

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

In the Matter of the Request for Transfer of)	FINAL ORDER ON
the Summit Ridge Wind Farm Site Certificate)	REQUEST FOR TRANSFER
)	(Amendment 3)

Issued by

Oregon Department of Energy
550 Capitol Street NE
Salem, Oregon 97301-3742

December 15, 2017

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ATTACHMENTS

Attachment A: Third Amended Site Certificate

1 **I. INTRODUCTION**
2

3 The Energy Facility Siting Council (Council) issues this order in accordance with Oregon Revised
4 Statute (ORS) 469.405 and Oregon Administrative Rule (OAR) 345-027-0100 for the Request for
5 Transfer of the Summit Ridge Wind Farm Site Certificate. The transfer request includes a
6 change in certificate holder ownership, but does not change the certificate holder, Summit
7 Ridge Wind, LLC. A change in certificate holder ownership requires a site certificate transfer
8 pursuant to OAR 345-027-0100(1)(a). Therefore, this order addresses a change in the
9 ownership of the certificate holder, from the current parent company, Summit Ridge Wind
10 Holdings, LLC to Pattern Renewables 2 LP (Pattern Development), a new parent company and
11 subsidiary of Pattern Energy Group 2 LP (Pattern Energy or PEG2LP), the sole limited partner of
12 Pattern Development.

13
14 Pursuant to OAR 345-027-0100(1), “a transfer of ownership requires a transfer of the site
15 certificate when the person who will have the legal right to possession and control of the site or
16 the facility does not have authority under the site certificate to construct, operate or retire the
17 facility.” A “transferee” refers to the person who will become the new site certificate holder.
18

19 As described above, the transfer request does not change the certificate holder, Summit Ridge
20 Wind, LLC; however, ownership of the certificate holder is changing and the organizational
21 expertise and financial assurance of the certificate holder owner was relied upon in previous
22 Council orders. Therefore, for this analysis, “transferee” refers to both the certificate holder
23 and the new owner or parent company of the certificate holder; and, the organizational
24 expertise and financial assurance of the new parent company, Pattern Development, is
25 evaluated for compliance with the applicable Council standards.¹
26

27 **I.A. Name and Address of Current Certificate Holder**
28

29 Summit Ridge Wind, LLC
30 Steven A. Ostrowski, Jr., Manager
31 9611 NE 117th Ave, Suite 2840
32 Vancouver, WA 98662
33

34 *Certificate Holder Contact:*
35 Steven A. Ostrowski, Jr., Manager
36

¹ In the transfer request, the transferee predominately relies upon the organizational expertise of its larger family of companies, Pattern Energy Group LP (PEGLP), to support the evaluation of compliance with the Council’s Organizational Expertise standard. As presented in Section III.A, *Organizational Expertise*, of this order, the Council acknowledges the organizational expertise of PEGLP as representative of Pattern Development and PEG2LP’s access to technical resources in the construction, operation and management of wind facilities. However, the Council relies upon the organizational expertise of the new parent company and its sole limited partner (Pattern Development and PEG2LP, respectively) to evaluate compliance with the standard.

1 *Current Parent Company of the Certificate Holder*

2

3 Summit Ridge Wind Holdings, LLC
4 9611 NE 117th Ave, Suite 2840
5 Vancouver, WA 98662

6

7 *I.B. Name and Address of Transferee*

8

9 Summit Ridge Wind, LLC
10 c/o Pattern Renewables 2 LP
11 Pier 1, Bay 3
12 San Francisco, CA 94111

13

14 *Transferee Contact:*

15 Kevin Wetzel, Manager Project Development

16

17 *Parent Company*

18

19 Pattern Renewables 2 LP
20 a subsidiary of Pattern Energy Group 2 LP
21 Pier 1, Bay 3
22 San Francisco, CA 94111

23

24 *I.C. Description of the Approved Facility*

25

26 The Summit Ridge Wind Farm (facility) is an approved but not yet constructed wind energy
27 generation facility to be located in Wasco County, with a peak generating capacity of up to
28 194.4 megawatts (MW) of electricity. The facility would consist of up to 72 wind turbines as
29 well as related and supporting facilities including: a power collection system, a collector
30 substation, a 230-kilovolt (kV) transmission line, a Supervisory Control and Data Acquisition
31 system, an Operation and Maintenance building, meteorological towers, access roads,
32 temporary roadway modifications, and additional temporary construction areas.

33

34 The Council issued the site certificate for the Summit Ridge Wind Farm on August 19, 2011, and
35 has previously approved amendments to the site certificate in August 2015 and November
36 2016.

37

38

39

40

41

42

1 I.D. Description of Approved Facility Site Location

2
3 The facility site boundary includes approximately 11,000 acres of private land, within Wasco
4 County approximately 17 miles southeast of The Dalles and eight miles east of Dufur.² The
5 facility has not yet been constructed.

6
7 **II. THE TRANSFER PROCESS**

8
9 II.A. Description of the Transfer Request

10
11 In the Request for Transfer, the transferee requests a site certificate transfer to reflect the
12 change in ownership of the certificate holder from Summit Ridge Wind Holdings, LLC to Pattern
13 Development. The transfer request also explains that through the change in ownership of the
14 certificate holder, ownership of all membership interests in Summit Ridge Wind Holdings, LLC
15 were sold to Pattern Development, a subsidiary of PEG2LP on September 11, 2017. Neither the
16 certificate holder nor the transferee requested approval for any other facility modifications or
17 changes to the terms and conditions of the site certificate.

18
19 II.B. Procedural History

20
21 On September 11, 2017, the certificate holder provided an email notice, pursuant to OAR 345-
22 027-0100(2), to the Department of a transfer of ownership of the certificate holder.³ On
23 September 18, 2017, the parent company of the certificate holder, issued a “formal notice of
24 intent to transfer the Summit Ridge Site Certificate to Pattern Renewables 2 LP.”⁴ On October
25 23, 2017, the certificate holder and transferee filed its Request for Transfer of the Summit
26 Ridge Wind Farm Site Certificate.

27
28 On November 8, 2017, the Department issued notice of the transfer request to all persons on
29 the Council’s general mailing list, to the special list established for the facility, to an updated list
30 of property owners supplied by the certificate holder, and to a list of reviewing agencies as
31 defined in OAR 345-001-0010(52).^{5,6} The notice included a request for public comments and
32 established a comment deadline of December 15, 2017 (close of the Informational Hearing).
33 The notice also included the date and time of the Informational Hearing, as required for site
34 certificate transfers pursuant to OAR 345-027-0100(7), to be conducted during the December
35 15, 2017 Council meeting in Boardman, Oregon. The Department also provided notice of the
36 Informational Hearing in its December 14-15, 2017 Council agenda issued on November 30,

² Amended Final Order on Amendment #1 at 1, August 7, 2015

³ Mandatory Condition 15 (Site Certificate Condition 2.10) requires that the certificate holder, prior to any transfer of ownership of the facility or ownership of the certificate holder, inform the Department of the proposed new owners.

⁴ SRWAMD3Doc1 Notice of Intent to Transfer Site Certificate 2017-09-18.

⁵ SRWAMD3Doc2 Revised Property Owner Information 2017-10-31.

⁶ SRWAMD3Doc3 Public Notice 2017-11-08.

1 2017. In addition to issuing the notice, the Department posted the public notice, date and time
2 of the Informational Hearing, and transfer request materials on the agency website.

3
4 During its December 15, 2017 Council meeting in Boardman, Oregon the Council conducted an
5 Informational Hearing on the Request for Transfer for the Summit Ridge Wind Farm Site
6 Certificate. At the same meeting, the Council received a staff presentation on the draft Final
7 Order on the Request for Transfer and approved the Final Order on the Request for Transfer
8 and issued an amended site certificate.

9
10 **II.C. Comments on Request for Transfer**

11
12 During the comment period on the Summit Ridge Wind Farm Request for Amendment 3
13 (Transfer Request) of the Site Certificate, three written comments were received.⁷ One oral
14 comment was received during the December 15, 2017 Informational Hearing; Council members
15 provided additional comments to the Department during its review of the transfer request at
16 the December 15, 2017 Council meeting. Substantive comments received are summarized
17 below and to the extent the comments on the transfer request relate to compliance with an
18 applicable Council standard, the comments are evaluated in the findings related to those
19 Council standards as presented in Section III of this order.

20
21 1. Friends of the Columbia Gorge (Friends)

22
23 In comments received on the transfer request, Friends expressed concern regarding the
24 transferee's reliance on its parent company, Pattern Energy Group 2 LP, to satisfy the
25 requirements of the Council's Organizational Expertise (OAR 345-022-0010) and Retirement
26 and Financial Assurance (OAR 345-022-0050) standards. Friends argue that the standards
27 require the "applicant" to meet the standard and suggests that reliance on the expertise or
28 financial ability of a parent company should not be considered sufficient to satisfy the
29 requirements of the standards. Friends suggest, therefore, that the site certificate transfer
30 request be denied.⁸ This comment is further addressed in Section III of this order.

31
32 2. Irene Gilbert

33
34 *Written Comments*

35
36 In comments received on the transfer request, as an individual, Ms. Gilbert commented on the
37 Public Notice for the Summit Ridge Wind Farm Request for Amendment 3, issued on November

⁷ In comments received on the transfer request, Confederated Tribes of the Umatilla Indian Reservation stated that it had no comments regarding the transfer. These comments are not addressed further in the order. SRWAMD3Doc8 Tribal Government Comments CTUIR 2017-12-07.

⁸ SRWAMD3 Public Comment Friends of the Gorge 2017-12-14.

1 8, 2017.⁹ Ms. Gilbert requested clarification of the following statement in the Public Notice,
2 “This figure represents the site boundary but does not necessarily represent the area that
3 would be impacted by facility construction and operation.”
4

5 The statement included in the Public Notice was intended to differentiate between a fairly large
6 area included within the site boundary versus the actual permanent and temporary disturbance
7 impacts from facility components (representing a fraction of the overall site boundary area).
8 This comment is not related to an applicable Council standard and is not addressed further in
9 the order.

10
11 *Oral Comments (Irene Gilbert, as an individual and on behalf of Friends of the Grande Ronde*
12 *Valley)*
13

14 In oral comments received during the December 15, 2017 Informational Hearing on the transfer
15 request, as an individual and on behalf of Friends of the Grande Ronde Valley, Ms. Gilbert
16 described two issues. She expressed concern of a transferee’s recognition of commitments
17 made by a previous certificate holder, specifically that facility impacts are limited to areas
18 within a micrositing corridor previously approved by Council, and not the entire area within the
19 site boundary; and, that a federal incidental take permit is likely required for impacts to golden
20 eagles due to the siting of the facility on the edge of the Wild and Scenic Deschutes River. These
21 comments are further addressed in Section III of this order.
22

23 3. Energy Facility Siting Council Comments

24

25 During review of the transfer request, at the December 15, 2017 Council meeting, Council
26 member Calica commented that the site boundary appeared to be located within ceded lands
27 of the Confederated Tribes of Warm Springs (CTWS) and that the facility site appears to have
28 unique resources including critical fish habitat and cultural resource sites.¹⁰ Further, Council
29 member Calica noted the importance of the transferee’s ability under the Organizational
30 Expertise standard to demonstrate the ability to avoid impacts to unique tribal resources. These
31 comments are further addressed in Section III of this order.
32
33

⁹ SRWAMD3 Public Comment Gilbert 2017-12-06.

¹⁰ The CTWS were provided notice of the transfer request on November 8, 2017, with a request for review and comment; however, CTWS did not provide comments during the November 8 through December 15, 2017 transfer request comment period. SRWAMD3Doc3-6 Transmittal CTWS Notice 2017-11-08.

1 **III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS**

2
3 Revisions to OAR 345 Division 27 became effective on October 24, 2017. Because the Request
4 for Transfer was received on October 23, 2017, the applicable procedural requirements for a
5 transfer request are based on OAR 345 Division 27 in effect prior to October 24, 2017.

6
7 Under OAR 345-027-0100(8), the Council may approve a transfer of the site certificate if the
8 Council finds that:

- 9 a) The transferee complies with the standards described in OAR 345-022-0010
10 (Organizational Expertise standard), 345-022-0050 (Retirement and Financial Assurance
11 standard) and if applicable, 345-024-0710(1) (related to compliance with the Carbon
12 Dioxide standard); and
13 b) The transferee is or will be lawfully entitled to possession or control of the site of the
14 facility described in the site certificate.

15
16 The Council’s findings related to compliance with OAR 345-027-0100(8)(a) are contained below
17 in Section III.A, *Evaluation of Transfer Request and Applicable Council Standards*. OAR 345-024-
18 0710(1) applies to facilities that generate carbon dioxide emissions and therefore does not
19 apply to the Summit Ridge Wind Farm as wind energy generation facilities are not direct
20 sources of carbon dioxide emissions.

21
22 *Possession and Control of the Site Certificate [OAR 345-027-0100(8)(b)]*

23 To approve the transfer of the site certificate, the Council must find that the transferee is
24 lawfully entitled to possession or control of the site or the facility described in the site
25 certificate.

26
27 Annex M-1 of the transfer request is an updated legal opinion letter dated October 19, 2017,
28 illustrating the legal opinion that “subject to the Certificate Holder’s meeting all the
29 requirements of any applicable federal, state and local laws (including all the rules and
30 regulations promulgated thereunder), the Certificate Holder has the legal authority to construct
31 and operate the Summit Ridge Wind Farm project without violating the Documents.”¹¹ Based
32 on these representations, the Council finds that the transferee is lawfully entitled to possession
33 or control of the Summit Ridge Wind Farm site and approved facility as described in the site
34 certificate.

35
36 *Compliance with the Site Certificate [OAR 345-027-0100(9)]*

37 To approve the transfer of the site certificate, the Council must find that the transferee,
38 including the certificate holder and new parent company of the certificate holder, agrees to
39 abide by all the terms and conditions of the site certificate to be transferred.

40

¹¹ SRWAMD3Doc2. Request to Transfer, Annex M-1.2017-10-23

1 The transferee, in the Request for Transfer, certified that it agrees to abide by all the terms and
2 conditions of the site certificate currently in effect and all terms and conditions that will result
3 from this [transfer] request.¹²
4

5 On the record of the transfer request, Ms. Gilbert expressed concern of the transferee's
6 recognition of commitments made by the previous certificate holder, specifically that facility
7 impacts are limited to areas within a micrositing corridor previously approved by Council. As
8 described above, the transferee, in the amendment request, certified that it agrees to abide by
9 all the terms and conditions of the site certificate currently in effect and all terms and
10 conditions that will result from this [transfer] request, which as noted includes a limitation on
11 construction and operational activity within a previously approved micrositing corridor.¹³
12

13 On the record of the transfer request, Ms. Gilbert also commented that a federal incidental
14 take permit is likely required for impacts to golden eagles due to the siting of the facility on the
15 edge of the Wild and Scenic Deschutes River. The Council understands that a federal take
16 permit may be required, but notes that federal permits are not within Council jurisdiction.¹⁴
17 Any additional federal requirements must be met by the developer, independent of the EFSC
18 site certificate process.
19

20 Based on the transferee's certification, the Council finds that the transferee agrees to abide by
21 all the terms and conditions of the Summit Ridge Wind Farm Site Certificate.
22

23 **III.A. Organizational Expertise [OAR 345-022-0010]**

24

25 *(1) To issue a site certificate, the Council must find that the applicant has the*
26 *organizational expertise to construct, operate and retire the proposed facility in*
27 *compliance with Council standards and conditions of the site certificate. To conclude*
28 *that the applicant has this expertise, the Council must find that the applicant has*
29 *demonstrated the ability to design, construct and operate the proposed facility in*
30 *compliance with site certificate conditions and in a manner that protects public*

¹² SRWAMD3Doc2. Request to Transfer, Attachment 2.2017-10-23

¹³ *Id*

¹⁴ As explained in the Final Order on Amendment 2, the certificate holder evaluated potential impacts to golden eagles during the original application phase, in ASC Exhibit P. As presented in ASC Exhibit P, golden eagles are not a State-listed threatened or endangered species; nor is it a State Sensitive Species. However, as explained in the 2011 Final Order, the certificate holder developed in consultation with USFWS an Avian and Bat Protection Plan for the facility to demonstrate compliance with federal statutes. In addition, ASC Exhibit P presents a binding representation by the certificate holder that during construction activities, a 0.25-mile buffer would be imposed between any ground-disturbing activities to any identified active nests, including golden eagle nests. Moreover, the WMMP, imposed through Site Certificate Condition 10.5, as amended, requires that the certificate holder conduct a two-year post-construction fatality monitoring study for bird and bat species, which includes golden eagles. The WMMP requires the certificate holder to compare results of the fatality monitoring study to a threshold that if exceeded may warrant additional mitigation to benefit the affected species. SRWAMD2 Final Order on Amendment 2. 2017-11-04.

1 *health and safety and has demonstrated the ability to restore the site to a useful,*
2 *non-hazardous condition. The Council may consider the applicant's experience, the*
3 *applicant's access to technical expertise and the applicant's past performance in*
4 *constructing, operating and retiring other facilities, including, but not limited to, the*
5 *number and severity of regulatory citations issued to the applicant.*
6

7 (2) *The Council may base its findings under section (1) on a rebuttable presumption that*
8 *an applicant has organizational, managerial and technical expertise, if the applicant*
9 *has an ISO 9000 or ISO 14000 certified program and proposes to design, construct*
10 *and operate the facility according to that program.*
11

12 (3) *If the applicant does not itself obtain a state or local government permit or approval*
13 *for which the Council would ordinarily determine compliance but instead relies on a*
14 *permit or approval issued to a third party, the Council, to issue a site certificate, must*
15 *find that the third party has, or has a reasonable likelihood of obtaining, the*
16 *necessary permit or approval, and that the applicant has, or has a reasonable*
17 *likelihood of entering into, a contractual or other arrangement with the third party*
18 *for access to the resource or service secured by that permit or approval.*
19

20 (4) *If the applicant relies on a permit or approval issued to a third party and the third*
21 *party does not have the necessary permit or approval at the time the Council issues*
22 *the site certificate, the Council may issue the site certificate subject to the condition*
23 *that the certificate holder shall not commence construction or operation as*
24 *appropriate until the third party has obtained the necessary permit or approval and*
25 *the applicant has a contract or other arrangement for access to the resource or*
26 *service secured by that permit or approval.*
27

28 **Findings of Fact**

29 Subsections (1) and (2) of the Council's Organizational Expertise standard require that the
30 transferee demonstrate its ability to design, construct and operate the facility in compliance
31 with Council standards and all site certificate conditions, as well as its ability to restore the site
32 to a useful, non-hazardous condition. The Council may consider the transferee's experience and
33 past performance in constructing, operating and retiring other facilities in determining
34 compliance with the Council's Organizational Expertise standard. Subsections (3) and (4)
35 address certified programs and third party permits.
36

37 To evaluate whether the transferee satisfies the Council's Organizational Expertise standard,
38 the Council may consider the transferee's experience and past performance in constructing,
39 operating, and retiring other facilities. The transferee does not propose to design, construct, or
40 operate the facility in accordance with an International Organization for Standardization (ISO)
41 9000 or ISO 14000 certified program. Further, the transferee has not proposed to rely on any
42 third-party permit approvals for state, local, or federal permits required for construction or

1 operation of the facility. Therefore, the Council finds that the requirements of OAR 345-022-
2 0010(2) through (4) would not be applicable to the transfer request or the facility.

3
4 *Construction, Operation and Retirement of the Facility*
5

6 Summit Ridge Wind, LLC is a project-specific LLC and therefore, in the transfer request, the
7 transferee relies upon the organizational expertise of its family of companies, Pattern Energy
8 Group (PEGLP). The Council acknowledges the represented experience of PEGLP which includes
9 the development, ownership and operation of over 4,500 MW of renewable energy worldwide
10 and construction management of 19 wind and solar projects, completed within the allotted
11 budget and schedule. The Council also acknowledges that the experience of the transferee's
12 family of companies, PEGLP, generally represents access to technical expertise in construction,
13 operation and retirement of a wind facility.

14
15 The Council, however, evaluates and relies upon the organizational expertise of the certificate
16 holder's new parent company and its sole limited partner, Pattern Development and PEG2LP,
17 respectively. In the transfer request, the transferee provided qualifications of Pattern
18 Development personnel who would be responsible for construction and operation of the facility
19 and explains that the identified construction, engineering, and operations personnel leads have
20 many years of experience in constructing and operating energy facilities including wind and
21 transmission projects.¹⁵ The Council previously imposed Condition 6.1 in the site certificate
22 requiring the certificate holder to have a full-time, on-site construction manager to ensure site
23 certificate compliance. Because the identified personnel could change prior to facility
24 construction and operation, and because the transfer request provides limited information
25 regarding the direct organizational expertise of the new parent company and its sole limited
26 partner, the Council amends Condition 6.1 to require that the certificate holder submit
27 qualifications of construction, operation and retirement personnel verifying that the
28 qualifications represent experience in environmental and regulatory compliance, as follows:¹⁶
29

30 **Amended Site Certificate Condition 6.1:**

31 The certificate holder shall:

- 32
33 (a) Prior to construction, notify the Department of the identity, telephone number, e-
34 mail address and qualifications of the full-time, on-site construction manager.
35 Qualifications shall demonstrate that the construction manager has experience in
36 managing permit and regulatory compliance requirements and is qualified to
37 manage a wind facility construction project.

¹⁵ SRWAMD3Doc2. Attachment 2, p. 17. 2017-10-13

¹⁶ In the Second Amended Site Certificate, Condition 6.1 stated, "During construction, the certificate holder shall have a full-time, on-site assistant construction manager who is qualified in environmental compliance to ensure compliance with all site certificate conditions. The certificate holder shall notify the Department of the name, telephone number, and e-mail address of this person prior to the start of construction and immediately upon any change in the contact information. [Final Order IV.B.2.3]"

1 (b) Prior to operation, notify the Department of the identity, telephone number, e-mail
2 address and qualifications of the full-time, on-site operations manager.

3 Qualifications shall demonstrate that the operations manager has experience in
4 managing permit and regulatory compliance requirements and is qualified to
5 manage operation of a wind facility.

6 (c) Prior to facility retirement, notify the Department of the identity, telephone number,
7 e-mail address and qualifications of the personnel or entity responsible for facility
8 decommissioning and restoration activities. Qualifications shall demonstrate that the
9 identified personnel have experience in managing permit and regulatory compliance
10 requirements and are qualified to decommission a wind facility.

11
12 The certificate holder shall notify the Department within 72-hours upon any change in
13 personnel or contact information provided to satisfy Condition 6.1(a) through (c).

14 [Final Order on Amendment 3]
15

16 In the transfer request, the transferee explains that contractors, engineers and manufacturers
17 have not yet been selected for construction of the facility. However, existing Condition 5.1 of
18 the site certificate, which would continue to apply in the third amended site certificate,
19 requires that prior to construction, the certificate holder must identify all construction
20 contractors and requires them to have demonstrated experience in the design, engineering,
21 and construction of similar facilities. The transferee states that the management, development,
22 construction, finance, and operational teams for both PEGLP and PEG2LP are comprised of
23 mostly the same individuals and share resources under binding long-term management services
24 arrangements.¹⁷ Compliance with Condition 5.1 would provide verification to the Department,
25 and the Council, that major contractors are qualified to design, engineer and construct the
26 facility and all contractors and subcontractors operate in compliance with the site certificate.

27
28 Due to the certificate holder's previous reliance on the organizational expertise of its parent
29 company to satisfy the requirements of OAR 345-022-0010(1), Council previously imposed
30 Condition 6.31 in the site certificate, requiring the certificate holder to notify the Department
31 within 7 days of any change in the corporate structure of its parent company and of any
32 changes in access to the resources of its parent company. Due to the transferee's reliance on
33 the organizational expertise of its parent company and of its family of companies, the Council

¹⁷ SRWAMD3Doc4-2 2017-11-30

1 finds that this condition would continue to apply to the transferee and amends Condition 6.31
2 to reflect the change in certificate holder ownership as follows:^{18,19}

3
4 **Amended Site Certificate Condition 6.31:** During facility construction and operation,
5 the certificate holder shall report to the Department, within 7 days, any change in the
6 corporate structure of Pattern Renewables 2 LP, Pattern Energy Group 2 LP (the sole
7 limited partner), and Pattern Energy Group LP. The certificate holder shall report
8 promptly to the Department any change in its access to the resources, expertise, and
9 personnel of Pattern Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited
10 partner), and Pattern Energy Group LP. [Final Order on Amendment 3]
11

12 On the record of the transfer request, Friends expressed concern on the transferee's reliance
13 on its parent company to satisfy the Organizational Expertise standard. The Council has
14 historically recognized the limitations of a limited liability company (LLC), established
15 specifically for the purpose of applying for and ultimately developing an energy facility, in
16 having direct facility design, construction, operation and retirement experience. In these
17 circumstances, the Council has evaluated compliance based on factors such as access to an LLC
18 parent company's resources and necessary conditions of compliance.
19

20 Consistent with OAR 345-022-0010(1), Council considers the transferee's access to its parent
21 company's technical expertise in evaluating compliance with the standard. Moreover, as
22 described above, the Council amends Condition 6.1 requiring the transferee (certificate holder)
23 to submit to the Department, for review and approval, the qualifications of the construction,
24 operation, and facility decommissioning personnel prior to the respective phase to allow the
25 Department to confirm the standard is satisfied. The Council also amends Condition 6.31
26 requiring the transferee (certificate holder) to provide written notification to the Department
27 within 7-days of any changes in the corporate structure of the transferee's parent company
28 which may result in changes to its access to technical resources. The transferee certified that it
29 agrees to abide by all the terms and conditions of the *Second Amended Site Certificate* currently
30 in effect and all terms and conditions imposed by the Council as part of this amendment. Based
31 upon compliance with the existing and amended site certificate conditions, the Council finds

¹⁸ On September 11, 2017, Summit Ridge Wind Holdings, LLC, the parent company of the certificate holder promptly notified the Department of the sale of the certificate holder, resulting in a change in certificate holder ownership. This email notification satisfied the requirements of existing condition 6.31. The certificate holder notified the Department of the intent to transfer the site certificate and the subsequent change in ownership on the same day that the sale of the certificate holder closed, September 11, 2017. On September 18, 2017, the parent company of the certificate holder, issued a "formal notice of intent to transfer the Summit Ridge Site Certificate to Pattern Renewables 2 LP." SRWAMD3Doc1 Notice of Intent to Transfer Site Certificate 2017-09-18.

¹⁹ In the Second Amended Site Certificate, Condition 6.31 stated, "During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, Summit Ridge Wind Holdings, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of Summit Ridge Wind Holdings, LLC. [Final Order on Amendment 2]"

1 that the transferee has the ability, as further described below, to satisfy the requirements of
2 the standard.

3
4 In the transfer request, the transferee asserts that both Pattern Development and Summit
5 Ridge Wind, LLC have not received any regulatory citations or complaints resulting in
6 enforcement action. PEG2LP, the sole limited partner of Pattern Development, has received no
7 regulatory citations during preconstruction, construction, or operation at any of their wind
8 facilities in the United States, over the past ten years.²⁰

9
10 To ensure that the design, construction and operation of the facility is conducted in a manner
11 that protects public health and safety in accordance with the Organizational Expertise standard,
12 Council previously imposed the following conditions in the site certificate: 5.4, 5.8, 6.8, 6.10,
13 6.11, 6.13, 6.14, 7.1 through 7.7, and 8.1 through 8.9, which would continue to apply to the
14 transferee in the third amended site certificate. The transferee's ability to restore the facility
15 site to a useful, non-hazardous condition is evaluated in Section III.B, *Retirement and Financial*
16 *Assurance* of this order, in which the Council finds the transferee would comply with the
17 Retirement and Financial Assurance standard.

18
19 If mitigation is relied upon to satisfy the requirements of the Council's Fish and Wildlife Habitat
20 standard, the experience of a certificate holder or applicant in implementing and managing
21 such mitigation projects is evaluated under the Council's Organizational Expertise standard. For
22 this transfer request, resulting from potential habitat impacts identified for the previously
23 approved facility, the transferee relies upon mitigation to satisfy the Council's Fish and Wildlife
24 Habitat standard (see Site Certificate Condition 10.4). The transferee describes that its parent
25 company has extensive experience with compensatory mitigation including experience with
26 voluntary species conservation banks, multi-resource restoration and mitigation projects, and
27 wetland mitigation. The transferee describes that the current conservation mitigation project
28 associated with the approved facility would be managed by a qualified, experienced individual
29 and includes a 70 acre parcel of land, located near the facility.

30
31 During its review of the transfer request at the December 15, 2017 Council meeting, Council
32 member Calica noted the location of the previously approved facility (not yet constructed) as
33 being within ceded lands of the Confederated Tribes of Warm Springs (CTWS) and expressed
34 interest in ensuring that the transferee could demonstrate organizational expertise in
35 minimizing and avoiding impacts to unique tribal resources.

36

²⁰ The transferee's preliminary examination confirmed that no citations have been received by both PEGLP and PEG2LP at their wind facilities in the U.S. Included in their response, the transferee states that "due to time constraints and the size of PEGLP and PEG2LP's respective nationwide fleets, this review is preliminary and [Pattern Energy] will notify ODOE if [their] research identifies any citations that may have occurred at any of [their] wind facilities in the US during this period." SRWAMD3Doc4-2 2017-11-30

1 The Council's Organizational Expertise standard, per OAR 345-022-0010(1), requires the Council
2 to find that a transferee has the organizational expertise to construct, operate and retire the
3 facility in compliance with Council standards and conditions of the site certificate. It is noted
4 that under ORS 469.501(4) and OAR 345-022-0090(2), the Council may issue a site certificate
5 for a wind energy facility within making findings on the Historic, Cultural and Archaeological
6 Resources standard; however, the Council may impose conditions based on the requirements
7 of the standard. The existing site certificate includes six conditions (Condition 11.1 through
8 11.6) previously imposed to minimize and avoid potential significant adverse impacts to
9 historic, cultural, and archeological resources. The requirements of these conditions would
10 continue to apply to the transferee, for which the transferee has provided certification of
11 agreement to abide to the terms and conditions of the site certificate.

12
13 The transferee certified that it agrees to abide by all the terms and conditions of the *Second*
14 *Amended Site Certificate* currently in effect and all terms and conditions imposed by the Council
15 as part of this amendment. As a result, the transferee would be subject to the same conditions
16 that the Council used to ensure that the certificate holder had the ability to design, construct,
17 and operate a facility in compliance with Council standards and all site certificate conditions, as
18 well as to restore the site to a useful, non-hazardous condition.

19
20 Based on the above analysis, and because the transferee is subject to the same conditions and
21 has certified that it would abide by all requirements of the site certificate, the Council finds that
22 the certificate holder and new owner of the certificate holder (transferee) complies with the
23 Council's Organizational Expertise standard.

24
25 **Conclusions of Law**

26
27 Based on the foregoing findings of fact, and based upon compliance with the existing and
28 amended site certificate conditions, the Council finds that the transfer of ownership of the site
29 certificate holder from Summit Ridge Wind Holdings, LLC to Pattern Development would
30 continue to comply with the Council's Organizational Expertise standard.

31
32 **III.B. Retirement and Financial Assurance [OAR 345-022-0050]**

33
34 *To issue a site certificate, the Council must find that:*

35
36 *(1) The site, taking into account mitigation, can be restored adequately to a useful, non-*
37 *hazardous condition following permanent cessation of construction or operation of*
38 *the facility.*

39
40 *(2) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in a*
41 *form and amount satisfactory to the Council to restore the site to a useful, non-*
42 *hazardous condition.*

43

1 **Findings of Fact**

2

3 The Retirement and Financial Assurance standard requires a finding that the facility site can be
4 restored to a useful, non-hazardous condition at the end of the facility’s useful life, should
5 either the certificate holder stop construction or should the facility cease to operate.²¹ In
6 addition, it requires a demonstration that the applicant (certificate holder or transferee) can
7 obtain a bond or letter of credit to restore the site to a useful, non-hazardous condition.

8

9 *Restoration of the Site Following Cessation of Construction or Operation*

10

11 OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a
12 useful non-hazardous condition at the end of the facility’s useful life.

13

14 Restoring the site to a useful, non-hazardous condition upon cessation of construction or
15 operations (or upon retirement) would involve the dismantlement and removal of all wind
16 turbine generators, and the O&M facility and substation. The 34 kV collector power lines and
17 the 230 kV transmission line and support structures would also be removed, to the point where
18 the ends of the collector lines are 3 feet below grade. Any access road that did not exist prior to
19 the facility’s construction would be removed. All areas initially disturbed by the instillation of
20 the facility (and any areas disturbed during its restoration) would be backfilled with native soil,
21 returned to their natural grades, and reseeded with native vegetation.²²

22

23 The Council previously imposed several mandatory site certificate conditions relating to the
24 obligation of the certificate holder to prevent the development of conditions on the site that
25 would preclude restoration of the site and requiring the certificate holder to obtain Council
26 approval of a retirement plan in the event that the facility ceases construction or operation.
27 These conditions (Conditions 14.3, 14.4, and 14.5) would continue to apply to the transferee.

28

29 The transferee is required to comply with the requirements of these site certificate conditions.
30 Based upon compliance with the existing site certificate conditions, and because the Request
31 for Transfer would not result in any changes to the facility or tasks or actions necessary for
32 facility decommissioning, the Council finds that the previous evaluation of tasks and actions
33 necessary for facility decommissioning continues to be adequate and representative of
34 restoring the site to a useful, non-hazardous condition at the end of the facility’s useful life.

35

36 *Estimated Cost of Site Restoration*

37

38 OAR 345-022-0050(2) requires the Council to find that the applicant (certificate holder or
39 transferee) has a reasonable likelihood of obtaining a bond or letter of credit in a form and
40 amount necessary to restore the proposed facility site to a useful non-hazardous condition. A

²¹ OAR 345-022-0050(1).

²² ASC, Exhibit W, p. 1.

1 bond or letter of credit provides a site restoration remedy to protect the state of Oregon and its
2 citizens if the certificate holder fails to perform its obligation to restore the site. The bond or
3 letter of credit must remain in force until the certificate holder has fully restored the site, as
4 required by existing Retirement and Financial Assurance Condition 14.1.

5
6 In the Final Order on the Application, the Council found that the certificate holder had a
7 reasonable likelihood of obtaining a bond or letter of credit, in a form and amount satisfactory
8 to the Council, to restore the site to a useful non-hazardous condition.²³ The Departments'
9 estimate of \$6.695 million (calculated in Q3 2010 dollars) was found by Council in the Final
10 Order on the ASC (2011), to be a reasonable estimate to restore the facility site.

11
12 Based upon compliance with the existing site certificate conditions, and because the Request
13 for Transfer would not result in any changes to the facility or tasks or actions necessary for
14 facility decommissioning, the Council finds that the decommissioning cost estimate continues
15 to represent a reasonable estimate of an amount satisfactory to restore the site to a useful,
16 non-hazardous condition.

17
18 *Ability of the Transferee to Obtain a Bond or Letter of Credit*

19
20 The transferee relies upon the financial assurance and capability of Pattern Energy to
21 demonstrate compliance with the Council's Retirement and Financial Assurance standard, as
22 presented in Exhibit M of the Request for Transfer. In the transfer request, the transferee
23 submitted a letter dated October 20, 2017, from MUFG Union Bank, N.A. (bank), which stated
24 that the bank "has an ongoing relationship with Pattern [Energy Group 2 LP], and, subject to the
25 below, there is a reasonable likelihood that we [MUFG] would provide the Project Letter of
26 Credit should it be requested from us." The bank letter also indicates that their "understanding
27 that the potential liability of the Project Letter of Credit could total an amount of up to ten
28 million dollars (\$10,000,000.00)."²⁴

29
30 On the record of the transfer request, Friends expressed concern on the transferee's reliance
31 on its parent company to satisfy the Retirement and Financial Assurance standard. The Council
32 has historically recognized the limitations of an LLC, established specifically for the purpose of
33 applying for and ultimately developing an energy facility, in having direct financial experience.
34 In these circumstances, the Council has evaluated compliance based on factors such as access
35 to an LLC parent company's resources and necessary conditions of compliance. In addition, the
36 Council previously imposed condition 14.1, requiring the certificate holder to provide a bond or
37 letter of credit in the amount deemed satisfactory by Council to restore the site to a useful,
38 non-hazardous condition. This condition would continue to apply to the transferee. Based upon

²³ Final Order on the Application at 88

²⁴ The Council notes that MUFG Union Bank is on the Council's list of pre-approved financial institutions for issuing letters of credit in compliance with the Council's Retirement and Financial Assurance standard.

1 compliance with the existing site certificate conditions, the Council finds that the transferee has
2 the ability, as further described below, to satisfy the requirements of the standard.

3
4 Subject to the transferee's compliance with site certificate conditions, and based upon the
5 adequacy of the bank letter, the Council finds that the transferee has a reasonable likelihood of
6 obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore
7 the site to a useful, non-hazardous condition.

8
9 **Conclusions of Law**

10
11 Based on the foregoing findings of fact, and subject to the existing site certificate conditions,
12 the Council finds that the transferee, including the certificate holder and new owner of the
13 certificate holder, will continue to comply with the Council's Retirement and Financial
14 Assurance standard.

15
16 **III.C. Administrative Condition Amendments**

17 Existing Site Certificate Conditions 2.9, 2.10, 2.13, 4.1-4.5, 5.5, 5.7, 6.6, 6.11-6.14, 9.6, 13.3,
18 14.1, and 14.3-14.6 are mandatory conditions imposed consistent with OAR 345-027-0020. The
19 changes in OAR 345 Division 27, effective October 24, 2017, resulted in a change in rule
20 reference. The conditions referencing any outdated rule numbers have been administratively
21 revised to reflect the current rule references, as presented in Attachment A (Third Amended
22 Site Certificate) to this order. No substantive changes were made to the language of these
23 conditions.

24 **IV. GENERAL CONCLUSIONS**

25
26 The Council finds that the request to transfer the ownership of the certificate holder from its
27 parent company, Summit Ridge Wind Holdings, LLC, to a new parent company, Pattern
28 Renewables 2 LP, is consistent with current Council rules and the terms and conditions of the
29 site certificate.

1 **V. FINAL ORDER**

2
3 Based on the above findings of fact, reasoning, existing conditions and conclusions of law in this
4 final order, the Council approves the Request for Transfer of the Site Certificate for the Summit
5 Ridge Wind Farm, transferring ownership of the certificate holder (Summit Ridge Wind, LLC)
6 from Summit Ridge Wind Holdings, LLC to Pattern Renewables 2 LP. The Council Chair executes
7 the Site Certificate amendment in the form of the "Third Amended Site Certificate for the
8 Summit Ridge Wind Farm."

Issued this 15th day of December, 2017

The OREGON ENERGY FACILITY SITING COUNCIL

By: 
Barry Beyeler, Chair
Oregon Energy Facility Siting Council

9

10 **ATTACHMENTS**

11 Attachment A: Third Amended Site Certificate

12

13

14

Attachment A: Third Amended Site Certificate

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THIRD AMENDED SITE CERTIFICATE

FOR THE

SUMMIT RIDGE WIND FARM

Issued December 2017
by

OREGON ENERGY FACILITY SITING COUNCIL
550 Capitol Street NE
Salem, OR 97301-2567

PHONE: 503-378-4040
FAX: 503-373-7806

Amending the
Site Certificate for the Summit Ridge Wind Farm

**SUMMIT RIDGE WIND FARM SITE CERTIFICATE
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Acronyms and Abbreviations

Council	Oregon Energy Facility Siting Council
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
DPO	Draft Proposed Order
ESCP	Erosion and Sediment Control Plan
FAA	Federal Aviation Administration
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
WCLUDO	Wasco County Land Use and Development Ordinance

1 **1.0. INTRODUCTION**

2
3 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Summit
4 Ridge Wind Farm (Summit Ridge or the facility) in the manner authorized under Oregon Revised
5 Statute (ORS) Chapter 469. This site certificate is a binding agreement between the State of
6 Oregon (State), acting through the Council, and Summit Ridge Wind, LLC (certificate holder),
7 which is a wholly owned subsidiary of Pattern Renewables 2 LP (Pattern Development or parent
8 company), a subsidiary of Pattern Energy Group 2 LP (Pattern Energy or PEG2LP), the sole
9 limited partner of Pattern Development. The Council issues this site certificate authorizing the
10 certificate holder to construct, operate, and retire the facility in Wasco County, subject to the
11 conditions set forth herein.

12
13 The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of
14 this site certificate are set forth in the Council’s *Final Order in the Matter of the Application for a*
15 *Site Certificate for the Summit Ridge Wind Farm* (Final Order on ASC) issued on August 19,
16 2011, the Council’s *Amended Final Order in the Matter of the Request for Amendment #1*
17 *(Amended Final Order on Amendment 1)* issued on August 7, 2015, the Council’s *Final Order*
18 *on the Request for Contested Case, Amendment #2 and Request for Transfer of the Site*
19 *Certificate* (Final Order on Amendment 2) issued on November 4, 2016, and the Council’s
20 *Final Order on Request for Transfer* (Final Order on Amendment 3) issued on December 15,
21 2017, and incorporated herein by this reference. In interpreting this site certificate, any ambiguity
22 will be clarified by reference to and the record of the proceedings that led to the following, in
23 order of priority: (1) this Amended Site Certificate, (2) Final Order on Amendment 3, (3) the
24 Final Order on Amendment 2, (4) the Amended Final Order on Amendment 1, and (5) the Final
25 Order on ASC..

26
27 This amended site certificate does not address, and is not binding with respect to, matters that
28 were not addressed in the Council’s Final Order on ASC, Amended Final Order on Amendment
29 1, Final Order on Amendment 2, and Final Order on Amendment 3. Such matters include, but are
30 not limited to: building code compliance; wage; hour; and other labor regulations; local
31 government fees and charges; other design or operational issues that do not relate to siting the
32 facility [ORS 469.401(4)]; and permits issued under statutes and rules for which the decision on
33 compliance has been delegated by the federal government to a state agency other than the
34 Council. ORS 469.503(3).

35
36 The obligation of the certificate holder to report information to the Oregon Department of Energy
37 (Department) or the Council under the conditions listed in this amended site certificate is subject
38 to the provisions of ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the
39 Department and the Council will not publicly disclose information that may be exempt from
40 public disclosure if the certificate holder has clearly labeled such information and stated the basis
41 for the exemption at the time of submitting the information to the Department or the Council. If
42 the Council or the Department receives a request for the disclosure of the information, the
43 Council or the Department, as appropriate, will make a reasonable attempt to notify the certificate
44 holder and will refer the matter to the Attorney General for a determination of whether the
45 exemption is applicable, pursuant to ORS 192.450.

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

5
6 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site
7 certificate, except where otherwise stated, or where the context clearly indicates otherwise.
8

9 **2.0. SITE CERTIFICATION**

10
11 2.1. To the extent authorized by state law and subject to the conditions set forth herein, the
12 State authorizes the certificate holder to construct, operate, and retire a wind energy
13 facility, together with certain related or supporting facilities, at the site in Wasco
14 County, Oregon, as described in Section 3.0 of this site certificate.
15 [ORS 469.401(1)]
16

17 2.2. This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the
18 rules in effect on the date that termination is sought; or 2) until the site certificate is
19 revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect
20 on the date that revocation is ordered.
21 [ORS 469.401(1)]
22

23 2.3. Both the State and the certificate holder shall abide by local ordinances, state law, and
24 the rules of the Council in effect on the date this site certificate is executed. ORS
25 469.401(2). In addition, upon a clear showing of a significant threat to public health,
26 safety, or the environment that requires application of later-adopted laws or rules, the
27 Council may require compliance with such later-adopted laws or rules.
28 [ORS 469.401(2)]
29

30 2.4. For a permit, license, or other approval addressed in and governed by this site
31 certificate, the certificate holder shall comply with applicable state and federal laws
32 adopted in the future to the extent that such compliance is required under the respective
33 state agency statutes and rules.
34 [ORS 469.401(2)]
35

36 2.5. Subject to the conditions herein, this site certificate binds the State and all counties,
37 cities, and political subdivisions in Oregon as to the approval of the site and the
38 construction, operation, and retirement of the facility as to matters that are addressed in
39 and governed by this site certificate.
40 [ORS 469.401(3)]
41

42 2.6. Each affected state agency, county, city, and political subdivision in Oregon with
43 authority to issue a permit, license, or other approval addressed in or governed by this
44 site certificate shall, upon submission of the proper application and payment of the
45 proper fees, but without hearings or other proceedings, issue such permit, license, or
46 other approval subject only to conditions set forth in this site certificate.

1 [ORS 469.401(3)]
2

3 2.7. After issuance of this site certificate, each state agency or local government agency that
4 issues a permit, license, or other approval for the facility shall continue to exercise
5 enforcement authority over such permit, license, or other approval.
6 [ORS 469.401(3)]
7

8 2.8. After issuance of this site certificate, the Council shall have continuing authority over
9 the site and may inspect, or direct the Oregon Department of Energy (Department) to
10 inspect, or request another state agency or local government to inspect, the site at any
11 time in order to ensure that the facility is being operated consistently with the terms and
12 conditions of this site certificate.
13 [ORS 469.430]
14

15 2.9. The certificate holder shall request an amendment of the site certificate to increase the
16 combined peak generating capacity of the facility beyond 194.4 megawatts, to increase
17 the number of wind turbines to more than 72 wind turbines or to install wind turbines
18 with a hub height greater than 91 meters, a blade tip height greater than 152 meters or a
19 blade tip clearance less than 18 meters above ground.
20 [Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (3)]
21

22 2.10. Before any transfer of ownership of the facility or ownership of the site certificate
23 holder, the certificate holder shall inform the Department of the proposed new owners.
24 The requirements of OAR 345-027-0100 apply to any transfer of ownership that
25 requires a transfer of the site certificate.
26 [Final Order IV.B.2.8] [Mandatory Condition OAR 345-025-0006 (15)]
27

28 2.11. Any matter of non-compliance under the site certificate shall be the responsibility of the
29 certificate holder. Any notice of violation issued under the site certificate shall be issued
30 to the certificate holder. Any civil penalties assessed under the site certificate shall be
31 levied on the certificate holder.
32 [Final Order IV.B.2.5]
33

34 2.12. Within 72 hours after discovery of conditions or circumstances that may violate the
35 terms or conditions of the site certificate, the certificate holder shall report the
36 conditions or circumstances to the Department.
37 [Final Order IV.B.2.7]
38

39 2.13. The Council shall not change the conditions of this site certificate except as provided
40 for in OAR Chapter 345, Division 27.
41 [Final Order VII.1] [Mandatory Condition OAR 345-025-0006 (1)]
42

43 2.14. Following the completion of surveys required by this site certificate, the Department
44 will present the results of those surveys and required consultations at the next regularly
45 scheduled Council meeting.
46 [Added at the August 7, 2015 Energy Facility Siting Council Meeting]
47

1 **3.0 DESCRIPTION OF FACILITY**

2
3 **LOCATION AND SITE BOUNDARY**

4
5 Summit Ridge is located in Wasco County, Oregon approximately 17 miles southeast of The
6 Dalles, and eight miles east of Dufur, Oregon. The facility site boundary encompasses
7 approximately 11,000 acres on private land subject to long-term wind energy leases with the
8 landowners.

9
10 As defined by OAR 345-001-0010, the “site boundary” is the perimeter of the site of the energy
11 facility, its related or supporting facilities, all temporary laydown and staging areas and all
12 corridors and micrositing corridors. The Summit Ridge turbines will be located within
13 micrositing corridors approximately 1,300 feet wide.

14
15 **THE ENERGY FACILITY**

16
17 Summit Ridge has a combined peak generating capacity of 194.4 megawatts (MW). The facility
18 consists of up to 72 wind turbine generators.

19
20 Turbines will be mounted on tubular steel towers no greater than 91 meters (299 feet) tall at the
21 turbine hub, with a maximum blade tip height no greater than 152 meters (499 feet) and a
22 minimum blade tip clearance of no less than 18 meters (59 feet) above the ground. Turbines
23 include a nacelle that houses the generator and gearbox, and supports the rotor and blades at the
24 hub. A gravel turbine pad area would surround the base of each concrete turbine foundation. A
25 step-up transformer increases the output voltage of each wind turbine generator to the voltage of
26 the power collection system. The step-up transformer will be installed on its own concrete pad at
27 the base of each wind turbine tower, or located in the nacelle, depending on the final turbine
28 model selected.

29
30 Summit Ridge includes the following related or supporting facilities described below and in
31 greater detail in the *Final Order on ASC*, and the *Final Order on Amendment 3*:

- 32
33 ● Power collection system
34 ● Collector substation
35 ● 230-kV transmission line
36 ● Supervisory Control and Data Acquisition (SCADA) System
37 ● Operations and maintenance (O&M) facility
38 ● Meteorological (met) towers
39 ● Access roads
40 ● Temporary roadway modifications
41 ● Additional temporary construction areas (including laydown areas, crane paths, and a
42 concrete batch plant)

43
44 **POWER COLLECTION SYSTEM**

45
46 Power from each turbine will be transmitted via the approximately 49-mile collection line system

1 to the collector substation. The new 34.5-kV collection lines will be constructed underground to
2 the extent possible, although up to 10% of the collector lines may be placed aboveground due to
3 site-specific geotechnical or environmental considerations. Aboveground segments would be
4 supported by H-frame wood poles approximately 55 feet in height.

5 6 **COLLECTOR SUBSTATION**

7
8 The 34.5 kV collector line system will link each turbine to the facility collector substation, which
9 will step up the power from 34.5 kV to 230 kV. The centrally-located collector substation will
10 occupy approximately five acres, surrounded by a graveled, fenced area.

11 12 **230 KV TRANSMISSION LINE**

13
14 A new overhead 230 kV transmission feeder line approximately eight miles in length connects
15 the facility's collector substation to the regional grid at a substation operated by the Bonneville
16 Power Administration (BPA). The 230 kV transmission line runs northwest from the collector
17 substation for approximately two miles, then almost due west for another six miles to the BPA
18 substation, connecting with BPA's 500 kV "Big Eddy to Maupin-Redmond" transmission line.

19
20 The Summit Ridge transmission line will be supported on wooden H-frame poles that are 70 feet
21 in height and spaced approximately 800 feet apart. The right-of-way for the transmission line is
22 approximately 150 feet wide.

23
24 BPA will be responsible for the operation and maintenance of the interconnection facility. If the
25 Summit Ridge facility ceases operation and a decommissioning/retirement plan is implemented,
26 the transmission system operator is not obliged under this site certificate to dismantle the
27 interconnection station, which will also be used to serve other customers.

28 29 **SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM**

30
31 A SCADA system will be installed at the facility to enable remote operation and collect operating
32 data for each wind turbine, and archive wind and performance data. The SCADA system will be
33 linked via fiber optic cables or other means of communication to a central computer in the O&M
34 building. SCADA system wires will be installed in the collector line underground trenches, or
35 overhead as necessary with the collector line.

36 37 **OPERATIONS AND MAINTENANCE (O&M) FACILITY**

38
39 One permanent O&M facility will be located within the five-acre facility collector substation site,
40 and will include up to 10,000 square feet of enclosed space for office and workshop areas, a
41 control room, and kitchen and sanitary facilities. The O&M facility will have an adjacent
42 graveled parking area and an approximately 300-foot by 300-foot fenced storage area. The
43 Facility will also include an on-site well and septic system. Domestic water needs for the O&M
44 facility will be served by an on-site well and septic system.

1 **METEOROLOGICAL TOWERS**

2
3 A maximum of three permanent un-guyed meteorological towers will be placed within the site
4 boundary to collect wind resource data (these towers will replace seven existing temporary
5 towers). The met towers will be the same height as the hub of the turbines, approximately 80
6 meters (263 feet) tall. Met tower foundations may be constructed as deep as 40 feet, depending
7 on soil conditions and geotechnical engineering requirements.

8
9 **ACCESS ROADS**

10
11 Approximately 19 miles of new roads will be constructed within the site boundary to provide
12 access to the turbines and other facility components. Access roads will be designed to be 20- foot
13 wide graveled surfaces with 10-foot compacted shoulders to accommodate construction cranes.
14 After the completion of construction, all new roads within the site boundary will be restored to a
15 total width of 20 feet for general use during facility operation.

16
17 **TEMPORARY ROADWAY MODIFICATIONS**

18
19 Approximately six miles of existing private roads will be upgraded to accommodate construction
20 and operation of the facility. Where needed, existing roads will be improved to 20-foot wide
21 graveled surfaces with 10-foot compacted shoulders to accommodate construction equipment and
22 cranes. After the completion of construction, improved roads within the site boundary will be
23 restored to a total width of 20-feet for general use during facility operation.

24
25 **ADDITIONAL CONSTRUCTION AREAS**

26
27 During construction, up to six temporary laydown areas will be used for the delivery and staging
28 of wind turbine components and other equipment and materials, as well as the staging of
29 construction trailers for the construction crews. Five of the six temporary laydown areas will be
30 located on approximately four acres, covered with gravel, which will be removed following
31 completion of facility construction. The sixth temporary laydown area will encompass the
32 permanent five-acre collector substation and O&M site. Concrete for construction of the facility
33 would be obtained from an on-site concrete batch plant to be located on a graveled 2-acre site
34 within the site boundary.

1 **4.0. GENERAL ADMINISTRATIVE CONDITIONS**

2
3 4.1. The certificate holder shall begin construction of the facility by August 19, 2018. The
4 Council may grant an extension of the deadline to begin construction in accordance
5 with OAR 345-027-0030 or any successor rule in effect at the time the request for
6 extension is submitted.

7 [Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (4)]
8

9 4.2. The certificate holder shall complete construction of the facility by August 19, 2021.
10 Construction is complete when: 1) the facility is substantially complete as defined by
11 the certificate holder's construction contract documents, 2) acceptance testing has been
12 satisfactorily completed; and 3) the energy facility is ready to begin continuous
13 operation consistent with the site certificate. The certificate holder shall promptly notify
14 the Department of the date of completion of construction. The Council may grant an
15 extension of the deadline for completing construction in accordance with OAR 345-
16 027-0030 or any successor rule in effect at the time the request for extension is
17 submitted.

18 [Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (4)]
19

20 4.3. The certificate holder shall submit a legal description of the site to the Department of
21 Energy within 90 days after beginning operation of the facility. The legal description
22 required by this rule means a description of metes and bounds or a description of the
23 site by reference to a map and geographic data that clearly and specifically identifies the
24 outer boundaries that contain all parts of the facility.

25 [Final Order III.D.3] [Mandatory Condition OAR 345-025-0006 (2)]
26

27 4.4. The certificate holder shall design, construct, operate and retire the facility:
28 a. Substantially as described in the site certificate;
29 b. In compliance with the requirements of ORS Chapter 469, applicable Council rules,
30 and applicable state and local laws, rules and ordinances in effect at the time the site
31 certificate is issued; and
32 c. In compliance with all applicable permit requirements of other state agencies.

33 [Final Order III.D.4] [Mandatory Condition OAR 345-025-0006 (3)]
34

35 4.5. The certificate holder shall construct the turbines and transmission line within the
36 corridor locations set forth in Exhibit C of the application for site certificate, subject to
37 the conditions of this site certificate.

38 [Final Order III.D.8] [Mandatory Condition OAR 345-025-0006 (5)]
39

40 4.6. The certificate holder shall obtain all necessary federal, state, and local permits or
41 approvals required for construction, operation, and retirement of the facility or ensure
42 that its contractors obtain the necessary federal, state, and local permits or approvals.

43 [Final Order IV.B.2.4]
44

1 **5.0. PRE-CONSTRUCTION REQUIREMENTS**
2

3 In addition to pre-construction requirements contained elsewhere in this site certificate, the
4 certificate holder must meet the following requirements:
5

6 5.1. Before beginning construction, the certificate holder shall notify the Department of the
7 identity and qualifications of the major design, engineering and construction
8 contractor(s) for the facility. The certificate holder shall select contractors that have
9 substantial experience in the design, engineering and construction of similar facilities.
10 The certificate holder shall report to the Department any change of major contractors.
11 [Final Order IV.B.2.1]
12

13 5.2. The certificate holder shall contractually require all construction contractors and
14 subcontractors involved in the construction of the facility to comply with all applicable
15 laws and regulations and with the terms and conditions of the site certificate. Such
16 contractual provisions shall not operate to relieve the certificate holder of responsibility
17 under the site certificate.
18 [Final Order IV.B.2.2]
19

20 5.3. Before beginning construction, the certificate holder shall ensure that participating
21 landowners obtain a Farm-Forest Management Easement. The landowner is required to
22 sign and record in the deed records for the county a document binding the landowner,
23 and the landowner's successors in interest, prohibiting them from pursuing a claim for
24 relief or case of action alleging injury from farming or forest practices for which no
25 action or claim is allowed under ORS 30.936 or 30.937.
26 [Final Order IV.D.2.4] [WCLUDO section 3.210(H)]
27

28 5.4. Before beginning construction, the certificate holder shall submit a Notice of Proposed
29 Construction or Alteration to the Federal Aviation Administration (FAA) and the
30 Oregon Department of Aviation identifying the proposed final locations of turbine
31 towers and meteorological towers, and shall provide to the Department copies of a
32 Determination of No Hazard for all turbine towers and meteorological towers or an
33 equivalent determination to confirm that the structures comply with applicable FAA
34 and Oregon Department of Aviation air hazard rules. The certificate holder shall
35 promptly notify the Department of the responses from the FAA and Oregon Department
36 of Aviation.
37 [Amended Final Order on Amendment 1 IV.K.2.4]
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- 1 5.5. Before beginning construction, the certificate holder shall provide to the Department a
2 description of the turbine types selected for the facility demonstrating compliance with
3 this condition. The certificate holder may select turbines of any type, subject to the
4 following restrictions and compliance with all other site certificate conditions:
5 a. The total number of turbines at the facility must not exceed 72 turbines.
6 b. The combined peak generating capacity of the facility must not exceed 194.4
7 megawatts.
8 c. The turbine hub height must not exceed 91 meters and the maximum blade tip height
9 must not exceed 152 meters above grade.
10 d. The minimum blade tip clearance must be 18 meters above ground.
11 [Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (3)]
12
- 13 5.6. Before beginning construction the certificate holder shall obtain approval of a final
14 Revegetation and Weed Control Plan [based upon the draft plan included as Attachment
15 E of the *Final Order on Amendment #2*] from the Department, in consultation with the
16 Wasco County Weed Department and ODFW, to control the introduction and spread of
17 noxious weeds, and shall implement that approved plan during all phases of
18 construction and operation of the facility.
19 [Final Order on Amendment #2] [WCLUDO Section 3.210(J)(17)(5)]
20
- 21 5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy
22 facilities, transmission lines or pipelines under OAR 345-027-0020, the certificate
23 holder shall not begin construction, as defined in OAR 345-001-0010, or create a
24 clearing on any part of the site until the certificate holder has construction rights on all
25 parts of the site. For the purpose of this rule, “construction rights” means the legal right
26 to engage in construction activities. For wind energy facilities, transmission lines or
27 pipelines, if the certificate holder does not have construction rights on all parts of the
28 site, the certificate holder may nevertheless begin construction, as defined in OAR 345-
29 001-0010, or create a clearing on a part of the site if the certificate holder has
30 construction rights on that part of the site and:
31 a. The certificate holder would construct and operate part of the facility on that part of
32 the site even if a change in the planned route of the transmission line or pipeline
33 occurs during the certificate holder’s negotiations to acquire construction rights on
34 another part of the site; or
35 b. The certificate holder would construct and operate part of a wind energy facility on
36 that part of the site even if other parts of the facility were modified by amendment of
37 the site certificate or were not built.
38 [Final Order III.D.6] [Mandatory Condition OAR 345-025-0006 (5)]
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46 5.8. Before beginning construction, the certificate holder shall conduct a site-specific

1 geotechnical investigation and shall report its findings to the Oregon Department of
2 Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder
3 shall conduct the geotechnical investigation after consultation with DOGAMI and in
4 general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering
5 Geologic Reports and Site-Specific Seismic Hazard Reports.”
6 [Final Order V.A.2.1]
7

8 5.9. Before beginning construction of any new State Highway approaches or utility
9 crossings, the certificate holder shall obtain all required permits from the Oregon
10 Department of Transportation (ODOT) subject to the applicable conditions required by
11 OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the
12 necessary application or applications in a form satisfactory to ODOT and the
13 Department for the location, construction and maintenance of approaches to State
14 Highway 197 for access to the site. The certificate holder shall submit the necessary
15 application or applications in a form satisfactory to ODOT and the Department for the
16 location, construction and maintenance of collector cables or transmission lines
17 crossing Highway 197.
18 [Final Order V.C.2.12]
19

20 5.10. Before beginning construction, the certificate holder shall notify the Department in
21 advance of any work on the site that does not meet the definition of “construction” in
22 ORS 469.300 (excluding surveying, exploration, or other activities to define or
23 characterize the site) and shall provide to the Department a description of the work and
24 evidence that its value is less than \$250,000.
25 [Final Order IV.B.2.6]
26

27 5.11. Prior to the beginning of construction a Road Impact Assessment/Geotechnical Report
28 for roads to be used by the project shall be submitted to the Department and Wasco
29 County. Said report should include an analysis of project-related traffic routes to be
30 used during phases of construction, project operation and decommissioning. These
31 reports shall be incorporated into a Road Use Agreement with the County.
32 [Amended Final Order on Amendment 1 V.C.2.17]
33

34 5.12. Prior to beginning construction of new access roads, the certificate holder shall obtain
35 any Road Approach Permit(s) that may be required by the Wasco County Public
36 Works Department.
37 [Final Order on Amendment 2]
38

39 5.13. Prior to beginning construction, the certificate holder shall obtain any Utility Permit(s)
40 that may be required by the Wasco County Public Works Department.
41 [Final Order on Amendment 2]
42

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46 5.14. Before beginning construction, the certificate holder shall provide to the Department

1 evidence demonstrating that the certificate holder has obtained a guarantee from the
2 turbine manufacturer for those turbines located within one mile of the boundaries of the
3 Deschutes Federal Wild and Scenic River and the Deschutes State Scenic Waterway
4 that the maximum sound power of those turbines would not exceed 109 dBA plus 2 dB
5 uncertainty when measured according to IEC (International Electrotechnical
6 Commission) 61400-11:2002 ed. 2. No turbine shall be located closer than 0.72 miles
7 from any protected area.
8

9 **6.0. DESIGN, CONSTRUCTION, AND OPERATIONS**

10 6.1. The certificate holder shall:

- 11 a. Prior to construction, notify the Department of the identity, telephone number, e-mail
12 address and qualifications of the full-time, on-site construction manager. Qualifications
13 shall demonstrate that the construction manager has experience in managing permit and
14 regulatory compliance requirements and is qualified to manage a wind facility
15 construction project.
- 16 b. Prior to operation, notify the Department of the identity, telephone number, e-mail
17 address and qualifications of the full-time, on-site operations manager. Qualifications
18 shall demonstrate that the operations manager has experience in managing permit and
19 regulatory compliance requirements and is qualified to manage operation of a wind
20 facility.
- 21 c. Prior to facility retirement, notify the Department of the identity, telephone number,
22 e-mail address and qualifications of the personnel or entity responsible for facility
23 decommissioning and restoration activities. Qualifications shall demonstrate that the
24 identified personnel have experience in managing permit and regulatory compliance
25 requirements and are qualified to decommission a wind facility.
26

27
28 The certificate holder shall notify the Department within 72-hours upon any change in
29 personnel or contact information provided to satisfy Condition 6.1(a) through (c).

30 [Final Order on Amendment 3]
31

32 6.2. The certificate holder shall provide portable toilets for on-site sewage handling during 33 construction and shall ensure that they are pumped and cleaned regularly by a licensed 34 contractor who is qualified to pump and clean portable toilet facilities.

35 [Final Order V.C.2.1]
36

37 6.3. The certificate holder shall implement a waste management plan during construction 38 that includes but is not limited to the following measures:

- 39 a. Recycling steel and other metal scrap.
- 40 b. Recycling wood waste.
- 41 c. Recycling packaging wastes such as paper and cardboard.
- 42 d. Collecting non-recyclable waste for transport to a local landfill by a licensed water
43 hauler.
- 44 e. Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
45 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
46 disposal by a licensed firm specializing in the proper recycling or disposal of

- 1 hazardous wastes.
2 f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying
3 other concrete waste as part of backfilling.
4 [Final Order V.D.2.1]
5
6 6.4. The certificate holder shall install the 34.5-kV collector system underground to the
7 extent practical. The certificate holder shall install underground lines at a minimum
8 depth of three feet. Based on geotechnical conditions or other engineering
9 considerations, the certificate holder may install segments of the collector system
10 aboveground, but the total length of aboveground segments must not exceed five miles.
11 [Final Order VI.D.2.1]
12
13
14 6.5. In advance of, and during, preparation of detailed design drawings and specifications
15 for the 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with
16 the Utility Safety and Reliability Section of the Oregon Public Utility Commission to
17 ensure that the designs and specifications are consistent with applicable codes and
18 standards.
19 [Final Order VI.D.2.3]
20
21 6.6. The certificate holder must design, construct and operate the transmission line in
22 accordance with the requirements of the 2012 Edition of the National Electrical Safety
23 Code approved on June 3, 2011.
24 [Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (4)(a)]
25
26 6.7. The certificate holder shall consult with the Wasco Electric Cooperative during the
27 design, construction, and operation of the Summit Ridge Wind Farm to ensure that the
28 integrity and reliability of the power grid in Wasco County is maintained.
29 [Final Order VI.D.2.4]
30
31 6.8. The certificate holder shall design and construct the facility in accordance with
32 requirements set forth by the Oregon Building Codes Division and any other applicable
33 codes and design procedures.
34 [Final Order V.A.2.4]
35
36 6.9. To protect wetlands and waterways, the certificate holder shall construct the proposed
37 facility substantially as described in the Final Order. Specifically, the certificate holder
38 shall not remove material from waters of the State or add new fill material to waters of
39 the State such that the total volume of removal and fill exceeds 50 cubic yards for the
40 project as a whole.
41 [Final Order VI.B.2.1]
42
43 6.10. The certificate holder shall design, engineer and construct the facility to avoid dangers
44 to human safety presented by non-seismic hazards. As used in this condition, “non-
45 seismic hazards” include settlement, landslides, flooding and erosion.
46 [Final Order V.A.2.5]

1
2 6.11. The certificate holder shall design, engineer and construct the facility to avoid dangers
3 to human safety presented by seismic hazards affecting the site that are expected to
4 result from all maximum probable seismic events. "Seismic hazard" includes ground
5 shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault
6 displacement and subsidence.

7 [Final Order V.A.2.6] [Mandatory Condition OAR 345-025-0006 (12)]
8
9

10 6.12. The certificate holder shall design and construct the facility using the minimum land
11 area necessary for safe construction and operation. The certificate holder shall locate
12 access roads and temporary construction laydown and staging areas to minimize
13 disturbance of farming practices and, wherever feasible, shall place turbines and
14 transmission interconnection lines along the margins of cultivated areas to reduce the
15 potential for conflict with farm operations.

16 [Final Order IV.D.2.7] [WCLUDO Section 3.210(J)(17)(5)]
17

18 6.13. The certificate holder shall notify the Department, the State Building Codes Division
19 and DOGAMI promptly if site investigations or trenching reveal that conditions in the
20 foundation rocks differ significantly from those described in the application for a site
21 certificate. After the Department receives the notice, the Council may require the
22 certificate holder to consult with the DOGAMI and the Building Codes Division and to
23 propose mitigation actions.

24 [Final Order V.A.2.2] [Mandatory Condition OAR 345-025-0006 (13)]
25

26 6.14. The certificate holder shall notify the Department, the State Building Codes Division
27 and DOGAMI promptly if shear zones, artesian aquifers, deformations or clastic dikes
28 are found at or in the vicinity of the site.

29 [Final Order V.A.2.3] [Mandatory Condition OAR 345-025-0006 (14)]
30

31 6.15. To reduce the visual impact of the facility, the certificate holder shall:

32 a. Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
33 neutral gray, white, or off-white color.

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

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

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

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

42 [Final Order IV.I.2.1]
43

44 6.16. The certificate holder shall design and construct the O&M building to be generally
45 consistent with the character of similar buildings used by commercial farmers or
46 ranchers in the area and shall paint the building in a low-reflectivity, neutral color to

1 blend with the surrounding landscape.

2 [Final Order IV.I.2.2]

3
4 6.17. The certificate holder shall design and construct new access roads and private road
5 improvements to standards approved by the Wasco County Road Department. Where
6 modifications of County roads are necessary, the certificate holder shall construct the
7 modifications entirely within the County road rights-of-way and in conformance with
8 County road design standards subject to the approval of the Wasco County Road
9 Department. Where modifications of State roads or highways are necessary, the
10 certificate holder shall construct the modifications entirely within the public road rights-
11 of-way and in conformance with ODOT standards subject to the approval of ODOT.

12 [Final Order V.C.2.13]

13
14 6.18. The certificate holder shall cooperate with the Wasco County Public Works
15 Department to ensure that any unusual damage or wear to county roads that is caused
16 by construction of the facility is repaired by the certificate holder. Upon completion of
17 construction, the certificate holder shall restore public roads to pre-construction
18 condition or better to the satisfaction of the applicable county departments.

19 [Final Order V.C.2.14]

20
21 6.19. 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 reduce accident risks.
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 197 free of gravel that tracks out onto the highway at facility
36 access points.

37 [Final Order V.C.2.15]

38
39 6.20. The certificate holder shall ensure that no equipment or machinery is parked or stored
40 on any County road whether inside or outside the site boundary. The certificate holder
41 may temporarily park equipment off the road but within County rights-of-way with the
42 approval of the County Roadmaster.

43 [Final Order V.C.2.16]

44
45 6.21. The height of the proposed Operations and Maintenance building shall not exceed 35
46 feet in height.

1 [Final Order IV.D.2.1] [WCLUDO Section 3.210(F)(2)]
2
3

4 6.22. Signage for the proposed facility shall conform to the following requirements:

5 a. The certificate holder shall install the following signs at the facility:

6 i. "No Trespassing" signs shall be attached to any perimeter fence;

7 ii. "Danger" signs shall be posted at the height of five feet on turbine towers and
8 accessory structures;

9 iii. A sign shall be posted on the tower showing an emergency telephone
10 number; and

11 iv. Manual electrical and/or overspeed shutdown disconnect switch(es) shall be
12 clearly labeled.

13 [Final Order IV.D.2.2] [WCLUDO Section 19.030(C)(7)]

14 b. Signage installed in accordance with Condition 6.22.a shall meet the following
15 requirements:

16 i. Permanent signs shall not project beyond the property line.

17 ii. Signs shall not be illuminated or capable of movement.

18 iii. Permanent signs shall describe only uses permitted and conducted on the
19 property on which the sign is located.

20 iv. Freestanding signs shall be limited to twelve square feet in area and 8 feet in
21 height measured from natural grade. Signs on buildings are permitted in a
22 ratio of one square foot of sign area to each linear foot of building frontage
23 but in no event shall exceed 32 square feet and shall not project above the
24 building.

25 v. Freestanding signs shall be limited to one at the entrance of the property. Up
26 to one additional sign may be placed in each direction of vehicular traffic
27 running parallel to the property if they are more than 750 feet from the
28 entrance of the property.

29 vi. Signs on buildings shall be limited to one per building and only allowed on
30 buildings conducting the use being advertised.

31 [Final Order IV.D.2.2] [WCLUDO Section 3.210(F)(4)]
32

33 6.23. Except as necessary to meet the requirements of the Federal Aviation Administration to
34 warn aircraft of obstructions, the certificate holder shall design and implement a
35 lighting plan to ensure that all outdoor lighting is directed downward, limited in
36 intensity, and is shielded and hooded to prevent light from projecting onto adjacent
37 properties, roadways, and waterways. Shielding and hooding materials shall be
38 composed of nonreflective, opaque materials.

39 [Final Order IV.D.2.3] [WCLUDO section 3.210(F)(4)]
40

41 6.24. The certificate holder shall be responsible for restoring, as nearly as possible, to its
42 former condition any agricultural land and associated improvements that are damaged
43 or otherwise disturbed by the siting, maintenance, repair or reconstruction of the
44 facility.

45 [Final Order IV.D.2.5] [WCLUDO Section 3.210(J)(8)(c)]
46

- 1 6.25. The certificate holder shall consult with area landowners and lessees during
2 construction and operation of the facility and shall implement measures to reduce or
3 avoid any adverse impacts to farm practices on surrounding lands and to avoid any
4 increase in farming costs.
5 [Final Order IV.D.2.6] [WCLUDO Sections 5.020(J) and 5.020(K)]
6
- 7 6.26. The certificate holder shall not use exterior nighttime lighting except:
8 a. The minimum turbine tower lighting required or recommended by the Federal
9 Aviation Administration.
10 b. Safety and security lighting at the O&M facility and substation, if such lighting is
11 shielded or downward-directed to reduce offsite glare.
12 [Final Order IV.I.2.3]
13
- 14 6.27. The certificate holder shall design, construct and operate the facility in a manner to
15 ensure that the facility avoids any material signal interference with communication
16 systems such as, but not limited to, radio, telephone, television, satellite, microwave or
17 emergency communication systems. Should any material interference occur, the
18 certificate holder must develop and implement a mitigation plan in consultation with the
19 Department.
20 [Amended Final Order on Amendment 1 IV.D.2.9]
21
- 22 6.28. During facility design and construction, the certificate holder shall comply with the
23 following turbine setback distances, as measured from the centerline of the turbine to
24 the edge of the dwelling, as set forth below.
25 a. Except as provided in subsection (b) of this condition, wind turbines shall be set back
26 from the property line of any abutting property not part of the project (non-project
27 boundaries), the right-of-way of any dedicated road, and any above ground major
28 utility facility line a minimum of 1.5 times the blade tip height of the wind turbine
29 tower. Wind turbines shall be set back from any above ground minor utility facility
30 line a minimum of 1.1 times the blade tip height of the wind turbine tower.
31 b. Wind turbine tower numbers 21, 22, 23, 24, 26, 27, 28, 29, 30, 54, 55, 56, 57, 58, 59,
32 60, and 61 shall be set back a minimum of 1.1 times the blade tip height of the wind
33 turbine tower from the right-of-way of any dedicated road within the site boundary.
34 c. Wind turbines must be setback a minimum of 1 mile (5,280 feet) from all non-
35 resource zoned property boundaries located outside of urban growth boundaries or
36 urban reserves (as measured from the centerline of the turbine to the edge of the
37 property boundary zoned for non-resource purposes, e.g. rural residential).
38 [Final Order on Amendment 2]
39
- 40 6.29. The certificate holder must maintain all access roads for all-weather use to assure
41 adequate, safe and efficient emergency vehicle and maintenance vehicle access to the
42 site.
43 [Amended Final Order on Amendment 1 V.C.2.18]
44
- 45 6.30. The certificate holder shall submit a legal description of the site to the Wasco County
46 GIS Department upon the beginning operation of the facility. This information shall

1 include the actual latitude and longitude or Oregon State Plane North American Datum
2 1983 (NAD83) High Accuracy Reference Network (HARN) coordinates of each turbine
3 tower, support structures for the 34.5-kV collector lines and 230-kV transmission line,
4 and other related and supporting facilities. The certificate holder may provide the
5 information in a GIS layer based on the geospatial data that includes all characteristics
6 of spatial features of the facility site boundary. The certificate holder shall confer with
7 the Department prior to submittal of GIS-based information.
8 [Amended Final Order on Amendment 1 IV.D.2.11]
9

10 6.31. During facility construction and operation, the certificate holder shall report to the
11 Department, within 7 days, any change in the corporate structure of Pattern
12 Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern
13 Energy Group LP. The certificate holder shall report promptly to the Department any
14 change in its access to the resources, expertise, and personnel of Pattern Renewables 2
15 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern Energy Group
16 LP.
17 [Final Order on Amendment 3]
18

19 6.32 During facility design and construction, the certificate holder shall ensure that the
20 foundations of the turbines, substation, and operations and maintenance building are set
21 back a minimum of 100 feet from any waterbodies designated as fish-bearing, 50 feet
22 from any waterbodies designated as non-fish bearing, and 25 feet from all waterbodies
23 (seasonal or permanent) not identified on any federal, state, or local inventory.
24 [Final Order on Amendment 2]
25

26 6.33 During facility design and construction, the certificate holder shall ensure that facility
27 components are not developed within the Environmental Protection District 4 as
28 designated by Wasco County.
29 [Final Order on Amendment 2]
30

31 6.34 During facility design and construction, the certificate holder shall ensure that facility
32 components are sited to avoid direct impacts to wetlands and waterways.
33 [Final Order on Amendment 2]
34
35

1 **7.0. PUBLIC HEALTH AND SAFETY**

2
3 7.1. The certificate holder shall construct turbine towers with no exterior ladders or access
4 to the turbine blades and shall install locked tower access doors. The certificate holder
5 shall keep tower access doors locked at all times, except when authorized personnel are
6 present.

7 [Final Order IV.K.2.1]

8
9 7.2. For turbine types having pad-mounted step-up transformers, the certificate holder shall
10 install the transformers at the base of each tower in locked cabinets designed to protect
11 the public from electrical hazards and to avoid creation of artificial habitat for raptor
12 prey.

13 [Final Order IV.K.2.2]

14
15 7.3. To protect the public from electrical hazards, the certificate holder shall enclose the
16 facility substation with appropriate fencing and locked gates.

17 [Final Order IV.K.2.3]

18
19 7.4. The certificate holder shall follow manufacturers’ recommended handling instructions
20 and procedures to prevent damage to turbine or turbine tower components that could
21 lead to failure.

22 [Final Order IV.K.2.5]

23
24 7.5. The certificate holder shall have an operational safety-monitoring program and shall
25 inspect all turbine and turbine tower components on a regular basis. The certificate
26 holder shall maintain or repair turbine and turbine tower components as necessary to
27 protect public safety.

28 [Final Order IV.K.2.6]

29
30 7.6. The certificate holder shall install and maintain self-monitoring devices on each turbine,
31 linked to sensors at the operations and maintenance building, to alert operators to
32 potentially dangerous conditions, and the certificate holder shall immediately remedy
33 any dangerous conditions. The certificate holder shall maintain automatic equipment
34 protection features in each turbine that would shut down the turbine and reduce the
35 chance of a mechanical problem causing a fire.

36 [Final Order IV.K.2.7]

- 1 7.7. The certificate holder shall notify the Department of Energy and Wasco County within
2 72 hours of any occurrence involving the facility if:
3 a. There is an attempt by anyone to interfere with its safe operation;
4 b. A natural event such as an earthquake, flood, tsunami or tornado, or a human- caused
5 event such as a fire or explosion affects or threatens to affect the public health and
6 safety or the environment;
7 c. There is a mechanical failure or accident on the site associated with construction or
8 operation of the facility that may result in public health and safety concerns; or
9 d. There is any fatal injury at the facility.
10 [Final Order IV.K.2.8 and OAR 345-026-017]
11
- 12 7.8. During operation, the certificate holder shall discharge sanitary wastewater generated at
13 the Operations and Maintenance building to a licensed on-site septic system in
14 compliance with State of Oregon permit requirements. The certificate holder shall
15 design the septic systems for a discharge capacity of less than 5,000 gallons per day.
16 [Final Order V.C.2.2]
17
- 18 7.9. The certificate holder shall take reasonable steps to reduce or manage human exposure
19 to electromagnetic fields, including but not limited to:
20 a. Constructing all aboveground transmission lines at least 200 feet from any residence
21 or other occupied structure, measured from the centerline of the transmission line.
22 b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance
23 of 20 feet from the ground.
24 c. Constructing all aboveground 230-kV transmission lines with a minimum clearance
25 of 25 feet from the ground
26 d. Providing to landowners a map of underground and overhead transmission lines on
27 their property and advising landowners of possible health risks from electric and
28 magnetic fields.
29 e. Designing and maintaining all transmission lines so that alternating current electric
30 fields do not exceed 9-kV per meter at one meter above the ground surface in areas
31 accessible to the public.
32 f. Designing and maintaining all transmission lines so that induced voltages during
33 operation are as low as reasonably achievable.
34 [Final Order VI.D.2.2]
35
- 36 7.10. The certificate holder must develop and implement a program that provides reasonable
37 assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a
38 permanent nature that could become inadvertently charged with electricity are grounded
39 or bonded throughout the life of the line.
40 [Final Order IV.M.2.2] [Site Specific Condition OAR 345-027-0023(4)]
41
- 42 7.11. A current copy of the electrical protection plan developed in compliance with Condition
43 7.10 must be available at the O&M building and provided upon request by ODOE staff.
44 [Final Order IV.M.2.3]
45
46

1 7.12 Prior to construction, the certificate holder shall schedule a time to brief the OPUC
2 Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with
3 OAR Chapter 860, Division 024 during design, construction, operations, and
4 maintenance of the facilities.
5 [Final Order on Amendment 2]
6

7 7.13 During operation, the certificate holder shall:

8 a. Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter
9 860, Division 024 on an ongoing basis considering future operations, maintenance,
10 emergency response, and alterations until facility retirement.

11 b. File the following required information with the Commission:

12 i. Each person who is subject to the Public Utility Commission's authority under
13 ORS 757.035 and who engages in the operation of an electric power line as
14 described in ORS 757.035 must provide the commission with the following
15 information before January 2 of each even-numbered year:

16 a. The name and contact information of the person that is responsible for
17 the operation and maintenance of the electric power line, and for
18 ensuring that the electric power line is safe, on an ongoing basis; and

19 b. The name and contact information of the person who is responsible for
20 responding to conditions that present an imminent threat to the safety
21 of employees, customers and the public.

22 ii. In the event that the contact information described in subsection (a) of this
23 condition changes or that ownership of the electric power line changes, the
24 person who engages in the operation of the electric power line must notify the
25 commission of the change as soon as practicable, but no later than within 90
26 days.

27 iii. If the person described in subsection (a) of this condition is not the public
28 utility, as defined in ORS 757.005, in whose service territory the electric
29 power line is located, the commission shall make the information provided to
30 the commission under subsection (1) of this section available to the public
31 utility in whose service territory the electric power line is located. [2013
32 c.235 §3]

33 c. Provide OPUC Safety Staff with:

34 i. Maps and Drawings of routes and installation of electrical supply lines
35 showing:

- 36 • Transmission lines and structures (over 50,000 Volts)
- 37 • Distribution lines and structures - differentiating underground and
- 38 overhead lines (over 600 Volts to 50,000 Volts)
- 39 • Substations, roads and highways

40 ii. Plan and profile drawings of the transmission lines (and name and contact
41 information of responsible professional engineer).

42 [Final Order on Amendment 2]
43
44
45

1 **8.0. ON-SITE SAFETY AND SECURITY**

2
3 8.1. During construction and operation of the facility, the certificate holder shall provide for
4 on-site security and shall establish good communications between on-site security
5 personnel and the Wasco County Sheriff’s Office. During operation, the certificate
6 holder shall ensure that appropriate law enforcement agency personnel have an up-to-
7 date list of the names and telephone numbers of facility personnel available to respond
8 on a 24-hour basis in case of an emergency on the facility site.
9 [Final Order V.C.2.3]

10
11 8.2. Prior to construction, the certificate holder shall require that all on-site construction
12 contractors develop a site health and safety plan to be implemented during facility
13 construction that informs workers and others on-site about first aid techniques and what
14 to do in case of an emergency and that includes important telephone numbers and the
15 locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall
16 ensure that construction contractors have personnel on-site who are trained and
17 equipped for tower rescue and who are first aid and CPR certified.
18 [Final Order on Amendment 2]

19
20 8.3. Prior to commencing operation, the certificate holder shall develop a site health and
21 safety plan to be implemented during facility operation that informs employees and
22 others on-site about first aid techniques and what to do in case of an emergency and that
23 includes important telephone numbers and the locations of on-site fire extinguishers and
24 nearby hospitals. The certificate holder shall ensure that operations personnel are
25 trained and equipped for tower rescue. The facility must maintain training records and
26 have a current copy of the site health and safety plan on-site and available upon request
27 by the Department of Energy.
28 [Final Order on Amendment 2]

29
30 8.4. Prior to construction, the certificate holder shall develop fire safety plans in
31 consultation with the Columbia Rural Fire District to minimize the risk of fire and to
32 respond appropriately to any fires that occur on the facility site. The plans shall be
33 maintained onsite and implemented throughout construction and operation of the
34 facility. In developing the fire safety plans, the certificate holder shall take into account
35 the dry nature of the region and shall address risks on a seasonal basis. The certificate
36 holder shall meet annually with local fire protection agency personnel to discuss
37 emergency planning and shall invite local fire protection agency personnel to observe
38 any emergency drill or tower rescue training conducted at the facility.
39 [Final Order on Amendment 2]

- 1 8.5. Upon the beginning of operation of the facility, the certificate holder shall provide a site
2 plan to the Columbia Rural Fire District. The certificate holder shall indicate on the site
3 plan the identification number assigned to each turbine and the actual location of all
4 facility structures. The certificate holder shall provide an updated site plan if additional
5 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 [Final Order V.C.2.7]
10
- 11 8.6. The certificate holder shall construct turbines and pad-mounted transformers on
12 concrete foundations and shall cover the ground within a 15-foot radius with non-
13 flammable material. The certificate holder shall maintain the non-flammable pad area
14 covering during operation of the facility.
15 [Final Order V.C.2.8]
16
- 17 8.7. During construction and operation of the facility, the certificate holder shall ensure that
18 the O&M building and all service vehicles are equipped with shovels and portable fire
19 extinguishers of a 4A5OBC or equivalent rating.
20 [Final Order V.C.2.9]
21
- 22 8.8. During construction, the certificate holder shall ensure that construction vehicles and
23 equipment are operated on graveled areas to the extent possible and that open flames,
24 such as cutting torches, are kept away from dry grass areas.
25 [Final Order V.C.2.10]
26
- 27 8.9. During operation, the certificate holder shall ensure that all on-site employees receive
28 annual fire prevention and response training by qualified instructors or members of the
29 local fire districts. The certificate holder shall ensure that all employees are instructed to
30 keep vehicles on roads and off dry grassland, except when off-road operation is
31 required for emergency purposes.
32 [Final Order V.C.2.11]
33
34

1 **9.0. PROTECTION OF SOIL**

2
3 9.1. The certificate holder shall conduct all construction work in compliance with an
4 Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
5 Environmental Quality and as required under the National Pollutant Discharge
6 Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The
7 certificate holder shall include in the ESCP any procedures necessary to meet local
8 erosion and sediment control requirements or storm water management requirement.
9 [Final Order IV.C.2.1]

10
11 9.2. During construction, the certificate holder shall limit truck traffic to improved road
12 surfaces to avoid soil compaction and wind erosion on dirt roads, to the extent
13 practicable.
14 [Final Order IV.C.2.2]

15
16 9.3. During construction, the certificate holder shall implement best management practices
17 to control any dust generated by construction activities, such as applying water to roads
18 and disturbed soil areas.
19 [Final Order IV.C.2.3]

20
21 9.4. The certificate holder shall handle hazardous materials used on the site in a manner that
22 protects public health, safety and the environment and shall comply with all applicable
23 local, state and federal environmental laws and regulations. The certificate holder shall
24 not store diesel fuel or gasoline on the facility site.
25 [Final Order IV.C.2.4]

26
27 9.5. If a spill or release of hazardous material occurs during construction or operation of the
28 facility, the certificate holder shall notify the Department within 72 hours and shall
29 clean up the spill or release and dispose of any contaminated soil or other materials
30 according to applicable regulations. The certificate holder shall make sure that spill kits
31 containing items such as absorbent pads are located on equipment and at the O&M
32 building. The certificate holder shall instruct employees about proper handling, storage
33 and cleanup of hazardous materials.
34 [Final Order IV.C.2.5]

35
36 9.6. Upon completion of construction, the certificate holder shall restore vegetation to the
37 extent practicable and shall landscape all areas disturbed by construction in a manner
38 compatible with the surroundings and proposed use and in compliance with the
39 Revegetation and Weed Control Plan (Exhibit 1 to the Final Order). Upon completion
40 of construction, the certificate holder shall remove all temporary structures not required
41 for facility operation and dispose of all timber, brush, refuse and flammable or
42 combustible material resulting from clearing of land and construction of the facility.
43 [Final Order IV.C.2.6] [Mandatory Condition OAR 345-025-0006 (11)]

1 9.7. During operation of the facility, the certificate holder shall restore areas that are
2 temporarily disturbed during facility maintenance or repair activities using the same
3 methods and monitoring procedures described in the Revegetation and Weed Control
4 Plan.
5 [Final Order IV.C.2.7]

6
7 9.8. During facility operation, the certificate holder shall routinely inspect and maintain all
8 transmission line corridors, roads, pads and trenched areas and, as necessary, maintain
9 or repair erosion and sediment control measures and control the introduction and spread
10 of noxious weeds.
11 [Final Order IV.C.2.8]

12
13

1 **10.0. PROTECTION OF NATURAL RESOURCES**
2

3 10.1. Before beginning construction, the certificate holder shall provide to the Department, to
4 the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of
5 Wasco County detailed maps of the facility site, showing the final locations where the
6 certificate holder proposes to build facility components, and a table showing the acres
7 of temporary habitat impact by habitat category and subtype and the acres of permanent
8 habitat impact by habitat category and subtype. The detailed maps of the facility site
9 shall indicate the habitat categories of all areas that would be affected during
10 construction. In classifying the affected habitat into habitat categories, the certificate
11 holder shall consult with ODFW. The certificate holder shall not begin ground
12 disturbance in an affected area until the habitat assessment has been approved by the
13 Department. The Department may employ a qualified contractor to confirm the habitat
14 assessment by on-site inspection.

15 [Final Order IV.G.2.1]
16

17 10.2. The certificate holder shall incorporate the design elements listed below into the final
18 facility design to avoid or mitigate impacts to sensitive wildlife habitat:
19 a. Where practicable, facility components and construction areas shall be located to
20 avoid or minimize temporary and permanent impacts to high quality native habitat
21 and to retain habitat cover in the general landscape.
22 b. No facility components may be constructed within areas of Category 1 habitat and
23 temporary disturbance of Category 1 habitat shall be avoided.
24 c. The design of the facility and areas of temporary and permanent disturbance shall
25 avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered
26 plant or wildlife species, and to any State Candidate plant species.

27 [Final Order IV.G.2.2]
28

29 10.3. The certificate holder shall implement measures to avoid or mitigate impacts to
30 sensitive wildlife habitat during construction including, but not limited to, the
31 following:
32 a. Preparing and distributing maps to employees and contractors to show areas that are
33 off-limits to construction personnel, such as nesting or denning areas for sensitive
34 wildlife species;
35 b. Avoiding unnecessary road construction, temporary disturbance and vehicle use;
36 c. Limiting construction work to approved and surveyed areas shown on facility
37 constraint maps; and
38 d. Ensuring that all construction personnel are instructed to avoid driving cross- country
39 or taking short-cuts within the site boundary or otherwise disturbing areas outside of
40 the approved and surveyed construction areas.

41 [Final Order IV.G.2.3]
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- 1 10.4. Prior to construction, the certificate holder shall:
2 a. Select qualified specialists (wildlife biologist/botanist) that have substantial
3 experience in creating, enhancing, and protecting habitat mitigation areas within
4 Oregon;
5 b. Notify the Department of the identity and qualifications of the personnel or
6 contractors selected to implement and manage the habitat mitigation area;
7 c. Acquire the legal right to create, enhance, maintain and protect a habitat mitigation
8 area, as long as the site certificate is in effect, by means of an outright purchase,
9 conservation easement or similar conveyance;
10 d. Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the
11 Department in consultation with ODFW, based upon the draft amended HMP
12 included as Attachment G of the Final Order on Amendment #2. The Council retains
13 the authority to approve, reject or modify the final HMP and any future amendments;
14 and,
15 e. Improve the habitat quality, within the habitat mitigation area, as described in the
16 final HMP, and as amended from time to time.

17 [Final Order on Amendment 2]
18

- 19 10.5. Prior to construction, the certificate holder shall finalize the Wildlife Monitoring and
20 Mitigation Plan (WMMP), based on the draft WMMP included as Attachment F of the
21 *Final Order on Amendment #2*, as approved by the Department in consultation with
22 ODFW. The certificate holder shall conduct wildlife monitoring as described in the
23 final WMMP, as amended from time to time. The final WMMP shall specify that the
24 first long-term raptor nest survey will be conducted in the first raptor nesting season
25 that is at least 5 years after the completion of construction and is in a year that is
26 divisible by five (i.e., 2020, 2025, 2030); the certificate holder shall repeat the survey at
27 5-year intervals thereafter.

28 [Final Order on Amendment 2]
29

- 30 10.6. The certificate holder shall hire a qualified environmental professional to provide
31 environmental training during construction and operation. Environmental training
32 includes information on the sensitive species present onsite, precautions to avoid
33 injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit
34 requirements and other environmental issues. The certificate holder shall instruct
35 construction and operations personnel to report any injured or dead wildlife detected
36 while on the site to the appropriate onsite environmental manager.

37 [Final Order IV.G.2.6]
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1 10.7. Before beginning construction and after considering all micro-siting factors, the
2 certificate holder shall provide to the Department a map showing the final design
3 locations of all components of the facility and the areas that would be disturbed during
4 construction and identifying the survey areas for all plant and wildlife surveys. This
5 information may be combined with the map submitted per the requirements of
6 Condition 10.1. The certificate holder shall hire a qualified professional biologist to
7 conduct a pre-construction plant and wildlife investigation of all areas that would be
8 disturbed during construction that lie outside of the previously surveyed areas. The pre-
9 construction survey shall be planned in consultation with the Department and ODFW,
10 and survey protocols shall be confirmed with the Department and ODFW. Following
11 completion of the field survey, and final layout design and engineering, the certificate
12 holder shall provide the Department and ODFW a report containing the results of the
13 survey, showing expected final location of all facility components, the habitat
14 categories of all areas that will be affected by facility components, and the locations of
15 any sensitive resources. The report shall present in tabular format the acres of expected
16 temporary and permanent impacts to each habitat category, type, and sub-type. The pre-
17 construction survey shall be used to complete final design, facility layout, and
18 micro-siting of facility components. As part of the report, the certificate holder shall
19 include its impact assessment methodology and calculations, including assumed
20 temporary and permanent impact acreage for each transmission structure, wind turbine,
21 access road, and all other facility components. If construction laydown yards are to be
22 retained post construction, due to a landowner request or otherwise, the construction
23 laydown yards must be calculated as permanent impacts, not temporary.
24 [Final Order on Amendment 2]

25
26 10.8. The certificate holder shall reduce the risk of injuries to avian species by:
27 a. Installing turbine towers that are smooth steel structures that lack features that would
28 allow avian perching.
29 b. Installing meteorological towers that are non-guyed structures to eliminate the risk of
30 avian collision with guy-wires.
31 c. Designing and installing all aboveground transmission line support structures
32 following the most current suggested practices for avian protection on power lines
33 published by the Avian Power Line Interaction Committee.
34 [Final Order IV.H.2.1]

35
36 10.9. During facility operation, the certificate holder shall obtain water for on-site uses from
37 an on-site well located near the O&M building. The certificate holder shall construct the
38 on-site well subject to compliance with the provisions of ORS 537.765 relating to
39 keeping a well log. The certificate holder shall not use more than 5,000 gallons of water
40 per day from the on-site well. The certificate holder may use other sources of water for
41 on-site uses subject to prior approval by the Department.
42 [Final Order VI.C.2.1]

1 10.10. During facility operation, if equipment washing becomes necessary, the certificate
2 holder shall ensure that there is no runoff of wash water from the site or discharges to
3 surface waters, storm sewers or dry wells. The certificate holder shall not use acids,
4 bases or metal brighteners with the wash water. The certificate holder may use
5 biodegradable, phosphate-free cleaners sparingly.
6 [Final Order VI.C.2.2]
7

8 10.11. The certificate holder shall implement a waste management plan during operation that
9 includes but is not limited to the following measures:
10 a. Training employees to minimize and recycle solid waste.
11 b. Recycling paper products, metals, glass and plastics.
12 c. Recycling used oil and hydraulic fluid.
13 d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste
14 hauler.
15 e. Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
16 absorbent materials, mercury-containing lights and lead-acid and nickel- cadmium
17 batteries for disposal by a licensed firm specializing in the proper recycling or
18 disposal of hazardous wastes.
19 [Final Order V.D.2.2]
20

21 10.12 The certificate holder shall not conduct any construction activities on land mapped as
22 Big Game Winter Range by the Oregon Department of Fish and Wildlife between
23 December 1 and April 15.
24 [Amended Final Order on Amendment 1 IV.G.2.2]
25

26 10.13. Prior to the beginning of construction of the facility the certificate holder shall perform
27 new field surveys for threatened and endangered species following the survey protocol
28 set forth in the Northwest Wildlife Consultants Memorandum regarding Endangered
29 and Threatened Plant Species and Raptor Nest Surveys dated October 17, 2014. The
30 certificate holder shall report the results of the field surveys to the Department, ODA
31 and ODFW. If the surveys identify the presence of threatened or endangered species
32 within the survey area, the certificate holder shall implement appropriate measures to
33 avoid a significant reduction in the likelihood of survival or recovery of the species, as
34 approved by the Department, in consultation with ODA and ODFW.
35 [Amended Final Order on Amendment 1 IV.H.2.2]
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1 10.14. The certificate holder shall conduct two (2) seasons of raptor nest surveys with at least
 2 one (1) season of the surveys occurring prior to the beginning of construction. The
 3 raptor nest surveys shall be conducted following the instructions set forth in the Raptor
 4 Nest Survey Protocol for Summit Ridge Wind Farm included as Attachment B to the
 5 First Amended Site Certificate. The certificate holder shall report the results of the field
 6 surveys to the Department and ODFW. If the surveys identify the presence of raptor
 7 nests within the survey area, the certificate holder shall implement appropriate measures
 8 to assure that the design, construction and operation of the facility are consistent with
 9 the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as
 10 approved by the Department, in consultation with ODFW.
 11 [Amended Final Order on Amendment 1 IV.G.2.8]
 12

13 10.15. During construction the certificate holder shall observe the raptor nest avoidance
 14 guidelines shown in the following table around known raptor nests in the vicinity of
 15 ground-disturbing construction activities, unless the nest fledges young, the nest fails
 16 (i.e., is abandoned), or the Department in consultation with ODFW approves an
 17 alternative plan.
 18

Species	Disturbance Buffer	Nesting Season – Avoidance Period
Golden eagle	0.25 mile	Feb 1 - Aug 31
Red-tailed hawk	500 feet	Mar 1 - Aug 31
Ferruginous hawk	0.25 mile	Mar 15 - Aug 15
Swainson’s hawk	0.25 mile	April 1 - Aug 15
Prairie Falcon	0.25 mile	Jan 1 - Jul 31
American peregrine falcon	0.5 mile	Mar 15 - Jul 15
American kestrel	0.25 mile	Mar 1 - Jul 31

19 [Final Order on Amendment 2]
 20
 21
 22

1 **11.0. PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL**
2 **RESOURCES**
3

4 11.1. Before beginning construction, the certificate holder shall label all identified historic,
5 cultural or archaeological resource sites on construction maps and drawings as “no
6 entry” areas. The applicant shall implement a 200 foot buffer for all rock alignment and
7 cairn sites, and shall implement a 100 foot buffer for all other archaeological sites. The
8 certificate holder may use existing private roads within the buffer areas but may not
9 widen or improve private roads within the buffer areas. The no-entry restriction does
10 not apply to public road rights-of-way within the buffer areas.

11 [Final Order Section V.B.2.1]
12

13 11.2. Before beginning construction, the certificate holder shall provide to the Department a
14 map showing the final design locations of all components of the facility, the areas that
15 would be temporarily disturbed during construction and the areas that were previously
16 surveyed as described in the Application for Site Certificate.

17 [Final Order V.B.2.2]
18

19 11.3. The certificate holder shall hire qualified personnel to conduct field investigation of all
20 areas to be disturbed during construction that lie outside the previously-surveyed areas.
21 The certificate holder shall provide a written report of the field investigation to the
22 Department and to the Oregon State Historic Preservation Office (SHPO). If any
23 potentially significant historic, cultural or archaeological resource sites are found during
24 the field investigation, the certificate holder shall instruct all construction personnel to
25 avoid the identified sites and shall implement appropriate measures to protect the sites,
26 including the measures described in Condition 11.5 and in accordance with the
27 Archaeological Monitoring Plan required per Condition 11.6.

28 [Final Order V.B.2.3]
29

30 11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR
31 736-051-0070, instructs construction personnel in the identification of cultural materials
32 and avoidance of accidental damage to identified resource sites. Records of such
33 training shall be maintained at the Operations and Maintenance Building and made
34 available to authorized representatives of the Oregon Department of Energy upon
35 request.

36 [Final Order V.B.2.4]
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- 1 11.5. The certificate holder shall ensure that construction personnel cease all ground-
2 disturbing activities in the immediate area if any archaeological or cultural resources are
3 found during construction of the facility until a qualified archeologist can evaluate the
4 significance of the find. The certificate holder shall notify the Department and SHPO of
5 the find. If the SHPO determines that the resource is significant, the certificate holder
6 shall make recommendations to the Council for mitigation, including avoidance, field
7 documentation and data recovery, in consultation with the Department, SHPO,
8 interested tribes and other appropriate parties. The certificate holder shall not restart
9 work in the affected area until the certificate holder has demonstrated to the Department
10 and the SHPO that it has complied with archaeological resource protection regulations.
11 [Final Order V.B.2.5]
12
- 13 11.6. The certificate holder shall prepare and implement an Archaeological Monitoring Plan
14 for construction and maintenance activities to address and mitigate impacts from
15 exposure of unanticipated or previously unidentified cultural properties that may be
16 exposed during construction or operation of the facility. A current copy of the plan must
17 be maintained at the Operations and Maintenance Building and made available to
18 authorized representatives of the Oregon Department of Energy upon request.
19 [Final Order V.B.2.6]
20

1 **12.0. NOISE CONTROL AND NOISE COMPLAINT RESPONSE**

- 2
- 3 12.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
- 4 a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
- 5 b. Require contractors to install and maintain exhaust mufflers on all combustion
- 6 engine-powered equipment; and
- 7 c. Establish a complaint response system at the construction manager’s office to address
- 8 noise complaints. Records of noise complaints during construction must be made
- 9 available to authorized representatives of the Department of Energy upon request.

10 [Final Order VI.A.2.1]

- 11
- 12 12.2. Before beginning construction, the certificate holder shall provide to the Department:
- 13 a. Information that identifies the final design locations of all turbines to be built at the
- 14 facility;
- 15 b. The maximum sound power level for the substation transformers and the maximum
- 16 sound power level and octave band data for the turbine type(s) selected for the
- 17 facility based on manufacturers’ warranties or confirmed by other means acceptable
- 18 to the Department;
- 19 c. The results of the noise analysis of the final facility design performed in a manner
- 20 consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI).
- 21 The analysis must demonstrate to the satisfaction of the Department that the total
- 22 noise generated by the facility (including the noise from turbines and substation
- 23 transformers) will not exceed the maximum allowable noise level at any potentially-
- 24 affected noise receptor. The analysis must also demonstrate that the facility would
- 25 meet the ambient degradation test at the appropriate measurement point for
- 26 potentially-affected noise sensitive properties, or that the certificate holder has
- 27 obtained the noise waiver described in Condition 12.2.d for each noise-sensitive
- 28 property where the ambient degradation standard cannot be met.
- 29 d. For each noise-sensitive property where the certificate holder relies on a noise waiver
- 30 to demonstrate compliance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the
- 31 a legally effective easement or real covenant pursuant to which the owner of the
- 32 property authorizes the certificate holder’s operation of the facility to increase
- 33 ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
- 34 measurement point. The legally-effective easement or real covenant must meet all of
- 35 the following criteria:
- 36 i. Include a legal description of the burdened property (the noise sensitive
- 37 property);
- 38 ii. Be recorded in the real property records of the county;
- 39 iii. Expressly benefit the certificate holder;
- 40 iv. Expressly run with the land and bind all future owners, lessees or holders of
- 41 any interest in the burdened property; and
- 42 v. Not be subject to revocation without the certificate holder’s written approval.

43 [Final Order VI.A.2.2]

1 12.3. During operation, the certificate holder shall maintain a complaint response system to
2 address noise complaints. The certificate holder shall notify the Department within 15
3 days of receiving a complaint about noise from the facility. The notification should
4 include, but is not limited to, the date the complaint was received, the nature of the
5 complaint, the complainant's contact information, the location of the affected property,
6 and any actions taken, or planned to be taken, by the certificate holder to address the
7 complaint.

8 [Final Order VI.A.2.3]
9

10 12.4. Upon written notification from the Department, the certificate holder will monitor and
11 record the actual statistical noise levels during operations to verify that the certificate
12 holder is operating the facility in compliance with the noise control regulations. The
13 monitoring plan must be reviewed and approved by the Department prior to
14 implementation. The cost of such monitoring, if required, will be borne by the
15 certificate holder.

16 [Final Order VI.A.2.4]
17

1 **13.0. MONITORING AND REPORTING REQUIREMENTS - GENERAL**
2

3 13.1. In addition to monitoring and reporting requirements elsewhere in this Site Certificate,
4 the certificate holder shall also report according to the following requirements:

5 a. General reporting obligation for energy facilities under construction or operating:

- 6 i. Within six months after beginning construction, and every six months
7 thereafter during construction of the energy facility and related or supporting
8 facilities, the certificate holder shall submit a semiannual construction
9 progress report to the Department of Energy. In each construction progress
10 report, the certificate holder shall describe any significant changes to major
11 milestones for construction. The certificate holder shall include such
12 information related to construction as specified in the site certificate. When
13 the reporting date coincides, the certificate holder may include the
14 construction progress report within the annual report described in Condition
15 13.1.b.
- 16 ii. By April 30 of each year after beginning construction, the certificate holder
17 shall submit an annual report to the Department addressing the subjects listed
18 in Condition 13.1.b. The Council Secretary and the certificate holder may, by
19 mutual agreement, change the reporting date.
- 20 iii. To the extent that information required by Condition 13.1.b is contained in
21 reports the certificate holder submits to other state, federal or local agencies,
22 the certificate holder may submit excerpts from such other reports to satisfy
23 this rule. The Council reserves the right to request full copies of such
24 excerpted reports.

25 [Final Order VII.4.a] [OAR 345-026-0080(1)]

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

- 28 i. Facility Status: An overview of site conditions, the status of facilities under
29 construction, and a summary of the operating experience of facilities that are
30 in operation. In this section of the annual report, the certificate holder shall
31 describe any unusual events, such as earthquakes, extraordinary windstorms,
32 major accidents or the like that occurred during the year and that had a
33 significant adverse impact on the facility.
- 34 ii. Reliability and Efficiency of Power Production: For electric power plants, the
35 plant availability and capacity factors for the reporting year. The certificate
36 holder shall describe any equipment failures or plant breakdowns that had a
37 significant impact on those factors and shall describe any actions taken to
38 prevent the recurrence of such problems.
- 39 iii. Status of Surety Information: Documentation demonstrating that bonds or
40 letters of credit as described in the site certificate are in full force and effect
41 and will remain in full force and effect for the term of the next reporting
42 period.
- 43 iv. Monitoring Report: A list and description of all significant monitoring and
44 mitigation activities performed during the previous year in accordance with
45 site certificate terms and conditions, a summary of the results of those
46 activities and a discussion of any significant changes to any monitoring or

1 mitigation program, including the reason for any such changes.

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

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

9 [Final Order VII.4.b] [OAR 345-026-0080(b)]

10
11 13.2. The certificate holder and the Department of Energy shall exchange copies of all
12 correspondence or summaries of correspondence related to compliance with statutes,
13 rules and local ordinances on which the Council determined compliance, except for
14 material withheld from public disclosure under state or federal law or under Council
15 rules. The certificate holder may submit abstracts of reports in place of full reports;
16 however, the certificate holder shall provide full copies of abstracted reports and any
17 summarized correspondence at the request of the Department.

18 [Final Order VII.5] [OAR 345-026-0105]

19
20 13.3. The following general monitoring conditions apply:

21 a. The certificate holder shall consult with affected state agencies, local governments
22 and tribes and shall develop specific monitoring programs for impacts to resources
23 protected by the standards of Divisions 22 and 24 of OAR Chapter 345 and resources
24 addressed by applicable statutes, administrative rules and local ordinances. The
25 certificate holder must submit the monitoring programs to the Department of Energy
26 and receive Department approval before beginning construction or, as appropriate,
27 operation of the facility.

28 b. The certificate holder shall implement the approved monitoring programs described
29 in Condition 13.3.a and monitoring programs required by permitting agencies and
30 local governments.

31 c. For each monitoring program described in Conditions 13.3.a and 13.3.b, the
32 certificate holder shall have quality assurance measures approved by the Department
33 before beginning construction or, as appropriate, before beginning commercial
34 operation.

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

39 [Final Order VII.2] [Mandatory Condition OAR 345-025-0006 (6)]

1 **14.0. RETIREMENT AND FINANCIAL ASSURANCE**
2

3 14.1. Before beginning construction, the certificate holder shall submit to the State of Oregon
4 through the Council a bond or letter of credit in the amount described herein naming the
5 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
6 bond or letter of credit amount is either \$6.965 million (in 3rd Quarter 2010 dollars), to
7 be adjusted to the date of issuance as described in (b), or the amount determined as
8 described in Condition 14.1.a below. The certificate holder shall adjust the amount of
9 the bond or letter of credit on an annual basis thereafter as described in Condition
10 14.1.b.

- 11 a. The certificate holder may adjust the amount of the bond or letter of credit based on
12 the final design configuration of the facility and turbine types selected. Any revision
13 to the restoration costs should be adjusted to the date of issuance as described in
14 Condition 14.1.b, and is subject to review and approval by the Department.
15 b. The certificate holder shall adjust the amount of the bond or letter of credit, using the
16 following calculation and subject to approval by the Department:
17 i. Adjust the Subtotal component of the bond or letter of credit amount
18 (expressed in 3rd Quarter 2010 dollars) to present value, using the U.S. Gross
19 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
20 Oregon Department of Administrative Services “Oregon Economic and
21 Revenue Forecast” or by any successor agency (the “Index”) and using the 3rd
22 Quarter 2010 index value and the quarterly index value for the date of
23 issuance of the new bond or letter of credit. If at any time the Index is no
24 longer published, the Council shall select a comparable calculation to adjust
25 3rd Quarter 2010 dollars to present value.
26 ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond
27 amount to determine the adjusted Gross Cost.
28 iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
29 and project management costs and 10 percent of the adjusted Gross Cost (ii)
30 for the adjusted future developments contingency.
31 iv. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
32 the resulting total to the nearest \$1,000 to determine the adjusted financial
33 assurance amount.
34 c. The certificate holder shall use a form of bond or letter of credit approved by the
35 Council.
36 d. The certificate holder shall use an issuer of the bond or letter of credit approved by
37 the Council.
38 e. The certificate holder shall describe the status of the bond or letter of credit in the
39 annual report submitted to the Council required by Condition 13.1.b.
40 f. The bond or letter of credit shall not be subject to revocation or reduction before
41 retirement of the facility site.

42 [Final Order IV.F.2.1] [Mandatory Condition OAR 345-025-0006 (8)]
43
44
45
46

- 1 14.2. If the certificate holder elects to use a bond to meet the requirements of Condition 14.1,
2 the certificate holder shall ensure that the surety is obligated to comply with the
3 requirements of applicable statutes, Council rules and this site certificate when the
4 surety exercises any legal or contractual right it may have to assume construction,
5 operation or retirement of the energy facility. The certificate holder shall also ensure
6 that the surety is obligated to notify the Council that it is exercising such rights and to
7 obtain any Council approvals required by applicable statutes, Council rules and this site
8 certificate before the surety commences any activity to complete construction, operate
9 or retire the energy facility.
10 [Final Order IV.F.2.2]
11
- 12 14.3. The certificate holder shall prevent the development of any conditions on the site that
13 would preclude restoration of the site to a useful, non-hazardous condition to the extent
14 that prevention of such site conditions is within the control of the certificate holder.
15 [Final Order IV.F.2.3] [Mandatory Condition OAR 345-025-0006 (7)]
16
- 17 14.4. The certificate holder must retire the facility in accordance with a retirement plan
18 approved by the Council if the certificate holder permanently ceases construction or
19 operation of the facility. The retirement plan must describe the activities necessary to
20 restore the site to a useful, non-hazardous condition, as described in OAR 345-027-
21 0110(5). After Council approval of the plan, the certificate holder must obtain the
22 necessary authorization from the appropriate regulatory agencies to proceed with
23 restoration of the site.
24 [Final Order IV.F.2.4] [Mandatory Condition OAR 345-025-0006 (9)]
25
- 26 14.5. The certificate holder is obligated to retire the facility upon permanent cessation of
27 construction or operation. If the Council finds that the certificate holder has
28 permanently ceased construction or operation of the facility without retiring the facility
29 according to a final retirement plan approved by the Council, as described in OAR 345-
30 027-0110, the Council shall notify the certificate holder and request that the certificate
31 holder submit a proposed final retirement plan to the Department within a reasonable
32 time not to exceed 90 days. If the certificate holder does not submit a proposed final
33 retirement plan by the specified date, the Council may direct the Department to prepare
34 a proposed final retirement plan for the Council's approval.
35 [Final Order IV.F.2.5] [Mandatory Condition OAR 345-025-0006 (16)]
36
- 37 14.6. Upon the Council's approval of the final retirement plan, the Council may draw on the
38 bond or letter of credit submitted per the requirements of Condition 6.1 to restore the
39 site to a useful, non-hazardous condition according to the final retirement plan, in
40 addition to any penalties the Council may impose under OAR Chapter 345, Division 29.
41 If the amount of the bond or letter of credit is insufficient to pay the actual cost of
42 retirement, the certificate holder shall pay any additional cost necessary to restore the
43 site to a useful, non-hazardous condition. After completion of site restoration, the
44 Council shall issue an order to terminate the site certificate if the Council finds that the
45 facility has been retired according to the approved final retirement plan.
46 [Final Order IV.F.2.6] [Mandatory Condition OAR 345-025-0006 (16)]

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14.7. Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of Energy when construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before beginning construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, “work on the site” means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council.
[Final Order VII.3] [OAR 345-026-0048]

1 **15.0. SUCCESSORS AND ASSIGNS**

2
3 To transfer this amended site certificate or any portion thereof or to assign or dispose of it in any
4 other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.
5

6 **16.0. SEVERABILITY AND CONSTRUCTION**

7
8 If any provision of this agreement and amended site certificate is declared by a court to be illegal
9 or in conflict with any law, the validity of the remaining terms and conditions shall not be
10 affected, and the rights and obligations of the parties shall be construed and enforced as if the
11 agreement and certificate did not contain the particular provision held to be invalid.
12

13 **17.0. GOVERNING LAW AND FORUM**

14
15 This amended site certificate shall be governed by the laws of the State of Oregon. Any litigation
16 or arbitration arising out of this agreement shall be conducted in an appropriate forum in Oregon.
17

18 **18.0. EXECUTION**

19
20 This amended site certificate may be executed in counterparts and will become effective upon
21 signature by the Chair of the Energy Facility Siting Council and the authorized representative of
22 the certificate holder.
23

24 **IN WITNESS THEREOF**, this amended site certificate has been executed by the State of
25 Oregon, acting by and through its Energy Facility Siting Council, and by Summit Ridge Wind,
26 LLC.
27

28 ENERGY FACILITY SITING COUNCIL

Summit Ridge Wind, LLC

29
30
31 By: 
32 Barry Beyeler, Chair
33 Oregon Energy Facility Siting Council
34

By: 
35 Amy Smolen [Print Name] Authorized
36 Summit Ridge Wind, LLC Signatory

35 Date: 12/15/2017

Date: 1/6/18