1, and Final Order on Amendment #2, and Final Order on Amendment #3.*

**(b) Related or Supporting Facilities**

The facility includes the following related or supporting facilities described below and in greater detail in the *Final Order on the Application, Final Order on Amendment #1, and Final Order on Amendment #2, and Final Order on Amendment #3:*

- Power collection system
- Control system
- Substations and 230-kV transmission lines
- Meteorological towers
- Operations and maintenance facilities
- Access roads
- Public roadway modifications
- Temporary construction areas

**Power Collection System**

A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine to a collector substation. To the extent practicable, the collection system is installed underground at a depth of at least three feet. Not more than 27 miles of the collector system is installed aboveground.

**Control System**

A fiber optic communications network links the wind turbines to a central computer at the O&M buildings. A Supervisory, Control and Data Acquisition (SCADA) system collects operating and performance data from each wind turbine and from the project as a whole and allows remote operation of the wind turbines.

**Substations and 230-kV Transmission Lines**

The facility includes two collector substations. An aboveground, single-circuit 230-kV transmission line connects the western substation to the central substation. An aboveground, single-circuit 230-kV transmission line connects the central substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation.

**Meteorological Towers**

The facility includes up to eight permanent meteorological towers.

**Operations and Maintenance Facilities**

The facility includes one or two operations and maintenance (O&M) facilities. An on-site well at each O&M facility supplies water for use during facility operation. Sewage is discharged to an on-site septic system.

1       **Access Roads**

2       The facility includes access roads to provide access to the turbine strings.

3       **Public Roadway Modifications**

4       The certificate holder may construct improvements to existing state and county public roads  
5       that are necessary for construction of the facility. These modifications would be confined to the  
6       existing road rights-of-way and would be undertaken with the approval of the Gilliam County  
7       Road Department or the Oregon Department of Transportation, depending on the location of  
8       the improvement.

9       **Temporary Construction Areas**

10      During construction, the facility includes temporary laydown areas used to stage construction  
11      and store supplies and equipment. Construction crane paths are used to move construction  
12      cranes between turbine strings.

13      **2. Location of the Proposed Facility**

14      The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on  
15      private land subject to easements or lease agreements with landowners.

16      **IV. CONDITIONS REQUIRED BY COUNCIL RULES**

17      This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in Site  
18      Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring  
19      Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities).  
20      These conditions should be read together with the specific facility conditions listed in Section V  
21      to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to  
22      protect the public health and safety. In these conditions the definitions in OAR 345-001-0010  
23      apply.

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

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

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

- 1 1 OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate  
2 except as provided for in OAR Chapter 345, Division 27.
- 3 2 OAR 345-027-0020(2): The certificate holder shall submit a legal description of the site to  
4 the Department of Energy within 90 days after beginning operation of the facility. The  
5 legal description required by this rule means a description of metes and bounds or a  
6 description of the site by reference to a map and geographic data that clearly and  
7 specifically identifies the outer boundaries that contain all parts of the facility.
- 8 3 OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the  
9 facility:  
10 (a) Substantially as described in the site certificate;  
11 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,  
12 and applicable state and local laws, rules and ordinances in effect at the time the  
13 site certificate is issued; and  
14 (c) In compliance with all applicable permit requirements of other state agencies.
- 15 4 OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the  
16 facility by the dates specified in the site certificate. (*See Conditions 24 and 25.*)
- 17 5 OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed  
18 for wind energy facilities, transmission lines or pipelines under this section, the certificate  
19 holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing  
20 on any part of the site until the certificate holder has construction rights on all parts of the  
21 site. For the purpose of this rule, "construction rights" means the legal right to engage in  
22 construction activities. For wind energy facilities, transmission lines or pipelines, if the  
23 certificate holder does not have construction rights on all parts of the site, the certificate  
24 holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a  
25 clearing on a part of the site if the certificate holder has construction rights on that part of  
26 the site and:  
27 (a) The certificate holder would construct and operate part of the facility on that part  
28 of the site even if a change in the planned route of the transmission line or pipeline  
29 occurs during the certificate holder's negotiations to acquire construction rights on  
30 another part of the site; or  
31 (b) The certificate holder would construct and operate part of a wind energy facility on  
32 that part of the site even if other parts of the facility were modified by amendment  
33 of the site certificate or were not built.
- 34 6 OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding  
35 under any standards of Division 22 or Division 24 of this chapter, the certificate holder  
36 shall consult with affected state agencies and local governments designated by the Council  
37 and shall develop specific mitigation plans consistent with Council findings under the  
38 relevant standards. The certificate holder must submit the mitigation plans to the  
39 Department and receive Department approval before beginning construction or, as  
40 appropriate, operation of the facility.

- 1    7    OAR 345-027-0020(7): The certificate holder shall prevent the development of any  
2       conditions on the site that would preclude restoration of the site to a useful, non-  
3       hazardous condition to the extent that prevention of such site conditions is within the  
4       control of the certificate holder.
- 5    8    OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder  
6       shall submit to the State of Oregon, through the Council, a bond or letter of credit, in a  
7       form and amount satisfactory to the Council to restore the site to a useful, non-hazardous  
8       condition. The certificate holder shall maintain a bond or letter of credit in effect at all  
9       times until the facility has been retired. The Council may specify different amounts for the  
10      bond or letter of credit during construction and during operation of the facility. (See  
11      *Condition 32*.)
- 12   9    OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder  
13      permanently ceases construction or operation of the facility. The certificate holder shall  
14      retire the facility according to a final retirement plan approved by the Council, as  
15      described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore  
16      the site to a useful, non-hazardous condition at the time of retirement, notwithstanding  
17      the Council's approval in the site certificate of an estimated amount required to restore  
18      the site.
- 19   10   OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all  
20      representations in the site certificate application and supporting record the Council deems  
21      to be binding commitments made by the applicant.
- 22   11   OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall  
23      restore vegetation to the extent practicable and shall landscape all areas disturbed by  
24      construction in a manner compatible with the surroundings and proposed use. Upon  
25      completion of construction, the certificate holder shall remove all temporary structures  
26      not required for facility operation and dispose of all timber, brush, refuse and flammable  
27      or combustible material resulting from clearing of land and construction of the facility.
- 28   12   OAR 345-027-0020(12): The certificate holder shall design, engineer and construct the  
29      facility to avoid dangers to human safety presented by seismic hazards affecting the site  
30      that are expected to result from all maximum probable seismic events. As used in this rule  
31      "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading,  
32      tsunami inundation, fault displacement and subsidence.
- 33   13   OAR 345-027-0020(13): The certificate holder shall notify the Department, the State  
34      Building Codes Division and the Department of Geology and Mineral Industries promptly if  
35      site investigations or trenching reveal that conditions in the foundation rocks differ  
36      significantly from those described in the application for a site certificate. After the  
37      Department receives the notice, the Council may require the certificate holder to consult  
38      with the Department of Geology and Mineral Industries and the Building Codes Division  
39      and to propose mitigation actions.
- 40   14   OAR 345-027-0020(14): The certificate holder shall notify the Department, the State  
41      Building Codes Division and the Department of Geology and Mineral Industries promptly if



shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site.

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

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

17 OAR 345-027-0023(4): If the facility includes any transmission line under Council jurisdiction:

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

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

18 OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor.

19 OAR 345-027-0028: The following general monitoring conditions apply:

(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources



1 addressed by applicable statutes, administrative rules and local ordinances. The certificate  
2 holder must submit the monitoring programs to the Department of Energy and receive  
3 Department approval before beginning construction or, as appropriate, operation of the  
4 facility.

5 (b) The certificate holder shall implement the approved monitoring programs described  
6 in OAR 345-027-0028(1) and monitoring programs required by permitting agencies and  
7 local governments.

8 (c) For each monitoring program described in OAR 345-027-0028(1) and (2), the  
9 certificate holder shall have quality assurance measures approved by the Department  
10 before beginning construction or, as appropriate, before beginning commercial operation.

11 (d) If the certificate holder becomes aware of a significant environmental change or  
12 impact attributable to the facility, the certificate holder shall, as soon as possible, submit a  
13 written report to the Department describing the impact on the facility and any affected  
14 site certificate conditions

15 20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate,  
16 the certificate holder shall implement a plan that verifies compliance with all site  
17 certificate terms and conditions and applicable statutes and rules. As a part of the  
18 compliance plan, to verify compliance with the requirement to begin construction by the  
19 date specified in the site certificate, the certificate holder shall report promptly to the  
20 Department of Energy when construction begins. Construction is defined in OAR  
21 345-001-0010. In reporting the beginning of construction, the certificate holder shall  
22 describe all work on the site performed before beginning construction, including work  
23 performed before the Council issued the site certificate, and shall state the cost of that  
24 work. For the purpose of this exhibit, "work on the site" means any work within a site or  
25 corridor, other than surveying, exploration or other activities to define or characterize the  
26 site or corridor. The certificate holder shall document the compliance plan and maintain it  
27 for inspection by the Department or the Council.

28 21 OAR 345-026-0080: The certificate holder shall report according to the following  
29 requirements:

30 (a) General reporting obligation for energy facilities under construction or operating:

31 (i) Within six months after beginning construction, and every six months  
32 thereafter during construction of the energy facility and related or supporting facilities,  
33 the certificate holder shall submit a semiannual construction progress report to the  
34 Department of Energy. In each construction progress report, the certificate holder shall  
35 describe any significant changes to major milestones for construction. The certificate  
36 holder shall include such information related to construction as specified in the site  
37 certificate. When the reporting date coincides, the certificate holder may include the  
38 construction progress report within the annual report described in OAR 345-026-0080.

39 (ii) By April 30 of each year after beginning construction, the certificate holder  
40 shall submit an annual report to the Department addressing the subjects listed in OAR  
41 345-026-0080. The Council Secretary and the certificate holder may, by mutual  
42 agreement, change the reporting date.

(iii) To the extent that information required by OAR 345-026-0080 is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports

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

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

(ii) Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

(iii) Fuel Use: For thermal power plants:

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

(B) The facility's annual hours of operation by fuel type and, every five years after beginning operation, a summary of the annual hours of operation by fuel type as described in OAR 345-024-0590(5).

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

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

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

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

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

- 1 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange  
2 copies of all correspondence or summaries of correspondence related to compliance with  
3 statutes, rules and local ordinances on which the Council determined compliance, except  
4 for material withheld from public disclosure under state or federal law or under Council  
5 rules. The certificate holder may submit abstracts of reports in place of full reports;  
6 however, the certificate holder shall provide full copies of abstracted reports and any  
7 summarized correspondence at the request of the Department.
- 8 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72  
9 hours of any occurrence involving the facility if:  
10 (a) There is an attempt by anyone to interfere with its safe operation;  
11 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-  
12 caused event such as a fire or explosion affects or threatens to affect the public health and  
13 safety or the environment; or  
14 (c) There is any fatal injury at the facility.

## **V. SPECIFIC FACILITY CONDITIONS**

15 The conditions listed in this section include conditions based on representations in the site  
16 certificate application and supporting record. The Council deems these representations to be  
17 binding commitments made by the applicant. These conditions are required under OAR  
18 345-027-0020(10). The certificate holder must comply with these conditions in addition to the  
19 conditions listed in Section IV. This section includes other specific facility conditions the Council  
20 finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions  
21 22 and 24, and to protect public health and safety. For conditions that require subsequent  
22 review and approval of a future action, ORS 469.402 authorizes the Council to delegate the  
23 future review and approval to the Department if, in the Council's discretion, the delegation is  
24 warranted under the circumstances of the case.

### **1. Certificate Administration Conditions**

- 25 24 The certificate holder shall begin construction of the facility by September 14, 2017. Under  
26 OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair  
27 and the applicant. The Council may grant an extension of the deadline to begin  
28 construction in accordance with OAR 345-027-0030 or any successor rule in effect at the  
29 time the request for extension is submitted. [Amendment #2]
- 30 25 The certificate holder shall complete construction of the facility by September 14, 2020.  
31 Construction is complete when: (1) the facility is substantially complete as defined by the  
32 certificate holder's construction contract documents, (2) acceptance testing has been  
33 satisfactorily completed and (3) the energy facility is ready to begin continuous operation  
34 consistent with the site certificate. The certificate holder shall promptly notify the  
35 Department of the date of completion of construction. The Council may grant an  
36 extension of the deadline for completing construction in accordance with OAR 345-027-  
37 0030 or any successor rule in effect at the time the request for extension is submitted.  
38 [Amendment #2]

- 26 Before beginning construction of the facility, the certificate holder shall notify the Department whether the turbines identified as H1, H2, H3, H4, L8, L9, L10, L11 and L12 on Figure C-3a of the site certificate application will be built as part of the Montague Wind Power Facility or whether the turbines will be built as part of the Leaning Juniper II Wind Power Facility.
- 27 The certificate holder shall construct a facility substantially as described in the site certificate and may select turbines of any type, subject to the following restrictions and compliance with all other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department a description of the turbine types selected for the facility demonstrating compliance with this condition.
- (a) The total number of turbines at the facility must not exceed 269 turbines.
  - (b) The combined peak generating capacity of the facility must not exceed 404 megawatts and the peak generating capacity of any individual turbine must not exceed 3.0 megawatts.
  - (c) The turbine hub height must not exceed 100 meters and the maximum blade tip height must not exceed 150 meters.
  - (d) The minimum blade tip clearance must be ~~20-14~~ meters above ground.  
[Amendment #~~1~~ 3]
  - (e) The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility beyond 404 megawatts, to increase the number of wind turbines to more than 269 wind turbines or to install wind turbines with a hub height greater than 100 meters, a blade tip height greater than 150 meters or a blade tip clearance less than ~~20~~ 14 meters above ground.  
[Amendment #~~1~~ 3]
- 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals required for construction, operation and retirement of the facility or ensure that its contractors obtain the necessary federal, state and local permits or approvals.
- 29 Before beginning construction, the certificate holder shall provide confirmation to the Department that the construction contractor or other third party has obtained all necessary permits or approvals and shall provide to the Department proof of agreements between the certificate holder and the third party regarding access to the resources or services secured by the permits or approvals.
- 30 Before beginning construction, the certificate holder shall notify the Department in advance of any work on the site that does not meet the definition of “construction” in ORS 469.300, excluding surveying, exploration or other activities to define or characterize the site, and shall provide to the Department a description of the work and evidence that its value is less than \$250,000.
- 31 Before beginning construction but no more than two years before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department, to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Gilliam County detailed maps of the facility site, showing the final locations where the certificate holder proposes to build facility components, and a table showing

the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 6 in the *Final Order on the Application*. The detailed maps of the facility site shall indicate the habitat categories of all areas that would be affected during construction (similar to Figures P-8a through P-8d in the site certificate application). In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection.

32 Before beginning construction, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$21.511 million (3<sup>rd</sup> Quarter 2010 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected by applying the unit costs and general costs illustrated in Table 2 in the *Final Order on the Application* and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.

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

(i) Adjust the Subtotal component of the bond or letter of credit amount (expressed in mid-2004 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the average of the 2<sup>nd</sup> Quarter and 3<sup>rd</sup> Quarter 2004 index values (to represent mid-2004 dollars) and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust mid-2004 dollars to present value.

(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.

(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.

(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.

- (c) The certificate holder shall use a form of bond or letter of credit approved by the Council.
- (d) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
- (e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.
- (f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

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

34 Before beginning construction, the certificate holder shall notify the Department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the Department any change of major contractors.

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

36 To ensure compliance with all site certificate conditions during construction, the certificate holder shall have a full-time, on-site assistant construction manager who is qualified in environmental compliance. The certificate holder shall notify the Department of the name, telephone number and e-mail address of this person.

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

## **2. Land Use Conditions**

38 The certificate holder shall consult with area landowners and lessees during construction and operation of the facility and shall implement measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

39 The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of



1 farming practices and, wherever feasible, shall place turbines and transmission  
2 interconnection lines along the margins of cultivated areas to reduce the potential for  
3 conflict with farm operations.

4 40 The certificate holder shall install gates on private access roads in accordance with Gilliam  
5 County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a  
6 variance to this requirement.

7 41 Before beginning construction of the facility, the certificate holder shall record in the real  
8 property records of Gilliam County a Covenant Not to Sue with regard to generally  
9 accepted farming practices on adjacent farmland consistent with GCZO Section  
10 7.020(T)(4)(a)(5).

11 42 The certificate holder shall construct all facility components in compliance with the  
12 following setback requirements:

- 13 (a) All facility components must be at least 3,520 feet from the property line of  
14 properties zoned residential use or designated in the Gilliam County  
15 Comprehensive Plan as residential.
- 16 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance  
17 of 110-percent of maximum blade tip height, measured from the centerline of the  
18 turbine tower to the nearest edge of any public road right-of-way. The certificate  
19 holder shall assume a minimum right-of-way width of 60 feet.
- 20 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance  
21 of 1,320 feet, measured from the centerline of the turbine tower to the center of  
22 the nearest residence existing at the time of tower construction.
- 23 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance  
24 of 110-percent of maximum blade tip height, measured from the centerline of the  
25 turbine tower to the nearest boundary of the certificate holder's lease area.
- 26 (e) The certificate holder shall maintain a minimum distance of 250 feet measured  
27 from the center line of each turbine tower to the nearest edge of any railroad right-  
28 of-way or electrical substation.
- 29 (f) The certificate holder shall maintain a minimum distance of 250 feet measured from  
30 the center line of each meteorological tower to the nearest edge of any public road  
31 right-of-way or railroad right-of-way, the nearest boundary of the certificate  
32 holder's lease area or the nearest electrical substation.
- 33 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from  
34 any facility O&M building to the nearest edge of any public road right-of-way or  
35 railroad right-of-way or the nearest boundary of the certificate holder's lease area.
- 36 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from  
37 any substation to the nearest edge of any public road right-of-way or railroad right-  
38 of-way or the nearest boundary of the certificate holder's electrical substation  
39 easement or, if there is no easement, the nearest boundary of the certificate  
40 holder's lease area.

- (i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower from any overhead utility line. [Amendment #1]
- (j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150-percent of maximum turbine height from blade tip height, measured from the centerline of the turbine tower from federal transmission lines, unless the affected parties agree otherwise. [Amendment #1]

43 During construction and operation of the facility, the certificate holder shall implement a weed control plan approved by the Gilliam County Weed Control Officer or other appropriate County officials to control the introduction and spread of noxious weeds.

44 During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the *Revegetation Plan* referenced in Condition 92.

45 Within 90 days after beginning operation, the certificate holder shall provide to the Department and to the Gilliam County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as-built changes in the facility compared to the original plan.

46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to the Gilliam County Planning Commission on an annual basis unless specifically discontinued by the County.

### **3. Cultural Resource Conditions**

47 Before beginning construction, the certificate holder shall label all identified historic, cultural or archaeological resource sites on construction maps and drawings as “no entry” areas. If construction activities will occur within 200 feet of an identified site, the certificate holder shall flag a 30-meter no-entry buffer around the site. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within the buffer areas or to operational farmsteads.

48 In reference to the alignment of the Oregon Trail described in the *Final Order on the Application*, the certificate holder shall comply with the following requirements:

- (a) The certificate holder shall not locate facility components on visible remnants of the Oregon Trail and shall avoid any construction disturbance to those remnants.
- (b) The certificate holder shall not locate facility components on undeveloped land where the trail alignment is marked by existing Oregon-California Trail Association markers.
- (c) Before beginning construction, the certificate holder shall provide to the State Historic Preservation Office (SHPO) and the Department documentation of the presumed Oregon Trail alignments within the site boundary.



(d) The certificate holder shall ensure that construction personnel proceed carefully in the vicinity of the presumed alignments of the Oregon Trail. If any physical evidence of the trail is discovered, the certificate holder shall avoid any disturbance to the intact segments by redesign, re-engineering or restricting the area of construction activity and shall flag a 30-meter no-entry buffer around the intact Trail segments. The certificate holder shall promptly notify the SHPO and the Department of the discovery. The certificate holder shall consult with the SHPO and the Department to determine appropriate mitigation measures.

49 Before beginning construction, the certificate holder shall provide to the Department a map showing the final design locations of all components of the facility, the areas that would be temporarily disturbed during construction and the areas that were surveyed in 2009 as described in the *Final Order on the Application*. The certificate holder shall hire qualified personnel to conduct field investigations of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigations to the Department and to the Oregon State Historic Preservation Office (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological resources are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 47.

50 The certificate holder shall ensure that a qualified archaeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource sites.

51 The certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural resources are found during construction of the facility until a qualified archaeologist can evaluate the significance of the find. The certificate holder shall notify the Department and the Oregon State Historic Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant, the certificate holder shall make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery, in consultation with the Department, SHPO, interested Tribes and other appropriate parties. The certificate holder shall not restart work in the affected area until the certificate holder has demonstrated to the Department and the SHPO that it has complied with archaeological resource protection regulations

#### **4. Geotechnical Conditions**

52 Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 "Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports."

1    53   The certificate holder shall design and construct the facility in accordance with  
2       requirements of the Oregon Structural Specialty Code (OSSC 2007) and the 2006  
3       International Building Code.

4    54   The certificate holder shall design, engineer and construct the facility to avoid dangers to  
5       human safety presented by non-seismic hazards. As used in this condition, “non-seismic  
6       hazards” include settlement, landslides, flooding and erosion.

#### **5. Hazardous Materials, Fire Protection & Public Safety Conditions**

7    55   The certificate holder shall handle hazardous materials used on the site in a manner that  
8       protects public health, safety and the environment and shall comply with all applicable  
9       local, state and federal environmental laws and regulations. The certificate holder shall  
10      not store diesel fuel or gasoline on the facility site.

11   56   If a spill or release of hazardous material occurs during construction or operation of the  
12      facility, the certificate holder shall notify the Department within 72 hours and shall clean  
13      up the spill or release and dispose of any contaminated soil or other materials according to  
14      applicable regulations. The certificate holder shall make sure that spill kits containing  
15      items such as absorbent pads are located on equipment and at the O&M buildings. The  
16      certificate holder shall instruct employees about proper handling, storage and cleanup of  
17      hazardous materials

18   57   The certificate holder shall construct turbines and pad-mounted transformers on concrete  
19      foundations and shall cover the ground within a 10-foot radius with non-flammable  
20      material. The certificate holder shall maintain the non-flammable pad area covering during  
21      operation of the facility.

22   58   The certificate holder shall install and maintain self-monitoring devices on each turbine,  
23      linked to sensors at the operations and maintenance building, to alert operators to  
24      potentially dangerous conditions, and the certificate holder shall immediately remedy any  
25      dangerous conditions. The certificate holder shall maintain automatic equipment  
26      protection features in each turbine that would shut down the turbine and reduce the  
27      chance of a mechanical problem causing a fire.

28   59   During construction and operation of the facility, the certificate holder shall ensure that  
29      the O&M buildings and all service vehicles are equipped with shovels and portable fire  
30      extinguishers of a 4A50BC or equivalent rating.

31   60   During construction and operation of the facility, the certificate holder shall develop and  
32      implement fire safety plans in consultation with the North Gilliam County Rural Fire  
33      Protection District to minimize the risk of fire and to respond appropriately to any fires  
34      that occur on the facility site. In developing the fire safety plans, the certificate holder  
35      shall take into account the dry nature of the region and shall address risks on a seasonal  
36      basis. The certificate holder shall meet annually with local fire protection agency  
37      personnel to discuss emergency planning and shall invite local fire protection agency  
38      personnel to observe any emergency drill or tower rescue training conducted at the  
39      facility.

- 1 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site  
2 plan to the North Gilliam County Rural Fire Protection District. The certificate holder shall  
3 indicate on the site plan the identification number assigned to each turbine and the actual  
4 location of all facility structures. The certificate holder shall provide an updated site plan if  
5 additional turbines or other structures are later added to the facility. During operation, the  
6 certificate holder shall ensure that appropriate fire protection agency personnel have an  
7 up-to-date list of the names and telephone numbers of facility personnel available to  
8 respond on a 24-hour basis in case of an emergency on the facility site.
- 9 62 During construction, the certificate holder shall ensure that construction personnel are  
10 trained in fire prevention and response, that construction vehicles and equipment are  
11 operated on graveled areas to the extent possible and that open flames, such as cutting  
12 torches, are kept away from dry grass areas.
- 13 63 During operation of the facility, the certificate holder shall ensure that all on-site  
14 employees receive annual fire prevention and response training by qualified instructors or  
15 members of the local fire districts. The certificate holder shall ensure that all employees  
16 are instructed to keep vehicles on roads and off dry grassland, except when off-road  
17 operation is required for emergency purposes.
- 18 64 Before beginning construction, the certificate holder shall submit a Notice of Proposed  
19 Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon  
20 Department of Aviation identifying the proposed final locations of turbine towers and  
21 meteorological towers. The certificate holder shall promptly notify the Department of the  
22 responses from the FAA and the Oregon Department of Aviation.
- 23 65 The certificate holder shall follow manufacturers' recommended handling instructions and  
24 procedures to prevent damage to turbine or turbine tower components that could lead to  
25 failure.
- 26 66 The certificate holder shall construct turbine towers with no exterior ladders or access to  
27 the turbine blades and shall install locked tower access doors. The certificate holder shall  
28 keep tower access doors locked at all times, except when authorized personnel are  
29 present.
- 30 67 During operation of the facility, the certificate holder shall have a safety-monitoring  
31 program and shall inspect all turbine and turbine tower components on a regular basis.  
32 The certificate holder shall maintain or repair turbine and turbine tower components as  
33 necessary to protect public safety.
- 34 68 For turbine types having pad-mounted step-up transformers, the certificate holder shall  
35 install the transformers at the base of each tower in locked cabinets designed to protect  
36 the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.
- 37 69 To protect the public from electrical hazards, the certificate holder shall enclose the  
38 facility substations with appropriate fencing and locked gates.
- 39 70 Before beginning construction of any new State Highway approaches or utility crossings,  
40 the certificate holder shall obtain all required permits from the Oregon Department of

1 Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734,  
2 Divisions 51 and 55. The certificate holder shall submit the necessary application in a form  
3 satisfactory to ODOT and the Department for the location, construction and maintenance  
4 of a new approach to State Highway 19 for access to the site south of Tree Lane. The  
5 certificate holder shall submit the necessary application in a form satisfactory to ODOT  
6 and the Department for the location, construction and maintenance of transmission lines  
7 crossing Highway 19.

8 71 The certificate holder shall design and construct new access roads and private road  
9 improvements to standards approved by the Gilliam County Road Department or, where  
10 applicable, the Morrow County Public Works Department. Where modifications of County  
11 roads are necessary, the certificate holder shall construct the modifications entirely within  
12 the County road rights-of-way and in conformance with County road design standards  
13 subject to the approval of the Gilliam County Road Department or, where applicable, the  
14 Morrow County Public Works Department. Where modifications of State roads or  
15 highways are necessary, the certificate holder shall construct the modifications entirely  
16 within the public road rights-of-way and in conformance with Oregon Department of  
17 Transportation (ODOT) standards subject to the approval of ODOT.

18 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,  
19 designed under the direction of a licensed engineer and compacted to meet equipment  
20 load requirements.

21 73 During construction of the facility, the certificate holder shall implement measures to  
22 reduce traffic impacts, including:

- 23 (a) Providing notice to adjacent landowners when heavy construction traffic is  
24 anticipated.
- 25 (b) Providing appropriate traffic safety signage and warnings.
- 26 (c) Requiring flaggers to be at appropriate locations at appropriate times during  
27 construction to direct traffic.
- 28 (d) Using traffic diversion equipment (such as advance signage and pilot cars) when  
29 slow or oversize construction loads are anticipated.
- 30 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so  
31 that roads will not be closed to traffic because of construction vehicles.
- 32 (f) Encouraging carpooling for the construction workforce.
- 33 (g) Including traffic control procedures in contract specifications for construction of the  
34 facility.
- 35 (h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access  
36 points.

37 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on  
38 any County road whether inside or outside the site boundary. The certificate holder may  
39 temporarily park equipment off the road but within County rights-of-way with the  
40 approval of the Gilliam County Road Department or, where applicable, the Morrow  
41 County Public Works Department.

- 1    75   The certificate holder shall cooperate with the Gilliam County Road Department and with  
2       the Morrow County Public Works Department to ensure that any unusual damage or wear  
3       to county roads that is caused by construction of the facility is repaired by the certificate  
4       holder. Upon completion of construction, the certificate holder shall restore public roads  
5       to pre-construction condition or better to the satisfaction of the applicable county  
6       departments. If required by Morrow County or Gilliam County, the certificate holder shall  
7       post bonds to ensure funds are available to repair and maintain roads affected by the  
8       proposed facility.
- 9    76   During construction, the certificate holder shall require that all on-site construction  
10       contractors develop and implement a site health and safety plan that informs workers and  
11       others on-site about first aid techniques and what to do in case of an emergency and that  
12       includes important telephone numbers and the locations of on-site fire extinguishers and  
13       nearby hospitals. The certificate holder shall ensure that construction contractors have  
14       personnel on-site who are trained and equipped for tower rescue and who are first aid  
15       and CPR certified.
- 16   77   During operation of the facility, the certificate holder shall develop and implement a site  
17       health and safety plan that informs employees and others on-site about first aid  
18       techniques and what to do in case of an emergency and that includes important telephone  
19       numbers and the locations of on-site fire extinguishers and nearby hospitals. The  
20       certificate holder shall ensure that operations personnel are trained and equipped for  
21       tower rescue.
- 22   78   During construction and operation of the facility, the certificate holder shall provide for  
23       on-site security and shall establish good communications between on-site security  
24       personnel and the Gilliam County Sheriff's Office. During operation, the certificate holder  
25       shall ensure that appropriate law enforcement agency personnel have an up-to-date list of  
26       the names and telephone numbers of facility personnel available to respond on a 24-hour  
27       basis in case of an emergency on the facility site.
- 28   79   The certificate holder shall notify the Department of Energy and the Gilliam County  
29       Planning Department within 72 hours of any accidents including mechanical failures on the  
30       site associated with construction or operation of the facility that may result in public  
31       health and safety concerns

## **6. Water, Soils, Streams & Wetlands Conditions**

- 32   80   The certificate holder shall conduct all construction work in compliance with an Erosion  
33       and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of  
34       Environmental Quality and as required under the National Pollutant Discharge Elimination  
35       System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder  
36       shall include in the ESCP any procedures necessary to meet local erosion and sediment  
37       control requirements or storm water management requirements.
- 38   81   During construction, the certificate holder shall limit truck traffic to improved road  
39       surfaces to avoid soil compaction, to the extent practicable.

- 1 82 During construction, the certificate holder shall implement best management practices to  
2 control any dust generated by construction activities, such as applying water to roads and  
3 disturbed soil areas.
- 4 83 Before beginning construction, the certificate holder shall provide to the Department a  
5 map showing the final design locations of all components of the facility and the areas that  
6 would be disturbed during construction and showing the wetlands and stream channels  
7 previously surveyed by CH2M HILL as described in the *Final Order on the Application*. For  
8 areas to be disturbed during construction that lie outside of the previously-surveyed  
9 areas, the certificate holder shall hire qualified personnel to conduct a pre-construction  
10 investigation to determine whether any jurisdictional waters of the State exist in those  
11 locations. The certificate holder shall provide a written report on the pre-construction  
12 investigation to the Department and the Department of State Lands for approval before  
13 beginning construction. The certificate holder shall ensure that construction and operation  
14 of the facility will have no impact on any jurisdictional water identified in the pre-  
15 construction investigation.
- 16 84 The certificate holder shall avoid impacts to waters of the state in the following manner:  
17 (a) The certificate holder shall avoid any disturbance to delineated wetlands.  
18 (b) The certificate holder shall construct stream crossings for roads and underground  
19 collector lines substantially as described in the *Final Order on the Application*. In  
20 particular, the certificate holder shall not remove material from waters of the State  
21 or add new fill material to waters of the State such that the total volume of removal  
22 and fill exceeds 50 cubic yards for the project as a whole.  
23 (c) The certificate holder shall construct support poles for aboveground lines outside of  
24 delineated stream channels and shall avoid in-channel impacts.
- 25 85 During facility operation, the certificate holder shall routinely inspect and maintain all  
26 roads, pads and trenched areas and, as necessary, maintain or repair erosion and  
27 sediment control measures.
- 28 86 During facility operation, the certificate holder shall obtain water for on-site uses from on-  
29 site wells located near the O&M buildings. The certificate holder shall construct on-site  
30 wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well  
31 log. The certificate holder shall not use more than 5,000 gallons of water per day from the  
32 on-site wells. The certificate holder may use other sources of water for on-site uses  
33 subject to prior approval by the Department.
- 34 87 During facility operation, if blade-washing becomes necessary, the certificate holder shall  
35 ensure that there is no runoff of wash water from the site or discharges to surface waters,  
36 storm sewers or dry wells. The certificate holder shall not use acids, bases or metal  
37 brighteners with the wash water. The certificate holder may use biodegradable,  
38 phosphate-free cleaners sparingly.

## 7. Transmission Line & EMF Conditions

- 39 88 The certificate holder shall install the 34.5-kV collector system underground to the extent  
40 practical. The certificate holder shall install underground lines at a minimum depth of



three feet. Based on geotechnical conditions or other engineering considerations, the certificate holder may install segments of the collector system aboveground, but the total length of aboveground segments must not exceed 27 miles.

89 The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:

- (a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.
- (b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields
- (c) Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.
- (d) Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.

90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.

## **8. Plants, Wildlife & Habitat Protection Conditions**

91 The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan that is incorporated in the *Final Order on the Application* as Attachment A and as amended from time to time.

92 The certificate holder shall restore areas disturbed by facility construction but not occupied by permanent facility structures according to the methods and monitoring procedures described in the Revegetation Plan that is incorporated in the *Final Order on the Application* as Attachment B and as amended from time to time.

93 The certificate holder shall acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the Habitat Mitigation Plan that is incorporated in the *Final Order on Application* as Attachment C and as amended from time to time.

94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel (WGS) habitat based on the locations where the squirrels were found to be active in the most recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or burrow establishment ("suitable habitat"). The certificate holder shall hire a qualified professional biologist who has experience in detection of WGS to conduct surveys using a survey protocol approved by the Oregon Department of Fish and Wildlife

(ODFW). The biologist shall survey all areas of suitable habitat where permanent facility components would be located or where construction disturbance could occur. Except as provided in (a), the biologist shall conduct the protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in the active squirrel seasons in subsequent years until the beginning of construction in suitable habitat. The certificate holder shall provide written reports of the surveys to the Department and to ODFW and shall identify the boundaries of Category 1 WGS habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the areas described in (b) and (c).

- (a) The certificate holder may omit the WGS survey in any year if the certificate holder avoids all permanent and temporary disturbance within suitable habitat until a WGS survey has been completed in the following year and the boundaries of Category 1 habitat have been determined and approved based on that survey.
- (b) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. If the multiple-burrow area was active in a prior survey year, then Category 1 habitat includes the largest extent of the active burrow area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.
- (c) Category 1 WGS habitat includes the area containing single active burrow detections plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or burrow establishment. Category 1 habitat does not include single-burrow areas that were found active in a prior survey year but that are not active in the current survey year.

95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

- (a) The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
- (b) Before beginning construction, but no more than two years prior to the beginning of construction, the certificate holder shall hire a qualified professional biologist to conduct a survey of all areas to be disturbed by construction for threatened and endangered species. The certificate holder shall provide a written report of the survey and a copy of the survey to the Department, the Oregon Department of Fish and Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the surveys identify the presence of threatened or endangered species within the survey area, the certificate holder shall implement appropriate measures to avoid a significant reduction in the likelihood of survival or recovery of the species, as approved by the Department, in consultation with ODA and ODFW.
- (c) Before beginning construction, the certificate holder's qualified professional biologist shall survey the Category 1 Washington ground squirrel habitat to ensure that the sensitive use area is correctly marked with exclusion flagging and avoided



- 1 during construction. The certificate holder shall maintain the exclusion markings  
2 until construction has been completed.
- 3 (d) Before beginning construction, certificate holder's qualified professional biologist  
4 shall complete the avian use studies that began in September 2009 at six plots  
5 within or near the facility site as described in the *Final Order on the Application*. The  
6 certificate holder shall provide a written report on the avian use studies to the  
7 Department and to ODFW.
- 8 (e) Before beginning construction, certificate holder's qualified professional biologist  
9 shall complete raptor nest surveys within the raptor nest survey area as described  
10 in the *Final Order on the Application*. The purposes of the survey are to identify any  
11 sensitive raptor nests near construction areas and to provide baseline information  
12 on raptor nest use for analysis as described in the Wildlife Monitoring and  
13 Mitigation Plan referenced in Condition 91. The certificate holder shall provide a  
14 written report on the raptor nest surveys and the surveys to the Department and to  
15 ODFW. If the surveys identify the presence of raptor nests within the survey area,  
16 the certificate holder shall implement appropriate measures to assure that the  
17 design, construction and operation of the facility are consistent with the fish and  
18 wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved  
19 by the Department, in consultation with ODFW.
- 20 (f) In the final design layout of the facility, the certificate holder shall locate facility  
21 components, access roads and construction areas to avoid or minimize temporary  
22 and permanent impacts to high quality native habitat and to retain habitat cover in  
23 the general landscape where practicable.

24 96 During construction, the certificate holder shall avoid all construction activities within a  
25 1,300-foot buffer around potentially-active nest sites of the following species during the  
26 sensitive period, as provided in this condition:

<u>Species</u>	<u>Sensitive Period</u>	<u>Early Release Date</u>
Swainson's hawk	April 1 to August 15	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

31 During the year in which construction occurs, the certificate holder shall use a protocol  
32 approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether  
33 there are any active nests of these species within a half-mile of any areas that would be  
34 disturbed during construction. The certificate holder shall begin monitoring potential nest  
35 sites by March 15 and shall continue monitoring until at least May 31 to determine  
36 whether any potentially-active nest sites become active during the sensitive period.

37 If any nest site is determined to be unoccupied by the early release date (May 31), then  
38 unrestricted construction activities may occur within 1,300 feet of the nest site after that  
39 date. If a nest is occupied by any of these species after the beginning of the sensitive  
40 period, the certificate holder will flag the boundaries of a 1,300-foot buffer area around

the nest site and shall instruct construction personnel to avoid disturbance of the buffer area. During the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer.

If burrowing owl nests are occupied during the sensitive period, the certificate holder may adjust the 1,300-foot buffer around these nests after consultation with ODFW and subject to the approval of the Department.

The certificate holder shall hire a qualified independent professional biologist to observe the active nest sites during the sensitive period for signs of disturbance and to notify the Department of any non-compliance with this condition. If the biologist observes nest site abandonment or other adverse impact to nesting activity, the certificate holder shall implement appropriate mitigation, in consultation with ODFW and subject to the approval of the Department, unless the adverse impact is clearly shown to have a cause other than construction activity.

The certificate holder may begin or resume construction activities within the buffer area before the ending day of the sensitive period with the approval of ODFW, after the young are fledged. The certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (the young are independent of the core nest site).

97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte Wildlife Area during the long-billed curlew nesting season (March 8 through June 15), as described in this condition. Before beginning construction, the certificate holder shall provide to the Department a map showing the areas of potential construction disturbance in the vicinity of the BLM lands that are part of the Horn Butte Wildlife Area and showing a 1,300-foot buffer from those areas. During the nesting season, the certificate holder shall 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 the buffer area. The certificate holder shall flag the boundaries of the 1,300-foot buffer area and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall restrict construction traffic within the buffer, except on public roads, to vehicles essential to the limited construction activities allowed within the buffer. The certificate holder may engage in construction activities within the buffer area at times other than the nesting season.

98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:

- (a) Preparing maps to show occlusion areas that are off-limits to construction personnel, such as nesting or denning areas for sensitive wildlife species.
- (b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
- (c) Limiting construction work to approved and surveyed areas shown on facility constraints maps.

(d) Ensuring that all construction personnel are instructed to avoid driving cross-country or taking short-cuts within the site boundary or otherwise disturbing areas outside of the approved and surveyed construction areas.

99 The certificate holder shall reduce the risk of injuries to avian species by:

(a) Installing turbine towers that are smooth steel structures that lack features that would allow avian perching.

(b) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff edges, narrow ridge saddles and gaps between hilltops.

(c) Installing meteorological towers that are non-guyed structures to eliminate the risk of avian collision with guy-wires.

(d) Designing and installing all aboveground transmission line support structures following the most current suggested practices for avian protection on power lines published by the Avian Power Line Interaction Committee.

100 The certificate holder shall hire a qualified environmental professional to provide environmental training during construction and operation. Environmental training includes information on the sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. The certificate holder shall instruct construction and operations personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager.

101 The certificate holder shall impose and enforce a construction and operation speed limit of 20 miles per hour throughout the facility site and, during the active squirrel season (March 1 to May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate holder shall ensure that all construction and operations personnel are instructed to watch out for and avoid WGS and other wildlife while driving through the facility site.

## **9. Visual Effects Conditions**

102 To reduce the visual impact of the facility, the certificate holder shall:

(a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity, neutral white color.

(b) Paint the substation structures in a low-reflectivity neutral color to blend with the surrounding landscape.

(c) Not allow any advertising to be used on any part of the facility.

(d) Use only those signs required for facility safety, required by law or otherwise required by this site certificate, except that the certificate holder may erect a sign near the O&M buildings to identify the facility, may paint turbine numbers on each tower and may allow unobtrusive manufacturers' logos on turbine nacelles.

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

103 The certificate holder shall design and construct the O&M buildings to be generally consistent with the character of similar buildings used by commercial farmers or ranchers

in the area and shall paint the building in a low-reflectivity, neutral color to blend with the surrounding landscape.

**104** The certificate holder shall not use exterior nighttime lighting except:

- (a) The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.
- (b) Security lighting at the O&M buildings and at the substations, provided that such lighting is shielded or downward-directed to reduce glare.
- (c) Minimum lighting necessary for repairs or emergencies.
- (d) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.

**105** The certificate holder shall maintain a minimum distance of 1,000 feet measured from the centerline of each turbine tower or meteorological tower to the centerline of the line-of-sight from the vantage point of the Fourmile Canyon interpretive site looking toward the visible Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude: 45.622047, -120.044112) as described in the *Final Order on the Application*.

#### **10. Noise Control Conditions**

**106** To reduce construction noise impacts at nearby residences, the certificate holder shall:

- (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.
- (b) Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and
- (c) Establish a complaint response system at the construction manager's office to address noise complaints.

**107** Before beginning construction, the certificate holder shall provide to the Department:

- (a) Information that identifies the final design locations of all turbines to be built at the facility.
- (b) The maximum sound power level for the substation transformers and the maximum sound power level and octave band data for the turbines selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the Department.
- (c) The results of noise analysis of the facility to be built according to the final design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.
- (d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels  $L_{10}$  and  $L_{50}$  by

more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

108 During operation of the facility, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulations

#### **11. Waste Management Conditions**

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

110 During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&M buildings to licensed on-site septic systems in compliance with State permit requirements. The certificate holder shall design the septic systems for a discharge capacity of less than 2,500 gallons per day.

111 The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:

- (a) Recycling steel and other metal scrap.
- (b) Recycling wood waste.
- (c) Recycling packaging wastes such as paper and cardboard.
- (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- (e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.
- (f) Confining concrete delivery truck rinse-out within the foundation excavation, discharging rinse water into foundation holes and burying other concrete waste as part of backfilling the turbine foundation.

112 The certificate holder shall implement a waste management plan during facility operation that includes but is not limited to the following measures:

- (a) Training employees to minimize and recycle solid waste.
- (b) Recycling paper products, metals, glass and plastics.
- (c) Recycling used oil and hydraulic fluid

- (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.

#### **VI. CONDITIONS ADDED BY AMENDMENT # 1 OF MONTAGUE**

~~113 — The transfer of the First Amended Site Certificate from the certificate holder to Portland General Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site certificate naming PGE the certificate holder, which is attached as Attachment B to the Final Order on Amendment #1. Upon closing, the First Amended Site Certificate naming PGE as the certificate holder shall be in full force and effect and the First Amended Site Certificate naming Montague Wind Power LLC as the certificate holder shall be considered rescinded and void in its entirety. Removed by Amendment #2.~~

~~114 — Should the closing contemplated in Condition 113 not occur within 18 months of the effective date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's transfer approval within the Final Order on Amendment #1 shall be void. Removed by Amendment #2.~~

~~115 — PGE must provide the Department a copy of the executed First Amended Site Certificate and documentation of the asset purchase agreement within 7 days of closing. Removed by Amendment #2.~~

#### **VII. SUCCESSORS AND ASSIGNS**

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

#### **VIII. SEVERABILITY AND CONSTRUCTION**

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

#### **IX. GOVERNING LAW AND FORUM**

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

#### **X. EXECUTION**

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

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

ENERGY FACILITY SITING COUNCIL

MONTAGUE WIND POWER FACILITY, LLC

By: \_\_\_\_\_ By: \_\_\_\_\_

Oregon Energy Facility Siting Council

Print: \_\_\_\_\_

Date: \_\_\_\_\_, 201\_

Date: \_\_\_\_\_

and

By: \_\_\_\_\_

Print: \_\_\_\_\_

Date: \_\_\_\_\_





Attachment 2  
Property Owner Lists and  
Corresponding Maps



**Gilliam and Morrow County Property Owners within 500 feet of Site Boundary**
**Montague Wind Power Facility Request for Amendment**

Parcel data and owner addresses provided by Gilliam County on 4/21/2017. Owner addresses provided by Morrow County on 4/25/2017.

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
01N20E0000-00500				4-D RANCH LLC		6808 SE ASH ST	PORTLAND	OR	97215
01N20E0000-00500				4-D RANCH LLC		6808 SE ASH ST	PORTLAND	OR	97215
01N20E0000-00500				4-D RANCH LLC		6808 SE ASH ST	PORTLAND	OR	97215
01N22E0000-00500				4M LAND AND CATTLE COMPANY LLC		PO BOX 490	ARLINGTON	OR	97812
01N22E0000-00500				4M LAND AND CATTLE COMPANY LLC		PO BOX 490	ARLINGTON	OR	97812
02N21E0000-01500				ALKALI FARMS CORP		PO BOX 61691	VANCOUVER	WA	98666
02N21E0000-01600				ALKALI FARMS CORP		PO BOX 61691	VANCOUVER	WA	98666
02N21E0000-01600				ALKALI FARMS CORP		PO BOX 61691	VANCOUVER	WA	98666
01N21E0000-01000				ATHEARN ROBERT F.		333 ROSE COURT	MOUNT VERNON	WA	98273
01N21E0000-01900				ATHEARN ROBERT F. LIVING TRUST		333 ROSE COURT	MOUNT VERNON	WA	98273
01N21E0000-00900				ATHEARN ROBERT F. TRUSTEE		333 ROSE COURT	MOUNT VERNON	WA	98273
01N22E0000-00800				ATHEARN ROBERT F. TRUSTEE		333 ROSE COURT	MOUNT VERNON	WA	98273
01N21E0000-00900				ATHEARN ROBERT F. TRUSTEE		333 ROSE COURT	MOUNT VERNON	WA	98273
01N21E0000-00900				ATHEARN ROBERT F. TRUSTEE		333 ROSE COURT	MOUNT VERNON	WA	98273
01N22E0000-00800				ATHEARN ROBERT F. TRUSTEE		333 ROSE COURT	MOUNT VERNON	WA	98273
02N21E0000-00800	LILLIAN ANN	BOYD				25928 SOUTH RHOTEN RD	AURORA	OR	97002
02N22E0000-01100				BUREAU OF LAND MANAGEMENT		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-00500				BUREAU OF LAND MANAGEMENT		3050 NE 3RD STREET	PRINEVILLE	OR	97754
01N22E0000-02100				BUREAU OF LAND MANAGEMENT		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-03000				BUREAU OF LAND MANAGEMENT		3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-01400				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
02N22E0000-00600				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
01N22E0000-00501				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
01N22E0000-01701				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
02N22E0000-01301				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
01N22E0000-00100				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
01N22E0000-01701				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
03N22E0000-00700				CAITHNESS SHEPARDS FLAT LLC		565 5TH AVE 29TH FLOOR	NEW YORK	NY	10017
01S22E0000-00300				CRUM RANCHES LLC.		PO BOX 121	IONE	OR	97843
01N22E0000-03202				DAVIDSON GEORGE G. TRUST		PO BOX 342	HEPPNER	OR	97836
01N22E0000-03200	STEVEN P	DAVIDSON				PO BOX 592	ARLINGTON	OR	97812
01N22E0000-03200	STEVEN P	DAVIDSON				PO BOX 592	ARLINGTON	OR	97812
01S22E0000-00102	CHARLES LEE	DAVIDSON				350 N 1ST STREET	IRRIGON	OR	97844
02N20E0000-02700	JAN H	FOGELSONG				PO BOX 1027	WILLOWS	CA	95988
02N21E0000-01000	FRANCIS W	GREINER				1724 SE TENINO APT# 712	SELLWOOD	OR	97202
02N22E0000-03400	KEVEN O	HAGUEWOOD				PO BOX 195	IONE	OR	97843
02N22E0000-03500	KEVEN O	HAGUEWOOD				PO BOX 195	IONE	OR	97843
01N21E0000-00100	KEVEN O	HAGUEWOOD				PO BOX 195	IONE	OR	97843
01N22E0000-00700	KEVEN O	HAGUEWOOD				PO BOX 195	IONE	OR	97843
01N22E0000-02500	MARY C	HAGUEWOOD				59610 BASEY CANYON ROAD	HEPPNER	OR	97836
02N22E0000-02900				HALL ELIZABETH DEE 1996 TRUST		1951 E. 68TH ST.	TACOMA	WA	98404
01N21E0000-00400	RICHARD E	HARPER				PO BOX 8	IONE	OR	97843
02N21E0000-01300	WM. C. & JOYCE A.	HICKERSON				71983 HWY 19	ARLINGTON	OR	97812
02N20E0000-02701	JAMES & PHYLLIS	HOAG				9670 S.E. STARR QUARRY RD.	AMITY	OR	97101
02N20E0000-02702	JAMES & PHYLLIS	HOAG				9670 S.E. STARR QUARRY RD.	AMITY	OR	97101
01N20E0000-00300	JAMES & PHYLLIS	HOAG				9670 S.E. STARR QUARRY RD.	AMITY	OR	97101
01N21E0000-00300	TIM H. & DEBORAH L.	HOLTZ				PO BOX 224	IONE	OR	97843
01N21E0000-00300	TIM H. & DEBORAH L.	HOLTZ				PO BOX 224	IONE	OR	97843

# **Gilliam and Morrow County Property Owners within 500 feet of Site Boundary**

## *Montague Wind Power Facility Request for Amendment*

Parcel data and owner addresses provided by Gilliam County on 4/21/2017. Owner addresses provided by Morrow County on 4/25/2017.

02N21E0000-01704	TIM H. & DEBORAH L.	HOLTZ	PO BOX 224	IONE	OR	97843
01N21E0000-00804	TIM H. & DEBORAH L.	HOLTZ	PO BOX 224	IONE	OR	97843
01N21E0000-00806	TIM H. & DEBORAH L.	HOLTZ	PO BOX 224	IONE	OR	97843
02N21E0000-01701	HERBERT R. & VIRGINIA W.	HOLZAPFEL	PO BOX 1027	WILLOWS	CA	95988
02N21E0000-01701	HERBERT R. & VIRGINIA W.	HOLZAPFEL	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00200		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00100		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N20E0000-02800		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N21E0000-01200		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N20E0000-02901		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-03205		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00100		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-03204		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00100		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N21E0000-02100		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N20E0000-02800		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N20E0000-02800		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N20E0000-02800		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00200		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00200		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00100		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N21E0000-02100		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N21E0000-00500		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N21E0000-00500		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N20E0000-00100		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
01N21E0000-00500		HOLZAPFEL LAND & CATTLE LP.	PO BOX 1027	WILLOWS	CA	95988
02N22E0000-02500	JUDITH ANN	HUGHES	965 SW JOSHUA CT #B	HERMISTON	OR	97838
02N22E0000-02500	JUDITH ANN	HUGHES	965 SW JOSHUA CT #B	HERMISTON	OR	97838
01S22E0000-01200	LEE	KASEBERG	70031 VAN GILDER ROAD	WASCO	OR	97065
02N21E0000-00101	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00800	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00900	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
03N21E0000-00500	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N22E0000-00901	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00100	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N22E0000-01001	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00102	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N22E0000-01001	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00102	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00100	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
03N21E0000-00503	J.R.	KREBS	PO BOX 8	ARLINGTON	OR	97812
03N21E0000-00506		LIGHTSPEED NETWORKS	4312 KITSAP WAY STE 101	BREMERTON	WA	98312
02N22E0000-02700	OLIVE	MADDEN	34004 S.E. 34TH STREET	WASHOUGAL	WA	98671
01N22E0000-03100		MASON CHRISTOPHER KB TRUSTEE	PO BOX 605	VICTOR	ID	83455
01N22E0000-03100		MASON CHRISTOPHER KB TRUSTEE	PO BOX 605	VICTOR	ID	83455
01S22E0000-00200	JOSEPH P. & JERI D.	MCELLIGOTT	PO BOX 4	IONE	OR	97843
01N22E0000-00600		MONTAGUE CEMETERY	UNDETERMINED PARTY_ADDRESS	UNDETERMINED CITY		
01N22E0000-02200		MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-01100		MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-01001		MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843

# **Gilliam and Morrow County Property Owners within 500 feet of Site Boundary**

## *Montague Wind Power Facility Request for Amendment*

Parcel data and owner addresses provided by Gilliam County on 4/21/2017. Owner addresses provided by Morrow County on 4/25/2017.

02N22E0000-01500			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
02N22E0000-01500			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-01000			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-01001			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-01000			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-00900			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-01100			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-00900			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-01100			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
02N22E0000-01500			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
01N22E0000-00900			MONTY CRUM RANCHES LLC.	PO BOX 121	IONE	OR	97843
02N21E0000-02500			PEBBLE SPRINGS WIND, LLC.	1125 COUCH ST. SUITE 700	PORTLAND	OR	97209
01N21E0000-00200			PEBBLE SPRINGS WIND, LLC.	1125 COUCH ST. SUITE 700	PORTLAND	OR	97209
02N21E0000-01400			PEBBLE SPRINGS WIND, LLC.	1125 COUCH ST. SUITE 700	PORTLAND	OR	97209
01N21E0000-00200			PEBBLE SPRINGS WIND, LLC.	1125 COUCH ST. SUITE 700	PORTLAND	OR	97209
01N21E0000-00800			PEBBLE SPRINGS WIND, LLC.	1125 COUCH ST. SUITE 700	PORTLAND	OR	97209
01N20E0000-03208			PROPERTY TAX DEPT.	1400 DOUGLAS STOP 1640	OMAHA	NE	68179-1640
01N20E0000-03200			PROPERTY TAX DEPT.	1400 DOUGLAS STOP 1640	OMAHA	NE	68179-1640
02N21E0000-00900			QUARTER M RANCH LLC	61835 DART CREEK RD	ST HELENS	OR	97051
02N21E0000-00700			QUARTER M RANCH LLC	61835 DART CREEK RD	ST HELENS	OR	97051
01N21E0000-01300			RAMSAY RANCH & CO LLC	13270 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
01N20E0000-00800			RAMSAY RANCH & CO LLC	13270 MIDDLE ROCK CREEK LANE	ARLINGTON	OR	97812
02N22E0000-03100	ROBERT R. & PEGGY J.	REASONER		PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03100	ROBERT R. & PEGGY J.	REASONER		PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03201	ROBERT R. & PEGGY J.	REASONER		PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03201	ROBERT R. & PEGGY J.	REASONER		PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03200	ROBERT R. & PEGGY J.	REASONER		PO BOX 297	ARLINGTON	OR	97812
02N22E0000-03200	ROBERT R. & PEGGY J.	REASONER		PO BOX 297	ARLINGTON	OR	97812
01S22E0000-00500	JOE D. & DONNA M.	RIETMANN		PO BOX 304	IONE	OR	97843
01N22E0000-02900	JOE D. & DONNA M.	RIETMANN		PO BOX 304	IONE	OR	97843
01N22E0000-02901	JOE D. & DONNA M.	RIETMANN		PO BOX 304	IONE	OR	97843
01N22E0000-02902	JOE D. & DONNA M.	RIETMANN		PO BOX 304	IONE	OR	97843
01S22E0000-00501	JOE D. & DONNA M.	RIETMANN		PO BOX 304	IONE	OR	97843
01S22E0000-00502	JOE D. & DONNA M.	RIETMANN		PO BOX 304	IONE	OR	97843
01N21E0000-01200			RUCKER JIMMY I & SARAH D. TRUSTEES	69064 WEATHERFORD RD	ARLINGTON	OR	97812
01N21E0000-01002			RUCKER JIMMY I & SARAH D. TRUSTEES	69064 WEATHERFORD RD	ARLINGTON	OR	97812
01S22E0000-01100	LOUIS I. & ALENE R.	RUCKER		PO BOX 416	ARLINGTON	OR	97812
01N21E0000-00700			RUNCKEL LLC	2966 WINKEL WAY	WEST LINN	OR	97068
01N21E0000-00401			RUNCKEL LLC	2966 WINKEL WAY	WEST LINN	OR	97068
01S22E0000-00101			STAMATE JAMES A & MABEL L TRUSTEES	980 SE 5TH STREET	HERMISTON	OR	97838
01N22E0000-03201	MABEL L.	STAMATE		980 S.E. 5TH STREET	HERMISTON	OR	97838
01S22E0000-00100	MABEL L.	STAMATE		980 SE 5TH STREET	HERMISTON	OR	97838
01S22E0000-00100	MABEL L.	STAMATE		980 SE 5TH STREET	HERMISTON	OR	97838
01N22E0000-03201	MABEL L.	STAMATE		980 S.E. 5TH STREET	HERMISTON	OR	97838
01N22E0000-03201	MABEL L.	STAMATE		980 S.E. 5TH STREET	HERMISTON	OR	97838
02N22E0000-02300			SUMNER PHYLLIS A. TRUSTEE	71667 HWY 19 BOX 8	ARLINGTON	OR	97812
02N22E0000-02600			SUMNER PHYLLIS A. TRUSTEE	71667 HWY 19 BOX 8	ARLINGTON	OR	97812
02N22E0000-02600			SUMNER PHYLLIS A. TRUSTEE	71667 HWY 19 BOX 8	ARLINGTON	OR	97812
01N22E0000-01800			UNDERHILL B LAVELLE TRUSTEE	PO BOX 266	DUFUR	OR	97021
01N22E0000-03000			BUREAU OF LAND MANAGEMENT	3050 NE 3RD STREET	PRINEVILLE	OR	97754

**Gilliam and Morrow County Property Owners within 500 feet of Site Boundary**

*Montague Wind Power Facility Request for Amendment*

Parcel data and owner addresses provided by Gilliam County on 4/21/2017. Owner addresses provided by Morrow County on 4/25/2017.

02N22E0000-02400			BUREAU OF LAND MANAGEMENT	3050 NE 3RD STREET	PRINEVILLE	OR	97754
01N21E0000-00600			BUREAU OF LAND MANAGEMENT	3050 NE 3RD STREET	PRINEVILLE	OR	97754
01N22E0000-02800			BUREAU OF LAND MANAGEMENT	3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N22E0000-02100			BUREAU OF LAND MANAGEMENT	3050 NE 3RD STREET	PRINEVILLE	OR	97754
02N21E0000-01102			WASTE MANAGEMENT	PO BOX 1450	CHICAGO	IL	60690
02N21E0000-01210			WASTE MANAGEMENT SYSTEMS	PO BOX 1450	CHICAGO	IL	60690
01S22E0000-00503	ALICE	WEATHERFORD-HARPER		PO BOX 8	IONE	OR	97843
01S22E0000-00400	ALICE	WEATHERFORD-HARPER		PO BOX 8	IONE	OR	97843
01N21E0000-00805	ANN	WEATHERFORD FLORES		201 LAMKIN STREET #407	PUEBLO	CO	81003
02N21E0000-01100	MARION T.	WEATHERFORD		PO BOX 368	ARLINGTON	OR	97812
01N21E0000-00802	ROBERT M & CATHY S	WEATHERFORD		4012 N.E. 129TH PLACE	PORTLAND	OR	97230
01N22E0000-02000			WEATHERFORD SHUTLER PROPERTIES LLC	PO BOX 2350	THE DALLES	OR	97058
01N21E0000-02001			WEATHERFORD SHUTLER PROPERTIES LLC	PO BOX 2350	THE DALLES	OR	97058
01N21E0000-02000			WEATHERFORD SHUTLER PROPERTIES LLC	PO BOX 2350	THE DALLES	OR	97058
01N21E0000-02002			WEATHERFORD SHUTLER PROPERTIES LLC	PO BOX 2350	THE DALLES	OR	97058
01N21E0000-01500			WEEDMAN BROTHERS	PO BOX 386	WASCO	OR	97065
01S21E0000-00100			WEEDMAN FARMS LLC	PO BOX 386	WASCO	OR	97065
01N21E0000-02100			WEEDMAN FARMS LLC	PO BOX 386	WASCO	OR	97065
01N21E0000-02100			WEEDMAN FARMS LLC	PO BOX 386	WASCO	OR	97065
01N22E0000-01900			WEEDMAN FARMS LLC	PO BOX 386	WASCO	OR	97065
02N22E0000-02502	JAMES & MARTINA	WEISER		PO BOX 324	ARLINGTON	OR	97812
01S23E0000-00900	Paul	Proudfoot	Proudfoot Ranches, Inc.	PO BOX 28	IONE	OR	97843
01N23E0000-06300	Paul	Proudfoot	Proudfoot Ranches, Inc.	PO BOX 28	IONE	OR	97843

**Gilliam County Property Owners Between 500 and 1,000 feet of Site Boundary**

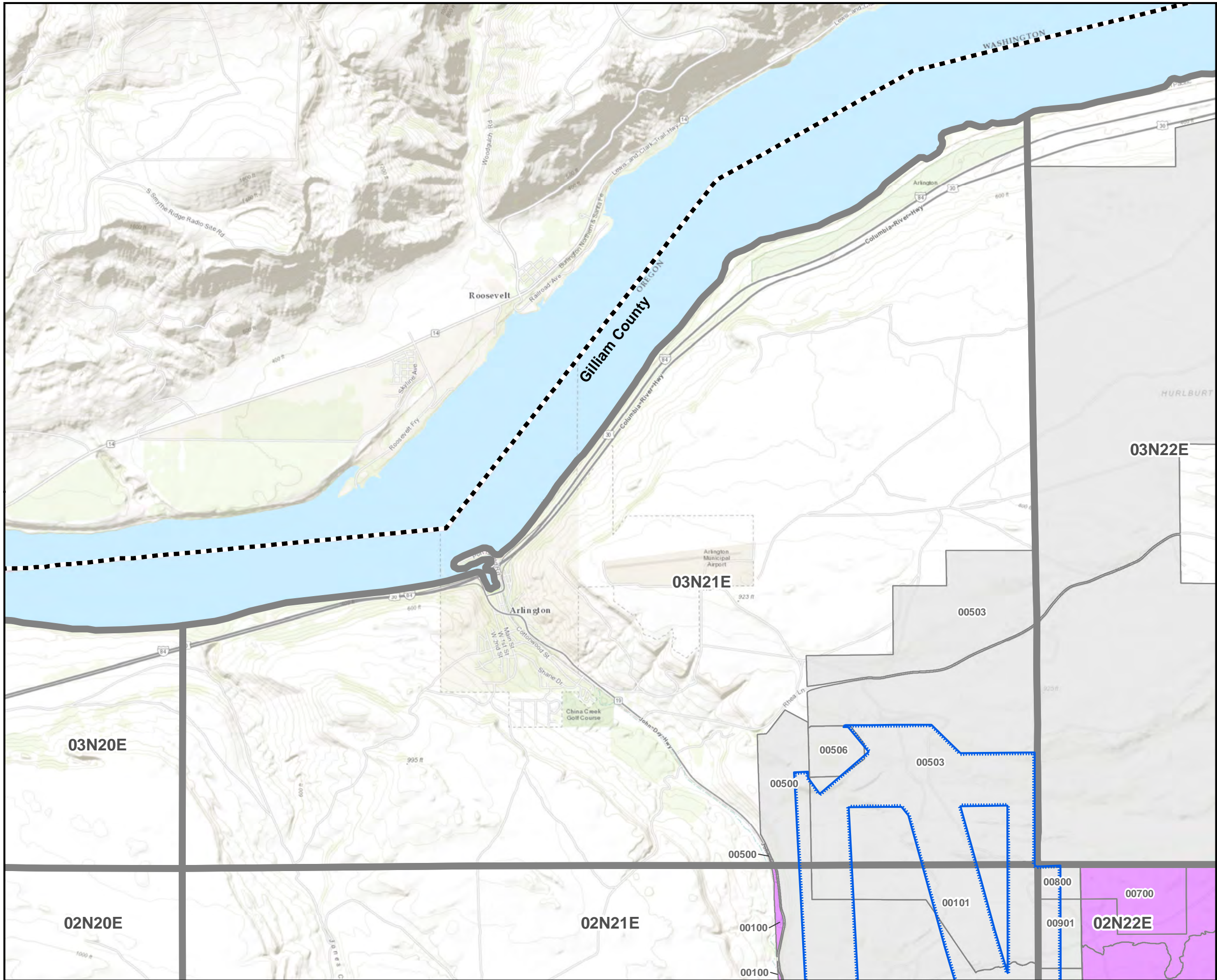
*Montague Wind Power Facility Request for Amendment*

Parcel data and owner addresses provided by Gilliam County on 4/21/2017. There are no Morrow County property owners between 500 and 1,000 feet of the site boundary per owner addresses provided by Morrow County on 4/25/2017.

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
03N21E0000-00500	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	68179-1640
02N21E0000-02600				PROPERTY TAX DEPT.		1400 DOUGLAS STOP 1640	OMAHA	NE	68179-1640
02N20E0000-02900				UNION PACIFIC RAILROAD		1400 DOUGLAS STOP 1640	OMAHA	NE	97812
02N22E0000-00700	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	60690
02N21E0000-02103				WASTE MANAGEMENT		PO BOX 1450	CHICAGO	IL	97812
01N21E0000-01100				JIMMY I. & SARAH D. RUCKER FAM TRUST		69064 WEATHERFORD RD	ARLINGTON	OR	97209
02N22E0000-00601				PEBBLE SPRINGS WIND, LLC.		1125 COUCH ST. SUITE 700	PORTLAND	OR	97209
02N21E0000-01400				PEBBLE SPRINGS WIND, LLC.		1125 COUCH ST. SUITE 700	PORTLAND	OR	95988
01N20E0000-00200				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	97812
02N21E0000-00100	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97812
02N21E0000-00100	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	60690
02N21E0000-02102				WASTE MANAGEMENT SYSTEMS		PO BOX 1450	CHICAGO	IL	60690
02N21E0000-02102				WASTE MANAGEMENT SYSTEMS		PO BOX 1450	CHICAGO	IL	95988
01N20E0000-00100				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	97812
02N21E0000-02300	DONALD K.	WALTERS				69759 HWY 19	ARLINGTON	OR	97812
02N21E0000-00100	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	60690
02N21E0000-01101				OREGON WASTE SYSTEMS INC.		PO BOX 1450	CHICAGO	IL	95988
02N20E0000-02800				HOLZAPFEL LAND & CATTLE LP.		PO BOX 1027	WILLOWS	CA	97812
02N22E0000-00602	J.R.	KREBS				PO BOX 8	ARLINGTON	OR	97843
02N21E0000-02400	KEVEN O.	HAGUEWOOD				PO BOX 195	IONE	OR	97843





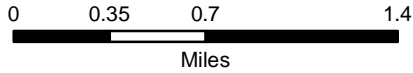
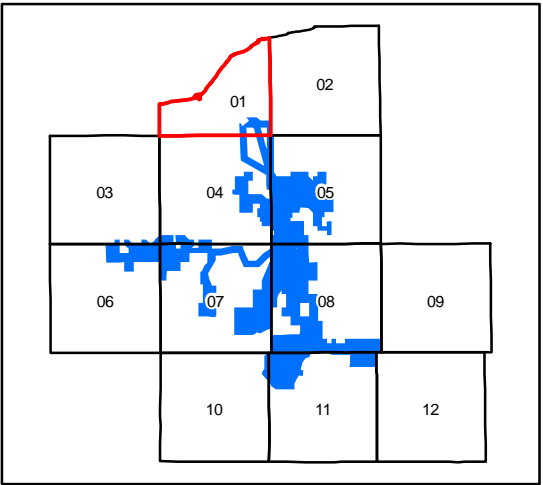


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 01 of 12  
Montague Wind Power Facility  
Request for Amendment**

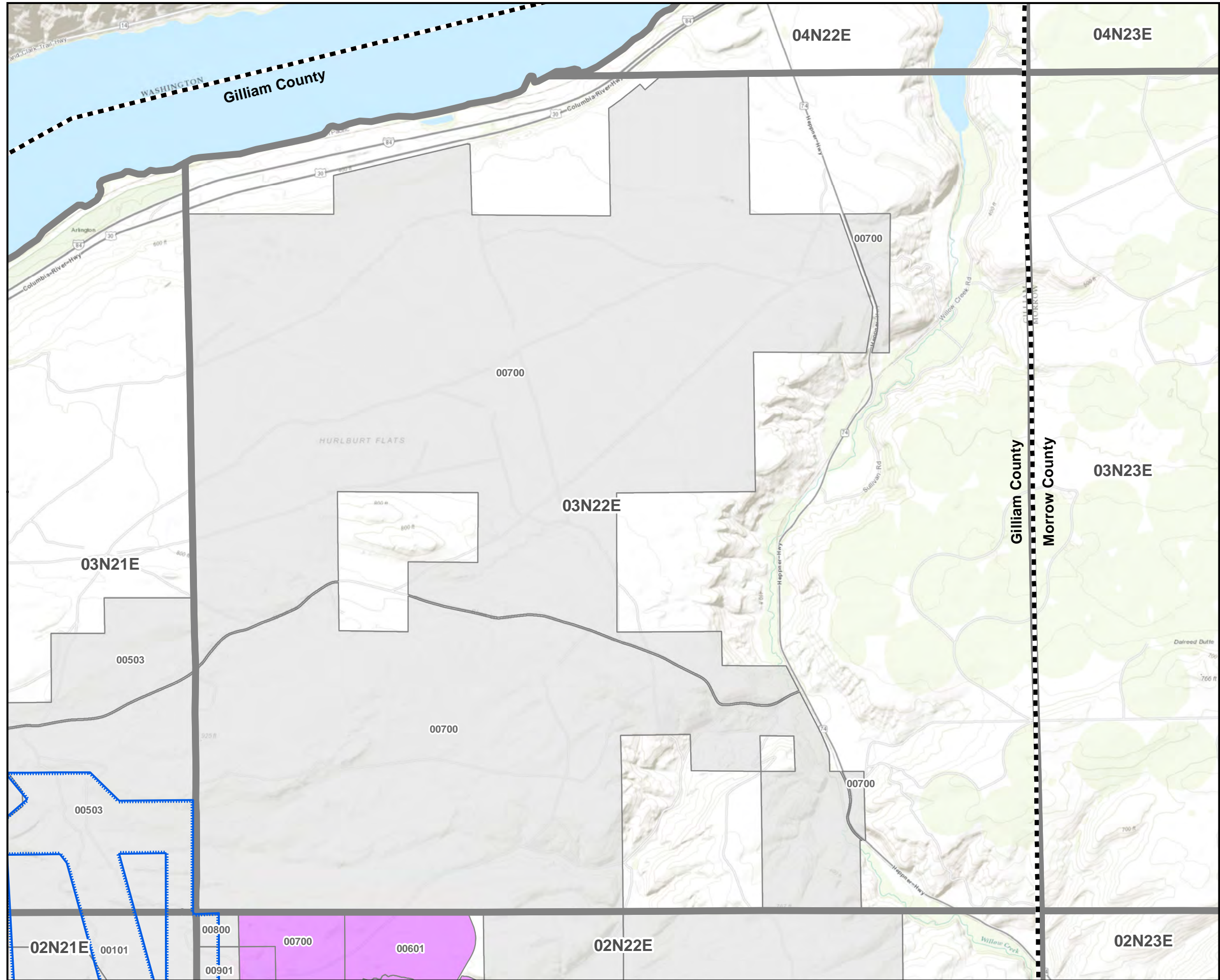
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/27/2017.





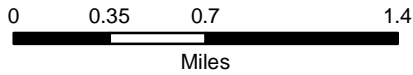
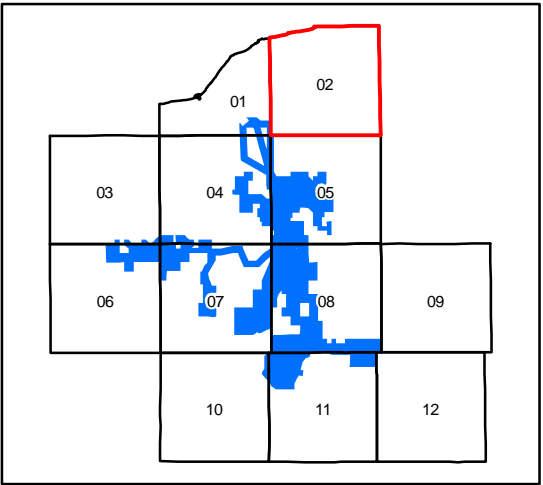


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 02 of 12  
Montague Wind Power Facility  
Request for Amendment**

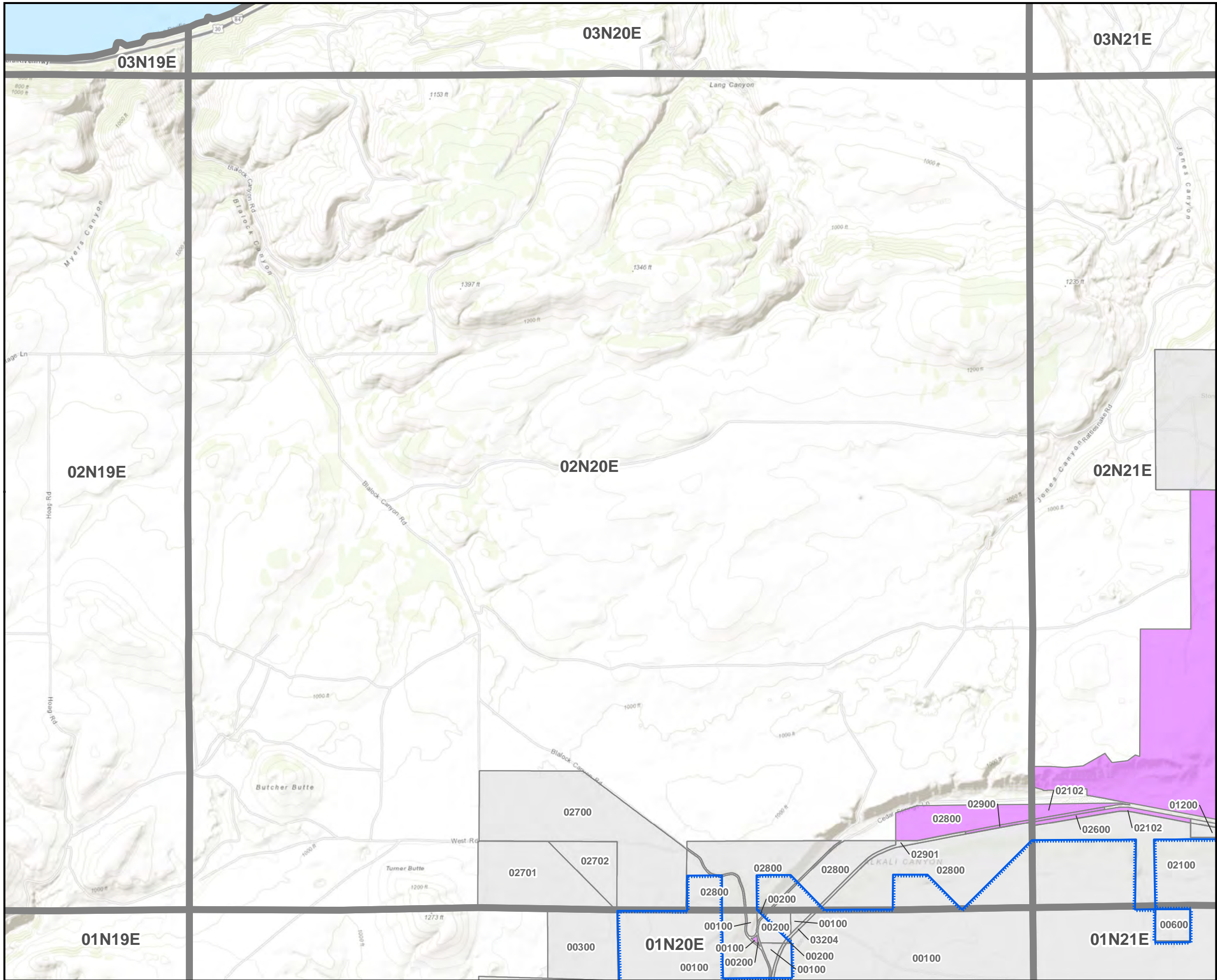
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from [www.ormap.net](http://www.ormap.net) on 4/27/2017.





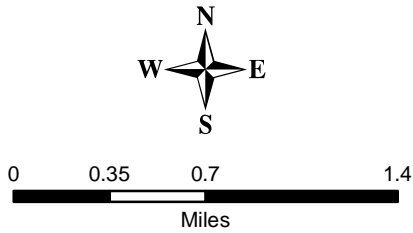
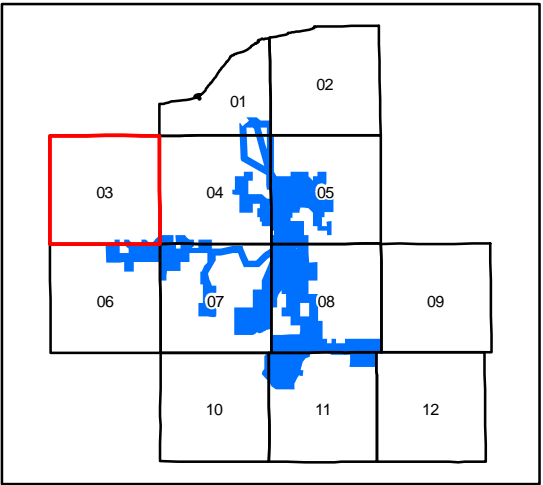


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 03 of 12  
Montague Wind Power Facility  
Request for Amendment**

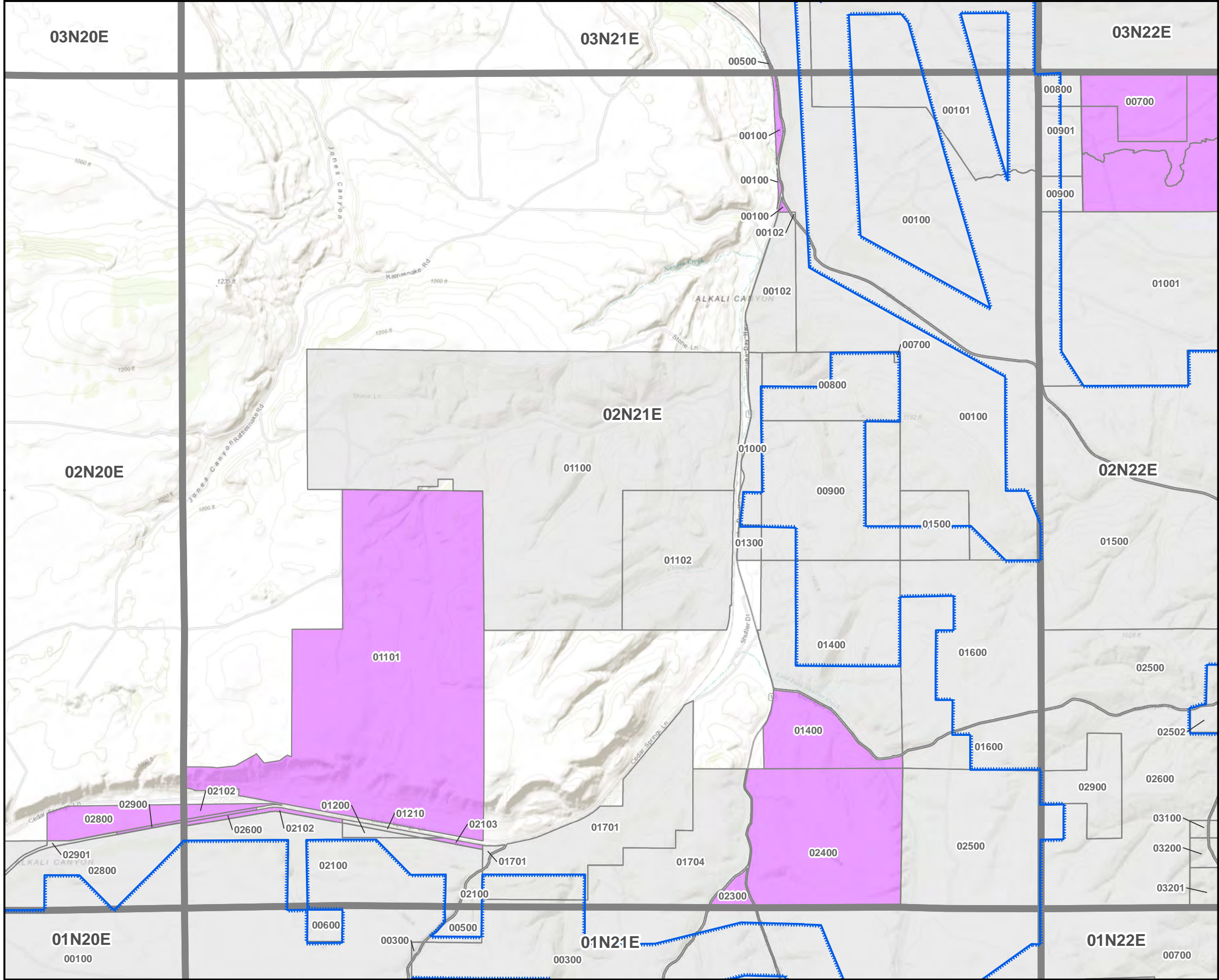
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from [www.ormap.net](http://www.ormap.net) on 4/27/2017.





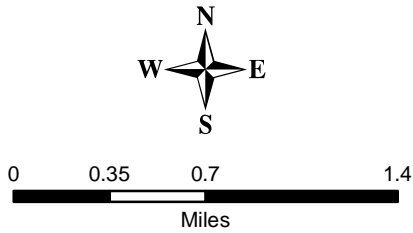
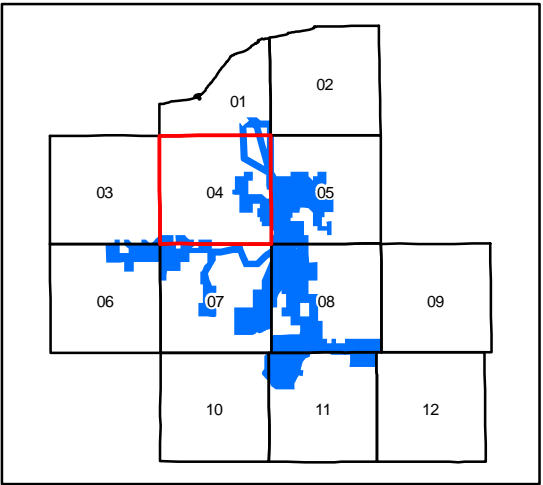


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 04 of 12  
Montague Wind Power Facility  
Request for Amendment**

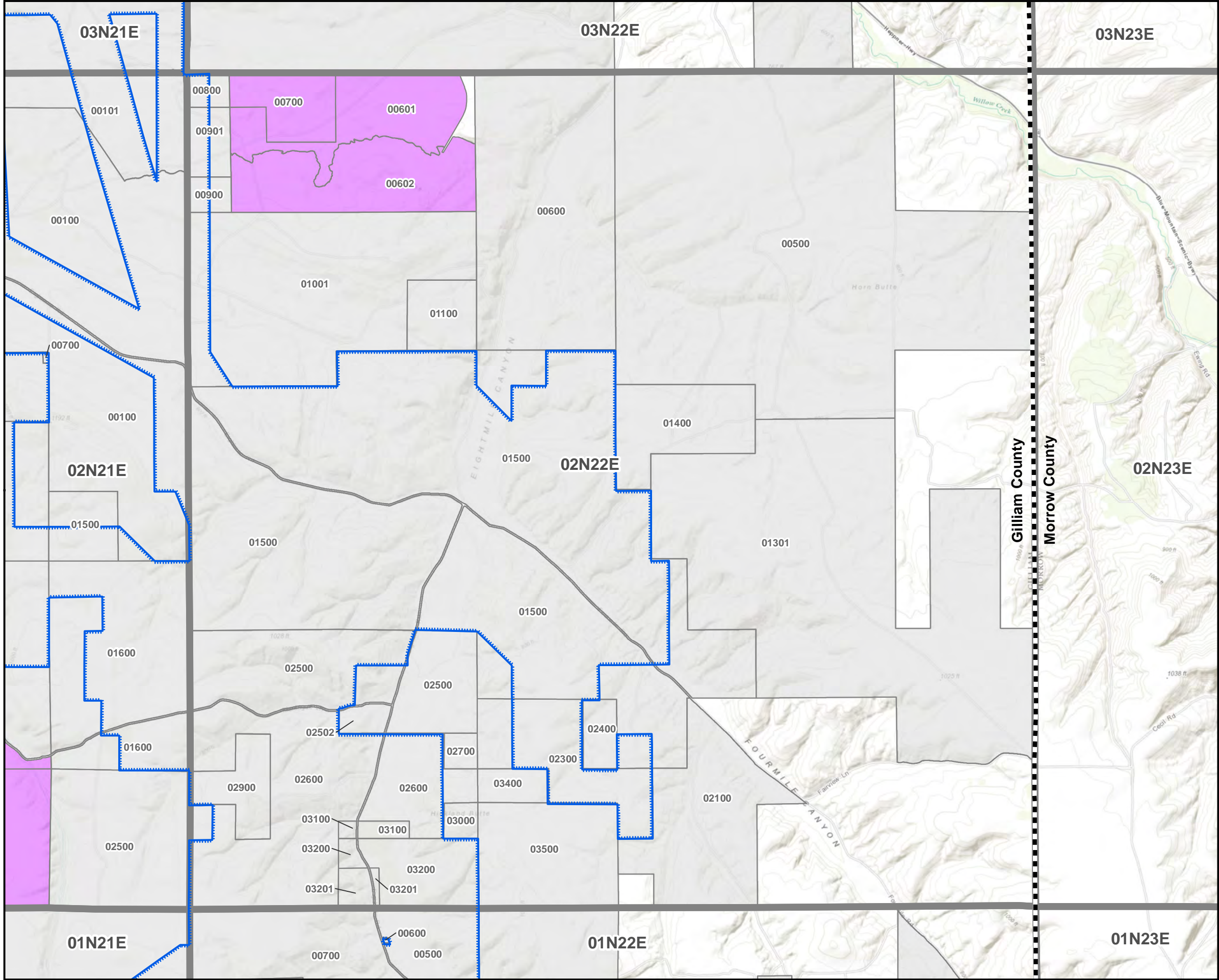
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

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- Morrow County tax lot boundaries digitized from www.ormap.net on 4/27/2017.





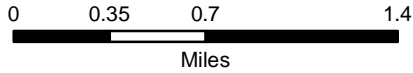
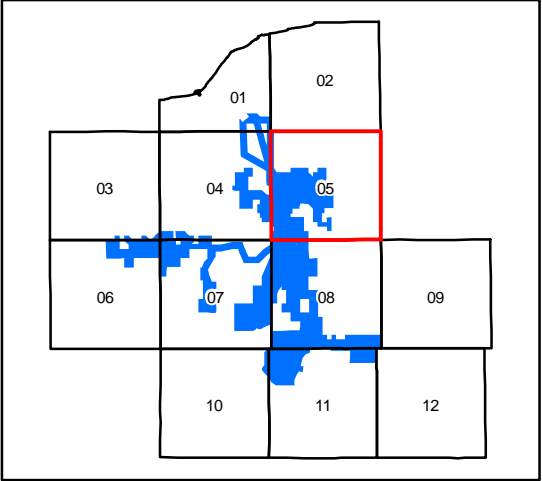


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 05 of 12  
Montague Wind Power Facility  
Request for Amendment**

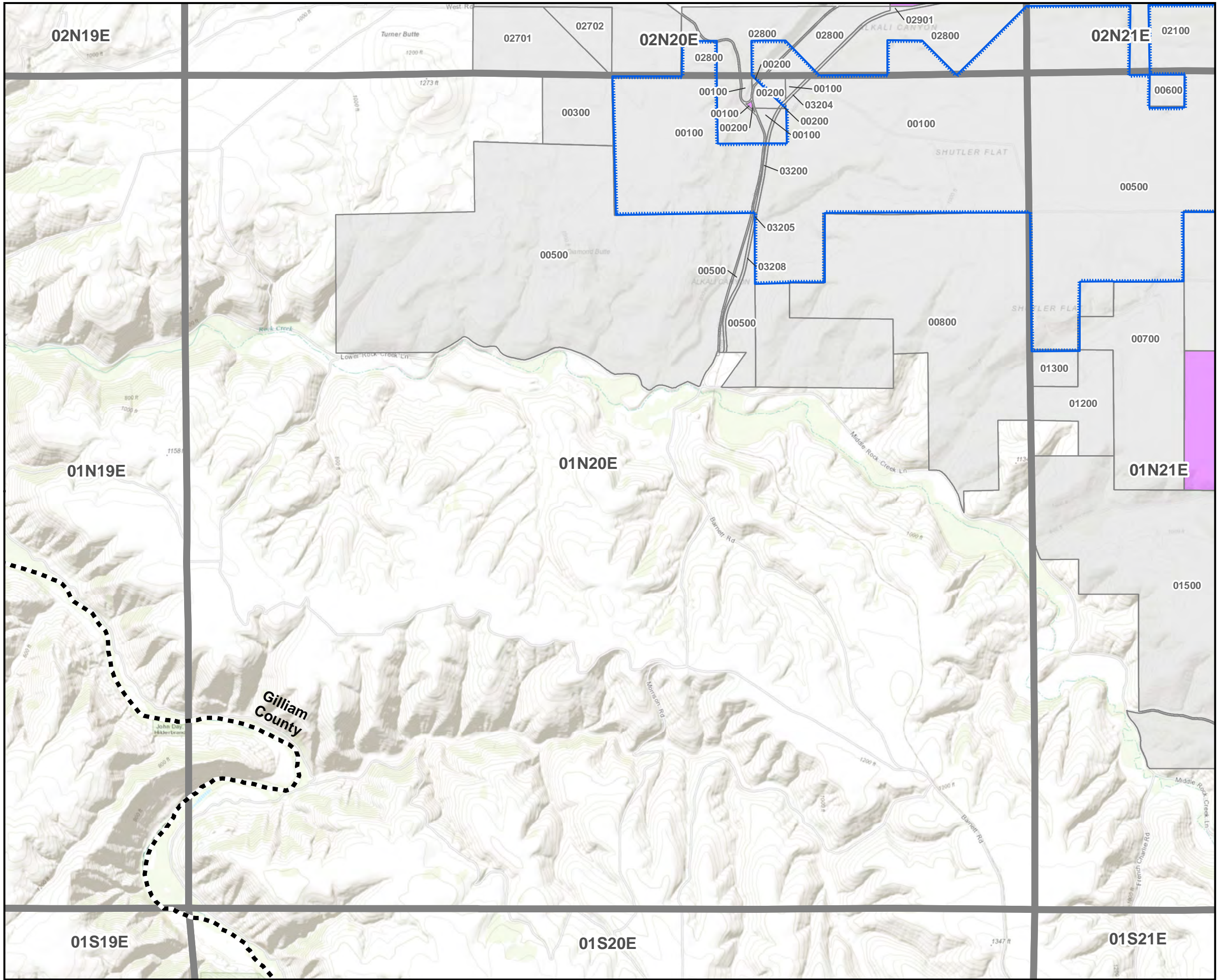
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/27/2017.





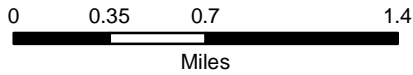
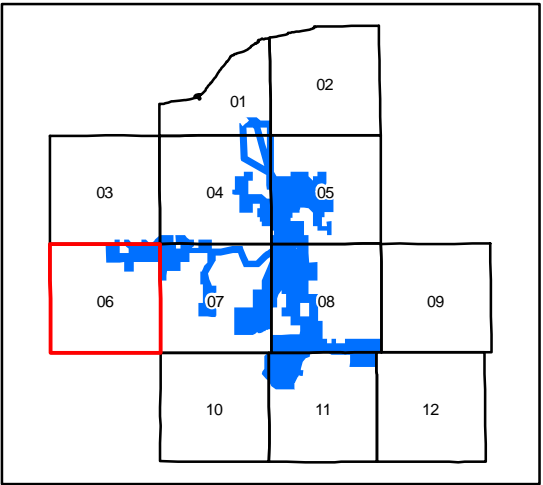


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 06 of 12  
Montague Wind Power Facility  
Request for Amendment**

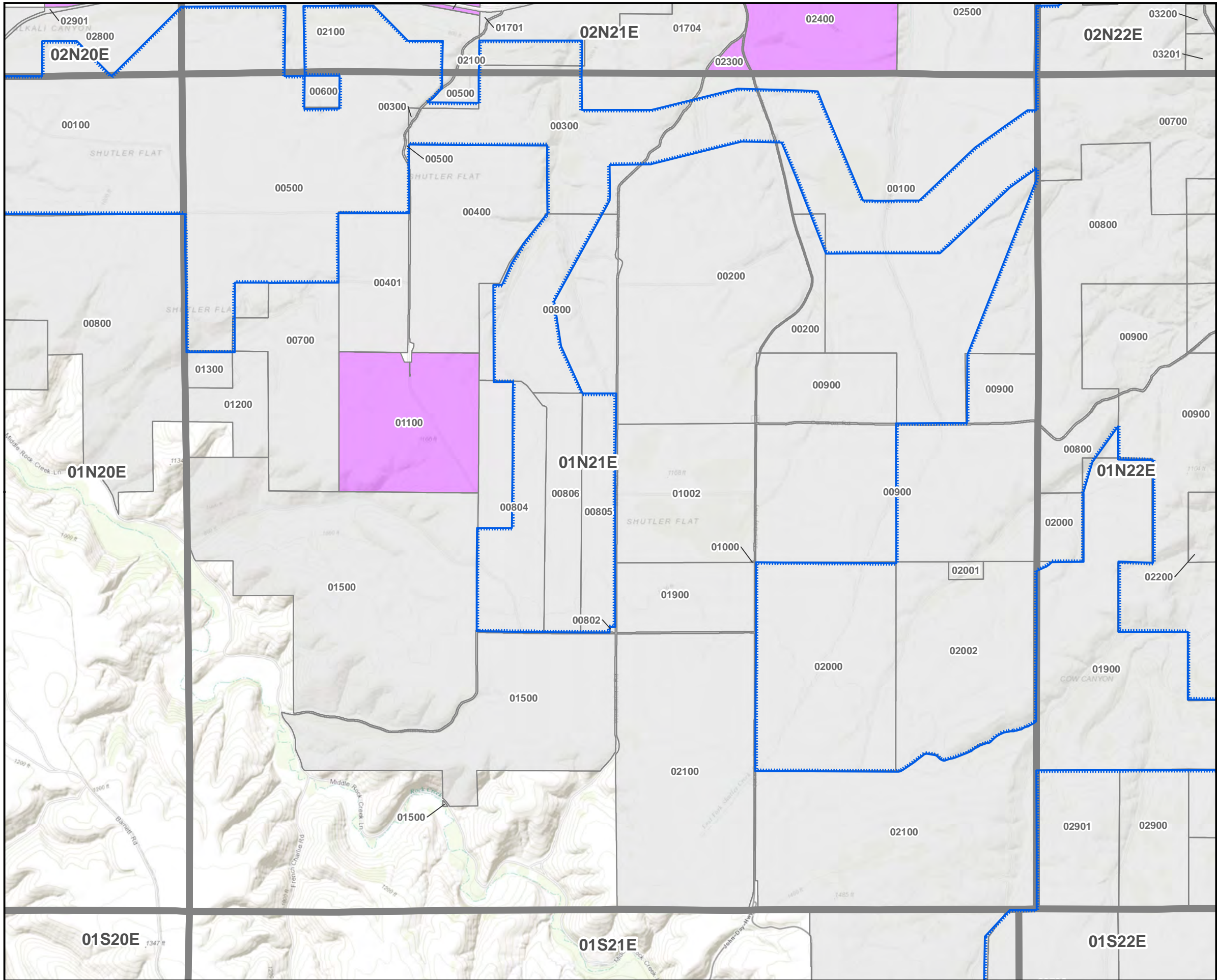
**Legend**

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- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from [www.ormap.net](http://www.ormap.net) on 4/27/2017.





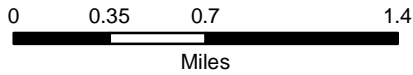
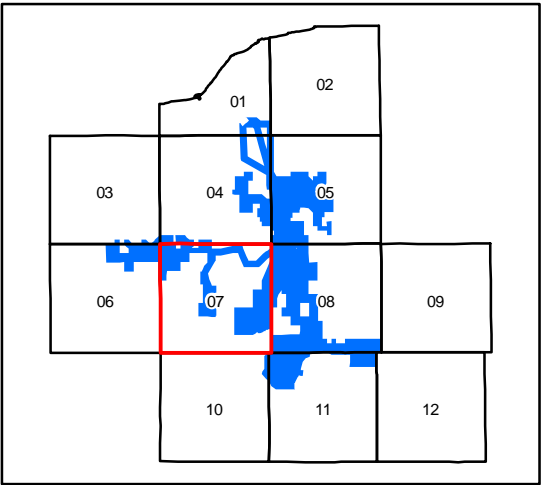


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 07 of 12  
Montague Wind Power Facility  
Request for Amendment**

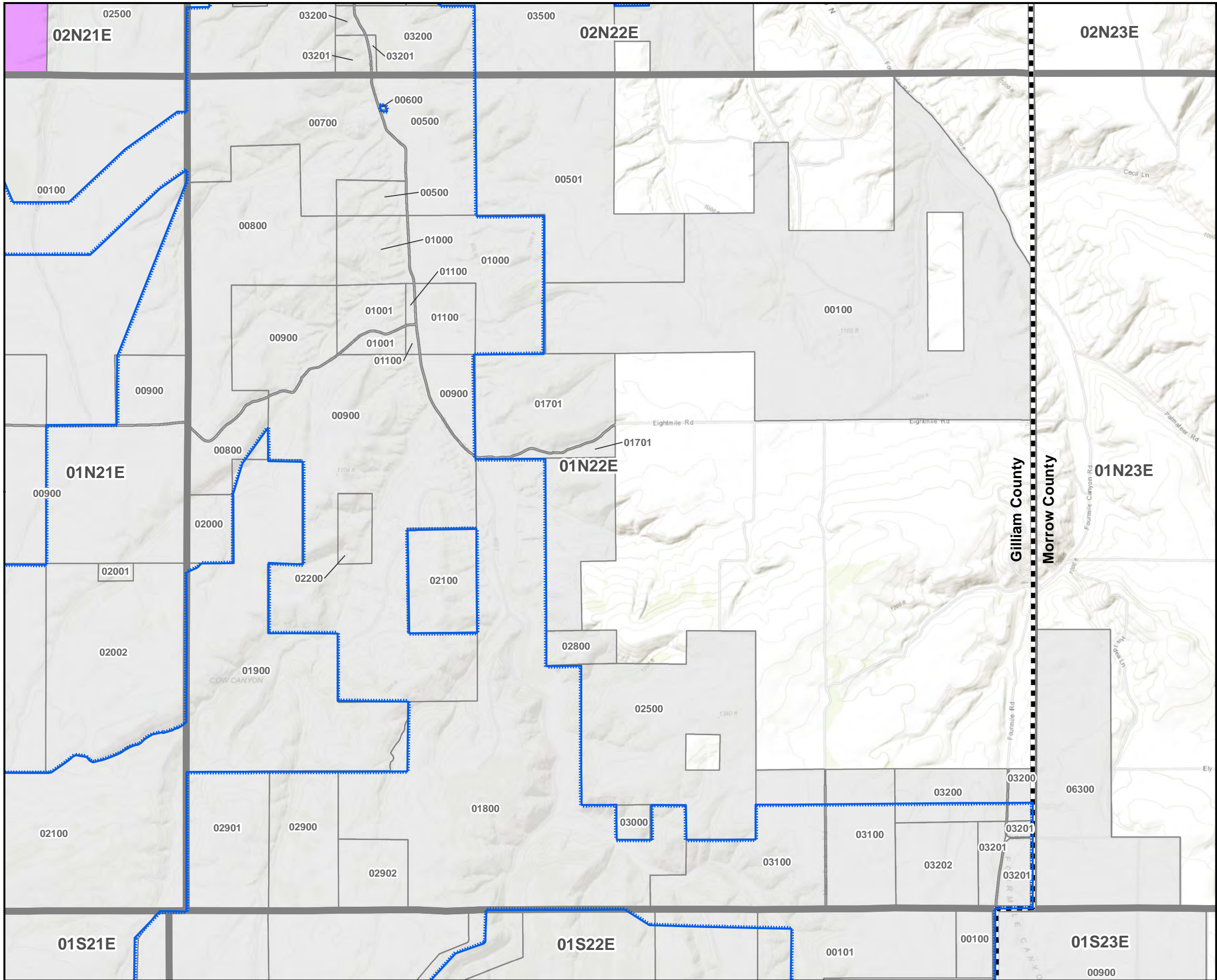
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from [www.ormap.net](http://www.ormap.net) on 4/27/2017.





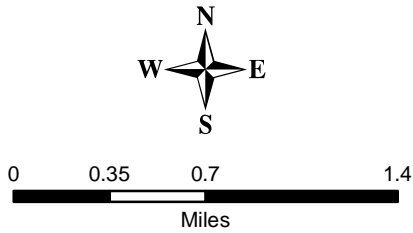
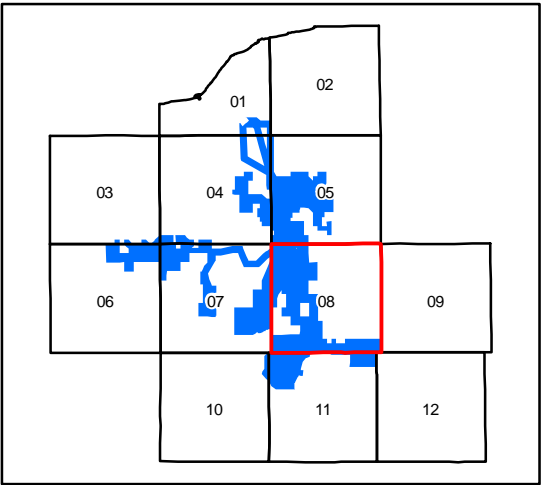


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 08 of 12  
Montague Wind Power Facility  
Request for Amendment**

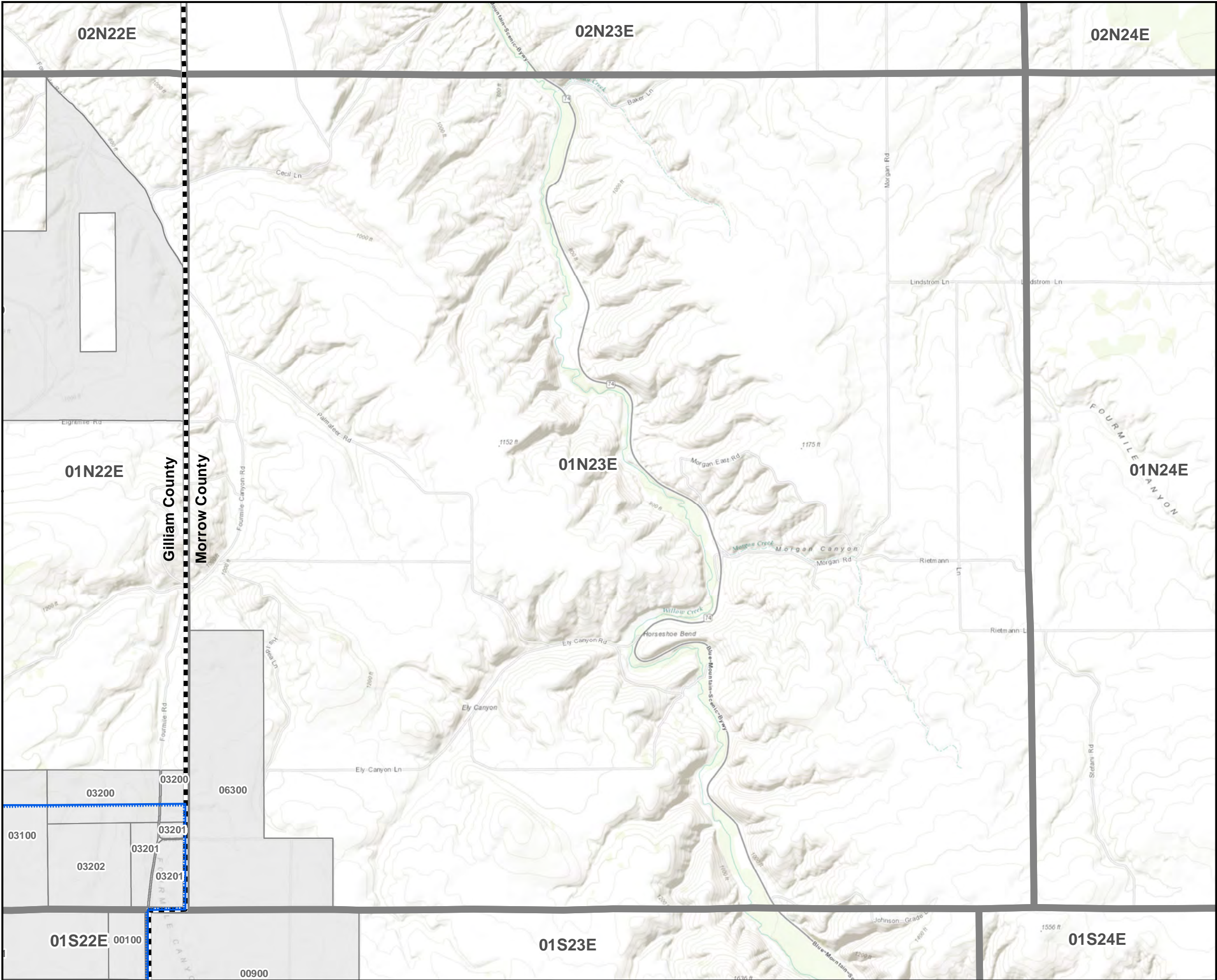
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
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- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/27/2017.





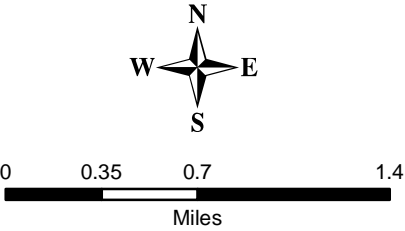
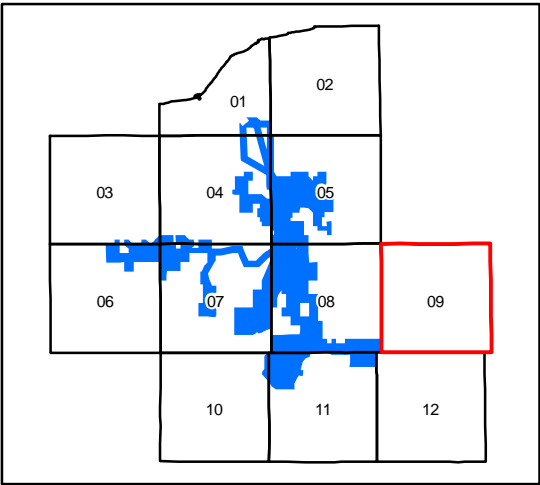


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 09 of 12  
Montague Wind Power Facility  
Request for Amendment**

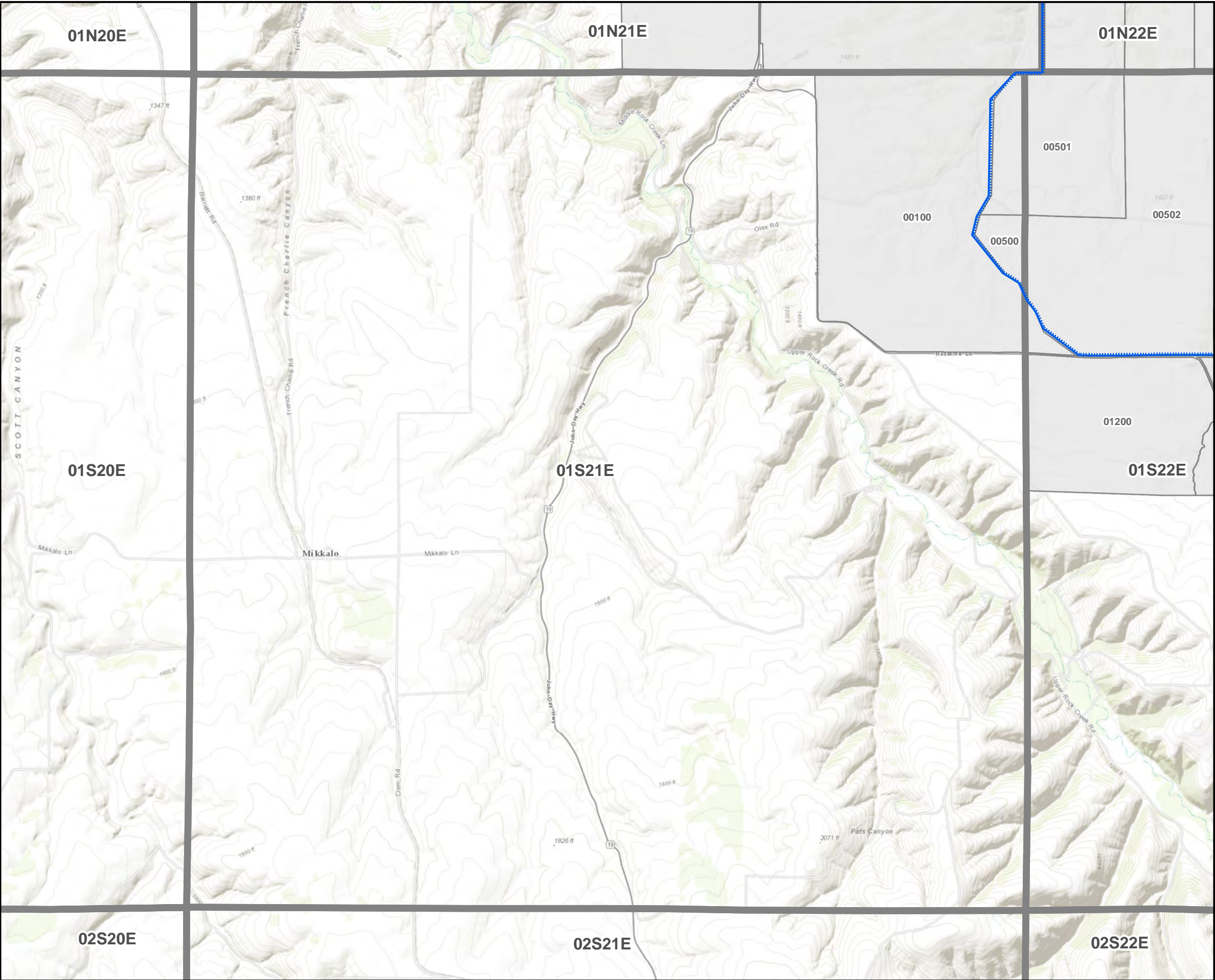
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from [www.ormap.net](http://www.ormap.net) on 4/27/2017.





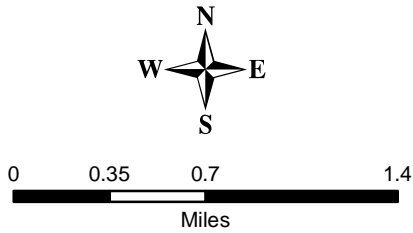
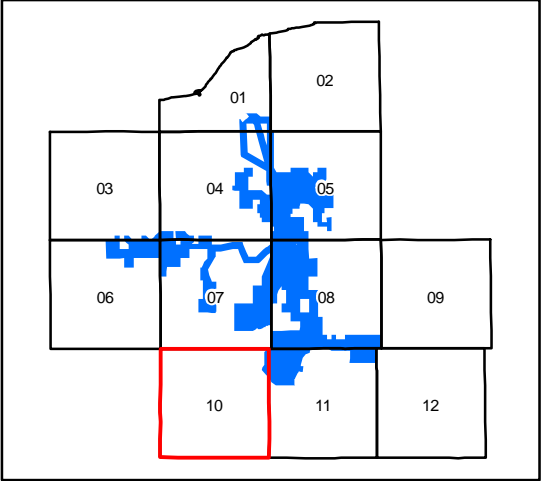


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 10 of 12  
Montague Wind Power Facility  
Request for Amendment**

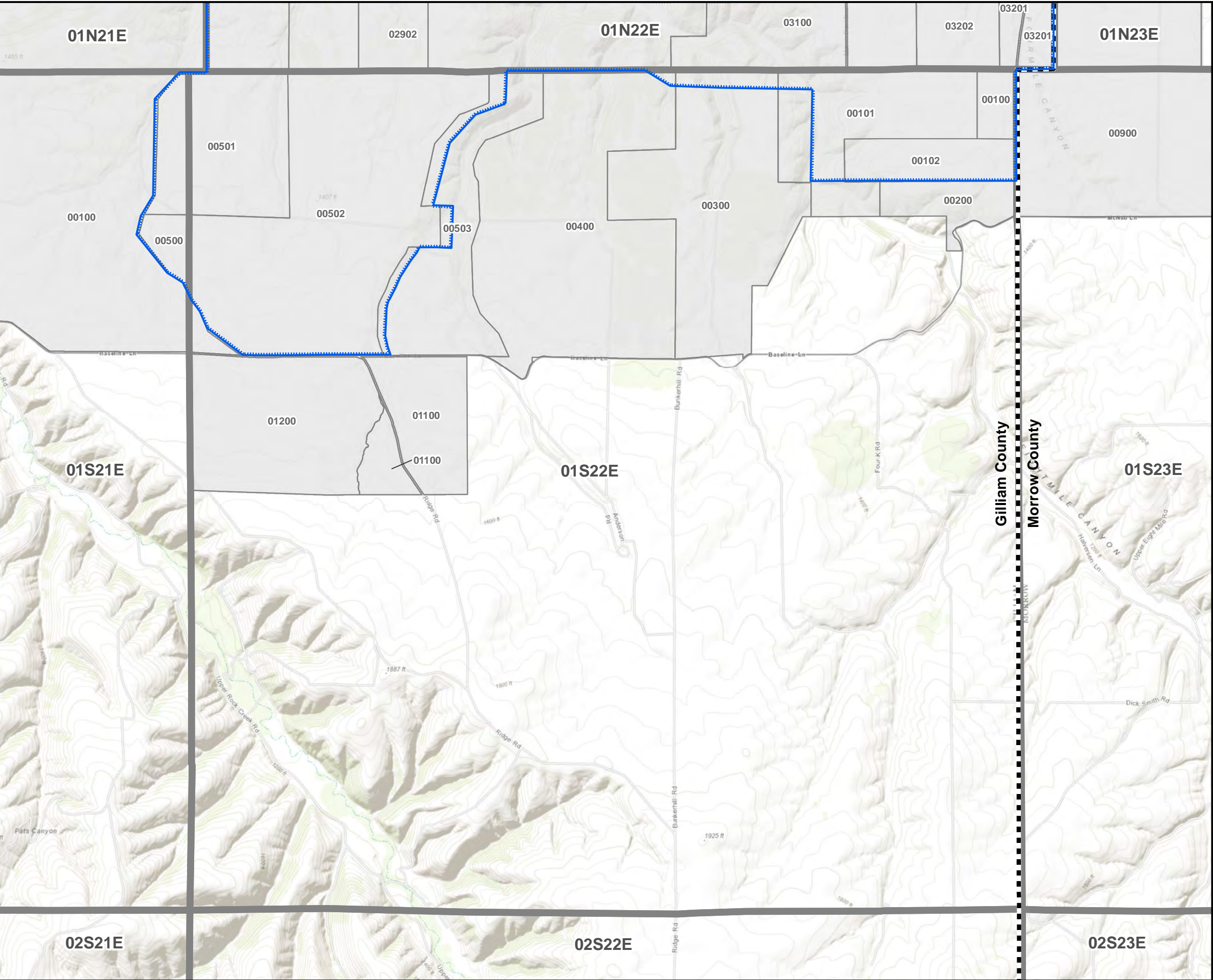
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from [www.ormap.net](http://www.ormap.net) on 4/27/2017.





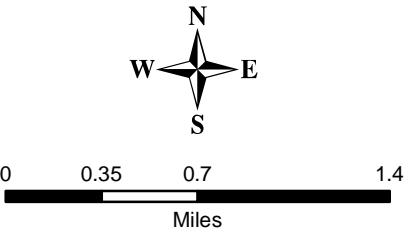
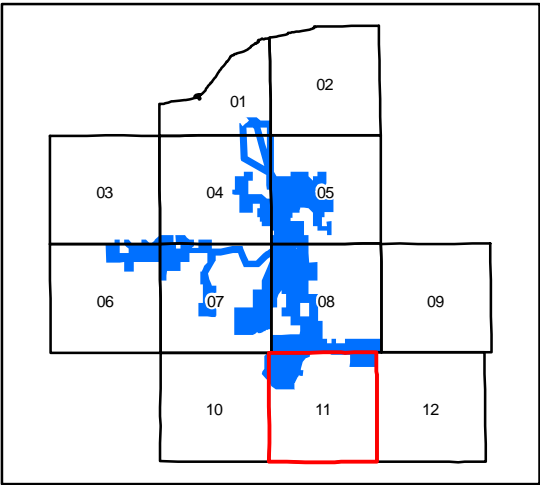


**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 11 of 12  
Montague Wind Power Facility  
Request for Amendment**

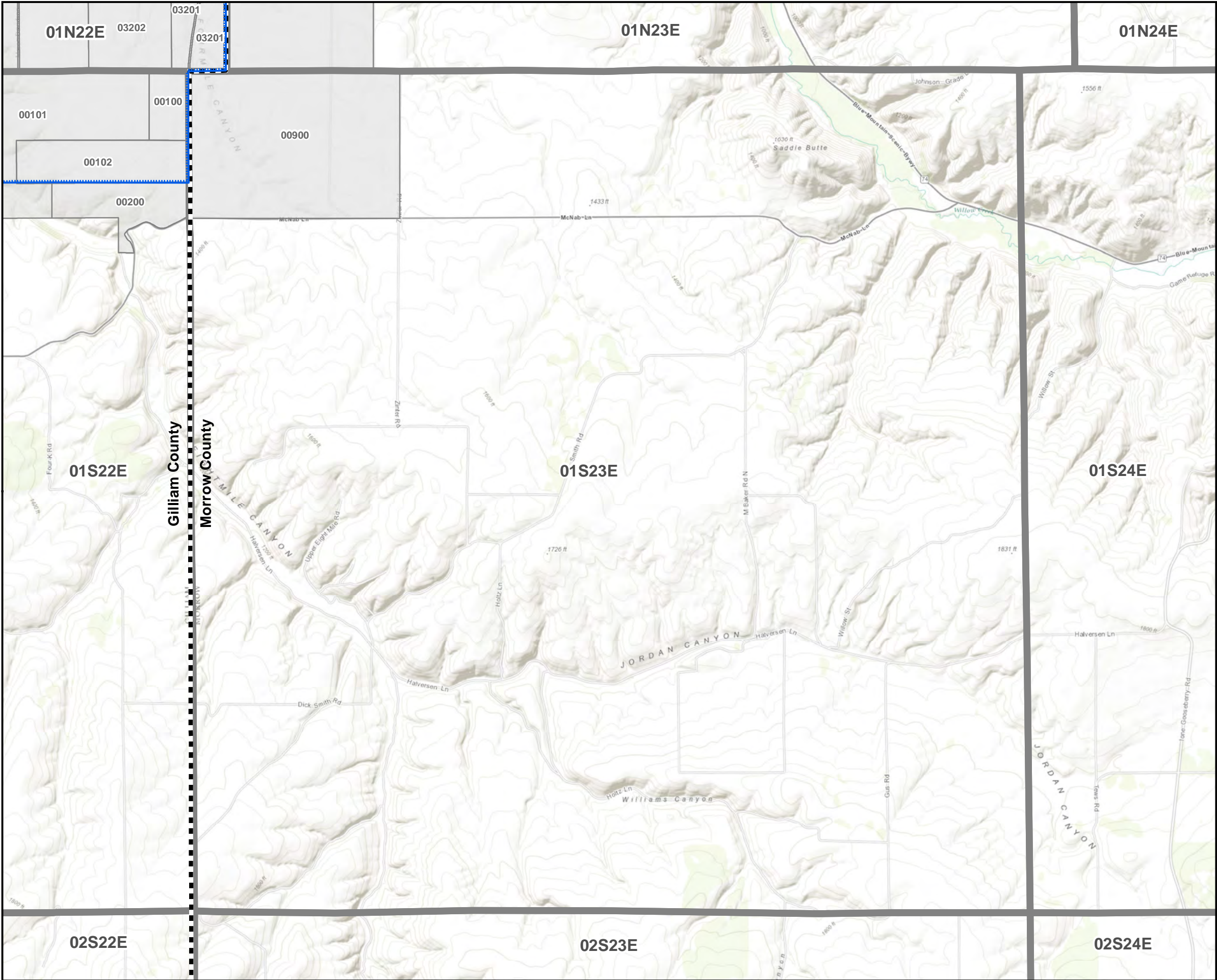
**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/27/2017.







**Gilliam and Morrow County Tax Lots  
within 500 and 1,000 Feet of Site Boundary  
Sheet 12 of 12  
Montague Wind Power Facility  
Request for Amendment**

**Legend**

- Site Boundary
- Tax Lot within 500-feet of the Site Boundary
- Tax Lot between 500 and 1,000 feet of the Site Boundary
- Public Land Survey System Township Range Boundary
- County Boundary
- Highway
- Road
- River/Stream

- Tax lot GIS data for Gilliam County downloaded on 4/21/2017.  
- Morrow County tax lot boundaries digitized from www.ormap.net on 4/27/2017.

