



March 6, 2020

Ms. Sarah Esterson, Senior Siting Analyst

Oregon Department of Energy

550 Capitol St. NE, 1st Floor

Salem, OR 97301

Subject: Request for Fifth Amendment to the Wheatridge Wind Energy Facility Site Certificate

Dear Ms. Esterson:

Wheatridge Wind Energy, LLC (Certificate Holder), a wholly-owned subsidiary of Wheatridge Wind Holdings, LLC and an indirect subsidiary of parent company NextEra Energy Resources, LLC is requesting a fifth amendment to the Wheatridge Wind Energy Facility Site Certificate (RFA 5). RFA 5 proposes to bifurcate the site certificate and transfer a portion of the site certificate to a new limited liability company (LLC). The Certificate Holder submits RFA 5 pursuant to Oregon Administrative Rule (OAR) 345-027-0357(3) requesting the "Type B" amendment review process and providing the associated burden of proof in RFA 5 including addressing the determining factors for the "Type B" amendment review process (OAR 345-027-0357(8)). Two of the attachments to RFA 5 are outstanding: Attachment 5, Mitigation Plans and Attachment 6, Legal Opinion (for the LLC that a portion of the site certificate will be transferred to). These attachments are anticipated to be provided within 15 days business days.

Thank you for your consideration. We look forward to working with you during the amendment process.

Best regards,

A handwritten signature in blue ink, appearing to read "Mike Pappalardo", followed by a horizontal line.

Mike Pappalardo

Environmental Services Manager

NextEra Energy Resources

Cc: David Lawlor, NextEra Energy Resources

Scott Castro, NextEra Energy Resources

Lenna Cope, Portland General Electric

Craig Armstrong, Portland General Electric

Sarah Curtiss Stauffer, Stoel Rives

Carrie Konkol, Tetra Tech

Anneke Solsby, Tetra Tech

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Request for Amendment #5 for the Wheatridge Wind Energy Facility

Prepared for



Prepared by



March 2020

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Acronyms and Abbreviations

ASC	Application for Site Certificate
Certificate Holder	Wheatridge Wind Energy, LLC
Council	Energy Facility Siting Council
FAA	Federal Aviation Administration
Facility	Wheatridge Wind Energy Facility
kV	kilovolt
MW	megawatt
NEER	NextEra Energy Resources, LLC
O&M	operations and maintenance
OAR	Oregon Administrative Rules
ODA	Oregon Department of Aviation
ODFW	Oregon Department of Fish and Wildlife
ODOE	Oregon Department of Energy
OPUC	Oregon Public Utility Commission
ORS	Oregon Revised Statutes
PGE	Portland General Electric Company
RFA 1	First Request for Amendment
RFA 2	Second Request for Amendment
RFA 3	Third Request for Amendment
RFA 4	Fourth Request for Amendment
RFA 5	Fifth Request for Amendment
SCADA	Supervisory Control and Data Acquisition
WAGS	Washington ground squirrel
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II

1.0 Introduction

1.1 Project Summary

Wheatridge Wind Energy, LLC (Certificate Holder), a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC (NEER) is submitting a Fifth Request for Amendment (RFA 5) for the Wheatridge Wind Energy Facility (Facility). The Facility is a wind energy facility approved by the Energy Facility Siting Council (Council) with a capacity to generate up to 500 megawatts (MW) of electricity, with up to 292 wind turbines, and a solar energy generation facility with approximately 150 MW capacity. The Facility is divided into two sections, Wheatridge West and Wheatridge East. Wheatridge West is located entirely within Morrow County, bisected by Oregon Highway 207, and is approximately 5 miles northeast of Lexington and 7 miles northwest of Heppner. Wheatridge East is located approximately 16 miles northeast of Heppner, and includes land in both Morrow and Umatilla counties. Wheatridge West and Wheatridge East are connected via a 230-kilovolt (kV) transmission line (Intraconnection Line). Additional related or supporting facilities to the Facility will include an electrical collection system, collector substations, meteorological towers, communication and Supervisory Control and Data Acquisition (SCADA) systems, operations and maintenance (O&M) buildings, new or improved access roads, battery storage, and temporary construction areas.

At this time, the Wheatridge West portion of the Facility is in the construction phase; all pre-construction conditions have been met. The Facility was the prevailing bid submitted in response to a request for proposals for renewable resources that Portland General Electric Company (PGE) issued in May 2018 (Attachment 1). Once constructed, PGE will own 100 MW of wind energy of the Wheatridge West portion of the Facility. NEER¹ will own the balance of the Facility and sell its output to PGE under power purchase agreements. NEER will continue to build and operate the Facility. The split ownership and power purchase agreements structure will allow the two energy companies to share project risks and benefits.

Therefore, RFA 5 requests the Council's approval for the following proposed changes:

1. Partition or split the Facility to create a separate 100 MW wind energy facility with its own Site Certificate. The new facility would be named Wheatridge Renewable Energy Facility I (WREFI). Wheatridge Wind Energy, LLC will remain the Site Certificate Holder for WREFI. Pursuant to Oregon Revised Statutes (ORS) 469.320(8)(a)(A), the Certificate Holder elects to defer regulatory authority to the Council for a facility with an average electric generating capacity of less than 50 MW (150 MW nameplate) produced from wind energy².

¹ Section 7.0 of RFA 5 is a request to transfer the balance of the Facility to Wheatridge Wind II, LLC, a wholly-owned, indirect subsidiary of NEER. Therefore, Wheatridge Wind II, LLC will be the owner.

² Per ORS 469.300(11)(a)(J), an "Energy facility" means, "An electric power generating plant with an average electric generating capacity of 50 megawatts or more if the power is produced from geothermal or wind energy at a single energy facility or within a single energy generation area."

2. Change the name of the remaining portions of the Facility from Wheatridge Wind Energy Facility to Wheatridge Renewable Energy Facility II (WREFII) to reflect the addition of solar energy generation to the Facility in the Fourth Request for Amendment (RFA 4) and change the Site Certificate Holder for WREFII to Wheatridge Wind II, LLC a wholly-owned, indirect subsidiary of NEER.³

1.2 Procedural History

The Site Certificate for the Facility was issued in April 2017 and became effective May 24, 2017. On May 17, 2017, the Certificate Holder provided notice, pursuant to Oregon Administrative Rules (OAR) 345-027-0100(2), to the Oregon Department of Energy (ODOE) of a transfer of ownership of the Certificate Holder. On June 14, 2017, the Certificate Holder filed a Request for Transfer of ownership of the Facility Site Certificate; this was the First Request for Amendment (RFA 1). The First Amended Site Certificate for the Facility was approved in July 2017 and became effective August 11, 2017. The Second Request for Amendment (RFA 2) to add energy storage for the Facility was submitted concurrently to the Third Request for Amendment (RFA 3) to increase the maximum turbine blade tip height. The second amended Site Certificate was issued November 16, 2018 and became effective November 29, 2018. The Third Amended Site Certificate was issued December 14, 2018 and became effective February 7, 2019. The purpose of RFA 4 was to add a solar facility. The Fourth Amended Site Certificate became effective November 22, 2019.

1.3 Amendment Required under OAR 345-027-0350 and Review Process under OAR 345-027-0351

Except for changes allowed under OAR 345-027-0353 of this rule, an amendment to a site certificate is required to:

- (1) Transfer ownership of the facility or the certificate holder as described in OAR 345-027-0400;*
- (2) Apply later-adopted law(s) as described in OAR 345-027-0390;*
- (3) Extend the construction beginning or completion deadline as described in OAR 345-027-0385;*
- (4) Design, construct or operate a facility in a manner different from the description in the site certificate, if the proposed change:*
 - (a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource or interest protected by an applicable law or Council standard;*

³ References to “the Facility” in this amendment request reflect WREFI and WREFII combined as one Facility. As noted on page 1, although RFA 5 will split the Site Certificate, the Facility will be constructed and operated as a singular Facility within the previously approved Site Boundary and with the same approved facilities.

*(b) Could impair the certificate holder's ability to comply with a site certificate condition;
or*

(c) Could require a new condition or a change to a condition in the site certificate.

An amendment is required pursuant to OAR 345-027-0400 for the transfer of a portion of the Facility to a new certificate holder. In addition, the Facility and Site Certificate split will result in the Facility being operated in a manner different from the description in the Site Certificate, albeit the changes in operation would be primarily administrative, it requires new or changed conditions; therefore, an amendment will be required pursuant to OAR 345-027-0360. Because the transfer amendment cannot be completed before the Site Certificate is split, NEER requests that the two amendment types be combined and reviewed pursuant to OAR 345-027-0351(5).

There will be no physical changes to the previously approved Facility or Site Boundary, substantive changes to conditions other than necessary to facilitate the split, and the record for the Facility has been repeatably opened and reviewed since issuance of the Site Certificate in 2017 (RFA 1, RFA 2, RFA 3, and RFA 4). Thus, the Type B review process is the appropriate amendment review process for this request. Therefore, RFA 5 also serves as an Amendment Determination Request pursuant to OAR 345-027-0357(3) to demonstrate that the Type B review process is the appropriate process for the proposed changes. Accordingly, the following analysis of OAR 345-027-0057(8) addresses the evaluation criteria for the Type B process further substantiated by the information provided in the entirety of RFA 5.

OAR 345-027-0357(8) In determining whether a request for amendment justifies review under the type B review process described in 345-027-0351(3), the Department and the Council may consider factors including but not limited to:

OAR 345-027-0357(8)(a) The complexity of the proposed change;

There will be no new areas of Site Boundary; therefore, there are no new areas or resources (e.g., different habitat types) to consider that were not previously evaluated. This request does not seek to change the physical components of the previously approved Facility. In general, the proposed changes lack complexity and are administrative in nature; they are essentially routine documentation as part of commercial energy sales and operations. Ultimately, the Facility will be constructed and operated substantially in the same manner as approved by the Council, which imposed conditions, as necessary.

OAR 345-027-0357(8)(b) The anticipated level of public interest in the proposed change;

The Council has already imposed conditions in response to past public comments during the siting process and subsequent request for amendments. The proposed division of the Facility into two facilities and a change in certificate holder will not result in any changes to the Facility that will affect the public. Any public interest is anticipated to largely be in support of the Facility, similar to the positive public interest during the Application for Site Certificate (ASC) process, amendment requests, and response to public announcements (see Attachment 1).

OAR 345-027-0357(8)(c) The anticipated level of interest by reviewing agencies;

There will be no new areas of Site Boundary. Reviewing agencies commented on the ASC and Draft Proposed Order, which informed the development of the Site Certificate conditions. The Certificate Holder is coordinating with agencies that may be interested in the changes, such as the Morrow County Planning Department in advance of submittal. The Certificate Holder understands that ODOE's review includes outreach to respective agencies as a matter of process, but it is anticipated that their interest will be low in comparison to other energy project reviews because there will be no physical changes to the Facility. Because the proposed division into two facilities will comply with all existing conditions, the anticipated level of interest by reviewing agencies is low.

OAR 345-027-0357(8)(d) The likelihood of significant adverse impact; and

The Council approved the use of micrositing corridors (Site Boundary) for the Facility to allow flexibility in siting of the wind generation components in order to account for geotechnical and other constraints and turbine procurement options during final design. Therefore, the potential for significant adverse impacts from infrastructure within the Site Boundary has already been reviewed. RFA 5 proposes a division of the Facility into two facilities—all within the previously approved Site Boundary—such that there is little likelihood of significant adverse impact.

OAR 345-027-0357(8)(e) The type and amount of mitigation, if any.

There will be no new areas of Site Boundary nor any changes to the approved facilities; therefore, there are no new impacts to consider that were not previously evaluated. The proposed division of the Facility into two facilities will not result in new mitigation for temporary and permanent habitat impacts.

2.0 Certificate Holder Information – OAR 345-027-0360(1)(a)

OAR 345-027-0360(1) To request an amendment to the Site Certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:

OAR 345-027-0360(1)(a) The name of the facility, the name and mailing address of the certificate holder, and the name, mailing address, email address and phone number of the individual responsible for submitting the request.

2.1 Name of the Facility

Wheatridge Wind Energy Facility

2.2 Name and Mailing Address of the Certificate Holder

David Lawlor⁴
Wheatridge Wind Energy, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

2.3 Current Parent Company of Certificate Holder

Matt Handel
NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd
Juno Beach, FL 33408

2.4 Name and Mailing Address of the Individuals Responsible for Submitting the Request

Mike Pappalardo
Environmental Manager
NextEra Energy Resources, LLC
JES/JB
700 Universe Blvd
Juno Beach, FL 33408
Mike.Pappalardo@nexteraenergy.com
(541) 206-1005

3.0 Detailed Description of the Proposed Change – OAR 345-027-0360(1)(b)

OAR 345-027-0360(1)(b) A detailed description of the proposed change, including:

As noted above, the Certificate Holder seeks Council approval to:

⁴ Note, the previous certificate holder contact person was Jesse Marshall. However, NEER is requesting to change to David Lawlor. Mr. Lawlor has worked in the power generation and utility fields for 20 years the last 3 ½ with NEER. He has developed, originated and/or permitted over 1,000 MW of power generation across north western North America. Mr. Lawlor holds a Bachelor degree in geography from University of Saskatchewan and Master Environmental Studies degree from Dalhousie University.

1. Partition or split the Facility to create a separate 100 MW wind energy facility with its own Site Certificate. The new facility would be named Wheatridge Renewable Energy Facility I (WREFI) and would have areas of overlapping Site Boundary and shared related or supporting facilities with WREFII (see Figures 1 and 2). At this time, the Certificate Holder would remain Wheatridge Wind Energy, LLC a wholly-owned, indirect subsidiary of NEER. Pursuant to ORS 469.320(8)(a)(A), the Certificate Holder elects to defer regulatory authority to the Council for a facility with an average electric generating capacity of less than 50 MW (150 MW nameplate) produced from wind energy⁵.

A request to transfer the Site Certificate ownership for WREFI from NEER to PGE will occur closer to the completion of WREFI's construction.

2. Change the name of the remaining portions of the Facility from Wheatridge Wind Energy Facility to Wheatridge Renewable Energy Facility II (WREFII), creating a 400 MW wind energy facility and a solar facility. Change the Site Certificate Holder for WREFII to Wheatridge Wind II, LLC a wholly-owned, indirect subsidiary of NEER.

This request does not seek to change the previously approved Site Boundary or physical components of the approved Facility; instead, it partitions off a portion of the Facility to create a new Council-jurisdictional 100 MW wind facility. Table 1 provides a description of how the Facility would be split per the description in the existing Site Certificate. As noted in Table 1, the partitioned facilities would have areas of overlapping Site Boundaries and some shared related or supporting facilities. The Site Certificate for WREFI would only include the conditions applicable to WREFI, as described in Table 2 and Attachment 2. As identified in Table 2, the Site Certificate conditions for WREFI would generally mirror the existing Site Certificate conditions, except for conditions or parts of conditions that specifically apply to Umatilla County or solar. Although pre-construction conditions are included in Table 2 and the red-lined Site Certificate (Attachment 2), these conditions were fulfilled as part of pre-construction compliance for Wheatridge West and compliance applies in perpetuity to the facility that was developed as Wheatridge West. Thus, the pre-construction conditions have been met for the purposes of the WREFI Site Certificate and similarly for the WREFII Site Certificate as they apply to Wheatridge West. The Site Certificate conditions for WREFII would remain the same except where the Facility description would be changed in the Site Certificate removing the WREFI facilities and the associated retirement cost would be updated to reflect the removal of 100 MW of wind.

⁵ Per ORS 469.300(11)(a)(J), an "Energy facility" means "An electric power generating plant with an average electric generating capacity of [35] 50 megawatts or more if the power is produced from geothermal or wind energy at a single energy facility or within a single energy generation area."

Table 1. Proposed Descriptions of the Partitioned Facilities

Infrastructure Type	Approved Site Certificate Description	WREFI Description	WREFII Description	Explanation
Total Generating Capacity	The total generation capacity of the facility with wind and solar components is 650 MW. Wind energy generation components will include up to 292 wind turbines with a total generating capacity up to 500 MW.	The total generating capacity of the WREFI will not exceed 100 MW and the total number of turbines will not exceed 40.	The total generating capacity of WREFII will not exceed 400 MW of wind energy and the total number of turbines will not exceed 252.	The total generating capacity for wind energy for the two facilities combined will be 500 MW, as previously approved by Council. The total number of turbines will not exceed the Council’s previously approved 292 turbines.
Electrical Collection System	The electrical collection system will include up to 88 miles of mostly underground 34.5-kV collector lines and up to 10.8 miles of overhead collector lines.	The electrical collection system for WREFI includes up to 20 miles of mostly underground collector lines.	Electrical collection system includes up to 68 miles of mostly underground 34.5-kV collector lines; this includes up to 10.8 miles of overhead collector lines, as needed.	Some extents of collector lines for both WREFI and WREFII will be in the overlapping Site Boundary. Total length will not exceed 88 miles as previously approved by Council.
Collector Substations	The facility will include up to two substations, however, the Council approved the ability to microsite up to three substations within the micrositing corridor.	WREFI has one collector substation that will be shared with WREFII.	The facility includes up to two substations within Wheatridge West (one of these shared with WREFI) and one substation within Wheatridge East.	WREFI will share one of WREFII’s substations in the overlapping Site Boundary.
Transmission Lines	The facility will include one or two parallel overhead 230 kV intraconnection transmission lines extending 24.5 to 31.5 miles in length.	N/A	The facility includes up to 32 miles of transmission lines, consisting of up to two overhead, parallel 230-kV transmission lines.	WREFI does not include a 230-kv transmission line.
Meteorological Towers	The facility will include up to 12 permanent meteorological (met) towers.	WREFI includes up to two permanent meteorological towers.	WREFII includes up to 10 permanent meteorological towers.	This provides for one met tower and one alternative for WREFI.
Communications and SCADA System	The facility will include a communication system and a Communication and SCADA System.	WREFI includes Wind controller and Wind SCADA, but will share the SCADA System with WREFII in the Shared Site Boundary.	WREFII will have its own Wind controller and Wind SCADA, but will share the SCADA System with WREFI in the Shared Site Boundary.	WREFI will use portions of the WREFII SCADA system in the overlapping Site Boundary. Each facility will also have its own Wind controller and Wind SCADA.
O&M Buildings	The facility will include up to two O&M Buildings.	WREFI will use the WREFII O&M Building in the overlapping Site Boundary.	WREFII includes up to two O&M Buildings, with one shared with WREFI.	WREFI will use the WREFII O&M Building in the overlapping Site Boundary. The O&M Building is not a related or supporting facility to WREFI.
Access Roads	Wind energy facility components will require up to 73 miles of access roads.	WREFI includes up to 12 miles of new or improved access roads.	WREFII includes up to 61 miles of new or improved access roads.	WREFI and WREFII access roads may be shared.
Temporary Construction Areas	The facility will include up to four temporary construction yards including one or more temporary concrete batch plant areas.	WREFI includes temporary construction areas that include staging areas and one or more temporary concrete batch plant areas.	WREFII includes temporary construction areas that include staging areas and one or more temporary concrete batch plant areas.	Staging areas will be shared for construction.
Battery Storage and Interconnection	The facility will include a battery storage system and interconnection facility.	WREFI includes the battery storage adjacent to the substation at Wheatridge West and associated interconnection facilities.	WREFII includes battery storage systems (20 and 30 MW, each located on up to 5 acres) and interconnection facilities.	The overlapping Site Boundary by the substation provides the optionality for either facility to construct battery storage with a maximum permanent footprint of up to 5 acres.
Solar Facility/Distributed Energy Storage	The facility will include up to two solar array facilities and distributed energy storage.	WREFI does not contain solar or distributed energy storage facilities.	WREFII includes an approximately 150 MW solar facility with distributed energy storage.	WREFI does not include solar facilities.

Table 2. Site Certificate Conditions for the Split Facility

Standard	Site Certificate Conditions	WREFI Site Certificate Condition?	Reason
OAR 345-022-0000 General Standard of Review	GEN-GS-01: Commencement of construction ¹	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(4)). This condition will be amended to remove references to solar.
	GEN-GS-02: Completion of construction ¹	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(4)). This condition will be amended to remove references to solar.
	GEN-GS-03: Compliance during all phases	Yes	Applies to all phases of the Facility including post construction phases. This is a mandatory condition (Mandatory Condition OAR 345-025-0006(3)).
	GEN-GS-04: Permission to construct	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(5)).
	GEN-GS-05: Notification of environmental impacts	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(6)) which applies to all phases.
	GEN-GS-06: Inclusion of representations	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(10)) which applies to all phases.
	GEN-GS-07: Vegetation restoration	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(11)) which applies to the post-construction phase.
	GEN-GS-08: Construct to prioritize human safety	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(12)).
	GEN-GS-09: Notification of foundation changes	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(13)).
	GEN-GS-10: Notification of other geological observations	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(14)).
	GEN-GS-11: Notification of new owners	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(14)) that applies to all project phases.
	GEN-GS-12: Specification of corridor ¹	No	Not applicable. WREFI does not include a pipeline or transmission corridor.
	OPR-GS-01: Submission of legal description	Yes	This is a mandatory, post-construction condition (Mandatory Condition OAR 345-025-0006(2)).
OAR 345-022-0010 Organizational Expertise	GEN-OE-01: Responsibility of non-compliance	Yes	This condition applies to all project phases. This condition is necessary to meet the Council's Organizational Expertise standard.
	GEN-OE-02: Report of Site Certificate violations	Yes	This condition applies to all project phases. This condition is necessary to meet the Council's Organizational Expertise standard.
	GEN-OE-03: Report of change in corporate structure	Yes	This condition applies to all project phases. This condition is necessary to meet the Council's Organizational Expertise standard.
	GEN-OE-04: Compliance with laws for battery disposal & transport	Yes	WREFI may include battery storage facilities.
	PRE-OE-01: Notification of contractor identities	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-OE-02: Notification of construction manager	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-OE-03: Compliance of construction workers	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-OE-04: Notification of non-surveying activities	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-OE-05: Proof of aggregate source and county permits ¹	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. A minor text edit is needed to remove reference to Umatilla County.
	PRE-OE-06: Proof of third-party approvals and permits ¹	Yes	Because WREFI is located in Morrow County, this condition will be changed to only reflect Morrow County and only (a) applies because (b) and (c) are specific to solar.

Standard	Site Certificate Conditions	WREFI Site Certificate Condition?	Reason
OAR 345-022-0020 Structural Standard	GEN-SS-01: Compliance with building codes	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-SS-01: Geological investigation reporting	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard and create an independent obligation for WREFI.
	PRE-SS-02: Investigation of active faults	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. The condition references fault 2438 in Umatilla County. This reference is removed because WREFI has no components in Umatilla County.
	PRE-SS-03: Investigation of slope instability	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-SS-04: Investigation of loess soil	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
OAR 345-022-0022 Soil Protection	PRE-SP-01: Spill Prevention, Control, and Countermeasure construction plans	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-SP-02: Restoration of agricultural soils	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-SP-03: Septic system permitting	No	WREFI may use the O&M Facility, but that WREFII will be the holder of any Oregon Department of Environmental Quality permits for the building.
	CON-SP-01: Erosion and Sediment Control Plan	Yes	Although this is for the pre-construction and construction phases, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-SP-02: Best management practices to be included in Erosion and Sediment Control Plan	Yes	Although this is for the pre-construction and construction phases, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRO-SP-01: Submission of operational Spill Prevention, Control, and Countermeasure ¹	Yes	This condition applies to pre-operation and operation phase. This Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. However, the condition for WREFI will be amended to exclude references to the O&M Building.
	OPR-SP-01: Prevention of erosion, soil disturbance	Yes	Applies to the operation phase of a Facility, specifically access road and other wind facilities used for maintenance. This Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
OAR 345-022-0030 Land Use	GEN-LU-01: Compliance with county setbacks ¹	Yes	Although this is for the pre-construction and construction phases, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. This condition will be amended to remove references to solar.
	GEN-LU-02: County road permits and standards	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	GEN-LU-03: Meteorological tower requirements	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	GEN-LU-04: Usage of minimum land area ¹	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. This condition will be amended to remove references to solar.
	GEN-LU-05: Blending with natural surroundings	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.

Standard	Site Certificate Conditions	WREFI Site Certificate Condition?	Reason
	GEN-LU-06: Micro siting to minimum road/highway setbacks	No	Not applicable. This condition is primarily for Umatilla County except for subcondition (a), which repeats the sub condition (d) in GEN-LU-01. WREFI is located in Morrow County.
	GEN-LU-07: Blending of operations and maintenance building	No	Not applicable. This condition applies to Umatilla County. WREFI is in Morrow County.
	GEN-LU-08: Best management of access roads	No	Not applicable. This condition applies to Umatilla County. WREFI is in Morrow County.
	GEN-LU-09: Notification of project infrastructure locations	No	Not applicable. This condition applies to Umatilla County. WREFI is in Morrow County.
	GEN-LU-10: Delivery of annual report	No	Not applicable. This condition applies to Umatilla County. WREFI is in Morrow County.
	PRE-LU-01: Obtain local permitting	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-LU-02: Obtain Conditional Use Permit	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-LU-03: Preparation of Weed Control Plan ¹	Yes	This condition applies to all project phases, but will be amended to remove references to Umatilla County.
	PRE-LU-04: Recording of a Covenant Not to Sue for Morrow County ¹	Yes	This condition is a pre-construction requirement that applies to an area of land.
	PRE-LU-05: Consultation with landowners ¹	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. This condition will be amended to remove references to Umatilla County.
	PRE-LU-06: Identification of construction traffic concerns	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-LU-07: Obtaining county zoning permits	No	This condition applies to Umatilla County. WREFI is in Morrow County.
	PRE-LU-08: Installation of gates and signs to private access roads	Yes	Applicable, but only required if requested by the underlying landowner.
	PRE-LU-09: Recording of a Covenant Not to Sue for Umatilla County	No	Not applicable. This condition applies to Umatilla County. WREFI is in Morrow County.
	CON-LU-01: Minimization of footprint	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-LU-02: Installation of bird deterring devices	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-LU-03: Installation of underground cable system	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	OPR-LU-01: Submission of as-built surveys for construction phases	Yes	This condition applies to operation phase.
	OPR-LU-02: Restoration of disturbed areas	Yes	This condition applies to operation phase.
	OPR-LU-03: Completion of final retirement plan ¹	Yes	This condition applies to post-operation/retirement phases. The condition will be amended to only apply to Morrow County where the Facility is located.
	OPR-LU-04: Preparation of Operating and Facility Maintenance Plan ¹	Yes	This condition applies to operation phases. The condition will be amended to only apply to Morrow County where the Facility is located.
	OPR-LU-05: Submission of as-built changes	No	Not applicable. This condition applies to Umatilla County. WREFI is in Morrow County.
	OPR-LU-06: Retirement restoration activities	Yes	This condition applies to applies to post-operation/retirement phases and is necessary to meet Council standard OAR 345-022-0050.
OAR 345-022-0040 Protected Areas	N/A	N/A	N/A
OAR 345-022-0050	GEN-RF-01: Prevention of non-restorable site	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(6)).

Standard	Site Certificate Conditions	WREFI Site Certificate Condition?	Reason
Retirement and Financial Assurance	PRE-RF-01: Letter of credit to restore site to non-hazardous condition	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(8)).
	PRE-RF-02: Letter of credit naming State as payee ¹	Yes	This condition will be modified to also reflect a letter of credit naming the State after the transfer of ownership for WREFI. In addition, the bond or letter of credit amount will be \$3.4 million. This condition will be amended to remove references to solar.
	OPR-RF-01: Evidence of monthly inspections of battery storage and insurance for high loss catastrophic events	Yes	WREFI includes battery storage facilities.
	RET-RF-01: Compliance with retirement plan	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(9)) that applies to retirement phase.
	RET-RF-02: Retirement of Facility upon cessation of activities	Yes	This is a mandatory condition (Mandatory Condition OAR 345-025-0006(16)) that applies to retirement phase.
OAR 345-022-0060 Fish and Wildlife Habitat	GEN-FW-01: Speed limit requirement	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition. This will create a comprehensive stand-alone record of compliance for the WREFI.
	GEN-FW-02: Avian protection	Yes	Construct power lines in accordance with Avian Power Line Interaction Committee design standards, and only install permanent meteorological towers that are unguyed.
	PRE-FW-01: Confirmation of habitat categories, nests via habitat survey	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-FW-02: Implementation of Wildlife Monitoring and Mitigation Plan	Yes	The WMMP applies to construction/operation phases. This plan will be finalized and approved prior to construction of the WREFI.
	PRE-FW-03: Flagging of environmentally sensitive areas	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-FW-04: Approval of Habitat Mitigation Plan	Yes	The HMP applies to construction/operation phases. This plan will be finalized and approved prior to construction of the WREFI.
	PRE-FW-05: Approval of Revegetation Plan ¹	Yes	The Revegetation Plan applies to construction/operation phases. This plan will be finalized and approved prior to construction of the WREFI. The condition will be amended to reflect Morrow County only.
	CON-FW-01: Cease construction in winter within Mule Deer Winter Range	No	Not applicable. WREFI facilities are not in the Mule Deer Winter Range.
	CON-FW-02: Buffer zones for nest sites	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-FW-03: Environmental training by professional	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
OAR 345-022-0070 Threatened and Endangered Species	PRE-TE-01: Determination of Washington ground squirrel (WAGS) boundaries	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition. This will create a comprehensive stand-alone record of compliance for WREFI.
	PRE-TE-02: Implementation of Wildlife Monitoring and Mitigation Plan for WAGS	Yes	The WMMP for WAGS applies to construction/operation phases. This plan will be developed and approved prior to construction of the Facility, but will also apply to WREFI.
	PRE-TE-03: Avoidance of Laurent’s milkvetch impacts	Yes	Applies to construction/operation phases.
OAR 345-022-0080	GEN-SR-01: Reduction of lighting Facility visual impacts ¹	Yes	The substation and battery storage are a related or supporting Facility that will be shared with WREFI. This condition will be amended to remove the O&M Building.

Standard	Site Certificate Conditions	WREFI Site Certificate Condition?	Reason
Scenic Resources	GEN-SR-02: Minimization of visual impacts ¹	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. This condition will be amended to remove the O&M Building.
OAR 345-022-0090 Historic, Cultural and Archaeological Resources	PRE-HC-01: Submission of final design	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-HC-02: Marking of buffer areas	Yes	Although this is for the pre-construction, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-HC-03: Training by qualified archeologist	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-HC-01: Flagging of 200-foot avoidance buffer	Yes	Although this is for the pre-construction and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-HC-02: Work cease due to historical find	Yes	Although this is for the pre-construction, immediately prior to construction, and construction phases, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
OAR 345-022-0100 Recreation	N/A	N/A	N/A
OAR 345-022-0110 Public Services	GEN-PS-01: Coordination with solid waste handler	Yes	This condition applies to WREFI to ensure continual compliance with the Morrow County Solid Waste Ordinance.
	GEN-PS-02: Installation of security measures	No	This condition doesn't apply to the substation. The O&M Building is not a related or supporting facility to WREFI.
	GEN-PS-03: Fire prevention and response training	Yes	This condition applies to operation phases of a Facility.
	GEN-PS-04: 100-foot vegetation free zone around battery storage systems	Yes	WREFI includes battery storage.
	PRE-PS-01: Preparation of Traffic Management Plan ¹	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. A minor text edit is needed to remove reference to Umatilla County.
	PRE-PS-02: Road Use Agreements with counties ¹	Yes	The condition will be amended to only reference Morrow County. Although this is for the pre-construction phase, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-PS-03: Access road and private road modification approvals ¹	Yes	Although this is for the pre-construction phase, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. A minor text edits are needed to remove reference to Umatilla County.
	PRE-PS-04: Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA) aeronautical studies and determinations	Yes	Although this is for the pre-construction phase, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRE-PS-05: Preparation of Emergency Management Plan	Yes	This condition also applies to operation phases.
	PRE-PS-06: Development of health and safety plan	Yes	This condition also applies to operation phases.
	PRE-PS-07: Assurance of first aid/CPR/AED personnel	Yes	Although this applies to the pre-construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-PS-01: Waste management plan protocols	Yes	Although this applies to the construction phase only, it necessary to provide an independent obligation for WREFI.

Standard	Site Certificate Conditions	WREFI Site Certificate Condition?	Reason
	CON-PS-02: Establish on-site security ¹	Yes	Although this applies to the construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI. This condition will be changed to remove Umatilla County from the condition.
	CON-PS-03: Assurance of fall, high angle, confined space trained personnel	Yes	Although this applies to the construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-PS-04: Usage of concrete pads, nonflammable ground cover	Yes	Although this applies to the construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-PS-05: Maintenance of non-vegetated area	Yes	Although this applies to the construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRO-PS-01: Fall protection/tower rescue training	Yes	This condition applies to pre-operation phase. This Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRO-PS-02: Submission of site plan to fire protection officials	Yes	This condition applies to pre-operation phase. this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	PRO-PS-03: Assurance of current first aid/CPR/AED personnel	Yes	This condition applies to pre-operation phase. This Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	OPR-PS-01: Discharge of wastewater	No	WREFII will hold all state permits for the O&M Building.
	OPR-PS-02: On-site well water usage	No	WREFII will hold all state permits and be responsible for the well log.
	OPR-PS-03: Implementation of waste management plan ¹	Yes	This condition applies to pre-operation/operation phases and demonstrates Facility compliance with the Morrow County Solid Waste Management Ordinance.
	OPR-PS-04: Current contact information for personnel	Yes	This condition applies to WREFI.
OAR 345-022-0120 Waste Minimization	PRE-WM-01: Minimum waste management plan requirements	Yes	This condition applies to WREFI.
	PRE-WM-02: Confirmation of no surface/ground/drinking water impacts	Yes	This is a pre-construction requirement.
	CON-WM-01: Requirements of off-site soil disposal	Yes	Although this applies to the construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities	GEN-WF-01: Following handling instructions	Yes	This condition applies to construction/operation phases.
	GEN-WF-02: Notification of accidents/failures ¹	Yes	This condition applies to construction/operation phases. It will be amended to only reference Morrow County.
	CON-WF-01: Installation of step-up transformers	Yes	Although this applies to the construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-WF-02: Maintenance of self-monitoring devices	Yes	Applies to pre-operation/operation phases.
	OPR-WF-01: Assurance of operation security fencing and gates ¹	Yes	This condition applies to the substation.
OAR 345-024-0015 Siting Standards for Wind Energy Facilities	N/A	N/A	N/A
OAR 345-024-0090 Transmission Lines	PRE-TL-01: Oregon Public Utility Commission (OPUC) Safety, Reliability, and Security Division Staff briefing	Yes	Although this applies to the pre-construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	CON-TL-01: Management of human exposure to electromagnetic fields	Yes	Although this applies to the pre-construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	OPR-TL-01: Final Facility design operations information provided to OPUC Safety Staff	Yes	Although this applies to the pre-construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.

Standard	Site Certificate Conditions	WREFI Site Certificate Condition?	Reason
OAR 340-035-0035 Noise	PRE-NC-01: Final Facility design noise analysis and noise waiver if applicable	Yes	Although this is for the pre-construction phase, this is a standard Site Certificate condition. Compliance will be achieved through documentation as part of the first annual report. This will create a comprehensive stand-alone record of compliance for the WREFI. This condition will be amended to remove references to solar.
	CON-NC-01: Measure to reduce noise impacts during construction	Yes	Although this applies to the pre-construction phase only, this Site Certificate condition is necessary to meet the applicable council standard for the Facility Site Certificate and create an independent obligation for WREFI.
	OPR-NC-01: Noise Reduced Operating mode turbines operating noise level documentation.	Yes	This condition applies to the operation phase.
	OPR-NC-02: Certificate Holder to maintain a noise complaint response system	Yes	This condition applies to the operation phase.
	OPR-NC-03: Certificate Holder will provide a monitoring plan for noise levels in response to a noise complaint	Yes	This condition applies to the operation phase.
Removal-Fill Law	N/A	N/A	N/A
Water Rights	N/A	N/A	N/A
1. Conditions requiring minor text changes generally to remove references to battery storage and solar facilities.			

3.1 Effect of Proposed Changes on the Facility – OAR 345-027-0060(1)(b)(A)

OAR 345-027-0060(1)(b)(A) a description of how the proposed change affects the facility,

The Facility, once split, will be constructed and operated substantially in the same manner as previously approved by the Council, which imposed conditions, as necessary, that considered micrositing needs, potential impacts, and public and reviewing agencies' comments. The partitioned facilities will generally function as one Facility, and the division into WREFI and WREFII would not affect any physical impacts from Facility construction, operation, or retirement. Splitting the Facility and Site Certificate would allow the Certificate Holder to meet their contractual obligations to transfer 100 MW of the wind energy facility to PGE (see Attachment 1), thereby advancing Oregon's clean energy future while delivering affordable electricity for PGE customers.

3.2 Applicable Laws and Council Rules – OAR 345-027-0060(1)(b)(B)

OAR 345-027-0060(1)(b)(B) a description of how the proposed change affects those resources or interests protected by applicable laws and Council standards, and

The proposed changes do not affect the resources or interests protected by applicable laws and Council standards in a substantially different way than what has already been approved by the Council (Section 6.0). Compliance with applicable laws is integrated into the Site Certificate conditions, including conditions related to pre-construction habitat surveys, noise analysis, setback verification, the National Pollutant Discharge Elimination System 1200-C permit, consultation with the Oregon Department of Fish and Wildlife (ODFW), the Oregon Department of Geology and Mineral Industries, and FAA 7460-1 filings, among others.

The Facility's proposed partition and Site Certificate split does not alter the Certificate Holder's ability to comply with the Site Certificate conditions for the Facility. Sections 4.0 and 6.0 further demonstrate how the proposed changes are consistent with the Council's previous findings. The physical components of the Facility and the Site Boundary will not be changed; therefore, there are no new areas or resources that were not previously evaluated. The Facility, following its partition under this Amendment, will be constructed and operated in substantially the same manner as already approved by the Council.

3.3 Location of the Proposed Change – OAR 345-027-0060(1)(b)(C)

OAR 345-027-0060(1)(b)(C) the specific location of the proposed change, and any updated maps and/or geospatial data layers relevant to the proposed change.

This request does not seek to change the Site Boundary or physical components of the Facility. Figures 1 and 2 show how the Facility will be divided into WREFI and WREFII.

4.0 Division 21 Requirements – OAR 345-027-0060(1)(c)

OAR 345-027-0060(1)(c) References to any specific Division 21 information that may be required for the Department to make its findings.

4.1 OAR 345-021-0010(1)(e) - Required Permits

Exhibit E of the ASC identified the federal, state, and local government permits related to the siting of the Facility, which were incorporated into Site Certificate conditions as necessary. The proposed division of the Facility into two facilities does not require any new permits, nor any new Site Certificate conditions for permits, which were not previously considered by the Council.

4.2 OAR 345-021-0010(1)(f) - Materials Analysis

Construction materials for the partitioned facilities will be the same as those used for construction of the Facility as previously approved by the Council. In general, the division of the Facility into WREFI and WREFII will not change the amount of solid waste and wastewater generated by the Facility, and will not modify the procedures and practices used for handling these materials. The Certificate Holder will continue to comply with Site Certificate conditions related to materials and waste management.

5.0 Site Certificate Revisions – OAR 345-027-0060(1)(d)

OAR 345-027-0060(1)(d) The specific language of the site certificate, including conditions, that the certificate holder proposes to change, add or delete through the amendment.

A red-lined Site Certificate for each of the partitioned facilities is included as Attachment 2.

6.0 Other Standards and Permits – OAR 345-027-0360(1)(e)

OAR 345-027-0360(1)(e) A list of all Council standards and other laws, including statutes, rules and ordinances, applicable to the proposed change, and an analysis of whether the facility, with the proposed change, would comply with those applicable laws and Council standards. For the purpose of this rule, a law or Council standard is “applicable” if the Council would apply or consider the law or Council standard under OAR 345-027-0375(2).

Council standards relevant to RFA 5 include Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). Division 23, which applies to non-generating facilities, does not apply to wind power-generating facilities. Similarly, inapplicable provisions of Division 24 (e.g., standards applicable to gas plants, gas storage, non-generating facilities) are not discussed.

Ultimately, the Facility will be constructed and operated substantially in the same manner as previously approved by the Council, which imposed conditions, as necessary, that take into consideration micro-siting needs and public and reviewing Agency comments. Partitioning the Facility does not change this. As identified in Table 2, the Site Certificate for WREFI will mirror the existing Site Certificate except for conditions or parts of conditions that specifically apply to Umatilla County, or solar and distributed energy storage. Table 3 identifies Council standards and laws reviewed as part of RFA 5, their applicability, and the Site Certificate conditions that govern Facility compliance for each standard. Because there will be a new Site Certificate created by the Facility partition, all standards apply even though there will be no new areas of Site Boundary or new physical components of the Facility. The Facility will continue to comply with all Site Certificate conditions even after partitioning.

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Table 3. Standards and Laws Relevant to Proposed Amendment

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-022-0000 General Standard of Review	<p>The Council previously found that the Facility complies with the General Standard of Review. For RFA 5, the requirements of OAR 345-022-0000 are addressed in the findings, analysis, and conclusions discussed in Section 6.1.</p> <p>Oregon’s Renewable Portfolio Standard establishes a requirement for how much of Oregon’s electricity must come from renewable resources like wind. The current RPS is set at 50 percent by 2040. RFA 5 is another step for the Facility to contribute to meeting this requirement.</p>	GEN-GS-01: Commencement of construction GEN-GS-02: Completion of construction GEN-GS-03: Compliance during all phases GEN-GS-04: Permission to construct GEN-GS-05: Notification of environmental impacts GEN-GS-06: Inclusion of representations GEN-GS-07: Vegetation restoration GEN-GS-08: Construct to prioritize human safety GEN-GS-09: Notification of foundation changes GEN-GS-10: Notification of other geological observations GEN-GS-11: Notification of new owners GEN-GS-12: Specification of corridor OPR-GS-01: Submission of legal description
OAR 345-022-0010 Organizational Expertise	<p>Applicable and complies. The Council has previously determined that NEER has adequate organizational expertise to construct, operate and retire a wind energy facility. There is no proposed change to organizational expertise. The Certificate Holder management team and the NEER family of companies have deep regional expertise, derived over years of successfully permitting and operating hundreds of MWs of wind energy projects in the Oregon. See Section 6.1.1.</p>	GEN-OE-01: Responsibility of non-compliance GEN-OE-02: Report of Site Certificate violations GEN-OE-03: Report of change in corporate structure GEN-OE-04: Compliance with laws for battery disposal & transport PRE-OE-01: Notification of contractor identities PRE-OE-02: Notification of construction manager PRE-OE-03: Compliance of construction workers PRE-OE-04: Notification of non-surveying activities PRE-OE-05: Proof of aggregate source and county permits PRE-OE-06: Proof of third-party approvals and permits
OAR 345-022-0020 Structural Standard	<p>Applicable and complies. The Council adopted Site Certificate conditions to address the potential for seismic and non-seismic geologic hazards at the Facility site. There will be no changes to the physical components of the Facility that would change findings (see Section 6.1.2). This fifth request for amendment makes no changes that would alter the basis for the Council’s earlier findings. RFA 5 does not alter the basis for the Council’s prior findings for the structural standard does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions</p>	GEN-SS-01: Compliance with building codes PRE-SS-01: Geological investigation reporting PRE-SS-02: Investigation of active faults PRE-SS-03: Investigation of slope instability PRE-SS-04: Investigation of loess soil
OAR 345-022-0022 Soil Protection	<p>Applicable and complies. The Council previously found that the Facility would comply with the Soil Protection Standard. There will be no changes to the physical components or disturbance areas of the Facility that would change findings (see Section 6.1.2). This fifth request for amendment makes no changes that would alter the basis for the Council’s earlier findings.</p>	PRE-SP-01: Spill Prevention, Control, and Countermeasure construction plans PRE-SP-02: Restoration of agricultural soils PRE-SP-03: Septic system permitting CON-SP-01: Erosion and Sediment Control Plan CON-SP-02: Best management practices to be included in the Erosion and Sediment Control Plan PRO-SP-01: Submission of operational Spill Prevention, Control, and Countermeasure plan OPR-SP-01: Prevention of erosion, soil disturbance

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-022-0030 Land Use	Applicable and complies. RFA 5 would divide the Facility into two separate facilities within the approved Site Boundary. Approval of the amendment would not result in any land use impacts that have not been addressed by the Council; the amendment would not expand the Site Boundary or alter the authorized uses (see Section 6.1.3). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council's earlier findings under OAR 345-022-0030 that the Land Use Standard is satisfied.	GEN-LU-01: Compliance with county setbacks GEN-LU-02: County road permits and standards GEN-LU-03: Meteorological tower requirements GEN-LU-04: Usage of minimum land area GEN-LU-05: Blending with natural surroundings PRE-LU-01: Obtain local permitting PRE-LU-02: Obtain Conditional Use Permit PRE-LU-03: Preparation of Weed Control Plan PRE-LU-04: Recording of a Covenant Not to Sue for Morrow County PRE-LU-05: Consultation with landowners PRE-LU-06: Identification of construction traffic concerns PRE-LU-08: Installation of gates and signs to private access roads CON-LU-01: Minimization of footprint CON-LU-02: Installation of bird deterring devices CON-LU-03: Installation of underground cable system OPR-LU-01: Submission of as-built surveys for construction phases OPR-LU-02: Restoration of disturbed areas OPR-LU-03: Completion of final retirement plan OPR-LU-04: Preparation of Operating and Facility Maintenance Plan OPR-LU-06: Retirement restoration activities
OAR 345-022-0040 Protected Areas	Applicable and complies. RFA 5 to divide the Facility into two separate facilities within the approved Site Boundary. Approval of the amendment would not result in any impacts to Protected Areas (see Section 6.1.5). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council's earlier findings that under OAR 345-022-0040 the Protected Areas Standard is satisfied.	N/A
OAR 345-022-0050 Retirement and Financial Assurance	Applicable and complies. See Section 6.1.6. The Certificate Holder is still able to restore the site to a useful, nonhazardous condition following permanent cessation of construction or operation of the facilities (see Section 6.1.6). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council's earlier findings that the OAR 345-022-0050 Retirement and Financial Assurance Standard is satisfied. The cost estimate for the Facility has been split to create a cost estimate for WREFI (See Attachment 3).	GEN-RF-01: Prevention of non-restorable site PRE-RF-01: Letter of credit to restore site to non-hazardous condition PRE-RF-02: Letter of credit naming State as payee OPR-RF-01: Evidence of monthly inspections of battery storage and insurance for high loss catastrophic events RET-RF-01: Compliance with retirement plan RET-RF-02: Retirement of Facility upon cessation of activities
OAR 345-022-0060 Fish and Wildlife Habitat	Applicable and complies. RFA 5 does not add new areas of Site Boundary therefore all areas have been reviewed and surveyed for fish and wildlife habitat. The Habitat Mitigation Plan and Wildlife Monitoring and Mitigation Plan will be finalized prior to construction for each facility per Conditions PRE-FW-02 and PRE-FW-04 (see Section 6.1.7). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council's earlier findings that the OAR 345-022-0060 Fish and Wildlife Habitat Standard is satisfied.	GEN-FW-01: Speed limit requirement GEN-FW-02: Avian protection PRE-FW-01: Confirmation of habitat categories, nests via habitat survey PRE-FW-02: Implementation of Wildlife Monitoring and Mitigation Plan PRE-FW-03: Flagging of environmentally sensitive areas PRE-FW-04: Approval of Habitat Mitigation Plan PRE-FW-05: Approval of Revegetation Plan CON-FW-02: Buffer zones for nest sites CON-FW-03: Environmental training by professional CON-FW-04: Appointment of on-site environmental inspector

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-022-0070 Threatened and Endangered Species	Applicable and complies. RFA 5 does not make changes to the Site Boundary or physical components of the Facility. Therefore, impacts to T&E species have already been reviewed and found by Council to be consistent with the relevant standards. The Habitat Mitigation Plan and Wildlife Monitoring and Mitigation Plan will be finalized after final design for each facility per Conditions PRG-FW-02 and PRG-FW-04 (see Section 6.1.8).	PRE-TE-01: Determination of WAGS boundaries PRE-TE-02: Implementation of Wildlife Monitoring and Mitigation Plan for WAGS PRE-TE-03: Avoidance of Laurent’s milkvetch impacts
OAR 345-022-0080 Scenic Resources	Applicable and complies. RFA 5 does not seek to change any of the physical components of the Facility (see Section 6.1.9). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0080 Scenic Resources Standard is satisfied.	GEN-SR-01: Reduction of lighting Facility visual impacts GEN-SR-02: Minimization of visual impacts
OAR 345-022-0090 Historic, Cultural and Archaeological Resources	Applicable and complies. Surveys were conducted for the Site Boundary and identified resources will be protected per conditions (see Section 6.1.10). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0090 Historic, Cultural and Archaeological Resources is satisfied.	PRE-HC-01: Submission of final design PRE-HC-02: Marking of buffer areas PRE-HC-03: Training by qualified archeologist CON-HC-01: Flagging of 200-foot avoidance buffer CON-HC-02: Work cease due to historical find
OAR 345-022-0100 Recreation	Applicable and complies. There will be no changes to physical components of the Facility as part of RFA 5 (see Section 6.1.11). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0100 Recreation Standard is satisfied.	N/A
OAR 345-022-0110 Public Services	Applicable and complies. RFA 5 does not alter the basis for the Council’s prior findings for public services and does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions (see Section 6.1.12).	GEN-PS-01: Coordination with solid waste handler GEN-PS-02: Installation of security measures GEN-PS-03: Fire prevention and response training GEN-PS-04: 100-foot vegetation free zone around battery storage systems PRE-PS-01: Preparation of Traffic Management Plan PRE-PS-02: Road Use Agreements with counties PRE-PS-03: Access road and private road modification approvals PRE-PS-04: FAA and ODA aeronautical studies and determinations PRE-PS-05: Preparation of Emergency Management Plan PRE-PS-06: Development of health and safety plan PRE-PS-07: Assurance of first aid/CPR/AED personnel CON-PS-01: Waste management plan protocols CON-PS-02: Establish on-site security CON-PS-03: Assurance of fall, high angle, confined space trained personnel CON-PS-04: Usage of concrete pads, nonflammable ground cover CON-PS-05: Maintenance of non-vegetated area PRO-PS-01: Fall protection/tower rescue training PRO-PS-02: Submission of site plan to fire protection officials PRO-PS-03: Assurance of current first aid/CPR/AED personnel OPR-PS-01: Discharge of wastewater OPR-PS-02: On-site well water usage OPR-PS-03: Implementation of waste management plan OPR-PS-04: Current contact information for personnel

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-022-0120 Waste Minimization	Applicable and complies. RFA 5 is not anticipated to increase the amount of solid waste and wastewater generated by the Facility (see Section 6.1.13). Therefore, this fifth request for amendment makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0120 Waste Minimization Standard is satisfied.	PRE-WM-01: Minimum waste management plan requirements PRE-WM-02: Confirmation of no surface/ground/drinking water impacts CON-WM-01: Requirements of off-site soil disposal CON-PS-01: Waste management plan protocols
OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities	Applicable and complies. NEER family of companies has expertise, derived over years of successfully operating hundreds of MWs of wind energy projects (see Section 6.2.1). RFA 5 does not alter the basis for the Council’s prior findings regarding public and safety and does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions (see Section 6.2.1).	GEN-WF-01: Following handling instructions GEN-WF-02: Notification of accidents/failures PRE-PS-04: FAA and ODA aeronautical studies and determinations CON-WF-01: Installation of step-up transformers CON-WF-02: Maintenance of self-monitoring devices OPR-WF-01: Assurance of operation security fencing and gates
OAR 345-024-0015 Siting Standards for Wind Energy Facilities	Applicable and complies. The Facility is being designed to reduce cumulative adverse environmental effects (see Section 6.2.2). RFA 5 does not alter the basis for the Council’s prior findings for OAR 345-024-0015 Siting Standards for Wind Energy Facilities and does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions (see Section 6.2.2).	N/A
OAR 345-024-0090 Transmission Lines	Applicable and complies. There will be no changes to the approved 230-kv transmission line as part of RFA 5.	GEN-GS-12: Specification of corridor PRE-TL-01: OPUC Safety, Reliability, and Security Division Staff briefing CON-TL-01: Management of human exposure to electromagnetic fields OPR-TL-01: Final Facility design operations information provided to OPUC Safety Staff
OAR 340-035-0035 Noise	Applicable and complies. There will be no changes to the physical components of the Facility or Site Boundary (see Section 6.3.1).	PRE-NC-01: Final Facility design noise analysis and noise waiver if applicable CON-NC-01: Measure to reduce noise impacts during construction OPR-NC-01: Noise Reduced Operating mode turbines operating noise level documentation. OPR-NC-02: Certificate Holder to maintain a noise complaint response system OPR-NC-03: Certificate Holder will provide a monitoring plan for noise levels in response to a noise complaint
Removal-Fill Law	Applicable and complies. A removal-fill permit is not needed for the Facility because the Facility will not temporarily or permanently impact waters of the state (see Section 6.3.2).	N/A
Water Rights	Applicable and complies. There will be the same water volumes and sources as previously approved by Council for use during construction and operation of the Facility. (see Section 6.3.3).	N/A

6.1 Applicable Division 22 Standards

6.1.1 OAR 345-022-0010 - Organizational Expertise

The Certificate Holder's information, including contact information, is included in Section 2.0. The Certificate Holder is a wholly-owned indirect subsidiary of NEER. The full name and address of NEER is provided in Section 2.0.

Third party permits have been and will be obtained by the construction firm selected to build the Facility. The Certificate Holder anticipates that these third-party permits may include permits for obtaining aggregate and other construction materials, transporting materials to the site, and other building-related permits that are typically obtained immediately prior to construction activities.

Currently, the Certificate Holder is Wheatridge Wind Energy, LLC. When the Site Certificate was originally issued, the Certificate Holder was Swaggart Wind Power, LLC. In the Final Order for transfer of ownership included in RFA 1, the Certificate Holder relied upon the organizational expertise and financial assurance of its new parent company, NEER, to demonstrate compliance with the applicable Council standards. The Council previously found that NEER has "the ability to design, construct, and operate the Facility in a manner that protects public health and safety," subject to Site Certificate conditions Organizational Expertise 1-6 and 9⁶.

The proposed division of the Facility into WREFI and WREFII does not affect the Certificate Holder's organizational expertise. The Certificate Holder will retain ownership of WREFI and WREFII and still be subject to the requirements of the Site Certificate conditions applicable to the organizational expertise standard (see Tables 2 and 3). Based upon compliance with these existing conditions, the Council can find that the Certificate Holder has the ability to access resources or services provided by the third-party permit. Although WREFI will be transferred to PGE at a later date, the facility ownership transfer is not part of this amendment request. There are no circumstances that would alter the basis for the Council's earlier findings. Therefore, Council may rely on its previous findings that the Certificate Holder continues to have the organizational expertise to construct, operate, and retire the facilities (WREFI and WREFII) in compliance with Council standards and Site Certificate conditions.

6.1.2 OAR 345-022-0020 - Structural Standard

The Council previously found that the Facility complies with the Structural Standard. The Structural Standard generally requires the Council to evaluate whether the Certificate Holder has adequately characterized the potential seismic, geological, and soil hazards within the Site Boundary, and that the Certificate Holder can design, engineer, and construct the Facility to avoid dangers to human safety from these hazards. The Certificate Holder provided information regarding the seismic characteristics within the Site Boundary, as well as an assessment of seismic and geologic hazards and other requirements of the Structural Standard in Exhibit H of the ASC, as well as RFA 2 and RFA

⁶ Final Order on Request for Transfer, July 27, 2017.

3. RFA 5 does not seek to enlarge the existing Site Boundary or physical components of the Facility, and there is no change to the previously approved facilities from what was originally authorized for the Facility. RFA 5 seeks to divide the Facility into two separate facilities within the approved Site Boundary. Therefore, RFA 5 would not result in the placement of Facility components within geologic areas that have not been addressed by the Council.

The proposed change does not affect the Certificate Holder's ability to design, engineer, and construct the Facility to avoid dangers to human safety and the environment that are presented by seismic hazards affecting the Site Boundary. Best management practices will continue to be implemented for WREFI and WREFII through the National Pollutant Discharge Elimination System 1200-C permit and the Emergency Action Plan, which will be updated annually in case an emergency event does occur. The Council previously adopted five Site Certificate conditions to address the potential for seismic and non-seismic geologic hazards at the Facility; all conditions or portions of conditions are applicable to both facilities (as listed in Table 2). The proposed division of the Facility does not change the Facility's compliance with OAR 345-022-0020 or any structural conditions (see Tables 2 and 3) in the Site Certificate. Therefore, the Council may rely on its previous findings that this amendment request also complies with OAR 345-022-0020.

6.1.3 OAR 345-022-0022 - Soil Protection

The Council previously found that the Facility complies with the Soil Protection Standard. The Soil Protection Standard requires the Council to find that, after taking mitigation into account, the design, construction, and operation of a facility will not likely result in a significant adverse impact to soils. RFA 5 makes no changes that alter the basis for the Council's earlier findings. RFA 5 does not seek to enlarge the existing Site Boundary or physical components of the Facility, and there is no change to the previously approved facilities from what was previously approved for the Facility.

The Certificate Holder will implement erosion control measures and an operational Spill Prevention Control and Countermeasures plan, as presented in Exhibit I of the ASC. In addition, the Certificate Holder will comply with applicable existing conditions for soil protection, as identified in Table 2. The Council can find that the design, construction, and operation of WREFI and WREFII would not likely result in significant adverse impacts to soils, taking into account the mitigation required by the Site Certificate conditions. Therefore, the Council may rely on its prior findings, and conclude that RFA 5 also complies with OAR 345-022-0022.

6.1.4 OAR 345-022-0030 - Land Use

The Council previously concluded that the Facility complies with the Land Use Standard. RFA 5 does not seek to enlarge the existing Site Boundary, extend construction deadlines, or change physical components of the Facility, and there is no change to the previously approved facilities (turbine types and sizes, maximum number of turbines, generating capacity, etc.) from what was authorized in the ASC and subsequent RFAs. As such, the proposed amendment makes no changes that would alter the basis for the Council's earlier findings under OAR 345-022- 0030.

The Facility must still comply with Land Use Conditions previously imposed on the Facility, as listed in Table 2. There will be no substantive changes to the conditions for WREFII. For WREFI, proposed condition edits are mainly to reflect the location of WREFI, which is only within Morrow County, not Morrow and Umatilla counties and to eliminate references to or conditions specific to the O&M Building and solar. Based on these findings, the Council may conclude that the proposed changes in RFA 5 comply with the Council's Land Use Standard.

6.1.5 OAR 345-022-0040 - Protected Areas

The Council previously concluded that the Facility complies with the Protected Areas Standard. The Protected Areas Standard requires the Council to find that, taking into account mitigation, the design, construction, and operation of a facility are not likely to result in significant adverse impacts to any protected area as defined by OAR 345-022-0040. There are 16 defined protected areas within the analysis area. Based on the Certificate Holder's review, there are no new protected areas located within the analysis area.

The Council previously found that while Facility components will result in a change to the existing viewshed of the protected areas, the visual impacts of construction and operation of the Facility will not likely result in a significant adverse impact to any protected area due to the low impact to users, lack of specified management of scenic or visual qualities (or designated views or viewsheds), and the presence of similar structures within the existing viewshed. RFA 5 does not seek to enlarge the existing Site Boundary, and there are no proposed changes to the previously approved facilities or resources used during construction, such as water or construction resources. Therefore RFA 5 makes no changes that alter the basis for the Council's earlier findings. Therefore, the proposed division of the Facility into WREFI and WREFII does not alter the basis for the Council's prior findings that the Facility complies with the Protected Areas Standard.

6.1.6 OAR 345-022-0050 - Retirement and Financial Assurance

The Council previously found that the Certificate Holder is able to restore the site to a useful, nonhazardous condition following permanent cessation of construction or operation of the Facility. The Certificate Holder has provided a cost estimate for WREFI (See Attachment 3). The cost estimate reflects decommissioning of WREFI including a decommissioning cost portion of the shared facilities. Based on the cost estimate, the WREFI restoration cost is estimated at approximately \$3,351,000. This amount will be reflected in Condition PRE-RF-02 for WREFI and deducted from the \$19.5 million for WREFII in Condition PRE-RF-02.

The Council previously imposed two conditions to ensure the Certificate Holder could meet its financial assurance obligations and ensure the adequacy of the bond or letter once design has been finalized prior to construction. To comply with Condition PRE-RF-02, the Certificate Holder provided an updated financial retirement analysis as part of pre-construction compliance for WREFI and WREFII. To comply with Condition PRE-RF-01, the Certificate Holder also submitted a bond or letter of credit sufficient to ensure restoration of the site to a useful, nonhazardous

condition for WREFI and WREFII. Additionally, the Certificate Holder has demonstrated a reasonable likelihood of obtaining a bond or letter of credit as part of RFA 4 for up to \$60,000,000 (see Attachment 4).

Because a bond was provided for Wheatridge West wind as part of pre-construction, there are existing conditions requiring recalculation of the retirement cost and confirmation of adequate bonding after final design for the remainder of the facilities, and no change in the approved facilities is requested in RFA 5, there is no reason to submit an updated letter from Scotiabank as part of this RFA. Accordingly, RFA 5 makes no changes that alter the basis for the Council's earlier findings; therefore, the Council may find that OAR 345-022-0050 is met.

6.1.7 OAR 345-022-0060 - Fish and Wildlife Habitat

As noted in the Final Order on the Site Certificate, the Council's Fish and Wildlife Habitat Standard requires the Council to find that the design, construction, and operation of a facility is consistent with ODFW's habitat mitigation goals and standards, as set forth in OAR 635-415-0025. This rule creates requirements for mitigating impacts to fish and wildlife habitat, based on the functional quantity and quality of the habitat impacted, as well as the nature, extent, and duration of the impact. The Council previously found that the Facility complies with the Fish and Wildlife Habitat Standard.

RFA 5 seeks to divide the Facility into two separate facilities within the approved Site Boundary. Approval of the amendment would not result in any impacts to Fish and Wildlife habitat that have not previously been addressed by the Council. In order to mitigate for impacts to wildlife habitat, the Certificate Holder will implement a Habitat Mitigation Plan. The final Habitat Mitigation Plan includes confirmation of habitat categories in consultation with ODFW (and subject to approval by ODOE), and final mathematical calculation of impact acreages to determine the habitat mitigation acreage based upon an approved calculation methodology (see Table 2 for associated conditions) for the Facility. Further, the Site Certificate requires the Wildlife Monitoring and Mitigation Plan, the Habitat Mitigation Plan, and the Revegetation Plan as conditions of approval, as well as several ongoing studies during Facility operation. The Certificate Holder has provided each of the plans identified above for each Site Certificate (WREFI and WREFII) in Attachment 5. Although each plan has been modified as necessary to reflect the individual facility, the protocols and methodology are those that were approved by ODOE and ODFW as part of pre-construction compliance.

All previously imposed Council conditions for fish and wildlife habitat apply to RFA 5 (Table 2). There will be no changes to the conditions, and the proposed change does not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for fish and wildlife habitat (Table 2). RFA 5 would not alter the basis for the Council's previous findings. Therefore, for the reasons discussed above and subject to the Site Certificate conditions, the Council can find that the proposed division of the Facility into WREFI and WREFII complies with the Council's Fish and Wildlife Standard.

6.1.8 OAR 345-022-0070 - Threatened and Endangered Species

The Council previously found the Certificate Holder has demonstrated an ability to construct, operate, and retire the Facility in compliance with Council standards and conditions of the Site Certificate, including the Threatened and Endangered Species Standard (OAR 345-022-0070). The Certificate Holders' assessment of the Facility's compliance with the Threatened and Endangered Species Standard was included as Exhibit Q of the ASC, and included surveys for threatened and endangered species within the Site Boundary. As described in Exhibit Q, the Certificate Holder proposed a number of mitigation measures to reduce the potential impact to WAGS and their habitat. These measures include siting the Facility on developed habitat when possible, particularly dryland wheat fields, conducting pre-construction surveys to confirm and avoid Category 1 habitat during micro-siting and construction (Condition PRE-FW-01), and implementing a Wildlife Monitoring and Mitigation Plan (Condition PRE-FW-02). Because RFA 5 does not propose changes to the physical components of the Facility or Site Boundary, and both WREFI and WREFII are subject to compliance with the applicable Site Certificate conditions as identified in Table 2, the Council can find that the division of the Facility into WREFI and WREFII complies with the Council's Threatened and Endangered Species Standard.

6.1.9 OAR 345-022-0080 - Scenic Resources

OAR 345-022-0080 requires the Council to determine that the design, construction, and operation of the proposed Facility will not have a "significant adverse impact" to any significant or important scenic resources and values in the analysis area. The Council previously concluded that the Facility complies with the Scenic Resources Standard. RFA 5 does not seek to enlarge the existing Site Boundary, or request changes to the physical components of the Facility. All previously imposed Council conditions for scenic resources apply to RFA 5 (see Table 2).

Based on the Certificate Holder's review of applicable land use plans, there are no new significant or important scenic resources within the analysis area. Because RFA 5 does not seek to change the existing Site Boundary, physical components, or any previously approved facilities, this same finding can be applied. As previously determined, because there is no management direction for preservation of views or scenic quality at any of the key observation point locations, taking into account the previously imposed Site Certificate conditions, the Council can find that the Facility, as partitioned into WREFI and WREFII, will not likely to result in significant, adverse impacts to scenic and aesthetic values identified as significant or important in applicable management plans or in local land use plans in the analysis area.

6.1.10 OAR 345-022-0090 - Historical, Cultural and Archaeological Resources

RFA 5 seeks to divide the Facility into two separate facilities within the approved Site Boundary, and would not result in placement of Facility components within areas that were not previously addressed by the Council. The requested amendment seeks no change that would affect the

Council's previous findings and conditions imposed on the Facility in regards to historical, cultural and archaeological resources.

Both WREFI and WREFII facilities will comply with the conditions imposed by Council. Therefore, the division of the Facility proposed in RFA 5 does not alter the basis for the Council's prior finding that the standard for historic, cultural, and archaeological resources has been met.

6.1.11 OAR 345-022-0100 - Recreation

The Recreation Standard requires the Council to find that the design, construction, and operation of a facility will not likely result in significant, adverse impacts to important recreational opportunities. Therefore, the Council's Recreation Standard applies to only those recreation areas that the Council deems important. The Council previously found that the Facility will not result in direct or indirect loss of any of the recreational opportunities identified as important. RFA 5 does not seek to enlarge the existing Site Boundary or physical components of the Facility and there is no change to the previously approved facilities from what was authorized in the ASC and subsequent amendments. Therefore, the change proposed in RFA 5 does not alter the basis of the previous finding for recreation areas; the Council can find that dividing the Facility into WREFI and WREFII complies with the Council's Recreation Standard.

6.1.12 OAR 345-022-0110 - Public Services

The Council's Public Services Standard requires the identification of likely, significant, adverse impacts caused by the Facility on the ability of public and private service providers to supply sewer and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, and schools. All of the previously imposed Council conditions for public services apply to both WREFI and WREFII (see Table 2). There will be no changes to the conditions based on the division of the Facility into WREFI and WREFII.

The division of the Facility into WREFI and WREFII does not affect any aspect of the analysis conducted to support issuance of the Site Certificate. The previously evaluated peak number of workers needed during construction will continue to represent a worst-case scenario related to impacts to public services. RFA 5 makes no changes to the Facility structures or configuration, and there are no other circumstances that would alter the basis for the Council's earlier determination. Therefore, the proposed change does not affect the Council's previous findings on public services. The Council adopted Site Certificate conditions to address Public Services, and the Certificate Holder can comply with all Site Certificate conditions previously adopted by the Council for the Facility. Based upon the findings above, the Council can conclude that dividing the Facility into WREFI and WREFII complies with the Council's Public Services Standard.

6.1.13 OAR 345-022-0120 - Waste Minimization

The Council adopted Site Certificate conditions to address the Waste Minimization Standard. All previously imposed Council conditions for waste minimization apply to RFA 5. There will be no

changes to the conditions due to the division of the Facility into WREFI and WREFII. The Facility will continue to adhere to requirements imposed by the Morrow County Solid Waste Management Ordinance, specifically those applicable to post-construction phases, including covering and securing of waste products hauled during operations. There are no new types of solid waste that will be generated from the operation of the Facility that were not previously reviewed by the Council for the Facility. RFA 5 does not seek to enlarge the existing Site Boundary or physical components of the Facility, and there is no change to the previously approved facilities from what is authorized in the Site Certificate. Therefore, the Facility division proposed in RFA 5 does not alter the basis for the Council's prior finding that the Waste Management Standard has been met.

6.2 Applicable Division 24 Standards

6.2.1 OAR 345-024-0010 - Public Health and Safety Standards for Wind Energy Facilities

The Council previously found that the Facility complies with the Public Health and Safety Standards for Wind Energy Facilities. There is no change to the previously approved Site Boundary or facilities from what is authorized in Site Certificate. The Facility will remain located entirely on private property, which will restrict public access to turbines and other Facility components. The Certificate Holder will comply with the existing conditions for public health and safety, as identified in Table 2. There will be no substantive changes to the conditions due to the division of the Facility into WREFI and WREFII.

During construction and operation, the Certificate Holder shall follow the manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components. WREFI and WREFII will also be equipped with SCADA systems that will allow for remote control and monitoring of individual turbines and the wind facility as a whole from both the central host computer, or from a remote computer to shut down turbines if abnormal levels of vibration or other issues are detected. Documentation demonstrating the Facility's operational safety-monitoring program and cause analysis program will be submitted to ODOE for review and approval. The Certificate Holder shall document maintenance activities and will submit these documents to ODOE pursuant to OAR 345-026-0080 in the Facility's annual compliance report.

The changes described in RFA 5 will not alter the basis for the Council's earlier findings, nor change the Certificate Holder's ability to comply with any requirements and conditions issued by the Council regarding public health and safety (See Table 2). Therefore, the Council may find that OAR 345-024-0010 is satisfied.

6.2.2 OAR 345-024-0015 - Siting Standards for Wind Energy Facilities

As described above, there will be no changes to visual impacts on protected areas or public viewing areas as a result of the changes proposed in RFA 5. RFA 5 does not seek to enlarge the existing Site Boundary or physical components of the Facility and there is no change to the previously approved

facilities from what was authorized in the ASC and subsequent RFAs. The proposed changes will not affect impacts to wetlands or other waters of the state. There are no Facility previously imposed Council conditions that are applicable to Siting Standards for Wind Energy Facilities. Therefore, RFA 5 makes no changes that would alter the basis for the Council's earlier findings that OAR 345-024-0015 is met.

6.3 Other Standards and Laws

6.3.1 OAR 340-035-0035 - Noise Control Regulations

The Certificate Holder addressed compliance with the Oregon Department of Environmental Quality noise regulations in Exhibit X of the ASC.

There will be no changes to the conditions based on the division of the Facility into WREFI and WREFII. The Site Certificate conditions were developed in consideration of micrositing which allows for flexibility in turbine selection and turbine placement. The Council previously imposed Site Certificate Condition PRE-NC-01, which requires that the final design locations, sound power levels, noise analysis, and noise easements be provided to the ODOE to demonstrate that the Facility complies with the Oregon Department of Environmental Quality's noise control standards in OAR 340-035-0035. The Certificate Holder fulfilled PRE-NC-01 as part of pre-construction for Wheatridge West. RFA 5 does not propose changes that would warrant additional noise modeling. For the reasons discussed above and subject to the conditions in the Site Certificate, the Council can find that WREFI and WREFII will comply with the applicable noise control regulations.

6.3.2 Removal-Fill Law

The Oregon Removal-Fill Law (ORS 196.795 through ORS 196.990) and Oregon Department of State Lands regulations (OAR 141-085-0500 through OAR 141-085-0785) require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered within any "waters of the state." A removal-fill permit will not be needed for the Facility because the Facility, including with the proposed change, will not temporarily or permanently impact waters of the state such that a removal-fill permit is required. There are no previously imposed Council conditions that are applicable to the removal-fill law. The proposed division of the Facility does not seek to enlarge the existing Site Boundary or physical components of the Facility. There is no change to the previously approved facilities from what is authorized in the Site Certificate. Therefore, the proposed change in RFA 5 does not alter the prior analysis and the Council can find that RFA 5 would not affect any "waters of the state."

6.3.3 Water Rights

Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources Department administers the appropriation of water rights and regulates the use of the water resources of the

state. The proposed division of the Facility into WREFI and WREFII does not change construction or operation water usage or sources approved for use at the Facility. The Council can conclude that dividing the Facility into WREFI and WREFII complies with the applicable regulations pertaining to water rights.

7.0 Request to Transfer Site Certificate – OAR 345-027-0400

(1) For the purpose of this rule:

(a) A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder.

This request is solely a transfer of the LLC; i.e., the certificate holder for the portion of the Facility consisting of WREFII. The ownership, possession or control of the Facility will remain the same as existing, with NEER.

(b) “New owner” means the person or entity that will gain ownership, possession or control of the facility or the certificate holder.

As noted above, the “new owner” will remain the same (NEER); but the certificate holder for WREFII will be changed from Wheatridge Wind Energy, LLC to Wheatridge Wind II, LLC.

(2) When the certificate holder has knowledge that a transaction that requires a transfer of the site certificate as described in section (1)(a) of this rule is or may be pending, the certificate holder must notify the Department. In the notice, the certificate holder must include the name and contact information of the new owner, and the date of the transfer of ownership. If possible, the certificate holder must notify the Department at least 60 days before the date of the transfer of ownership.

The transfer of ownership cannot occur until the Facility is split into WREFI and WREFII. Therefore, this request serves as notification to ODOE. The name and contact information for the new certificate holder is provided below. The transfer of ownership will become effective the date that the Site Certificate for WREFII becomes effective, which is at least 60 days from the submittal of this request.

(3) A transaction that would require a transfer of the site certificate as described in subsection (1)(a) of this rule does not terminate the transferor’s duties and obligations under the site certificate until the Council approves a request for amendment to transfer the site certificate and issues an amended site certificate. The new owner may not construct or operate the facility until an amended site certificate as described in section (10) of this rule or a temporary amended site certificate as described in section (11) of this rule becomes effective.

The ownership, possession, and control of WREFII will remain the same as existing, with NEER. The Facility is currently in construction. It is anticipated that WREFII will still be under construction at the time an amended Site Certificate is issued. However, because the ownership of WREFII will

remain the same, and just the change in certificate holder is being requested, a temporary amended Site Certificate is not requested nor necessary.

(4) To request an amendment to transfer the site certificate, the new owner must submit a written request to the Department that includes the information described in OAR 345-021-0010(1)(a), (d), (f) and (m), a certification that the new owner agrees to abide by all terms and conditions of the site certificate currently in effect and, if known, the expected date of the transaction. If applicable, the new owner must include in the request the information described in OAR 345-021-0010(1)(y)(O)(iv).

The ownership, possession, and control of WREFII will remain the same as existing, with NEER. The information described in OAR 345-021-0010(1)(a)(d)(f)(m) is provided below. The information described in OAR 345-021-0010(1)(y)(O)(iv) is not applicable.

OAR 345-021-0010(1)(a) Information about the applicant and participating persons, including:

OAR 345-021-0010(1)(a)(A) - Applicant Contact Information

Name and mailing address of Applicant:

Matt Handel
NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd
Juno Beach, FL 33408

Contact Persons other than Applicant:

David Lawlor
NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408

Mike Pappalardo
Environmental Manager
NextEra Energy Resources, LLC
JES/JB
700 Universe Blvd
Juno Beach, FL 33408

Mike.Pappalardo@nexteraenergy.com
(541) 206-1005

OAD 345-021-0010(1)(a)(B) - Other Participants

No other participants are anticipated at this time, with the exception of potential third-party permits that have been obtained by the construction firm selected to build Wheatridge West and potential third-party permits for build-out of Wheatridge East and the solar facility. These third-party permits include permits for obtaining aggregate and other construction materials, transporting materials to the site, and other building-related permits that are typically obtained immediately prior to construction activities. As confirmed through pre-construction Site Certificate compliance, these permits meet the facility standards adopted by the Council.

OAD 345-021- 0010(1)(a)(H) - Limited Liability Company Information

Wheatridge Wind II, LLC, a Delaware limited liability company, was recently created by NEER as a wholly-owned, indirect subsidiary of NEER. The articles of organization are provided in Attachment 6. Proof of registration to do business in Oregon is provided in Attachment 7. The cover letter accompanying this amendment request serves as a written consent for filing this application.

OAD 345-021-0010(1)(a)(C) through (F) – Other Affiliations

Wheatridge Wind II, LLC, is a wholly-owned, indirect subsidiary of NEER. The full name and address of NEER is provided above.

(5) The Department may require the new owner to submit a written statement from the current certificate holder, or a certified copy of an order or judgment of a court of competent jurisdiction, verifying the new owner's right, subject to the provisions of ORS Chapter 469 and the rules of this chapter, to possession or control of the site or the facility.

The ownership, possession and control of WREFII will remain the same as existing, with NEER. Therefore, it is anticipated this written statement will not be requested from ODOE, but will be available if requested.

OAD 345-021-0010(1)(d) - Information about the organizational expertise of the applicant to construct and operate the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0010, including:

The Council previously found the Certificate Holder has demonstrated an ability to construct, operate, and retire the Facility in compliance with Council standards and conditions of the Site Certificate as reviewed during RFA 1⁷, RFA 2⁸, RFA 3⁹, and RFA 4¹⁰. The applicant is a wholly-owned, indirect subsidiary of NEER. NEER is headquartered in Juno Beach, Florida, and is the world's largest generator of wind and solar renewable energy. NEER is a regionally diversified company with approximately 5,100 employees dedicated to the production of approximately

⁷ Final Order on Request for Transfer for the Wheatridge Wind Energy Facility, 2017.

⁸ Final Order Request for Amendment 2 to the Site Certificate for the Wheatridge Wind Energy Facility, 2018.

⁹ Final Order on Request for Amendment 3 to the Site Certificate for the Wheatridge Wind Energy Facility, 2018.

¹⁰ Final Order on Request for Amendment 4 to the Site Certificate for the Wheatridge Wind Energy Facility, 2019.

21,000 MWs, from 175 facilities in 36 states and four Canadian provinces. With more than 10,000 wind turbines in its fleet, NEER's wind generation capacity totals more than 15,000 MWs. NEER is also capable of generating more than 2,100 MWs of electricity from natural gas facilities, operates three nuclear power plants with a capacity of more than 2,700 MWs, and operates more than 3,000 MWs of solar energy. It is estimated that nearly 95 percent of the electricity produced by NEER comes from clean or renewable sources.

Along with its rate-regulated sister company, Florida Power and Light, NEER is a wholly-owned subsidiary of NextEra Energy, Inc. (NYSE NEE). NextEra Energy, Inc. is a Fortune 150 Company with a market capitalization of approximately 134 billion dollars. The financial strength of NEER and its parent company provides the company with the financial capital to self-finance and build up to 4 billion dollars of projects per year on its own balance sheet.

Within Oregon, NEER subsidiaries (FPL Vansycle, LLC and FPL Energy Stateline II) constructed, and now own and operate, 186 turbines, with a total peak generating capacity of 123 MW at the Stateline 1 and 2 wind energy facilities, and 43 turbines with a total peak generating capacity of 99 MW at the Stateline 3 Wind Energy Facility. FPL Vansycle, LLC and FPL Energy Stateline II were permitted through the Council process, and were issued a Site Certificate with amendments under the name Stateline Wind Project.

Through this relationship, the applicant's management team and the NEER family of companies have deep regional expertise, derived over years of successfully permitting and operating hundreds of MWs of wind energy projects in the Oregon. NEER employees have deep local ties to the communities we operate in, and a solid history of understanding local economic development, permitting, environmental concerns and compliance with the various conditions stipulated within a Council Site Certificate. There are no recorded citations, nor North American Energy Reliability Corporation violations, for these projects.

There are no circumstances that would alter the basis for the Council's earlier findings regarding NEER's organizational expertise. Therefore, Council may rely on its previous findings that NEER continues to have the organizational expertise to construct, operate, and retire WREFII in compliance with Council standards and Site Certificate conditions.

OAR 345-021-0010(1)(d) A list of the names and mailing addresses of property owners, as described in this subsection:

(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:

(iii) Within 500 feet of the property which is the subject of the application, where the property is within a farm or forest zone;

The property owner list is provided in Attachment 8.

OAR 345-021-0010(1)(m) Information about the applicant's financial capability, providing evidence to support a finding by the Council as required by OAR 345-022-0050(2). Nothing in

this subsection requires the disclosure of information or records protected from public disclosure by any provision of state or federal law. The applicant must include:

(A) An opinion or opinions from legal counsel stating that, to counsel's best knowledge, the applicant has the legal authority to construct and operate the facility without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements;

Attachment 9 is an opinion from NEER's in-house legal counsel, indicating that Wheatridge Wind II, LLC has the legal authority to construct and operate WREFII without violating its articles of incorporation or similar agreements.

(B) The type and amount of the applicant's proposed bond or letter of credit to meet the requirements of OAR 345-022-0050; and

As part of pre-construction compliance for Wheatridge West, Wheatridge Wind Energy, LLC submitted a bond in the amount of \$10,410,000. As noted in Section 6.1.6, splitting the retirement cost estimate for the split facility resulted in a \$3,351,000 retirement cost for WREFI (Wheatridge Wind Energy, LLC) and approximately \$7,059,000 for WREFII (Wheatridge Wind II, LLC). Prior to beginning construction of other approved facilities, bond(s), or letter(s) of credit to the State of Oregon in an amount equal to the net costs of the facility retirement will be provided as calculated for final design. The bond(s) or letter(s) of credit will be provided in an approved form and will ensure that adequate funds exist for the retirement of the facilities constructed and for restoration of the site to a useful, non-hazardous condition. The bond(s) or letter(s) of credit will be adjusted annually for inflation according to the Gross Domestic Product Implicit Price Deflator Index.

(C) Evidence that the applicant has a reasonable likelihood of obtaining the proposed bond or letter of credit in the amount proposed in paragraph (B), before beginning construction of the facility.

The Council previously found that the Certificate Holder has a reasonable likelihood of obtaining a bond or letter of credit in an amount necessary to retire and restore the site, originally calculated at \$18.1 million (third-quarter 2015 dollars; ODOE 2017a)¹¹. To reflect the modified and updated retirement cost estimate detailed in Exhibit W of \$27.224 million for RFA 4 (fourth-quarter 2018 dollars) for the Facility, the Certificate Holder obtained a letter from one of the company's relationship banks (RFA 4, Attachment M-1) demonstrating the reasonable likelihood that they will be able to obtain a bond(s) in an amount equal to or greater than the cost of Facility retirement, \$60,000,000. NEER has already posted bond for Wheatridge West as outlined above and provided a letter demonstrating the reasonable likelihood that they will be able to obtain a bond(s) in an amount equal to or greater than the cost of Facility retirement.

¹¹ p. 168

8.0 Property Owners Located within or Adjacent to the Site of the Facility – OAR 345-027-0360(1)(f)

The property owner list is provided in Attachment 8.

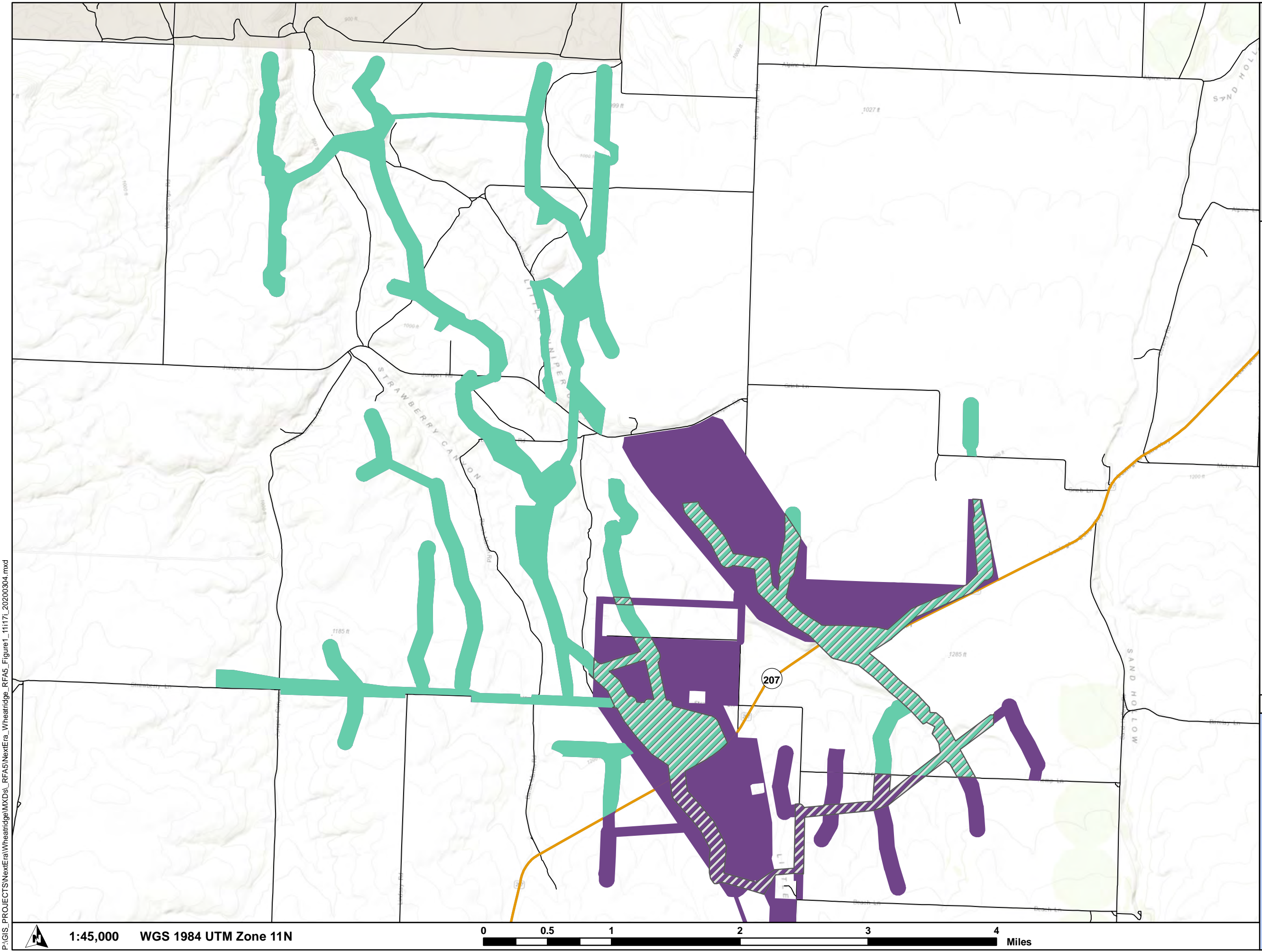
9.0 Conclusion

For the reasons stated above, the Certificate Holder respectfully requests approval of RFA 5.

Figures

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Wheatridge Renewable Energy Facility I & Wheatridge Renewable Energy Facility II

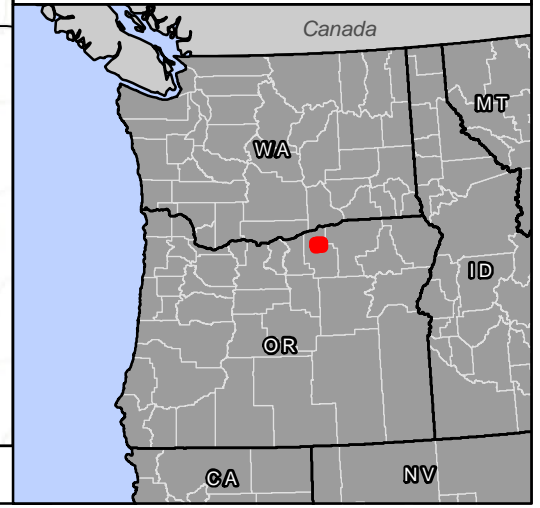
Figure 1 Site Boundaries Detail

MORROW COUNTY, OR

- Wheatridge Renewable Energy Facility I Site Boundary
- Wheatridge Renewable Energy Facility II Site Boundary
- Site Boundary Overlap
- State Highway
- Local Road
- County Boundary



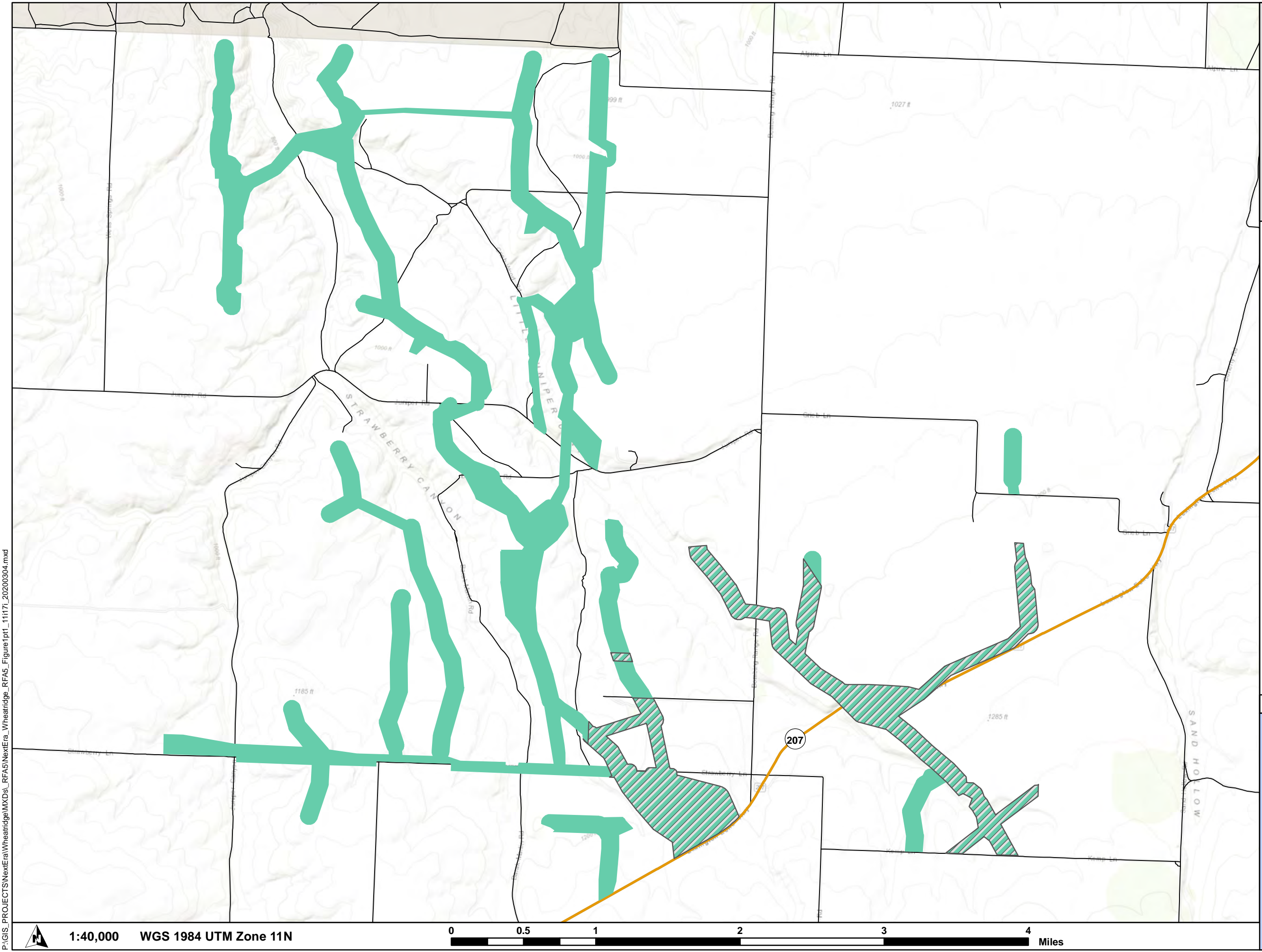
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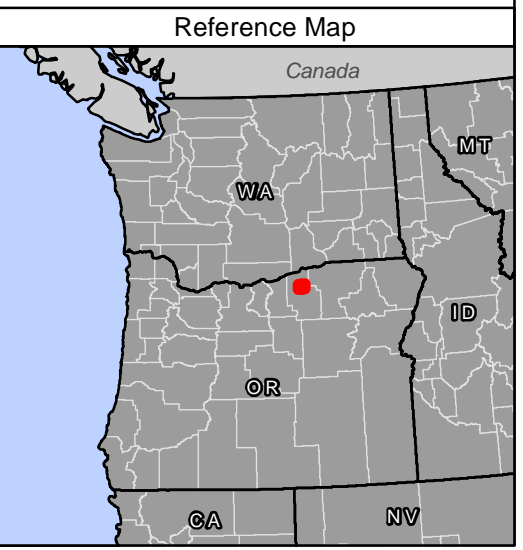


Wheatridge Renewable Energy Facility I

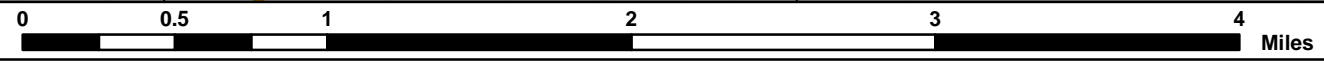
Figure 1.1
Site Boundary

MORROW COUNTY, OR

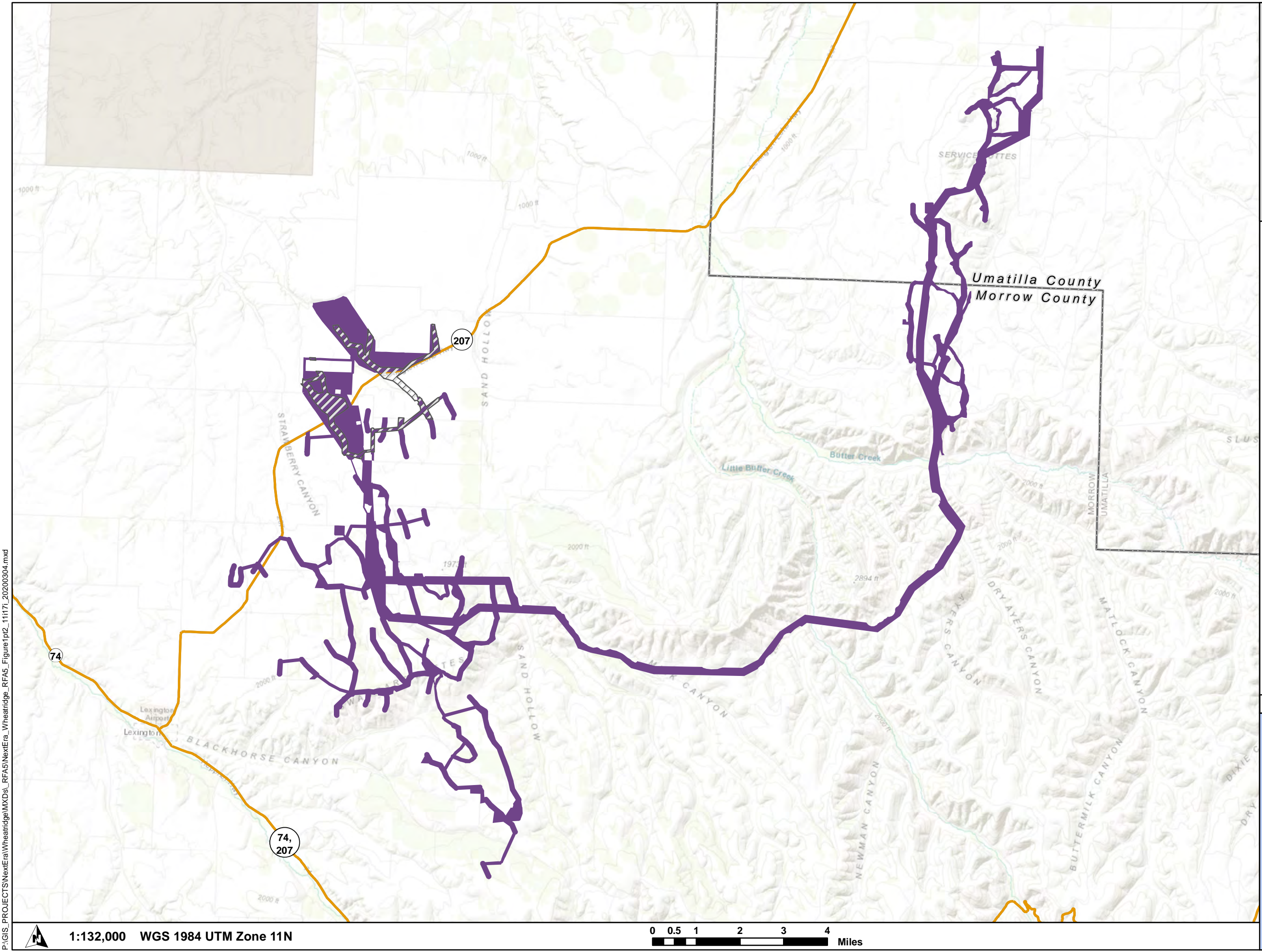
- Wheatridge Renewable Energy Facility I Site Boundary
- Site Boundary Overlap with Wheatridge Renewable Energy Facility II
- State Highway
- Local Road
- County Boundary



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**Wheatridge Renewable
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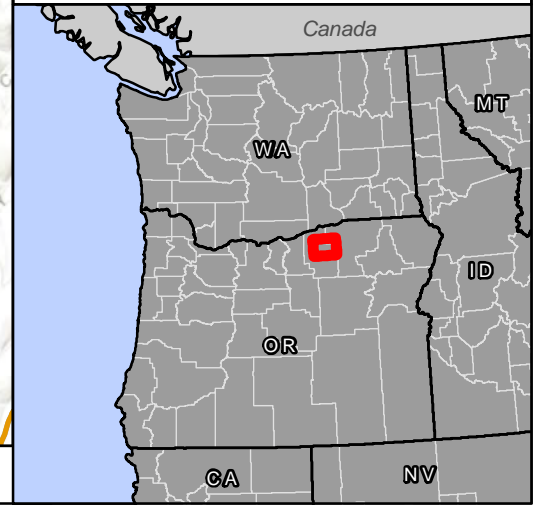
**Figure 1.2
Site Boundary**

MORROW AND UMATILLA COUNTIES, OR

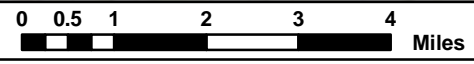
- Wheatridge Renewable Energy Facility II
- Site Boundary Overlap with Wheatridge Renewable Energy Facility I
- State Highway
- County Boundary



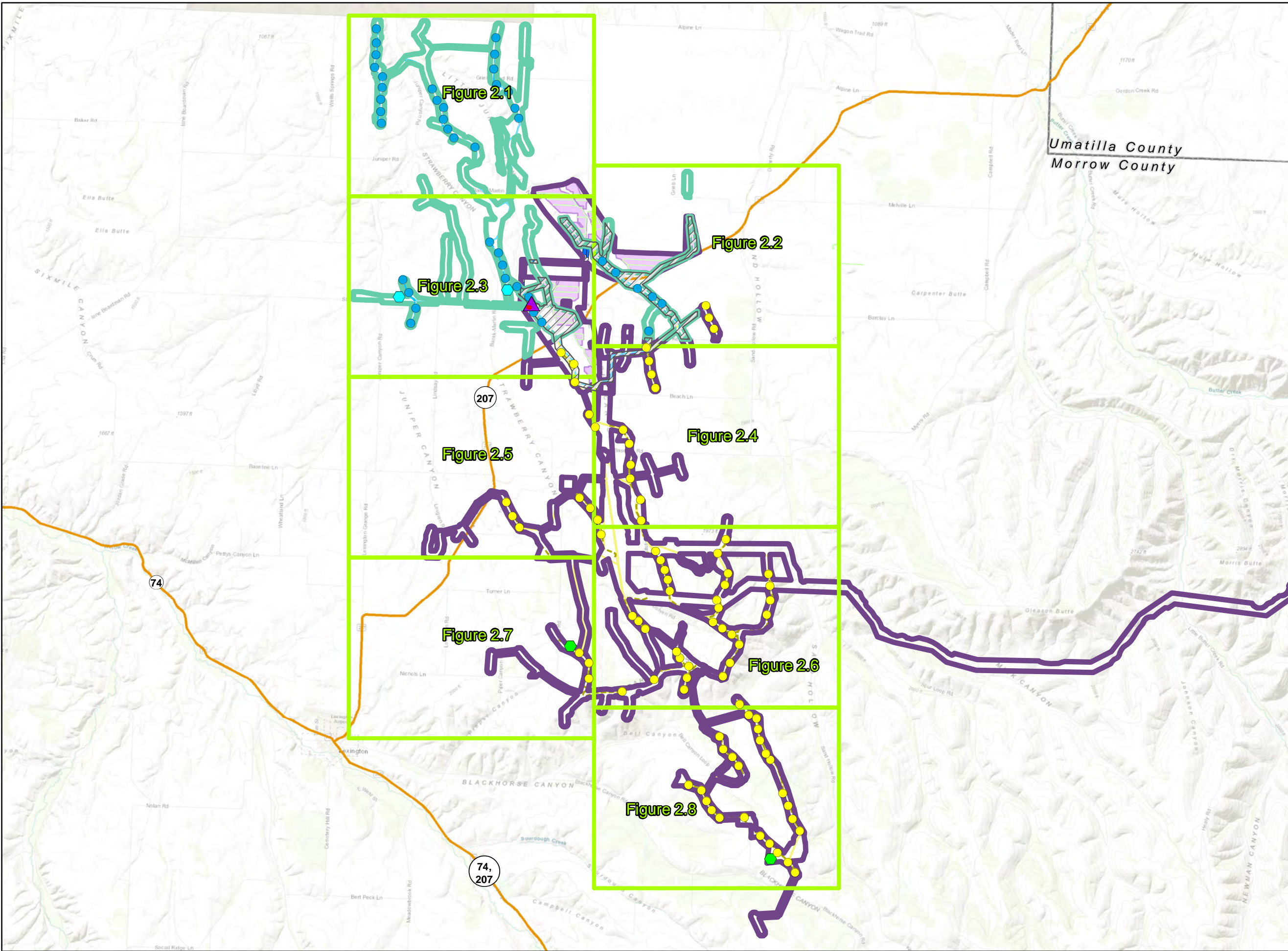
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**Wheatridge Renewable
Energy Facility I
&
Wheatridge Renewable
Energy Facility II**

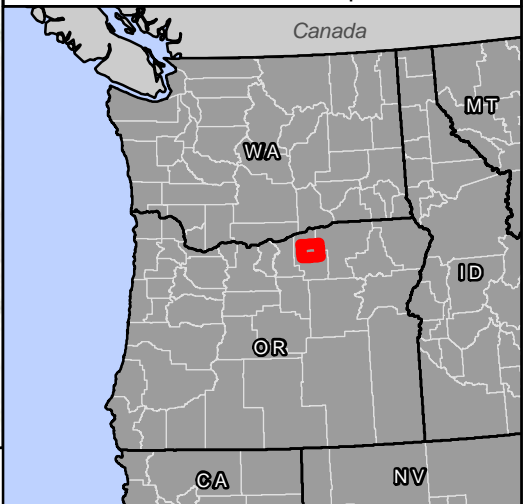
**Figure 2
Site Boundaries & Facilities**

MORROW AND UMATILLA COUNTIES, OR

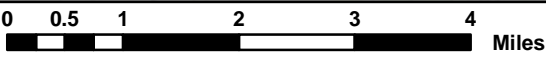
- Wheatridge Renewable Energy Facility I Site Boundary
- Wheatridge Renewable Energy Facility II Site Boundary
- Site Boundary Overlap
- Map Grid
- Substation & Battery Storage
- O&M Facility
- State Highway
- County Boundary
- Wheatridge Renewable Energy Facility I Wind Layout**
 - Turbine
 - Met Tower
 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Wind Layout**
 - Turbine
 - Met Tower
 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Solar Layout**
 - Solar Access Roads
 - Proposed Collector Line
 - Fenceline



Reference Map

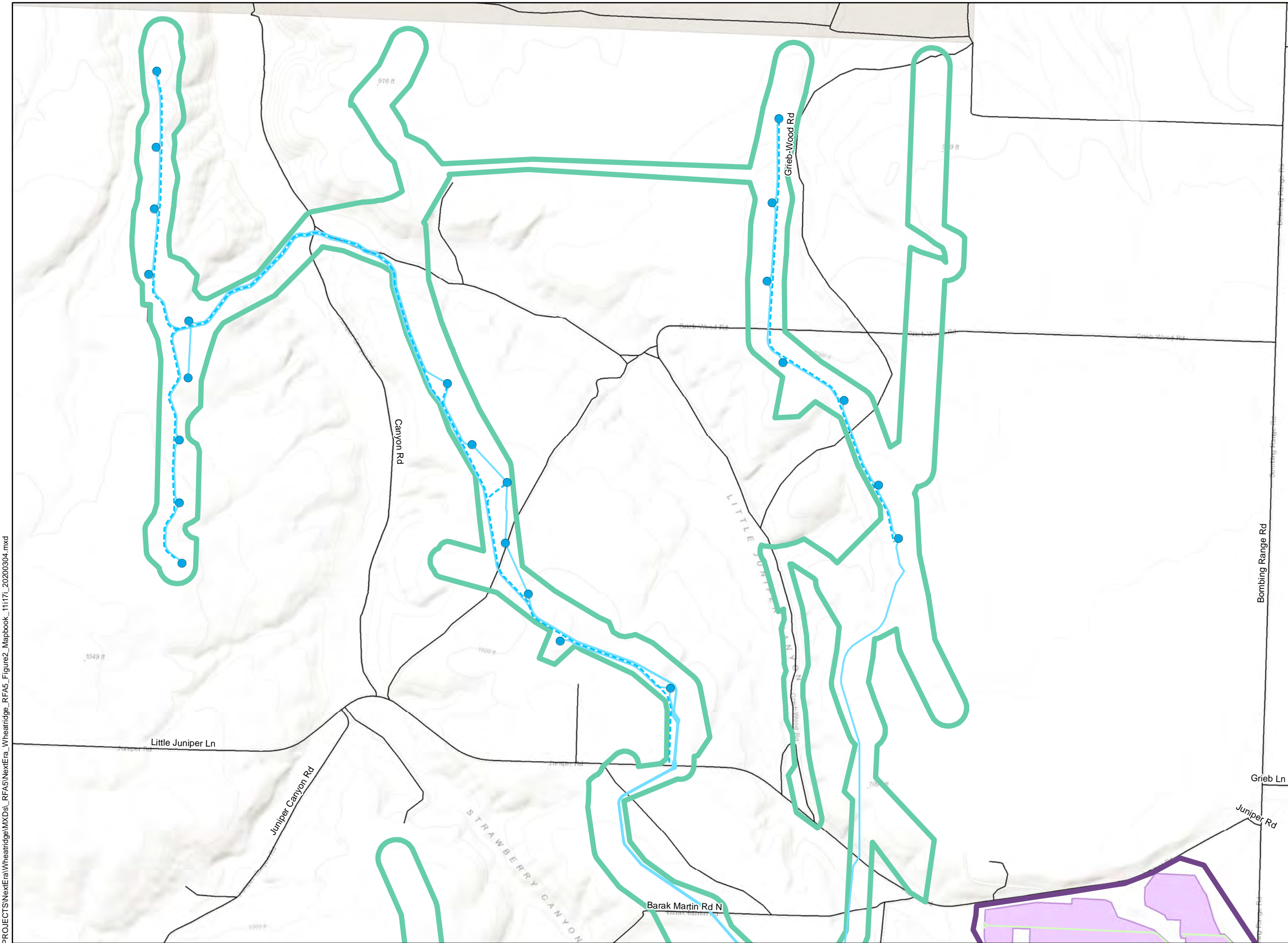


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**Wheatridge Renewable
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&
Wheatridge Renewable
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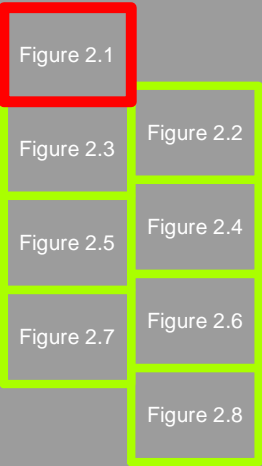
**Figure 2.1
Site Boundaries & Facilities**

MORROW AND UMATILLA COUNTIES, OR

- Wheatridge Renewable Energy Facility I Site Boundary
- Wheatridge Renewable Energy Facility II Site Boundary
- Site Boundary Overlap
- Substation & Battery Storage
- O&M Facility
- State Highway
- Local Road
- Wheatridge Renewable Energy Facility I Wind Layout**
 - Turbine
 - Met Tower
 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Wind Layout**
 - Turbine
 - Met Tower
 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Solar Layout**
 - Solar Access Roads
 - Proposed Collector Line
 - Fenceline

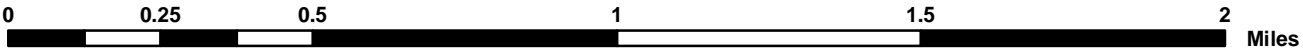


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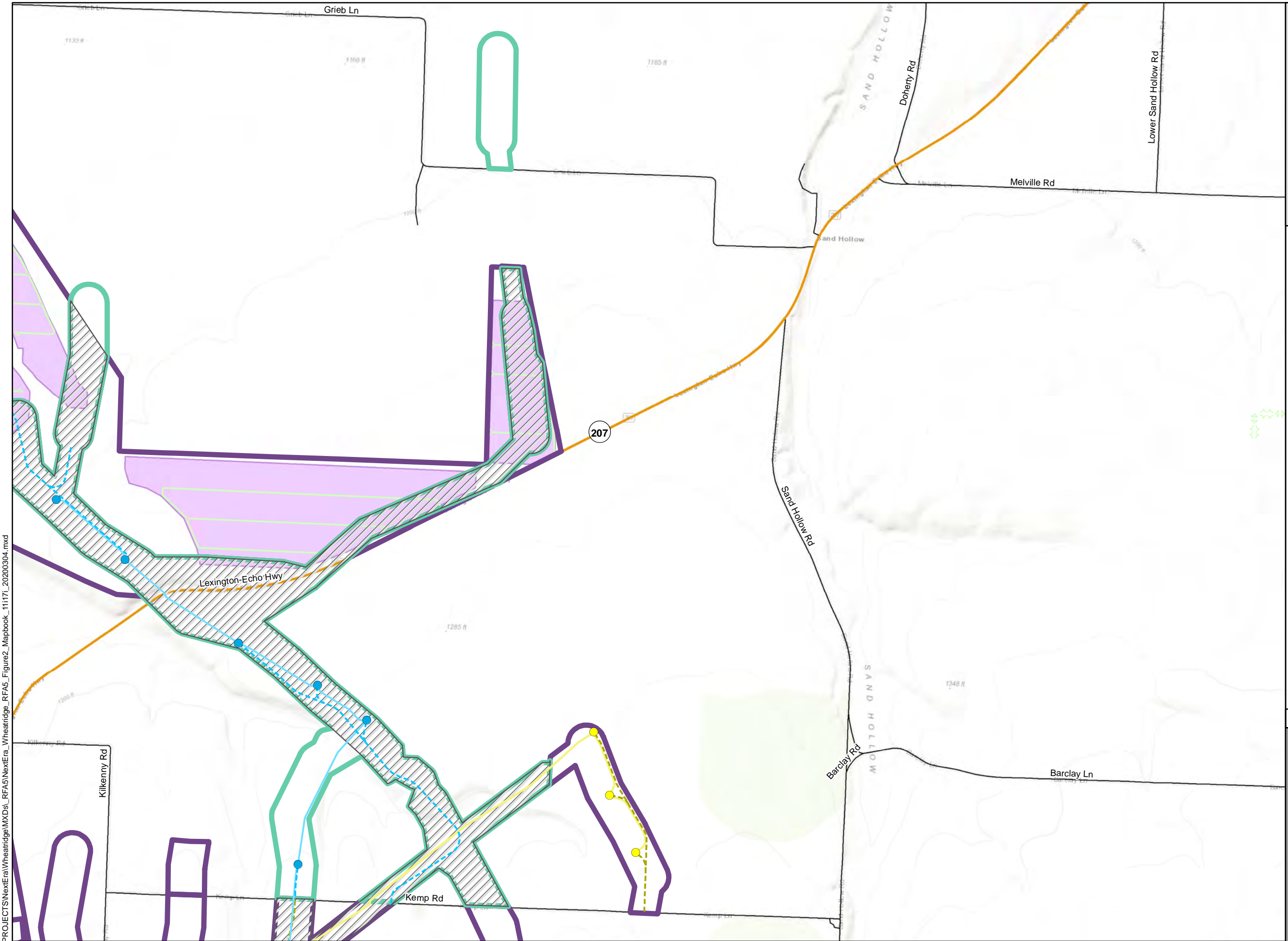


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**Wheatridge Renewable
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&
Wheatridge Renewable
Energy Facility II**

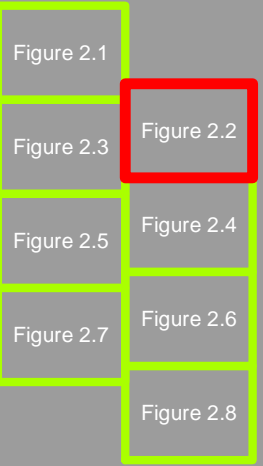
**Figure 2.2
Site Boundaries & Facilities**

MORROW AND UMATILLA COUNTIES, OR

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- Wheatridge Renewable Energy Facility II Site Boundary
- Site Boundary Overlap
- Substation & Battery Storage
- O&M Facility
- State Highway
- Local Road
- Wheatridge Renewable Energy Facility I Wind Layout**
 - Turbine
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 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Wind Layout**
 - Turbine
 - Met Tower
 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Solar Layout**
 - Solar Access Roads
 - Proposed Collector Line
 - Fenceline

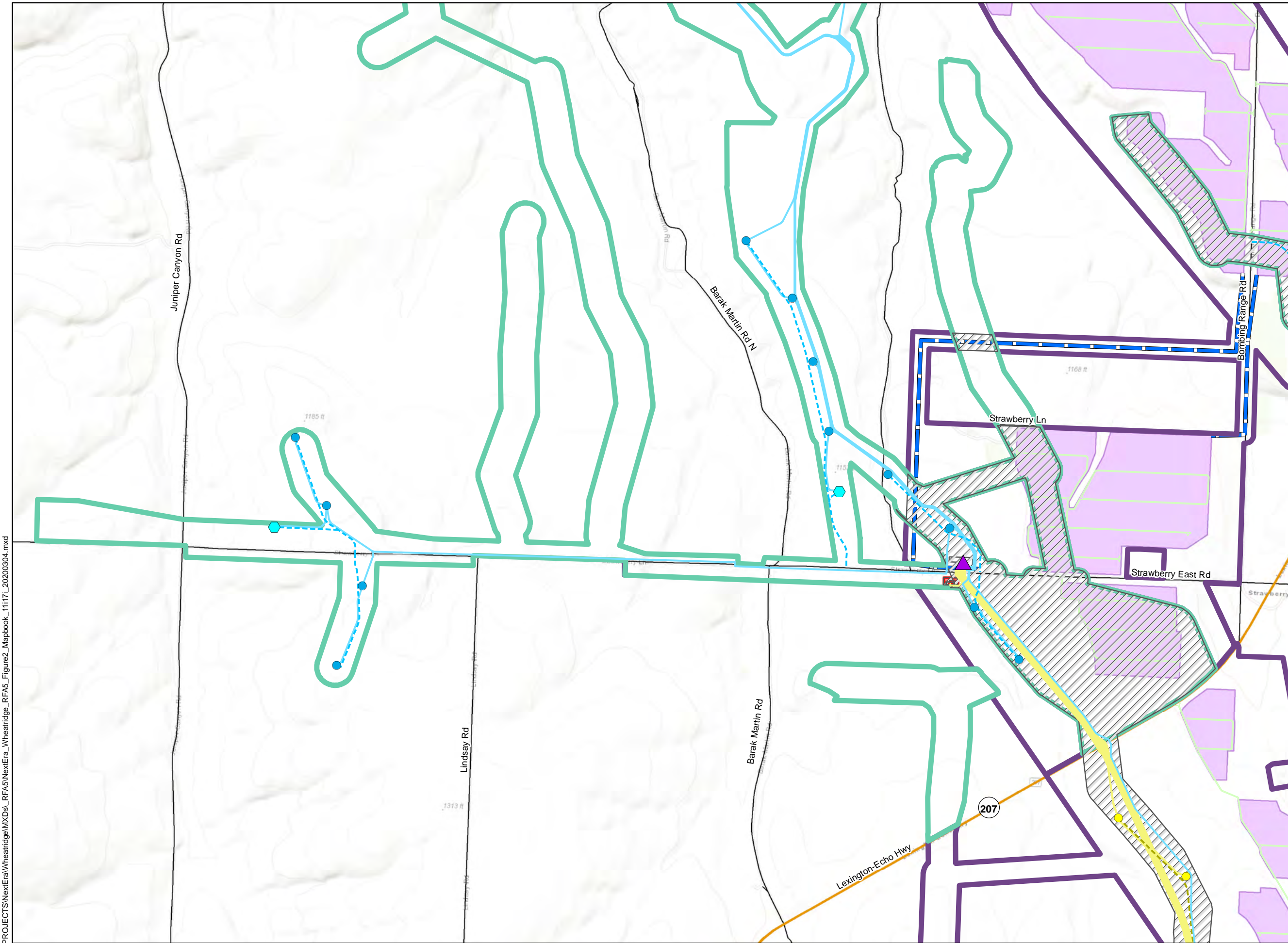


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**Wheatridge Renewable
Energy Facility I
&
Wheatridge Renewable
Energy Facility II**

**Figure 2.3
Site Boundaries & Facilities**

MORROW AND UMATILLA COUNTIES, OR

- Wheatridge Renewable Energy Facility I Site Boundary
- Wheatridge Renewable Energy Facility II Site Boundary
- Site Boundary Overlap
- Substation & Battery Storage
- O&M Facility
- State Highway
- Local Road

Wheatridge Renewable Energy Facility I Wind Layout

- Turbine
- Met Tower
- Center Line Road
- Collector Line

Wheatridge Renewable Energy Facility II Wind Layout

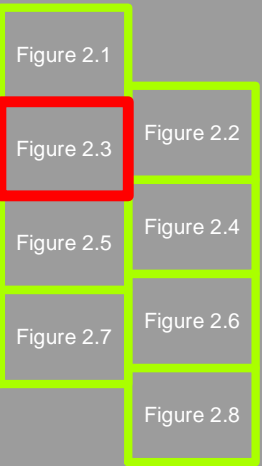
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- Center Line Road
- Collector Line

Wheatridge Renewable Energy Facility II Solar Layout

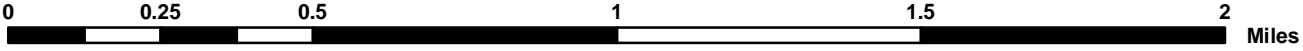
- Solar Access Roads
- Proposed Collector Line
- Fenceline



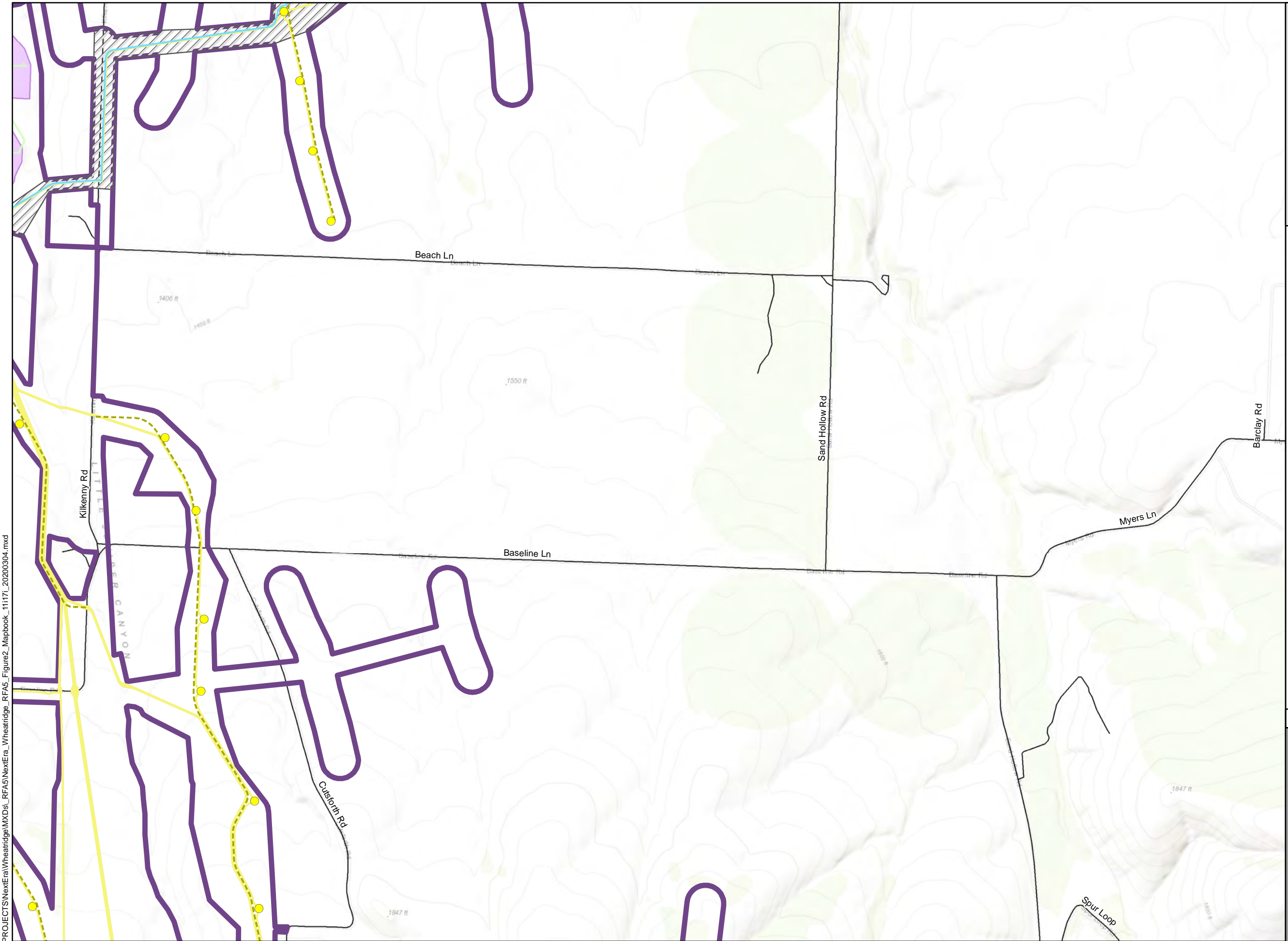
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**Wheatridge Renewable
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&
Wheatridge Renewable
Energy Facility II**

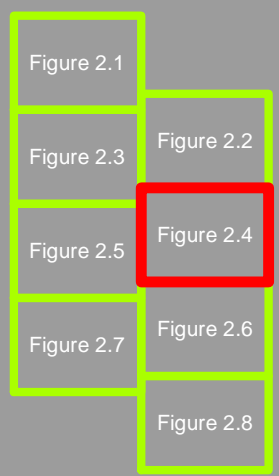
**Figure 2.4
Site Boundaries & Facilities**

MORROW AND UMATILLA COUNTIES, OR

- Wheatridge Renewable Energy Facility I Site Boundary
- Wheatridge Renewable Energy Facility II Site Boundary
- Site Boundary Overlap
- Substation & Battery Storage
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 - Collector Line
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 - Solar Access Roads
 - Proposed Collector Line
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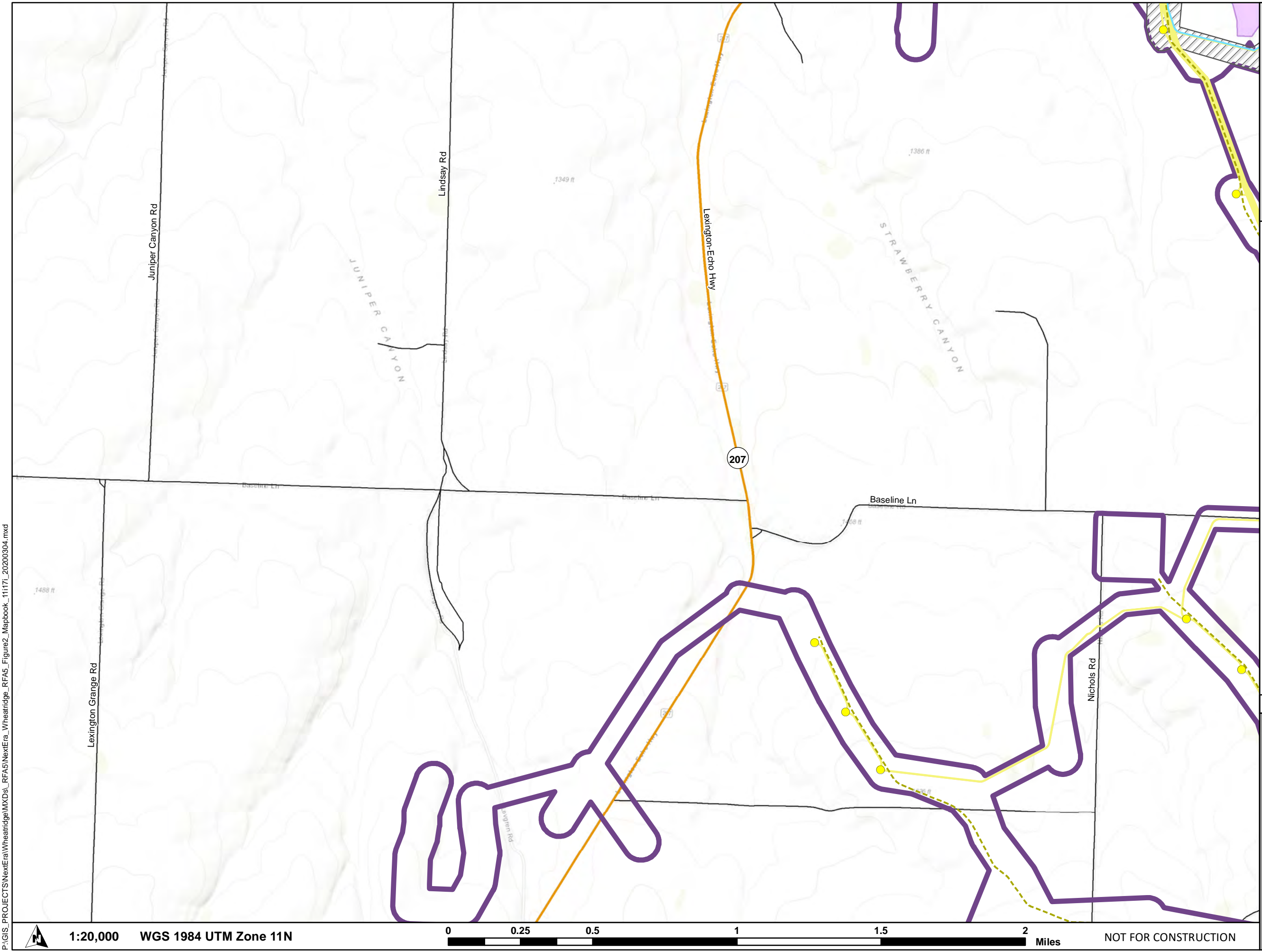


Reference Map



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Wheatridge Renewable Energy Facility I & Wheatridge Renewable Energy Facility II

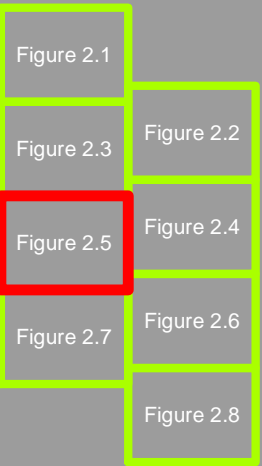
**Figure 2.5
Site Boundaries & Facilities**

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- Wheatridge Renewable Energy Facility I Site Boundary
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Reference Map



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Wheatridge Renewable Energy Facility I & Wheatridge Renewable Energy Facility II

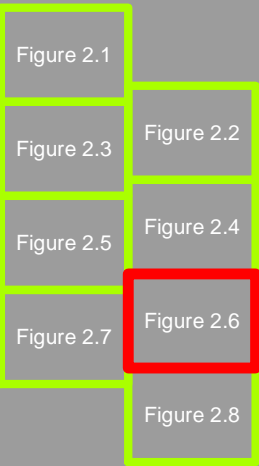
**Figure 2.6
Site Boundaries & Facilities**

MORROW AND UMATILLA COUNTIES, OR

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- Site Boundary Overlap
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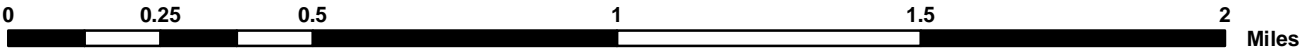


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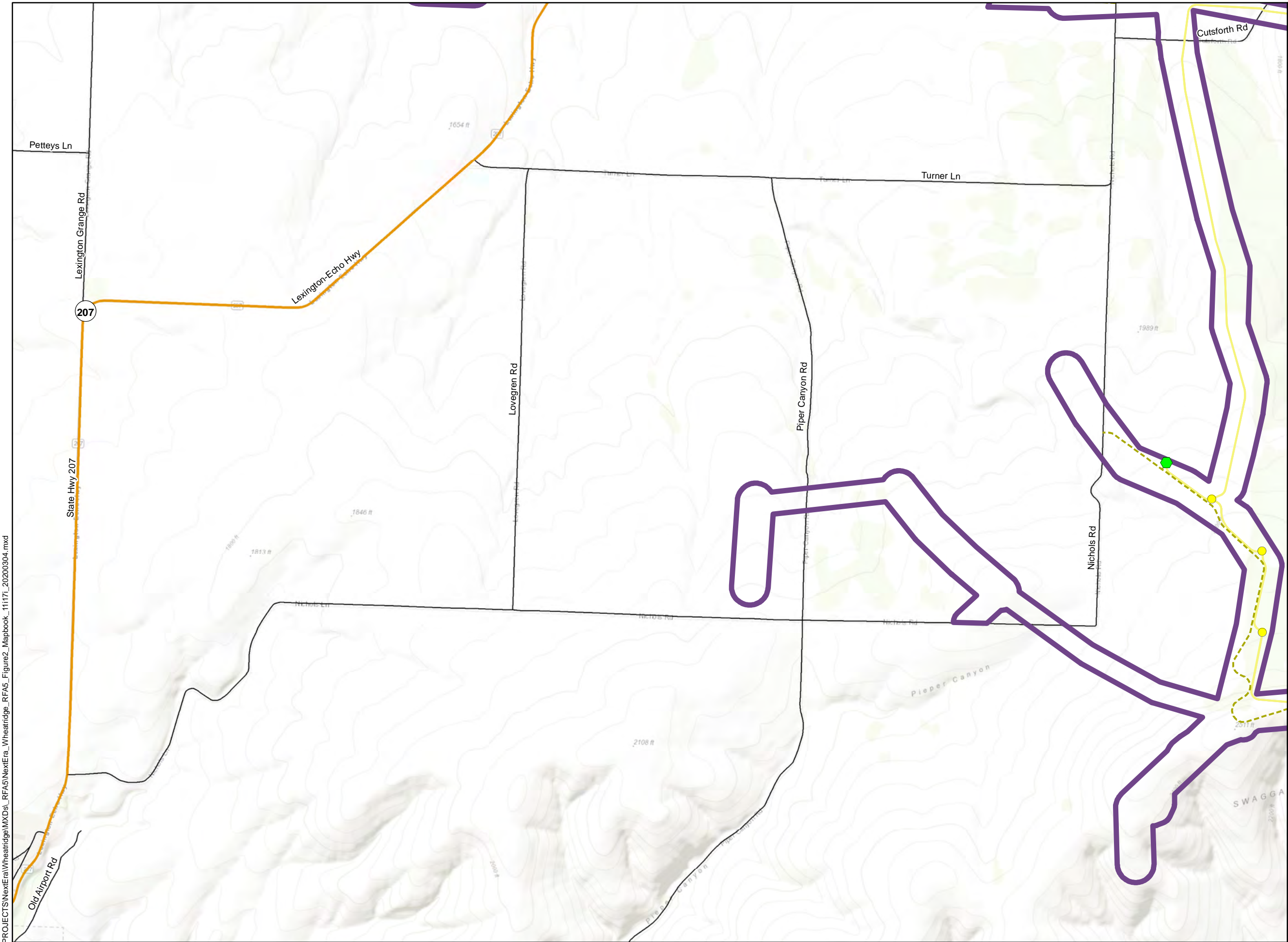
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Wheatridge Renewable Energy Facility I & Wheatridge Renewable Energy Facility II

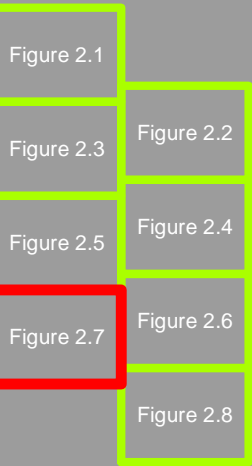
Figure 2.7
Site Boundaries & Facilities

MORROW AND UMATILLA COUNTIES, OR

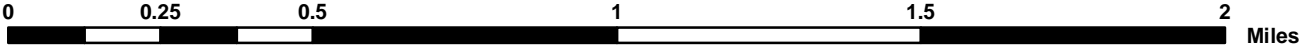
- Wheatridge Renewable Energy Facility I Site Boundary
- Wheatridge Renewable Energy Facility II Site Boundary
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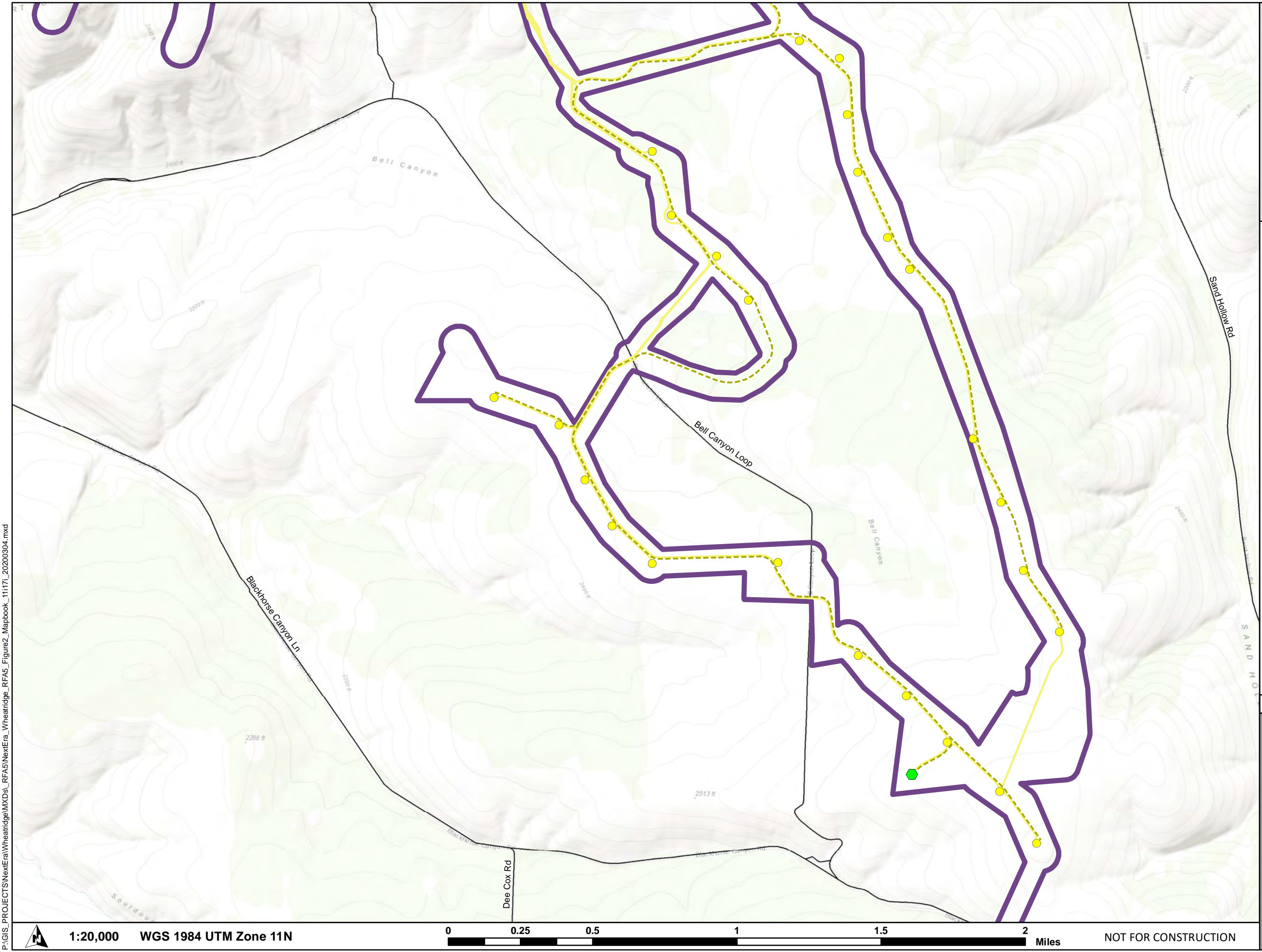
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NOT FOR CONSTRUCTION



Wheatridge Renewable Energy Facility I & Wheatridge Renewable Energy Facility II

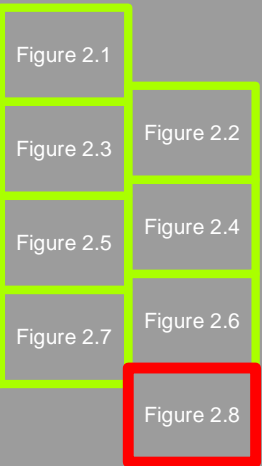
**Figure 2.8
Site Boundaries & Facilities**

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- Site Boundary Overlap
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 - Met Tower
 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Wind Layout**
 - Turbine
 - Met Tower
 - Center Line Road
 - Collector Line
- Wheatridge Renewable Energy Facility II Solar Layout**
 - Solar Access Roads
 - Proposed Collector Line
 - Fenceline



Reference Map

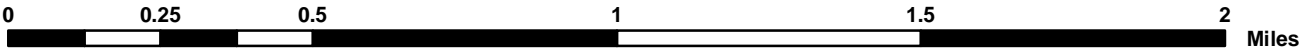


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Attachment 1. Wheatridge Renewable Energy Facility Press Release

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Portland General Electric and NextEra Energy Resources to develop nation's first major energy facility co-locating wind, solar and battery storage

Project will advance Oregon's clean energy future while delivering affordable electricity for PGE customers

Feb. 12, 2019

Portland, Ore. — Portland General Electric Company (NYSE: POR) and NextEra Energy Resources, LLC, a subsidiary of NextEra Energy, Inc. (NYSE: NEE), today announced plans to construct a new energy facility in Eastern Oregon combining 300 megawatts of wind generation with 50 megawatts of solar generation and 30 megawatts of battery storage.

The new project, called the Wheatridge Renewable Energy Facility, will be the first of this scale in North America to co-locate and integrate these three technologies, creating an improved zero-emissions resource and accelerating Oregon's transition to clean energy.

"We're moving aggressively to integrate smart grid technologies and renewable energy to give customers affordable, clean, low-carbon energy," said Maria Pope, PGE president and CEO. "Wheatridge will be a model for integrating renewable generation and storage to cost-effectively reduce emissions while maintaining a reliable grid." The new facility, combined with PGE's existing resources, will bring the company's wind generation portfolio to a nameplate total of more than 1,000 megawatts (one gigawatt), available from five owned or contracted wind farms in the Northwest – enough power to

serve the equivalent of 340,000 homes. The solar farm will be one of the largest in Oregon, while the battery storage facility will be the largest in Oregon and one of the largest in the United States.

With the addition of these new renewable resources, PGE expects to meet about 50 percent of its customers' power needs with emissions-free generation.

"We're pleased to work with Portland General Electric on the Wheatridge Renewable Energy Facility, an exciting opportunity to combine wind, solar and energy storage," said Armando Pimentel, president and CEO of NextEra Energy Resources, the world's largest generator of renewable energy from the wind and the sun. "This venture will allow PGE's customers to benefit from more renewable energy over more hours of the day and create substantial economic value for the communities that host this project, many of whom stand to benefit for years to come."

U.S. Senator Ron Wyden has supported the project from its inception.

"Portland General Electric's decision to join with NextEra Energy Resources in constructing the Wheatridge Renewable Energy Facility provides both a well-earned economic boost to Eastern Oregon and an important step on our country's needed path to green energy," said Wyden. "I am proud to have worked with Morrow County and all the local officials who teamed up in the 'Oregon Way' spirit of finding solutions to make sure this homegrown renewable energy project could achieve this milestone."

Project details

Power from the facility will be generated by 120 wind turbines manufactured by GE Renewable Energy, Inc. The wind farm will be located just north of Lexington, Oregon, in Morrow County. The specific equipment to be used at the associated solar farm and battery storage facility is still to be determined.

Wheatridge will provide up to 300 jobs during construction of the wind site and up to 175 jobs during construction of the solar and storage sites. Approximately 10 full-time employees will operate the combined facilities once they're commissioned for service.

Ownership and construction

Swaggart Wind Power, LLC began development and permitting of the Wheatridge wind farm in 2009. Swaggart is an affiliate of MAP® Energy. The project was then acquired by a NextEra Energy Resources subsidiary in 2017. NextEra and PGE expanded the project scope to include solar generation and battery storage.

PGE will own 100 megawatts of the wind project. A subsidiary of NextEra Energy Resources will own the balance of the project and sell its output to PGE under 30-year power purchase agreements. NextEra Energy Resources' subsidiary will build and operate the combined facility. The split ownership and PPA structure will allow the two energy companies to share project risks and benefits.

The wind component of the facility will be operational by December 2020 and qualify for the federal production tax credit at the 100 percent level. Construction of the solar and battery components is planned for 2021 and will qualify for the federal investment tax credit. The tax credits help reduce the cost of the project over time, thus reducing costs to PGE's customers.

PGE expects to invest approximately \$160 million for its owned portion of the project.

Competitive selection process

The Wheatridge project was the prevailing bid submitted in response to a request for proposals for renewable resources PGE issued in May 2018. The agreements signed by PGE and NextEra Energy Resources' subsidiary will be subject to prudence review on customers' behalf by the Oregon Public Utility Commission. The agreements are also subject to approval by NextEra Energy management, which is anticipated in March.

Quotes regarding the Wheatridge Renewable Energy Facility:

"Portland General Electric's decision to join with NextEra Energy Resources in constructing the Wheatridge renewable energy facility provides both a well-earned economic boost to Eastern Oregon and an important step on our country's needed path to green energy. I am proud to have worked with Morrow County and all the local officials who teamed up in the 'Oregon Way' spirit of finding solutions to make sure this homegrown renewable energy project could achieve this milestone." — U.S. Senator Ron Wyden

“This is great news for Morrow County’s residents and businesses! This project will benefit our communities through jobs, property taxes and community support. We have a long, positive history of working with PGE, and they have been a good community partner. We look forward to working with them to make this project a success.” — Don Russell, Morrow County Commissioner

“One of Beaverton’s top priorities is being a positive force in addressing climate change while maintaining a healthy economy. We’re glad to have PGE as a partner in advancing these goals and applaud the addition of this new resource that will ensure our residents and businesses are served with increasingly clean and affordable electricity.” — Denny Doyle, Mayor of Beaverton, Oregon

“We are excited to hear this news. These types of renewable Oregon-based projects are critical to the growth and economy of the region, including Morrow County and Port of Morrow. PGE is one of the businesses located at the Port of Morrow Industrial Park, and we have appreciated PGE’s partnership and continued investment in Morrow County.” — Ryan Neal, Port of Morrow general manager

“We’re moving aggressively to integrate smart grid technologies and renewable energy to give customers affordable, clean, low-carbon energy. Wheatridge will be a model for integrating renewable generation and storage to cost-effectively reduce emissions while maintaining a reliable grid.” — Maria Pope, PGE president and CEO

“We’re pleased to work with Portland General Electric on the Wheatridge Renewable Energy Facility, an exciting opportunity to combine wind, solar and energy storage. This venture will allow PGE’s customers to benefit from more renewable energy over more hours of the day and create substantial economic value for the communities that host this project, many of whom stand to benefit for years to come.” — Armando Pimentel, president and CEO of NextEra Energy Resources

For more information contact Steve Corson, PGE, **503-464-8444**, Steven.Corson@pgn.com (<mailto:Steven.Corson@pgn.com>)

About Portland General Electric Company

Portland General Electric (NYSE: POR) is a fully integrated energy company based in Portland, Oregon, serving approximately 887,000 customers in 51 cities. For more than 130 years, PGE has been delivering safe, affordable and reliable energy to Oregonians. Together with its customers, PGE has the

No. 1 voluntary renewable energy program in the U.S. With approximately 3,000 employees across the state, PGE is committed to helping its customers and the communities it serves build a clean energy future. For more information, visit [**PortlandGeneral.com/CleanVision \(/our-company/energy-strategy/oregons-clean-energy-future\)**](https://www.portlandgeneral.com/CleanVision (/our-company/energy-strategy/oregons-clean-energy-future)).

Safe Harbor Statement

Statements in this news release that relate to future plans, objectives, expectations, performance, events and the like may constitute “forward-looking statements” within the meaning of the Private Securities Litigation Reform Act of 1995, Section 27A of the Securities Act of 1933, as amended, and Section 21E of the Securities Exchange Act of 1934, as amended. Such forward-looking statements include statements concerning the future performance of the Tucannon River Wind Farm and other expected benefits of the project, as well as other statements identified by words including, but not limited to, “will,” “anticipates,” “believes,” “intends,” “estimates,” “promises,” “expects,” “should,” “conditioned upon” and similar expressions. Investors are cautioned that any such forward-looking statements are subject to risks and uncertainties, including regulatory, operational and legal matters, as well as other factors that could affect the deployment and successful operation of turbines at the Tucannon River Wind Farm project. As a result, actual results may differ materially from those projected in the forward-looking statements. All forward-looking statements included in this news release are based on information available to the Company on the date hereof and such statements speak only as of the date hereof. The Company assumes no obligation to update any such forward-looking statements. Prospective investors should also review the risks and uncertainties listed in the Company’s most recent Annual Report on Form 10-K and the Company’s reports on Forms 8-K and 10-Q filed with the United States Securities and Exchange Commission, including Management’s Discussion and Analysis of Financial Condition and Results of Operation and the risks described therein from time to time.

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Attachment 2. Red-lined Site Certificates

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

**~~Fourth Amended~~ Site
Certificate for the
Wheatridge ~~Wind~~ Renewable
Energy Facility I**

ISSUANCE DATES

Site Certificate	TBD April 28, 2017
First Amended Site Certificate	July 27, 2017
Second Amended Site Certificate	November 16, 2018
Third Amended Site Certificate	December 14, 2018
Fourth Amended Site Certificate	November 22, 2019

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WHEATRIDGE ~~RENEWABLE WIND~~ ENERGY FACILITY I SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
Council	Oregon Energy Facility Siting Council
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
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
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge Wind Energy, LLC (certificate holder), which is a wholly-owned subsidiary of NextEra Energy Resources, LLC (NextEra or parent company). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge ~~Wind Renewable~~ Energy Facility I (facility) at the below described site within Morrow ~~and Umatilla~~ ~~Counties~~, subject to the conditions set forth herein.

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (b) *Final Order on Request for Transfer* issued on July 27, 2017; *Final Order on Request for Amendment 3* issued on November 16, 2018; *Final Order on Request for Amendment 2* issued on December 14, 2018; and *Final Order on Request for Amendment 4* issued on November 22, 2019. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: ~~(1) Final Order on Request for Amendment 5~~ ~~(12) Final Order on Request for Amendment 4~~ ~~(23) Final Order on Request for Amendment 2~~; ~~(34) Final Order on Request for Amendment 3~~; ~~(45) Final Order on Request for Amendment 1~~; ~~(56) Final Order on the Application~~, and (6) the record of the proceedings that led to the above referenced orders. This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement

authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0010 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

2.0 Facility Location

The energy facility and its related ~~and or~~ supporting facilities are located within Morrow ~~and Umatilla~~ counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately ~~2,882~~ ~~14,624~~ acres of private land and includes the perimeter of the energy facility site, its related and supporting facilities, all temporary laydown and staging areas and all transmission corridors and micro-siting corridors proposed by the certificate holder, as approved by the Council.¹

The energy facility ~~is divided into two groups, Wheatridge West and Wheatridge East. Wheatridge West~~ is located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. ~~Wheatridge East is located approximately 16 miles northeast of Heppner and includes land in both Morrow and Umatilla counties. Wheatridge West and Wheatridge East are connected via a 230 kV transmission line or “intraconnection” transmission line~~ (see facility site boundary map provided in Attachment A).

2.1 Site Boundary

The site boundary encompasses a total of ~~2,882~~ ~~14,624~~ acres of privately owned land: ~~2,956 acres in Wheatridge East, 10,042 acres in Wheatridge West, and 1,626 acres in the intraconnection transmission line corridor.~~ Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

Table 1. Location of Site Boundary by Township, Range and Section

Township	Range	Section(s)
Wheatridge East		
1N	28E	4, 5, 8, 9, 16, 17, 21
2N	28E	2, 3, 9, 10, 11, 14, 15, 16, 21, 22, 27, 28, 29, 32, 33
Wheatridge West		
2N	25E	25, 26, 27, 34, 35, 36
1N	25E	1, 2, 11, 12, 13, 14, 15, 22, 23, 24
1N	26E	4, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 32, 33
1S	25E	1, 12
1S	26E	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 34, 35, 36
2S	26E	1, 12
Intraconnection Corridor		
1S	27E	7, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24
1S	28E	3, 4, 7, 8, 9, 16, 17, 18
1N	28E	28, 33

¹ Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

For this facility, the certificate holder requested that the site boundary represent the “micrositing corridor” for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

2.2 Micrositing Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related and supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

~~The site boundary contains two separate micrositing corridors, one for wind facility components and one for solar facility components.~~ Micrositing corridors for wind turbines are a minimum of approximately 660 feet in width around turbines, and wider in some locations. The site boundary width around site access roads and electrical collection lines (collector lines) is narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the area surrounding the substations, meteorological towers (met towers), ~~O&M building,~~ and construction yards.

~~Micrositing corridors for solar facility components, as presented in Figure 1 Solar Micrositing Corridors of this amended site certificate, include the area for Solar Array 1 and Solar Array 2, which includes private access roads, service roads, a 34.5 kV collection system, gates and perimeter security fence.~~

2.3 ~~Intraconnection Transmission Line Corridor for the Wind Facility~~

~~The certificate holder obtained approval of four routing options associated with the wind facility for the 230 kV intraconnection transmission line that interconnects Wheatridge West and Wheatridge East for the transmission of generated power. The intraconnection transmission line corridor is approximately 1,000 feet in width and ranges in length from 24.5 to 31.5 miles, based upon the four approved transmission line route options.~~

~~The four approved transmission line route options range in length from 24.5 to 31.5 miles and would follow the same alignment for approximately 18 miles from the Wheatridge East substation to the crossing at Sand Hollow Road. For the remainder of the route, Options 1 and 3 traverse the same alignment, with Option 1 extending 7 miles longer than Option 3; Option 2 and 4 traverse the same alignment, with Option 2 extending 3.5 miles longer than Option 4. Option 1 and 2 differ for an approximately 4 mile segment located between Sand Hollow Road and the Wheatridge West substation (primary), with Option 2 traversing from Sand Hollow Road through the alternative (2b) Wheatridge West substation to the primary (1) Wheatridge West substation. The four approved routing options and associated transmission line corridors are presented in Attachment A of the site certificate (and are clearly delineated in figures provided in ASC Exhibit C).~~

3.0 Facility Description

The facility includes wind ~~and solar~~ energy generation components, ~~each~~ with related or supporting facilities. The energy generation capacity of the facility, ~~with wind and solar components~~, at full build out by the specified construction completion deadlines is ~~650-100~~ MW. Wind energy facility components are further described in Section 3.1 and 3.1.1 of this site certificate; ~~solar energy facility components are further described in Section 3.2 and 3.2.1 of this site certificate.~~

3.1 Wind Energy Facility Components

The construction commencement deadline for the wind energy facility and its related or supporting facilities must begin by May 24, 2020 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before May 24, 2023 (under General Standard Condition 2 (GEN-GS-02)).

Wind energy generation components include up to ~~292~~ 40 wind turbines with a total generating capacity up to 100 MW. Wind turbines each consist of a nacelle, a three-bladed rotor, turbine tower and foundation. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbine. The total height of the turbine tower and blades (tip-height) ranges between 431 and ~~476~~99.7 feet, depending on the turbine model selected.

The base of each wind turbine tower foundation requires a cleared area (typically a gravel pad) up to 80 feet in diameter. The turbines are grouped in linear “strings” within the micrositing corridor and interconnect with a 34.5 kV electrical collection system (described below). Most wind turbine types include a generator step-up (GSU) transformer installed at the base of the tower that would be used to increase the voltage of the turbine to that of the electrical collection system. Table 2 shows the range of turbine specifications approved for use at the facility site.

Table 2: Approved Wind Turbine Dimensions

Specification	Maximum (ft)
Blade Length	204.1
Hub Height	291.3
Rotor Diameter	416.7
Total Height (tower height plus blade length)	499.7
Aboveground Blade-Tip Clearance	70.5
Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.	

3.1.1 Related or Supporting Facilities to Wind Energy Facility Components

Related or supporting facilities to the wind energy facility components as described below must commence construction by May 24, 2020:

- Electrical collection system (includes up to ~~88~~ 20 miles of mostly underground 34.5 kV collector lines)
- ~~Up to three~~ One collector substations
- ~~Up to 32 miles of up to two overhead, parallel 230 kV transmission lines~~
- Up to ~~12~~ permanent meteorological (MET) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- ~~—~~
- Up to ~~7320~~ miles of new or improved access roads
- Additional temporary construction areas (including staging areas and one or more temporary concrete batch plant areas)
- Battery Storage Systems (~~20 and 30 MW, each~~) located on up to 5 acres) and Interconnection Facilities

Construction of these related or supporting facilities must be complete by May 24, 2023.

Electrical Collection System

The electrical collection system includes up to ~~88~~ 20 miles of mostly underground 34.5 kV collector lines. Electrical connections are located underground or in enclosed junction boxes between the turbine and the pad-mounted GSU transformer. From the GSU transformer to the collector lines the connections are installed along and between the turbine strings to collect power generated by each wind turbine and to route the power to ~~one of three~~ the collector substation, which step up the power from 34.5 kV to 230 kV.

The collector lines are underground, to the extent practicable, in trenches approximately three-feet wide and not less than two- to three-feet deep, generally alongside access roads, to minimize ground disturbance. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet, while still adhering to National Electrical Safety Code (NESC) standards.

~~Collector lines may be run overhead in situations where a buried cable would be infeasible or would create unnecessary impacts, such as at stream or canyon crossings. Overhead collector lines are supported by a wooden or steel pole structure. Each support pole has been buried approximately 6 feet in the ground and extends to a height of approximately 60 feet above ground, spaced 100 to 200 feet apart. Overhead collector lines are only anticipated in Wheatridge West. The facility includes up to 10.8 miles of overhead collector lines; however, the specific locations of overhead collector lines will not be known until site geotechnical work has been completed during pre-construction activities.~~

~~No more than 88 miles of collector lines would be needed for wind facility components.—~~

Collector Substations

The facility includes ~~up to two~~ one substations ~~within Wheatridge West and one substation within Wheatridge East. The proposed substation locations are presented in ASC Exhibit C. However,~~ Wheatridge has requested, and Council grants, the ability to microsite the final location ~~and number (up to three) of substations~~ within the micrositing corridor.

Prior to construction, ~~the~~ substation site will be cleared and graded, with a bed of crushed rock applied for a durable surface. ~~Each~~ ~~The~~ collector substation is located on a two- to ten-acre site, enclosed by a locked eight-foot tall wire mesh fence. ~~Each~~ ~~The~~ substation consists of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment.

~~230 kV Intraconnection Transmission Line~~

~~The facility includes one or two parallel overhead 230 kV intraconnection transmission lines supported by H-frame or monopole structures constructed of either wood or steel that extends 24.5 to 31.5 miles in length, depending on the route option selected. The 230 kV overhead transmission line structures are approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. Each transmission line route requires acquisition of an approximately 150-foot wide right-of-way from private landowners.~~

~~—~~

~~The four approved transmission line routing options and associated corridors for the intraconnection transmission line are described below (see Attachment A figure and figures contained in ASC Exhibit C):~~

- ~~• Option 1: Two Project Substations to Longhorn~~
 - ~~○ This option runs from Substation 3 in Wheatridge East to Substation 1 in Wheatridge West and then to the proposed UEC/CB Strawberry substation, just to the west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.5 miles (50.5 kilometers) in length.~~
- ~~• Option 2: Three Project Substations to Longhorn (Final facility design with battery storage system would not include this routing option)~~
 - ~~○ This option runs from Substation 3 in Wheatridge East to Substation 2b in Wheatridge West, then on to Substation 2a in Wheatridge West, and then to the proposed UEC/CB Strawberry substation, just west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.3 miles (50.3 kilometers) in length.~~
- ~~• Option 3: Two Project Substations to Stanfield~~
 - ~~○ This option runs from Substation 1 in Wheatridge West to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 24.5 miles (39.4 kilometers) in length.~~
- ~~• Option 4: Three Project Substations to Stanfield (Final facility design with battery storage system would not include this routing option)~~

- ~~This option runs from Substation 2a in Wheatridge West to Substation 2b in Wheatridge West, and then to Substation 3 in Wheatridge East for interconnection to a UEC-operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 27.8 miles (44.7 kilometers) in length.~~

Meteorological Towers

The facility includes up to ~~12~~ permanent met towers. ~~Up to five met towers are sited in Wheatridge East and up to seven met towers are sited in Wheatridge West for the collection of wind speed and direction data.~~ Each met tower has a free-standing, non-guyed design and is approximately 328 feet (100 meters) in height. Installation of permanent met towers results in approximately 98-feet (30-meters) in diameter of temporary land disturbance per tower and approximately 32-feet (10-meter) in diameter of permanent land disturbance per tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA).

Communication and SCADA System

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the O&M buildings. A SCADA system is installed in the O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the collector lines both in the underground trenches and overhead, if necessary.

O&M Buildings

~~The facility includes up to two O&M buildings, each located on up to 1.1 acres, one within Wheatridge East and one within Wheatridge West. Each O&M building consists of a single-story, prefabricated structure approximately 6,000 to 9,000 square feet in size, and includes an office, break room, kitchen, lavatory with shower, utility room, covered vehicle parking, storage for maintenance supplies and equipment, and SCADA system. A permanent, fenced, graveled parking and storage area for employees, visitors, and equipment is located adjacent to each O&M building. Each building is served by an on-site well and septic system and power supplied by a local service provider using overhead and/or underground lines.~~

Access Roads

Primary access to the facility site is from Interstate 84 (I-84) via Bombing Range Road or Oregon Route 207 (OR-207). The certificate holder completed improvements to existing public roads to accommodate construction activities, including flattening crests or filling dips, widening sharp corners, or adding road base material; the certificate holder is required to consult with the appropriate county road master on specific improvements prior to construction. The certificate holder committed to completing upgrade to existing roads according to applicable state and county road standards and after consultation with Morrow ~~and Umatilla~~ County staff. The certificate holder is required to implement a road use agreement with each county to specify requirements, including that all existing public roads used to access the site would be left in as good or better condition than that which existed prior to the start of construction.

Access to the turbines, construction yards, substations, and O&M buildings is from a network of private access roads constructed or improved by the certificate holder. The certificate holder will grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

In the maximum impact scenario, wind energy facility components will require up to ~~73~~ 20 miles of access roads.

~~Temporary access roads were needed for the construction of the intraconnection transmission line(s). The intraconnection transmission line(s) can be constructed and maintained using only large trucks rather than heavy construction cranes, and construction will occur during the dry time of year when the ground surface is hard enough to support those vehicles. Therefore, the interconnection transmission lines do not include permanent access roads. The total mileage of the temporary access roads needed for constructing the intraconnection transmission line(s) depends on the intraconnection line route option chosen. The shortest route would require approximately 22.8 miles of access roads, while the longest would require approximately 25.5 miles.~~

Additional Construction Yards

The facility includes up to ~~four~~ two temporary construction yards located within the site boundary to facilitate the delivery and assembly of material and equipment. The construction yards are used for temporary storage of diesel and gasoline fuels, which are located in an above-ground 1,000-gallon diesel and 500-gallon gasoline tank, within designated secondary containments areas.

Each construction yard occupies between 15 and 20 acres, and was graded and gravel surfaced. The certificate holder is required to restore all construction yards to pre-construction conditions unless an agreement with the landowner leads to some or all of the construction yard being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants are permitted and operated by the selected contractor.

Battery Storage Systems and Interconnection Facilities (DC Coupled)

The battery storage systems associated with wind energy facility components include the following:

- Series of modular containers or a building per system ~~(approximately 80 feet long, 100 feet wide and 15-20 feet tall for the 20-MW system);~~ approximately 190 feet long, 100 feet wide and 15-20 feet tall for the 30 MW system)
 - Each system would contain lithium-ion batteries within battery modules placed in anchored racks within containers or building.

- Approximately eighteen 2.7 mega-voltampere (MVA) inverters with associated step up transformers with a combined footprint approximately 8 feet by 4 feet.
- Each system would be equipped with a gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank
- Each system would include a cooling system comprised of a bank of four power conditioning system fan units with motor
- Control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit (HVAC)
- Protective device; skid-mounted power transformer; and bi-directional inverter

Battery and inverter equipment would be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with the facility substations via feeder lines.

3.2 Solar Energy Facility Components

~~The construction commencement deadline for the solar energy facility and its related or supporting facilities must begin by DATE TBD [three years following effective site certificate date] (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before DATE TBD [three years from date of construction commencement] (under General Standard Condition 2 (GEN-GS-02)).~~

~~Solar energy facility components include up to two solar arrays located within Wheatridge West, entirely within Morrow County, on Exclusive Farm Use zoned land. The solar arrays consist of photovoltaic panels mounted onto tracking modules and arranged in strings within the solar micro-siting corridors. Strings of modules are connected by electrical collector lines and inverters that convert the direct current power generated by panels to alternating current power. Transformers placed near the inverters step up power to 34.5 kV for transmission to the Wheatridge West substation. The maximum layout including total number of modules, configuration, dimensions, total energy generating capacity and mounting system of solar array components shall be substantially as described in Request for Amendment 4.~~

~~Photovoltaic Modules and Racking~~

~~Each solar module is approximately 6 feet by 3 feet, placed on a nonspecular, galvanized steel rack. Each set of approximately 70 racked modules is mounted approximately 5 feet off the ground on a single-axis tracker that would rotate 60 degrees to the east and west. Each tracker is supported by steel posts; post depth varies depending on soil conditions, but the posts are typically placed 8 feet below the surface. The maximum of height of the modules at full tilt would be approximately 16 feet.~~

~~Combiner Boxes, Inverters and Transformers~~

~~The current produced by solar modules is in the form of direct current (DC). Within each module block, several DC electrical conduits (cables on the back of the modules) aggregate electricity produced from each of the modules into a combiner box. Approximately 18 combiner boxes are located throughout each module block for a total of approximately 740 combiner boxes. The photovoltaic modules are arranged into blocks, with each block connecting via collector lines to~~

~~approximately 41 modular inverter enclosures. Inverters convert DC current into alternating current (AC) power to then be transmitted to the grid. The inverter AC output voltage (480 volts) is stepped up to a higher voltage (34.5 kilovolts [kV]) by approximately 41 pad-mounted transformers designed to integrate with the inverter.~~

~~3.2.1 — Related or Supporting Facility to Solar Energy Facility Components~~

~~Related or supporting facilities associated with the solar facility must begin construction by the dates described in General Standard Condition 1 (GEN-GS-01) and construction must be completed, substantially as described below, by the deadline stated in General Standard Condition 2 (GEN-GS-02).~~

~~—Electrical Collection System~~

~~Electricity generated from the solar energy facility components are aggregated via underground 34.5-kV cables to an above- or belowground 34.5-kV collector line that interconnect to Wheatridge West collector substation. Underground AC electrical cables are buried to a minimum of 3 feet. Overhead collector lines are supported by a wooden or steel monopole structure, with foundations extending 6 feet in depth and structure height of approximately 60 feet above ground. The collection system also includes two 34.5-kV collector line routes outside of the perimeter fenceline; one route extends approximately 2.32 miles from Solar Array 1 to Wheatridge West collector substation. The second collector line interconnects Solar Array 1 to Solar Array 2 and extends approximately 0.66 miles along Bombing Range Road.~~

~~—Service Roads, Gates, and Fencing~~

~~Service roads, approximately 16 feet wide, located within and around the perimeter of the proposed solar arrays, and within the solar micrositing corridors, to facilitate access for construction and maintenance purposes. Vegetation is cleared and maintained along perimeter roads to provide a vegetation clearance area extending 100 feet wide for fire safety. Internal roads are all-weather, compacted gravel and approximately 20 feet wide, with an internal turning radius of 28 feet. Vegetation maintenance along solar array interior roads includes mowing to a height no more than 3 inches.~~

~~The perimeter service road is bordered by a 7 or 8-foot-high chain-link security fence. There is also a locked security entrance gates to allow vehicle and pedestrian access.~~

~~Wheatridge West Collector Substation Expansion~~

~~Wheatridge West collector substation (by Strawberry Lane) includes 10 acres, 5 of which accommodate electrical equipment such as an additional transformer, switches, protective relay and metering equipment needed to handle the power generated by the solar energy facility components.~~

~~Battery Storage System Sites — Distributed Locations (AC Coupled)~~

~~Solar energy facility components include approximately 41 distributed sites of sites of of lithium-ion batteries housed within concrete containers or similar containment throughout and within the solar~~

~~array fencelines. Each container measures up to 12 feet wide, 36 feet long and 10 feet tall. Lithium-ion battery storage systems are modular systems. Each module contains multiple smaller battery cells, each measuring up to 3.2 by 7 centimeters. Modules are contained in anchored racks within the concrete containers; typically, each rack houses 12 battery modules along with a switchgear assembly. Cooling equipment is located either on top of the concrete containers or along the side.~~

4.0 Site Certificate Conditions

4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)². The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1.

² The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> a. Begin construction of wind facility components and its related or supporting facilities, by May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. b. Begin construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2022. On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. <p>[Final Order on ASC, General Standard Condition 1; AMD2; AMD4] [Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-02	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> a. Complete construction of the wind facility components and its related or supporting facilities by May 24, 2023. The certificate holder shall promptly notify the Department of the date of completion of construction. b. Complete construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On or before November 22, 2025, the certificate holder shall promptly notify the Department of the date of completion of construction. <p>[Final Order on ASC, General Standard Condition 2; AMD2; AMD4] [Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-03	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ul style="list-style-type: none"> a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. <p>[Final Order on ASC, Mandatory Condition 2] [OAR 345-025-0006(3)]</p>
GEN-GS-04	<p>Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:</p>

	<ul style="list-style-type: none"> a. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or b. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. <p>[Final Order on ASC, Mandatory Condition 3] [OAR 345-025-0006 (5)]</p>
GEN-GS-05	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions.</p> <p>[Final Order on ASC, Mandatory Condition 6] [OAR 345-025-0000(6)]</p>
GEN-GS-06	<p>The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.</p> <p>[Final Order on ASC, Mandatory Condition 5] [OAR 345-025-0006(10)]</p>

GEN-GS-07	<p>Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p> <p>[Final Order on ASC, Mandatory Condition 6] [OAR 345--025-0006(11)]</p>
GEN-GS-08	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence.</p> <p>[Final Order on ASC, Mandatory Condition 7] [OAR 345-025-0006(12)]</p>
GEN-GS-09	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.</p> <p>[Final Order on ASC, Mandatory Condition 8] [OAR 345-025-0006 (13)]</p>
GEN-GS-10	<p>The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Final Order on ASC, Mandatory Condition 9] [OAR 345-025-0006 (14)]</p>
GEN-GS-11	<p>Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Final Order on ASC, Mandatory Condition 10] [OAR 345--025-0006 (15)]</p>
GEN-GS-12	<p>The Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor.</p> <p>The transmission line corridors approved by EFSC pursuant to this condition is described in Section 2.3 of the site certificate, and presented in the facility site map (see Attachment A of the site certificate.</p> <p>[Final Order on ASC, Site Specific Condition 1] [OAR 345-025-0010(5)]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	<p>Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.</p>

	[Final Order on ASC, Organizational Expertise Condition 5]
GEN-OE-02	In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department. [Final Order on ASC, Organizational Expertise Condition 6]
GEN-OE-03	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, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC. [Amendment #1 , Organizational Expertise Condition 9]
GEN-OE-04	The certificate holder shall: <ul style="list-style-type: none"> a. Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. b. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. [Final Order on AMD2, Organizational Expertise Condition 10]
STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
GEN-SS-01	The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction. [Final Order on ASC, Structural Standard Condition 2]

STANDARD: LAND USE (LU) [OAR 345-022-0030]

GEN-LU-01	<p>The certificate holder shall design the facility to comply with the following setback distances in Morrow County:</p> <ul style="list-style-type: none">a. Wind turbines shall be setback from the property line of any abutting property of any non-participant property owners a minimum of 110 percent of maximum blade tip height of the wind turbine tower.b. Wind turbines shall be setback 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable.c. Wind turbine foundations shall not be located on any property boundary, including participant property boundaries within the site boundary.d. Wind turbines shall be setback 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways.e. Perimeter fenceline of solar facility components shall be setback: 20 feet from property fronting on a local minor collector road rights of way; 30 feet from property fronting on a major collector road right of way; and 80 feet from an arterial road right of way, unless other provisions for combining access are provided and approved by the county.f. East and west sides of perimeter fenceline of solar facility components shall be setback 20 feet from adjacent land uses except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.g. North side of perimeter fenceline of solar facility components shall be setback a minimum of 25 feet. <p>[Final Order on ASC; AMD3 Land Use Condition 1; AMD4]</p>
GEN-LU-02	<p>During design and construction of the facility, the certificate holder shall:</p> <ul style="list-style-type: none">a. Obtain an access permit for changes in access on Morrow County roads; andb. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. <p>[Final Order on ASC, Land Use Condition 4]</p>
GEN-LU-03	<p>During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate:</p> <ul style="list-style-type: none">a. Paint the towers in alternating bands of white and red or aviation orange; orb. Install aviation lighting as recommended by the Federal Aviation Administration. <p>[Final Order on ASC, Land Use Condition 9]</p>
GEN-LU-04	<p>The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall:</p> <ul style="list-style-type: none">a. Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices;b. Place turbines and transmission intraconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible.c. Site solar array collector lines, if aboveground, within or adjacent to an existing road, railroad or transmission line right of way; parallel to an existing transmission corridor; or co-located with existing transmission line or each other, unless not technically feasible due to lack of availability, geographic constraints, engineering limitations, or other reasons as agreed upon by the Department consistent with this condition.d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.

	[Final Order on ASC, Land Use Condition 11; AMD4]
GEN-LU-05	<p>During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping selected and used for the O&M building and similar facility components sited within Morrow County blend with the nature of the surrounding area.</p> <p>[Final Order on ASC, Land Use Condition 14]</p>
GEN-LU-06	<p>During micrositing of the facility, the certificate holder shall ensure that wind turbines are sited based on a minimum setback of:-</p> <ul style="list-style-type: none"> a. — 110% of the overall tower to blade tip height from the boundary right-of-way of county roads and state and interstate highways in Umatilla and Morrow counties. b. — 2 miles from turbine towers to a city urban growth boundary. c. — 1 mile from turbine towers to land within Umatilla County lands zoned Unincorporated Community. d. — 2 miles from turbine towers to rural residences within Umatilla County. e. — 164 feet (50 meters) from tower and facility components to known archeological, historical and cultural sites or CTUIR cultural site. <p>[Final Order on ASC;AMD3 Land Use Condition 16;]</p>
GEN-LU-07	<p>During design and construction, the certificate holder must ensure that the O&M building in Umatilla County is consistent with the character of similar agricultural buildings used by commercial farmers or ranchers in Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 20]</p>

GEN-LU-08	<p>During facility design and construction of new access roads and road improvements, the certificate holder shall implement best management practices after consultation with the Umatilla County Soil Water Conservation district. The new and improved road designs must be reviewed and certified by a civil engineer.</p> <p>[Final Order on ASC, Land Use Condition 22]</p>
GEN-LU-09	<p>Before beginning electrical production, the certificate hold shall provide the location of each turbine tower, electrical collecting lines, the O&M building, the substation, project access roads, and portion of the intraconnection transmission line located in Umatilla County to the department and Umatilla County in a format suitable for GPS mapping.</p> <p>[Final Order on ASC, Land Use Condition 24]</p>
GEN-LU-10	<p>During construction and operation of the facility, the certificate holder shall deliver a copy of the annual report required under OAR 345-026-0080 to the Umatilla County Planning Commission on an annual basis.</p> <p>[Final Order on ASC, Land Use Condition 28]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RF-01	<p>The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 1]</p> <p>[Mandatory Condition OAR 345-025-0006(7)]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	<p>During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 2]</p>
GEN-FW-02	<p>The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 6]</p>
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	<p>To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures:</p> <ol style="list-style-type: none"> a. Outdoor night lighting at the collector substations, Operations and Maintenance Buildings, and battery storage systems, must be <ol style="list-style-type: none"> i. The minimum number and intensity required for safety and security; ii. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and iii. Have motion sensors and switches to keep lights turned off when not needed. <p>[Final Order on ASC, Scenic Resources Condition 1, AMD2]</p>

GEN-SR-02	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> a. Design and construct the O&M buildings battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape; b. Paint or otherwise finish turbine structures in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location. c. Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating; d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape; e. Minimize use of lighting and design lighting to prevent offsite glare; f. Not display advertising or commercial signage on any part of the proposed facility; g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment; h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction. <p>[Final Order on ASC, Scenic Resources Condition 2, AMD2]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
GEN-PS-01	<p>During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis.</p> <p>[Final Order on ASC, Public Services Condition 5]</p>
GEN-PS-02	<p>The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The O&M buildings shall be fenced. The certificate holder shall keep tower access doors and O&M buildings locked at all times, except when authorized personnel are present.</p> <p>[Final Order on ASC, Public Services Condition 11]</p>

GEN-PS-03	<p>Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 18]</p>
GEN-PS-04	<p>The certificate holder shall design, construct and maintain the battery storage systems within a 100 foot vegetation free zone.</p> <p>[Final Order on AMD2, Public Services Condition 23]</p>
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
GEN-WF-01	<p>During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 3]</p>
GEN-WF-02	<p>The certificate holder shall notify the department, the Morrow County Planning Department and the Umatilla County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 5]</p>

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors.</p> <p>[Final Order on ASC, Organizational Expertise Condition 1]</p>
PRE-OE-02	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions.</p> <p>[Final Order on ASC, Organizational Expertise Condition 2]</p>
PRE-OE-03	<p>Prior to construction, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Final Order on ASC, Organizational Expertise Condition 3]</p>
PRE-OE-04	<p>Before beginning construction, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than \$250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction.</p> <p>[Final Order on ASC, Organizational Expertise Condition 4]</p>
PRE-OE-05	<p>Prior to construction, the certificate holder must provide the department and Umatilla and Morrow County ies with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s).</p> <p>[Final Order on ASC, Organizational Expertise Condition 7]</p>
PRE-OE-06	<p>The certificate holder must:</p> <ol style="list-style-type: none"> Prior to construction of wind facility components, provide evidence to the department and Morrow and Umatilla counties county that the third party that will construct, own and operate the interconnection transmission line has obtained all necessary approvals and permits for that interconnection transmission line and that the certificate holder has a contract with the third party for use of the transmission line. Prior to construction of solar facility components approved in the Fourth Amended Site Certificate, provide to the Department a list of all third-party permits that would normally be governed by the site certificate and that are necessary for construction and operation (e.g. Water Pollution Control Facilities Permit, Air Contaminant Discharge Permit, Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department.

~~During construction and operation, promptly report to the Department if any third-party permits referenced in sub(b) of this condition have been cited for a Notice of Violation.~~[Final Order on ASC, Organizational Expertise Condition 8; AMD4]

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]

PRE-SS-01	<p>Before beginning construction, the certificate holder must:</p> <ol style="list-style-type: none">Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report.Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information:<ul style="list-style-type: none">Subsurface soil and geologic conditions of the site boundaryDefine and delineate geological and geotechnical hazards, and means to mitigate these hazardsGeotechnical design criteria and data for the turbine foundations, foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilitiesDesign data for installation of underground and overhead collector lines, and overhead transmission linesInvestigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMIInvestigations of the swell and collapse potential of loess soils within the site boundary. <p>[Final Order on ASC, Structural Standard Condition 1; AMD2]</p>
PRE-SS-02	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary, including the fault labeled as 2438 on Figures H-1 and H-2 of ASC Exhibit H. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility.</p> <p>[Final Order on ASC, Structural Standard Condition 3]</p>
PRE-SS-03	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work.</p> <p>[Final Order on ASC, Structural Standard Condition 4]</p>
PRE-SS-04	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas.</p> <p>[Final Order on ASC, Structural Standard Condition 5]</p>
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRE-SP-01	<p>Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during</p>

	facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate. [Final Order on ASC, Soil Protection Condition 3]
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PRE-SP-02	<p>Prior to construction, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11.</p> <p>[Final Order on ASC, Soil Protection Condition 4]</p>
PRE-SP-03	<p>Prior to beginning construction of the O&M buildings, the certificate holder shall secure any necessary septic system permits from DEQ. Copies of the necessary permits must be provided to the department prior to beginning construction of the O&M buildings.</p> <p>[Final Order on ASC, Soil Protection Condition 7]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	<p>Before beginning construction, the certificate holder shall complete the following:</p> <ol style="list-style-type: none"> Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and Obtain all other necessary local permits, including building permits. Provide the county with a building permit application, a third party technical report which includes: <ol style="list-style-type: none"> Evaluates fire hazards and; Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. <p>[Final Order on ASC, Land Use Condition 3; AMD2]</p>
PRE-LU-02	<p>Before beginning construction, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015.</p> <p>[Final Order on ASC, Land Use Condition 5]</p>
PRE-LU-03	<p>Before beginning construction, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow and Umatilla County weed control requirements to be approved by the department. The department shall consult with Morrow and Umatilla counties and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>[Final Order on ASC, Land Use Condition 6]</p>
PRE-LU-04	<p>Before beginning construction, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.</p> <p>[Final Order on ASC, Land Use Condition 7]</p>
PRE-LU-05	<p>Prior to beginning construction, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department, Morrow County, and Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 12]</p>

PRE-LU-06	<p>Before beginning construction, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction.</p> <p>[Final Order on ASC, Land Use Condition 13]</p>
PRE-LU-07	<p>Before beginning construction, the certificate holder must:</p> <ul style="list-style-type: none"> a. Pay the requisite fee(s) and obtain a Zoning Permit(s) from Umatilla County for facility components sited within Umatilla County, including, but not limited to, turbines, substation, O&M building, and the intraconnection line. b. Provide the Department and county with a building permit application that includes a third party technical report which: <ul style="list-style-type: none"> 1. Evaluates fire hazards, and 2. Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. c. The certificate holder shall provide copies of the third party technical report and issued permits to the Department. <p>[Final Order on ASC, Land Use Condition 15; AMD2]</p>
PRE-LU-08	<p>Prior to facility construction, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner.</p> <p>[Final Order on ASC, Land Use Condition 18; AMD4]</p>
PRE-LU-09	<p>Before beginning construction, the certificate holder shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.</p> <p>[Final Order on ASC, Land Use Condition 21]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RF-01	<p>Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 4]</p> <p>[Mandatory Condition OAR 345-025-0006(8)]</p>

PRE-RF-02	<p>Before beginning construction of the:</p> <ol style="list-style-type: none"> a. Wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the wind facility components is \$19.5 3,351,000 million dollars (Q3 2018 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: b. Solar energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the solar facility components is \$9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: <ol style="list-style-type: none"> 1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council. 2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: <ol style="list-style-type: none"> i. Adjust the amount of the bond or letter of credit (expressed in Q3 2018 dollars for wind facility components and Q4 2018 dollars for solar facility components) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the third quarter 2018 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2018 dollars to present value. ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount. 3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. 4. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. <p>[Final Order on ASC, Retirement and Financial Assurance Condition 5; AMD2; AMD4]</p>
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STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01	<p>Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources.</p> <p>The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micro-siting of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.</p> <p>In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 1]</p>
PRE-FW-02	<p>Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of this order, based on the final facility design, as approved by the department in consultation with ODFW.</p> <ol style="list-style-type: none">The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department. <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 4]</p>
PRE-FW-03	<p>Prior to construction, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 8]</p>

PRE-FW-04	<p>Before beginning construction the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.</p> <ol style="list-style-type: none"> a. The final Habitat Mitigation Plan and the department's approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1. c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan. d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format. e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: <ol style="list-style-type: none"> i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction. ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction. f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area. g. The final HMP shall include mitigation in compliance with the Council's Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity. h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department. <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 10]</p>
PRE-FW-05	<p>Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment E to this order, from the department, in consultation</p>

with ~~Umatilla and~~ Morrow ~~counties county~~ and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.
[Final Order on ASC, Fish and Wildlife Habitat Condition 11]

STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]

PRE-TE-01	<p>Prior to construction, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur.</p> <p>The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW.</p> <p>The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction.</p> <p>[Final Order on ASC, Threatened and Endangered Species Condition 1]</p>
PRE-TE-02	<p>In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of this order, based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.</p> <p>[Final Order on ASC, Threatened and Endangered Species Condition 2]</p>
PRE-TE-03	<p>To avoid potential impacts to Laurent's milkvetch, the certificate holder must:</p> <ol style="list-style-type: none"> i. Conduct preconstruction plant surveys for Laurent's milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone.

ii.	Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations.
iii.	If herbicides are used to control weeds, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed populations of Laurent's milkvetch. Herbicides must not be used within the established buffers.
iv.	<p>If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to:</p> <ul style="list-style-type: none"> • Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance; • A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted; • An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard; • Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species. • The Department's review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department's determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request. <p>[Final Order on ASC; AMD3; Threatened and Endangered Species Condition 3; AMD4]</p>

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

PRE-HC-01	<p>Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2013-14 for historic, cultural, and archaeological resources.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 1]</p>
PRE-HC-02	<p>Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings as "no entry" areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 2]</p>
PRE-HC-03	<p>Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request.</p>

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]

PRE-PS-01

Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility.

In addition, the certificate holder shall include the following information in the plan:

- a. Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads;
- b. A policy of including traffic control procedures in contract specifications for construction of the facility;
- c. Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles;
- d. A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County ~~and Umatilla County~~ Public Works Departments;
- e. A policy to encourage and promote carpooling for the construction workforce; and
- f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points.

[Final Order on ASC, Public Services Condition 6]

PRE-PS-02	<p>Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County and Umatilla County Public Works Department. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County and Umatilla County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County and Umatilla County must be submitted to the department before beginning construction. If required by Morrow County or Umatilla County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.</p> <p>[Final Order on ASC, Public Services Condition 7]</p>
PRE-PS-03	<p>The certificate holder shall design and construct new access roads and private road improvements to standards approved by Umatilla County or Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Umatilla County and Morrow County Public Works Departments.</p> <p>[Final Order on ASC, Public Services Condition 8]</p>
PRE-PS-04	<p>Before beginning construction, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.</p> <p>[Final Order on ASC, Public Services Condition 9]</p>

PRE-PS-05	<p>Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department, and Lone Rural Fire Protection District, and Echo Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility.</p> <p>Additional information that shall be included in the plan:</p> <ul style="list-style-type: none"> a. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information. b. Identification of agencies that participated in developing the plan; c. Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; e. Contact information for each agency listed above; f. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility; g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place; h. The designated meeting location in case of evacuation; i. Staff training requirements; and <p>Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.</p> <p>[Final Order on ASC, Public Services Condition 13]</p>
PRE-PS-06	<p>Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.</p> <p>[Final Order on ASC, Public Services Condition 20]</p>

PRE-PS-07	<p>Before beginning construction, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring.</p> <p>[Final Order on ASC, Public Services Condition 21]</p>
STANDARD: WASTE MINIMIZATION (WM,) [OAR 345-022-0120]	
PRE-WM-01	<p>Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details:</p> <ol style="list-style-type: none"> Specification of the number and types of waste containers to be maintained at construction sites and construction yards Description of waste segregation methods for recycling or disposal. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. <p>The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 2]</p>
PRE-WM-02	<p>Prior to construction, the certificate holder shall investigate and confirm that no surface waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction.</p> <p>[Final Order on ASC, Waste Minimization Condition 3]</p>
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
PRE-TL-01	<p>Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.</p> <p>[Final Order on ASC, Siting Standard Condition 2]</p>

STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

PRE-NC-01

Prior to construction, the certificate holder shall provide to the department:

- a. Information that identifies the final design locations of all facility components to be built at the facility;
- b. The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation ~~and solar array~~), invertors, ~~AC- and DC-coupled~~ battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department;
- c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (~~including turbines, transformers, invertors, AC- and DC-coupled battery storage cooling systems~~) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. The analysis must also identify the noise reduction operation (NRO) mode approach that will be used during facility operation and include a figure that depicts the turbines that will be operating in NRO mode and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA; and,
- d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

[Final Order on ASC; AMD3; Noise Control Condition 2]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Final Order on ASC, Soil Protection Condition 1]
CON-SP-02	During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP. [Final Order on ASC, Soil Protection Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	During construction, the certificate holder shall comply with the following requirements: <ul style="list-style-type: none"> a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks. b. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. c. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. d. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. [Final Order on ASC, Land Use Condition 8]
CON-LU-02	During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds. [Final Order on ASC, Land Use Condition 17]
CON-LU-03	During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable. [Final Order on ASC, Land Use Condition 19]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder's request must include a justification for the request including any actions the certificate holder will take to avoid, minimize or mitigate impacts to mule deer winter range during winter in the relevant area. The Department will consult with ODFW on any request made under this condition. [Final Order on ASC, Fish and Wildlife Habitat Condition 3; AMD4]

CON-FW-02	<p>Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys.</p> <p>During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.</p> <table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table> <p>If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance. [Final Order on ASC; AMD3 Fish and Wildlife Habitat Condition 5; <u>AMD4</u>]</p>	Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :	Western burrowing owl	0.25 mile	April 1 to August 15	Ferruginous hawk	0.25 mile	March 15 to August 15	Swainson’s hawk	0.25 mile	April 1 to August 15
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Swainson’s hawk	0.25 mile	April 1 to August 15											
CON-FW-03	<p>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 7]</p>												
CON-FW-04	<p>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 9]</p>												

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

CON-HC-01

Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones, unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WR11-BB-IS-01, WR11-DM-04) are concurred not likely NRHP eligible through SHPO review; or, a Historic, Cultural, and Archaeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the National Register of Historic Places (NRHP) unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.

[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 3; AMD4]

CON-HC-02	<p>During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 5]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
CON-PS-01	<p>During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2:</p> <ol style="list-style-type: none"> Recycling steel and other metal scrap. Recycling wood waste. Recycling packaging wastes such as paper and cardboard. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible. <p>[Final Order on ASC, Public Services Condition 3]</p>
CON-PS-02	<p>During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office and Umatilla County Sheriff's Office.</p> <p>[Final Order on ASC, Public Services Condition 10]</p>
CON-PS-03	<p>During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 14]</p>
CON-PS-04	<p>During construction, the certificate holder shall design turbines to be constructed on concrete pads with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation.</p> <p>[Final Order on ASC, Public Services Condition 16]</p>

CON-PS-05	<p>During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including turbines and towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations.</p> <p>[Final Order on ASC, Public Services Condition 17]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	<p>During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities:</p> <ol style="list-style-type: none"> Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and, Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. <p>The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 1]</p>
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
CON-WF-01	<p>During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 1]</p>
CON-WF-02	<p>Prior to and during operations the certificate holder shall:</p> <ol style="list-style-type: none"> Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions. Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency. The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation. <p>[Final Order on ASC;AMD3; Public Health and Safety Standards for Wind Facilities Condition 4]</p>

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]

CON-TL-01	<p>During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including:</p> <ul style="list-style-type: none">a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground.d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)).e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles.h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).j. Implement a safety protocol to ensure adherence to NESC grounding requirements <p>[Final Order on ASC, Siting Standard Condition 1; AMD4]</p>
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STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

CON-NC-01

During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:

- a. Establish and enforce construction site and access road speed limits;
- b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;
- c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;
- d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;
- e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,
- f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request.

[Final Order on ASC, Noise Control Condition 1]

4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRO-SP-01	<p>Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:</p> <ul style="list-style-type: none"> • Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142 • Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment • Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each O&M building, substation and battery storage system components • Restriction limiting onsite storage of diesel fuel or gasoline • Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment • Preventative measures and procedures to avoid spills <ul style="list-style-type: none"> ○ Procedures for chemical storage ○ Procedures for chemical transfer ○ Procedures for chemical transportation ○ Procedures for fueling and maintenance of equipment and vehicles ○ Employee training and education • Clean-up and response procedures, in case of an accidental spill or release • Proper storage procedures • Reporting procedures in case of an accidental spill or release <p>[Final Order on ASC, Soil Protection Condition 5; AMD2]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	<p>Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 15]</p>
PRO-PS-02	<p>Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate</p>

	holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC, Public Services Condition 19]
PRO-PS-03	Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility. [Final Order on ASC, Public Services Condition 22]

4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	<p>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.</p> <p>[Final Order on ASC, Mandatory Condition 1] [OAR 345-025-0006(2)]</p>
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR-SP-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas or within the maintenance area of the O&M buildings to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. <p>[Final Order on ASC, Soil Protection Condition 6]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	<p>Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County.</p> <p>[Final Order on ASC, Land Use Condition 2]</p>
OPR-LU-02	<p>During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11.</p> <p>[Final Order on ASC, Land Use Condition 10]</p>
OPR-LU-03	<p>Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County and Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 23]</p>
OPR-LU-04	<p>Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Umatilla and Morrow Countyies.</p> <p>[Final Order on ASC, Land Use Condition 25]</p>

OPR-LU-05	Within 90 days of the commencement of electrical service from Wheatridge East, the certificate holder shall provide a summary of as-built changes to the department and Umatilla County. [Final Order on ASC, Land Use Condition 26]
OPR-LU-06	<p>Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-027-0110 or its equivalent:</p> <ol style="list-style-type: none"> 1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade. 2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses. 3. Remove gravel from areas surrounding turbine pads. 4. Remove and restore private access roads unless the landowners directs otherwise. 5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses. 6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. 7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone. <p>[Final Order on ASC, Land Use Condition 27]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
OPR-RF-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> (a) Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department. (b) Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion. <p>[Final Order on AMD2, Retirement and Financial Assurance Condition 6]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
OPR-PS-01	During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&M buildings to licensed on-site septic systems in compliance with State permit requirements. The certificate holder shall design each septic system for a discharge capacity of less than 2,500 gallons per day. [Final Order on ASC, Public Services Condition 1]
OPR-PS-02	<p>Except as provided in this condition, during facility operation, the certificate holder shall obtain water for on-site uses from on-site wells located near the O&M buildings. The certificate holder shall construct on-site wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from each of the two on-site wells. The certificate holder may obtain water from other sources for on-site uses subject to prior approval by the Department.</p>

[Final Order on ASC, Public Services Condition 2]	
OPR-PS-03	<p>(a) Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following:</p> <ol style="list-style-type: none"> 1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements. 2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste. 3. Recycling paper products, metals, glass, and plastics. 4. Recycling used oil and hydraulic fluid. 5. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements. 6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. <p>(b) During operation, the certificate holder shall implement the approved Operational Waste Management Plan.</p> <p>[Final Order on ASC, Public Services Condition 4; AMD2]</p>
OPR-PS-04	<p>During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.</p> <p>[Final Order on ASC, Public Services Condition 12]</p>
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
OPR-WF-01	<p>During operation, the certificate holder shall ensure the each facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 2; AMD2]</p>

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]

OPR-TL-01	<p>During operation, the certificate holder shall:</p> <ol style="list-style-type: none">(1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.(2) File the following required information with the Commission:<ol style="list-style-type: none">a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year:<ol style="list-style-type: none">i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; andii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public.iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days.iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3](3) Provide OPUC Safety Staff with:<ol style="list-style-type: none">a. Maps and Drawings of routes and installation of electrical supply lines showing:<ul style="list-style-type: none">• Transmission lines and structures (over 50,000 Volts)• Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)• Substations, roads and highways• Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). <p>[Final Order on ASC, Siting Standard Condition 3]</p>
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STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

OPR-NC-01	<p>During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility in the NRO mode that is identified prior to construction pursuant to Noise Control Condition 2. After beginning operation of the facility, the certificate holder shall include a certification in its annual Compliance Report that the NRO mode turbines identified in the preconstruction analysis required by Noise Control Condition 2 are operating at or below the identified dBA reduction level.</p> <p>[Final Order on ASC, Noise Control Condition 3]</p>
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OPR-NC-02	<p>During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.</p> <p>[Final Order on ASC, Noise Control Condition 4]</p>
OPR-NC-03	<p>During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.</p> <p>[Final Order Noise Control Condition 5]</p>

4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RF-01	<p>The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.</p> <p>[Final Order Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RF-02	<p>If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval.</p> <p>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.</p> <p>[Final Order Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]</p>

5.0 Successors and Assigns

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

6.0 Severability and Construction

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

7.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council, and by Wheatridge Wind Energy, LLC.

ENERGY FACILITY SITING COUNCIL

By: _____

Hanley Jenkins, II, Chair

Oregon Energy Facility Siting Council

Date: _____

WHEATRIDGE WIND ENERGY, LLC

By: _____

Matthew Handel, Vice President
Development, NextEra Energy Resources,
LLC on behalf of Wheatridge Wind Energy,
LLC

Date: _____

Attachment A
~~Wind Facility and Solar~~
~~Facility~~ WREFI Site Boundary
Maps (Figure 1 and 1.1, RFA
5 Wheatridge Wind Energy
Facility ~~ASC Exhibit C, Figure~~
~~C-2 and RFA4~~)

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

**~~Fourth Amended~~ Site
Certificate for the
Wheatridge ~~Wind~~ Renewable
Energy Facility II**

ISSUANCE DATES

Site Certificate	TBD April 28, 2017
First Amended Site Certificate	July 27, 2017
Second Amended Site Certificate	November 16, 2018
Third Amended Site Certificate	December 14, 2018
Fourth Amended Site Certificate	November 22, 2019

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WHEATRIDGE ~~WIND~~ RENEWABLE ENERGY FACILITY II SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
Council	Oregon Energy Facility Siting Council
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
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
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge Wind ~~II Energy~~, LLC (certificate holder), which is a wholly-owned subsidiary of NextEra Energy Resources, LLC (NextEra or parent company). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge ~~Wind Energy Renewable Energy~~ Facility II (facility) at the below described site within Morrow and Umatilla counties, subject to the conditions set forth herein.

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); (b) *Final Order on Request for Transfer* issued on July 27, 2017; *Final Order on Request for Amendment 3* issued on November 16, 2018; *Final Order on Request for Amendment 2* issued on December 14, 2018; and *Final Order on Request for Amendment 4* issued on November 22, 2019. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: ~~(1) Final Order on Request for Amendment 5~~ ~~(12) Final Order on Request for Amendment 4~~ ~~(23) Final Order on Request for Amendment 2~~; ~~(34) Final Order on Request for Amendment 3~~; ~~(45) Final Order on Request for Amendment 1~~; ~~(56) Final Order on the Application~~, and (6) the record of the proceedings that led to the above referenced orders. This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement

authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0010 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

2.0 Facility Location

The energy facility and its related ~~and or~~ supporting facilities are located within Morrow and Umatilla counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately ~~14,624~~ 11,742 acres of private land and includes the perimeter of the energy facility site, its related and supporting facilities, all temporary laydown and staging areas and all transmission corridors and micrositing corridors proposed by the certificate holder, as approved by the Council.¹

The energy facility is divided into two groups, Wheatridge West and Wheatridge East. Wheatridge West is located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. Wheatridge East is located approximately 16 miles northeast of Heppner and includes land in both Morrow and Umatilla counties. Wheatridge West and Wheatridge East are connected via a 230 kV transmission line or “intraconnection” transmission line (see facility site boundary map provided in Attachment A).

2.1 Site Boundary

The site boundary encompasses a total of ~~14,624~~ 11,742 acres of privately owned land: 2,956 acres in Wheatridge East, 10,042 acres in Wheatridge West, and 1,626 acres in the intraconnection transmission line corridor. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

Table 1. Location of Site Boundary by Township, Range and Section

Township	Range	Section(s)
Wheatridge East		
1N	28E	4, 5, 8, 9, 16, 17, 21
2N	28E	2, 3, 9, 10, 11, 14, 15, 16, 21, 22, 27, 28, 29, 32, 33
Wheatridge West		
2N	25E	25, 26, 27, 34, 35, 36
1N	25E	1, 2, 11, 12, 13, 14, 15, 22, 23, 24
1N	26E	4, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 32, 33
1S	25E	1, 12
1S	26E	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 34, 35, 36
2S	26E	1, 12
Intraconnection Corridor		
1S	27E	7, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24
1S	28E	3, 4, 7, 8, 9, 16, 17, 18
1N	28E	28, 33

¹ Energy facility site, as defined in OAR 345-001-0010(54), means all land upon which an energy facility is located or proposed to be located.

For this facility, the certificate holder requested that the site boundary represent the “micrositing corridor” for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

2.2 Micrositing Corridors

The certificate holder requested flexibility to locate components of the energy facility and its related and supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts.

The site boundary contains two separate micrositing corridors, one for wind facility components and one for solar facility components. Micrositing corridors for wind turbines are a minimum of approximately 660 feet in width around turbines, and wider in some locations. The site boundary width around site access roads and electrical collection lines (collector lines) is narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the area surrounding the substations, meteorological towers (met towers), the operation and maintenance (O&M) buildings, and construction yards.

Micrositing corridors for solar facility components, as presented in Figure 1 *Solar Micrositing Corridors* of this amended site certificate, include the area for Solar Array 1 and Solar Array 2, which includes private access roads, service roads, a 34.5 kV collection system, gates and perimeter security fence.

2.3 Intraconnection Transmission Line Corridor for the Wind Facility

The certificate holder obtained approval of four routing options associated with the wind facility for the 230 kV intraconnection transmission line that interconnects Wheatridge West and Wheatridge East for the transmission of generated power. The intraconnection transmission line corridor is approximately 1,000-feet in width and ranges in length from 24.5 to 31.5 miles, based upon the four approved transmission line route options.

The four approved transmission line route options range in length from 24.5 to 31.5 miles and would follow the same alignment for approximately 18 miles from the Wheatridge East substation to the crossing at Sand Hollow Road. For the remainder of the route, Options 1 and 3 traverse the same alignment, with Option 1 extending 7 miles longer than Option 3; Option 2 and 4 traverse the same alignment, with Option 2 extending 3.5 miles longer than Option 4. Option 1 and 2 differ for an approximately 4 mile segment located between Sand Hollow Road and the Wheatridge West substation (primary), with Option 2 traversing from Sand Hollow Road through the alternative (2b) Wheatridge West substation to the primary (1) Wheatridge West substation. The four approved routing options and associated transmission line corridors are presented in Attachment A of the site certificate (and are clearly delineated in figures provided in ASC Exhibit C).

3.0 Facility Description

The facility includes wind and solar energy generation components, each with related or supporting facilities. The energy generation capacity of the facility, with wind and solar components, at full build out by the specified construction completion deadlines is ~~650~~550 MW. Wind energy facility components are further described in Section 3.1 and 3.1.1 of this site certificate; solar energy facility components are further described in Section 3.2 and 3.2.1 of this site certificate.

3.1 Wind Energy Facility Components

The construction commencement deadline for the wind energy facility and its related or supporting facilities must begin by May 24, 2020 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before May 24, 2023 (under General Standard Condition 2 (GEN-GS-02)).

Wind energy generation components include up to ~~292~~ 252 wind turbines with a total generating capacity up to ~~500~~ 400 MW. Wind turbines each consist of a nacelle, a three-bladed rotor, turbine tower and foundation. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbine. The total height of the turbine tower and blades (tip-height) ranges between 431 and ~~476~~99.7 feet, depending on the turbine model selected.

The base of each wind turbine tower foundation requires a cleared area (typically a gravel pad) up to 80 feet in diameter. The turbines are grouped in linear “strings” within the micrositing corridor and interconnect with a 34.5 kV electrical collection system (described below). Most wind turbine types include a generator step-up (GSU) transformer installed at the base of the tower that would be used to increase the voltage of the turbine to that of the electrical collection system. Table 2 shows the range of turbine specifications approved for use at the facility site.

Table 2: Approved Wind Turbine Dimensions

Specification	Maximum (ft)
Blade Length	204.1
Hub Height	291.3
Rotor Diameter	416.7
Total Height (tower height plus blade length)	499.7
Aboveground Blade-Tip Clearance	70.5
Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.	

3.1.1 Related or Supporting Facilities to Wind Energy Facility Components

Related or supporting facilities to the wind energy facility components as described below must commence construction by May 24, 2020:

- Electrical collection system (includes up to ~~88~~ 68 miles of mostly underground 34.5 kV collector lines)
- Up to three collector substations
- Up to 32 miles of up to two overhead, parallel 230 kV transmission lines
- Up to ~~12~~ 10 permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- Up to two operations and maintenance (O&M) buildings
- Up to ~~73~~ 61 miles of new or improved access roads
- Additional temporary construction areas (including staging areas and one or more temporary concrete batch plant areas)
- Battery Storage Systems (20 and 30 MW, each located on up to 5 acres) and Interconnection Facilities

Construction of these related or supporting facilities must be complete by May 24, 2023.

Electrical Collection System

The electrical collection system includes up to ~~88~~ 68 miles of mostly underground 34.5 kV collector lines. Electrical connections are located underground or in enclosed junction boxes between the turbine and the pad-mounted GSU transformer. From the GSU transformer to the collector lines the connections are installed along and between the turbine strings to collect power generated by each wind turbine and to route the power to one of three collector substations, which step up the power from 34.5 kV to 230 kV.

The collector lines are underground, to the extent practicable, in trenches approximately three-feet wide and not less than two- to three-feet deep, generally alongside access roads, to minimize ground disturbance. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet, while still adhering to National Electrical Safety Code (NESC) standards.

Collector lines may be run overhead in situations where a buried cable would be infeasible or would create unnecessary impacts, such as at stream or canyon crossings. Overhead collector lines are supported by a wooden or steel pole structure. Each support pole has been buried approximately 6 feet in the ground and extends to a height of approximately 60 feet above ground, spaced 100 to 200 feet apart. Overhead collector lines are only anticipated in Wheatridge West. The facility includes up to 10.8 miles of overhead collector lines; however, the specific locations of overhead collector lines will not be known until site geotechnical work has been completed during pre-construction activities.

No more than ~~88~~ 68 miles of collector lines would be needed for wind facility components.

Collector Substations

The facility includes up to two substations within Wheatridge West and one substation within Wheatridge East. The proposed substation locations are presented in ASC Exhibit C. However, Wheatridge has requested, and Council grants, the ability to microsite the final location and number (up to three) of substations within the micrositing corridor.

Prior to construction, substation sites will be cleared and graded, with a bed of crushed rock applied for a durable surface. Each collector substation is located on a two- to ten-acre site, enclosed by a locked eight-foot tall wire mesh fence. Each substation consists of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment.

230 kV Intraconnection Transmission Line

The facility includes one or two parallel overhead 230 kV intraconnection transmission lines supported by H-frame or monopole structures constructed of either wood or steel that extends 24.5 to 31.5 miles in length, depending on the route option selected. The 230 kV overhead transmission line structures are approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. Each transmission line route requires acquisition of an approximately 150-foot wide right-of-way from private landowners.

The four approved transmission line routing options and associated corridors for the intraconnection transmission line are described below (see Attachment A figure and figures contained in ASC Exhibit C):

- Option 1: Two Project Substations to Longhorn
 - This option runs from Substation 3 in Wheatridge East to Substation 1 in Wheatridge West and then to the proposed UEC/CB Strawberry substation, just to the west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.5 miles (50.5 kilometers) in length.
- Option 2: Three Project Substations to Longhorn (Final facility design with battery storage system would not include this routing option)
 - This option runs from Substation 3 in Wheatridge East to Substation 2b in Wheatridge West, then on to Substation 2a in Wheatridge West, and then to the proposed UEC/CB Strawberry substation, just west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.3 miles (50.3 kilometers) in length.
- Option 3: Two Project Substations to Stanfield
 - This option runs from Substation 1 in Wheatridge West to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 24.5 miles (39.4 kilometers) in length.
- Option 4: Three Project Substations to Stanfield (Final facility design with battery storage system would not include this routing option)

- This option runs from Substation 2a in Wheatridge West to Substation 2b in Wheatridge West, and then to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 27.8 miles (44.7 kilometers) in length.

Meteorological Towers

The facility includes up to ~~12~~10 permanent met towers. Up to five met towers are sited in Wheatridge East and up to seven met towers are sited in Wheatridge West for the collection of wind speed and direction data. Each met tower has a free-standing, non-guyed design and is approximately 328 feet (100 meters) in height. Installation of permanent met towers results in approximately 98-feet (30-meters) in diameter of temporary land disturbance per tower and approximately 32-feet (10-meter) in diameter of permanent land disturbance per tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA).

Communication and SCADA System

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the O&M buildings. A SCADA system is installed in the O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the collector lines both in the underground trenches and overhead, if necessary.

O&M Buildings

The facility includes up to two O&M buildings, each located on up to 1.1 acres, one within Wheatridge East and one within Wheatridge West. Each O&M building consists of a single-story, prefabricated structure approximately 6,000 to 9,000 square feet in size, and includes an office, break room, kitchen, lavatory with shower, utility room, covered vehicle parking, storage for maintenance supplies and equipment, and SCADA system. A permanent, fenced, graveled parking and storage area for employees, visitors, and equipment is located adjacent to each O&M building. Each building is served by an on-site well and septic system and power supplied by a local service provider using overhead and/or underground lines.

Access Roads

Primary access to the facility site is from Interstate 84 (I-84) via Bombing Range Road or Oregon Route 207 (OR-207). The certificate holder completed improvements to existing public roads to accommodate construction activities, including flattening crests or filling dips, widening sharp corners, or adding road base material; the certificate holder is required to consult with the appropriate county road master on specific improvements prior to construction. The certificate holder committed to completing upgrade to existing roads according to applicable state and county road standards and after consultation with Morrow and Umatilla County staff. The certificate holder is required to implement a road use agreement with each county to specify requirements, including that all existing public roads used to access the site would be left in as good or better condition than that which existed prior to the start of construction.

Access to the turbines, construction yards, substations, and O&M buildings is from a network of private access roads constructed or improved by the certificate holder. The certificate holder will grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

In the maximum impact scenario, wind energy facility components will require up to 73 miles of access roads.

Temporary access roads were needed for the construction of the intraconnection transmission line(s). The intraconnection transmission line(s) can be constructed and maintained using only large trucks rather than heavy construction cranes, and construction will occur during the dry time of year when the ground surface is hard enough to support those vehicles. Therefore, the interconnection transmission lines do not include permanent access roads. The total mileage of the temporary access roads needed for constructing the intraconnection transmission line(s) depends on the intraconnection line route option chosen. The shortest route would require approximately 22.8 miles of access roads, while the longest would require approximately 25.5 miles.

Additional Construction Yards

The facility includes up to four temporary construction yards located within the site boundary to facilitate the delivery and assembly of material and equipment. The construction yards are used for temporary storage of diesel and gasoline fuels, which are located in an above-ground 1,000-gallon diesel and 500-gallon gasoline tank, within designated secondary containments areas.

Each construction yard occupies between 15 and 20 acres, and was graded and gravel surfaced. The certificate holder is required to restore all construction yards to pre-construction conditions unless an agreement with the landowner leads to some or all of the construction yard being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants are permitted and operated by the selected contractor.

Battery Storage Systems and Interconnection Facilities (DC Coupled)

The battery storage systems associated with wind energy facility components include the following:

- Series of modular containers or a building per system (approximately 80 feet long, 100 feet wide and 15-20 feet tall for the 20 MW system); approximately 190 feet long, 100 feet wide and 15-20 feet tall for the 30 MW system)
 - Each system would contain lithium-ion batteries within battery modules placed in anchored racks within containers or building.

- Approximately eighteen 2.7 mega-voltampere (MVA) inverters with associated step up transformers with a combined footprint approximately 8 feet by 4 feet.
- Each system would be equipped with a gas pressured deluge fire suppression system, independent smoke detection system, and external fire water tank
- Each system would include a cooling system comprised of a bank of four power conditioning system fan units with motor
- Control house, approximately 16 feet by 11 feet, with an external heating, ventilation and air conditioning unit (HVAC)
- Protective device; skid-mounted power transformer; and bi-directional inverter

Battery and inverter equipment would be electrically connected via a combination of aboveground cable trays, underground conduit, and covered cable trenches. Site surfacing would remain primarily gravel. The battery storage systems would interconnect with facility substations via feeder lines.

3.2 Solar Energy Facility Components

The construction commencement deadline for the solar energy facility and its related or supporting facilities must begin by DATE TBD [three years following effective site certificate date] (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before DATE TBD [three years from date of construction commencement] (under General Standard Condition 2 (GEN-GS-02)).

Solar energy facility components include up to two solar arrays located within Wheatridge West, entirely within Morrow County, on Exclusive Farm Use zoned land. The solar arrays consist of photovoltaic panels mounted onto tracking modules and arranged in strings within the solar micro-siting corridors. Strings of modules are connected by electrical collector lines and inverters that convert the direct current power generated by panels to alternating current power. Transformers placed near the inverters step up power to 34.5 kV for transmission to the Wheatridge West substation. The maximum layout including total number of modules, configuration, dimensions, total energy generating capacity and mounting system of solar array components shall be substantially as described in Request for Amendment 4.

Photovoltaic Modules and Racking

Each solar module is approximately 6 feet by 3 feet, placed on a nonspecular, galvanized steel rack. Each set of approximately 70 racked modules is mounted approximately 5 feet off the ground on a single-axis tracker that would rotate 60 degrees to the east and west. Each tracker is supported by steel posts; post depth varies depending on soil conditions, but the posts are typically placed 8 feet below the surface. The maximum of height of the modules at full tilt would be approximately 16 feet.

Combiner Boxes, Inverters and Transformers

The current produced by solar modules is in the form of direct current (DC). Within each module block, several DC electrical conduits (cables on the back of the modules) aggregate electricity produced from each of the modules into a combiner box. Approximately 18 combiner boxes are located throughout each module block for a total of approximately 740 combiner boxes. The photovoltaic modules are arranged into blocks, with each block connecting via collector lines to

approximately 41 modular inverter enclosures. Inverters convert DC current into alternating current (AC) power to then be transmitted to the grid. The inverter AC output voltage (480 volts) is stepped up to a higher voltage (34.5 kilovolts [kV]) by approximately 41 pad-mounted transformers designed to integrate with the inverter.

3.2.1 Related or Supporting Facility to Solar Energy Facility Components

Related or supporting facilities associated with the solar facility must begin construction by the dates described in General Standard Condition 1 (GEN-GS-01) and construction must be completed, substantially as described below, by the deadline stated in General Standard Condition 2 (GEN-GS-02).

Electrical Collection System

Electricity generated from the solar energy facility components are aggregated via underground 34.5 kV cables to an above- or belowground 34.5 kV collector line that interconnect to Wheatridge West collector substation. Underground AC electrical cables are buried to a minimum of 3 feet. Overhead collector lines are supported by a wooden or steel monopole structure, with foundations extending 6 feet in depth and structure height of approximately 60 feet above ground. The collection system also includes two 34.5 kV collector line routes outside of the perimeter fenceline; one route extends approximately 2.32 miles from Solar Array 1 to Wheatridge West collector substation. The second collector line interconnects Solar Array 1 to Solar Array 2 and extends approximately 0.66 miles along Bombing Range Road.

Service Roads, Gates, and Fencing

Service roads, approximately 16-feet wide, located within and around the perimeter of the proposed solar arrays, and within the solar micro-siting corridors, to facilitate access for construction and maintenance purposes. Vegetation is cleared and maintained along perimeter roads to provide a vegetation clearance area extending 100-feet wide for fire safety. Internal roads are all-weather, compacted gravel and approximately 20 feet wide, with an internal turning radius of 28 feet. Vegetation maintenance along solar array interior roads includes mowing to a height no more than 3 inches.

The perimeter service road is bordered by a 7 or 8-foot-high chain-link security fence. There is also a locked security entrance gates to allow vehicle and pedestrian access.

Wheatridge West Collector Substation Expansion

Wheatridge West collector substation (by Strawberry Lane) includes 10 acres, 5 of which accommodate electrical equipment such as an additional transformer, switches, protective relay and metering equipment needed to handle the power generated by the solar energy facility components.

Battery Storage System Sites – Distributed Locations (AC Coupled)

Solar energy facility components include approximately 41 distributed sites of sites of lithium-ion batteries housed within concrete containers or similar containment throughout and within the solar

array fencelines. Each container measures up to 12 feet wide, 36 feet long and 10 feet tall. Lithium-ion battery storage systems are modular systems. Each module contains multiple smaller battery cells, each measuring up to 3.2 by 7 centimeters. Modules are contained in anchored racks within the concrete containers; typically, each rack houses 12 battery modules along with a switchgear assembly. Cooling equipment is located either on top of the concrete containers or along the side.

4.0 Site Certificate Conditions

4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)². The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1.

² The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> Begin construction of wind facility components and its related or supporting facilities, by May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. Begin construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2022). On or before November 22, 2022, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010. <p>[Final Order on ASC, General Standard Condition 1; AMD2; AMD4] [Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> Complete construction of the wind facility components and its related or supporting facilities by May 24, 2023. The certificate holder shall promptly notify the Department of the date of completion of construction. Complete construction of solar facility components and its related or supporting facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On or before November 22, 2025, the certificate holder shall promptly notify the Department of the date of completion of construction. <p>[Final Order on ASC, General Standard Condition 2; AMD2; AMD4] [Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-03	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ol style="list-style-type: none"> Substantially as described in the site certificate; In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and In compliance with all applicable permit requirements of other state agencies. <p>[Final Order on ASC, Mandatory Condition 2] [OAR 345-025-0006(3)]</p>
GEN-GS-04	<p>Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:</p>

	<ul style="list-style-type: none"> a. The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or b. The certificate holder would construct and operate part of a wind energy facility on that part of the site even if other parts of the facility were modified by amendment of the site certificate or were not built. <p>[Final Order on ASC, Mandatory Condition 3] [OAR 345-025-0006 (5)]</p>
GEN-GS-05	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions.</p> <p>[Final Order on ASC, Mandatory Condition 6] [OAR 345-025-0000(6)]</p>
GEN-GS-06	<p>The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.</p> <p>[Final Order on ASC, Mandatory Condition 5] [OAR 345-025-0006(10)]</p>

GEN-GS-07	<p>Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p> <p>[Final Order on ASC, Mandatory Condition 6] [OAR 345--025-0006(11)]</p>
GEN-GS-08	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For coastal sites, this also includes tsunami hazards and seismically-induced coastal subsidence.</p> <p>[Final Order on ASC, Mandatory Condition 7] [OAR 345-025-0006(12)]</p>
GEN-GS-09	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.</p> <p>[Final Order on ASC, Mandatory Condition 8] [OAR 345-025-0006 (13)]</p>
GEN-GS-10	<p>The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Final Order on ASC, Mandatory Condition 9] [OAR 345-025-0006 (14)]</p>
GEN-GS-11	<p>Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Final Order on ASC, Mandatory Condition 10] [OAR 345--025-0006 (15)]</p>
GEN-GS-12	<p>The Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council’s standards, approve more than one corridor.</p> <p>The transmission line corridors approved by EFSC pursuant to this condition is described in Section 2.3 of the site certificate, and presented in the facility site map (see Attachment A of the site certificate.</p> <p>[Final Order on ASC, Site Specific Condition 1] [OAR 345-025-0010(5)]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	<p>Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.</p>

	[Final Order on ASC, Organizational Expertise Condition 5]
GEN-OE-02	<p>In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department.</p> <p>[Final Order on ASC, Organizational Expertise Condition 6]</p>
GEN-OE-03	<p>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, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC.</p> <p>[Amendment #1 , Organizational Expertise Condition 9]</p>
GEN-OE-04	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> Prior to and during construction, as applicable, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. Prior to transporting and disposing of battery and battery waste during facility operations, provide evidence to the Department that a contractual agreement has been obtained for transport and disposal of battery and battery waste by a licensed hauler and requires the third-party to comply with all applicable laws and regulations, including applicable provisions of 49 CFR 173.185. <p>[Final Order on AMD2, Organizational Expertise Condition 10]</p>
STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]	
GEN-SS-01	<p>The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction.</p> <p>[Final Order on ASC, Structural Standard Condition 2]</p>

STANDARD: LAND USE (LU) [OAR 345-022-0030]

GEN-LU-01	<p>The certificate holder shall design the facility to comply with the following setback distances in Morrow County:</p> <ul style="list-style-type: none">a. Wind turbines shall be setback from the property line of any abutting property of any non-participant property owners a minimum of 110 percent of maximum blade tip height of the wind turbine tower.b. Wind turbines shall be setback 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable.c. Wind turbine foundations shall not be located on any property boundary, including participant property boundaries within the site boundary.d. Wind turbines shall be setback 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads, state and interstate highways.e. <u>Perimeter fenceline of solar facility components shall be setback: 20 feet from property fronting on a local minor collector road rights of way; 30 feet from property fronting on a major collector road right of way; and 80 feet from an arterial road right of way, unless other provisions for combining access are provided and approved by the county.</u>f. <u>East and west sides of perimeter fenceline of solar facility components shall be setback 20 feet from adjacent land uses except that on corner lots or parcels the side yard on the street side shall be a minimum of 30 feet.</u>g. <u>North side of perimeter fenceline of solar facility components shall be setback a minimum of 25 feet.</u> <p>[Final Order on ASC; AMD3 Land Use Condition 1; AMD4]</p>
GEN-LU-02	<p>During design and construction of the facility, the certificate holder shall:</p> <ul style="list-style-type: none">a. Obtain an access permit for changes in access on Morrow County roads; andb. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. <p>[Final Order on ASC, Land Use Condition 4]</p>
GEN-LU-03	<p>During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate:</p> <ul style="list-style-type: none">a. Paint the towers in alternating bands of white and red or aviation orange; orb. Install aviation lighting as recommended by the Federal Aviation Administration. <p>[Final Order on ASC, Land Use Condition 9]</p>
GEN-LU-04	<p>The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall:</p> <ul style="list-style-type: none">a. Locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices;b. Place turbines and transmission intraconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations, where feasible.c. Site solar array collector lines, if aboveground, within or adjacent to an existing road, railroad or transmission line right-of-way; parallel to an existing transmission corridor; or co-located with existing transmission line or each other, unless not technically feasible due to lack of availability, geographic constraints, engineering limitations, or other reasons as agreed upon by the Department consistent with this condition.d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.

	[Final Order on ASC, Land Use Condition 11; AMD4]
GEN-LU-05	<p>During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping selected and used for the O&M building and similar facility components sited within Morrow County blend with the nature of the surrounding area.</p> <p>[Final Order on ASC, Land Use Condition 14]</p>
GEN-LU-06	<p>During micrositing of the facility, the certificate holder shall ensure that wind turbines are sited based on a minimum setback of:</p> <ol style="list-style-type: none"> 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads and state and interstate highways in Umatilla and Morrow counties. 2 miles from turbine towers to a city urban growth boundary. 1 mile from turbine towers to land within Umatilla County lands zoned Unincorporated Community. 2 miles from turbine towers to rural residences within Umatilla County. 164 feet (50 meters) from tower and facility components to known archeological, historical and cultural sites or CTUIR cultural site. <p>[Final Order on ASC;AMD3 Land Use Condition 16;]</p>
GEN-LU-07	<p>During design and construction, the certificate holder must ensure that the O&M building in Umatilla County is consistent with the character of similar agricultural buildings used by commercial farmers or ranchers in Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 20]</p>

GEN-LU-08	<p>During facility design and construction of new access roads and road improvements, the certificate holder shall implement best management practices after consultation with the Umatilla County Soil Water Conservation district. The new and improved road designs must be reviewed and certified by a civil engineer.</p> <p>[Final Order on ASC, Land Use Condition 22]</p>
GEN-LU-09	<p>Before beginning electrical production, the certificate holder shall provide the location of each turbine tower, electrical collecting lines, the O&M building, the substation, project access roads, and portion of the intraconnection transmission line located in Umatilla County to the department and Umatilla County in a format suitable for GPS mapping.</p> <p>[Final Order on ASC, Land Use Condition 24]</p>
GEN-LU-10	<p>During construction and operation of the facility, the certificate holder shall deliver a copy of the annual report required under OAR 345-026-0080 to the Umatilla County Planning Commission on an annual basis.</p> <p>[Final Order on ASC, Land Use Condition 28]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RF-01	<p>The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 1]</p> <p>[Mandatory Condition OAR 345-025-0006(7)]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
GEN-FW-01	<p>During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 2]</p>
GEN-FW-02	<p>The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 6]</p>
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
GEN-SR-01	<p>To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures:</p> <ul style="list-style-type: none"> a. Outdoor night lighting at the collector substations, Operations and Maintenance Buildings, and battery storage systems, must be <ul style="list-style-type: none"> i. The minimum number and intensity required for safety and security; ii. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and iii. Have motion sensors and switches to keep lights turned off when not needed. <p>[Final Order on ASC, Scenic Resources Condition 1, AMD2]</p>

GEN-SR-02	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> a. Design and construct the O&M buildings and battery storage systems to be generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape; b. Paint or otherwise finish turbine structures in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location. c. Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating; d. Finish substation structures and battery storage systems utilizing neutral colors to blend with the surrounding landscape; e. Minimize use of lighting and design lighting to prevent offsite glare; f. Not display advertising or commercial signage on any part of the proposed facility; g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment; h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction. <p>[Final Order on ASC, Scenic Resources Condition 2, AMD2]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
GEN-PS-01	<p>During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis.</p> <p>[Final Order on ASC, Public Services Condition 5]</p>
GEN-PS-02	<p>The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The O&M buildings shall be fenced. The certificate holder shall keep tower access doors and O&M buildings locked at all times, except when authorized personnel are present.</p> <p>[Final Order on ASC, Public Services Condition 11]</p>

GEN-PS-03	<p>Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 18]</p>
GEN-PS-04	<p>The certificate holder shall design, construct and maintain the battery storage systems within a 100 foot vegetation free zone.</p> <p>[Final Order on AMD2, Public Services Condition 23]</p>
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
GEN-WF-01	<p>During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 3]</p>
GEN-WF-02	<p>The certificate holder shall notify the department, the Morrow County Planning Department and the Umatilla County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 5]</p>

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors.</p> <p>[Final Order on ASC, Organizational Expertise Condition 1]</p>
PRE-OE-02	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions.</p> <p>[Final Order on ASC, Organizational Expertise Condition 2]</p>
PRE-OE-03	<p>Prior to construction, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Final Order on ASC, Organizational Expertise Condition 3]</p>
PRE-OE-04	<p>Before beginning construction, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than \$250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction.</p> <p>[Final Order on ASC, Organizational Expertise Condition 4]</p>
PRE-OE-05	<p>Prior to construction, the certificate holder must provide the department and Umatilla and Morrow Counties with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s).</p> <p>[Final Order on ASC, Organizational Expertise Condition 7]</p>
PRE-OE-06	<p>The certificate holder must:</p> <ol style="list-style-type: none"> Prior to construction of wind facility components, provide evidence to the department and Morrow and Umatilla counties that the third party that will construct, own and operate the interconnection transmission line has obtained all necessary approvals and permits for that interconnection transmission line and that the certificate holder has a contract with the third party for use of the transmission line. Prior to construction of solar facility components approved in the Fourth Amended Site Certificate, provide to the Department a list of all third-party permits that would normally be governed by the site certificate and that are necessary for construction and operation (e.g. Water Pollution Control Facilities Permit, Air Contaminant Discharge Permit, Limited Water Use License). Once obtained, the certificate holder shall provide copies of third-party permits to the Department. During construction and operation, promptly report to the Department if any third-party permits referenced in sub(b) of this condition have been cited for a Notice of Violation.

STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]

PRE-SS-01	<p>Before beginning construction, the certificate holder must:</p> <ol style="list-style-type: none">Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries (DOGAMI), for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report.Following receipt and review of Department and DOGAMI comments on the protocol per (a), the certificate holder shall conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information:<ul style="list-style-type: none">Subsurface soil and geologic conditions of the site boundaryDefine and delineate geological and geotechnical hazards, and means to mitigate these hazardsGeotechnical design criteria and data for the turbine foundations, foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilitiesDesign data for installation of underground and overhead collector lines, and overhead transmission linesInvestigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMIInvestigations of the swell and collapse potential of loess soils within the site boundary. <p>[Final Order on ASC, Structural Standard Condition 1; AMD2]</p>
PRE-SS-02	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary, including the fault labeled as 2438 on Figures H-1 and H-2 of ASC Exhibit H. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility.</p> <p>[Final Order on ASC, Structural Standard Condition 3]</p>
PRE-SS-03	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work.</p> <p>[Final Order on ASC, Structural Standard Condition 4]</p>
PRE-SS-04	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas.</p> <p>[Final Order on ASC, Structural Standard Condition 5]</p>
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRE-SP-01	<p>Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during</p>

	facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate. [Final Order on ASC, Soil Protection Condition 3]
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PRE-SP-02	<p>Prior to construction, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Habitat Condition 11.</p> <p>[Final Order on ASC, Soil Protection Condition 4]</p>
PRE-SP-03	<p>Prior to beginning construction of the O&M buildings, the certificate holder shall secure any necessary septic system permits from DEQ. Copies of the necessary permits must be provided to the department prior to beginning construction of the O&M buildings.</p> <p>[Final Order on ASC, Soil Protection Condition 7]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
PRE-LU-01	<p>Before beginning construction, the certificate holder shall complete the following:</p> <ol style="list-style-type: none"> Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and Obtain all other necessary local permits, including building permits. Provide the county with a building permit application, a third party technical report which includes: <ol style="list-style-type: none"> Evaluates fire hazards and; Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. <p>[Final Order on ASC, Land Use Condition 3; AMD2]</p>
PRE-LU-02	<p>Before beginning construction, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015.</p> <p>[Final Order on ASC, Land Use Condition 5]</p>
PRE-LU-03	<p>Before beginning construction, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow and Umatilla County weed control requirements to be approved by the department. The department shall consult with Morrow and Umatilla counties and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>[Final Order on ASC, Land Use Condition 6]</p>
PRE-LU-04	<p>Before beginning construction, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.</p> <p>[Final Order on ASC, Land Use Condition 7]</p>
PRE-LU-05	<p>Prior to beginning construction, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department, Morrow County, and Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 12]</p>

PRE-LU-06	<p>Before beginning construction, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction.</p> <p>[Final Order on ASC, Land Use Condition 13]</p>
PRE-LU-07	<p>Before beginning construction, the certificate holder must:</p> <ol style="list-style-type: none"> Pay the requisite fee(s) and obtain a Zoning Permit(s) from Umatilla County for facility components sited within Umatilla County, including, but not limited to, turbines, substation, O&M building, and the intraconnection line. Provide the Department and county with a building permit application that includes a third party technical report which: <ol style="list-style-type: none"> Evaluates fire hazards, and Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. <p>[Final Order on ASC, Land Use Condition 15; AMD2]</p>
PRE-LU-08	<p>Prior to facility construction, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation if requested by the underlying landowner.</p> <p>[Final Order on ASC, Land Use Condition 18; AMD4]</p>
PRE-LU-09	<p>Before beginning construction, the certificate holder shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.</p> <p>[Final Order on ASC, Land Use Condition 21]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RF-01	<p>Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 4]</p> <p>[Mandatory Condition OAR 345-025-0006(8)]</p>

PRE-RF-02	<p>Before beginning construction of the:</p> <ol style="list-style-type: none"> a. Wind energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the wind facility components is \$19.5 16.1 million dollars (Q3 2018 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: b. Solar energy facility components or its related or supporting facilities, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the solar facility components is \$9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this condition: <ol style="list-style-type: none"> 1. The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (2) and subject to review and approval by the Council. 2. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: <ol style="list-style-type: none"> i. Adjust the amount of the bond or letter of credit (expressed in Q3 2018 dollars for wind facility components and Q4 2018 dollars for solar facility components)) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the third quarter 2018 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2018 dollars to present value. ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount. 3. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. 4. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. <p>[Final Order on ASC, Retirement and Financial Assurance Condition 5; AMD2; AMD4]</p>
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STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01	<p>Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources.</p> <p>The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micro-siting of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.</p> <p>In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 1]</p>
PRE-FW-02	<p>Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of this order, based on the final facility design, as approved by the department in consultation with ODFW.</p> <ol style="list-style-type: none">The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department. <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 4]</p>
PRE-FW-03	<p>Prior to construction, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 8]</p>

PRE-FW-04	<p>Before beginning construction the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.</p> <ol style="list-style-type: none"> a. The final Habitat Mitigation Plan and the department’s approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility. b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Habitat Condition 1. c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan. d. The certificate holder shall provide a habitat assessment of the habitat mitigation area, based on a protocol approved by the Department in consultation with ODFW, which includes methodology, habitat map and available acres by habitat category and subtype in tabular format. e. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: <ol style="list-style-type: none"> i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction. ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction. f. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area. g. The final HMP shall include mitigation in compliance with the Council’s Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity. h. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department. <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 10]</p>
PRE-FW-05	<p>Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment E to this order, from the department, in consultation</p>

with Umatilla and Morrow counties and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.
[Final Order on ASC, Fish and Wildlife Habitat Condition 11]

STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]

PRE-TE-01	<p>Prior to construction, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur.</p> <p>The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW.</p> <p>The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction.</p> <p>[Final Order on ASC, Threatened and Endangered Species Condition 1]</p>
PRE-TE-02	<p>In accordance with Fish and Wildlife Habitat Condition 4, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of this order, based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.</p> <p>[Final Order on ASC, Threatened and Endangered Species Condition 2]</p>
PRE-TE-03	<p>To avoid potential impacts to Laurent's milkvetch, the certificate holder must:</p> <ol style="list-style-type: none"> Conduct preconstruction plant surveys for Laurent's milkvetch within 100-feet of temporary and permanent disturbance from all facility components, unless extent of survey area within suitable habitat from temporary and permanent disturbance is otherwise agreed upon by the Department on consultation with Oregon Department of Agriculture. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone.

ii.	Ensure that any plant protection zone established under (i) above is included on construction plans showing the final design locations.
iii.	If herbicides are used to control weeds, the certificate holder shall follow the manufacturer's guidelines in establishing a buffer area around confirmed populations of Laurent's milkvetch. Herbicides must not be used within the established buffers.
iv.	<p>If avoidance cannot be maintained, the certificate holder may request that the Department consider an avoidance exception, authorized through Council concurrence as further described below. The exception request must include an impact assessment and mitigation plan for the affected species including but not be limited to:</p> <ul style="list-style-type: none"> • Literature review and/or field studies that inform the current status of the species within the survey area or region, if survey area does not contain sufficient information to develop a statistically viable approach for determining impact significance; • A description of the individual(s) or population(s) identified within the survey area that would be avoided and impacted; • An evaluation of facility impacts on the survival or recovery of the species, in accordance with the Threatened and Endangered Species standard; • Proposed mitigation measures such as: funded studies that improve understanding of reproductive biology and pollination; development of seed germination, propagation, and transplanting protocols; and/or, compensatory mitigation project including conservation easement(s) and species propagation, protection, and habitat enhancement measures, and/or other proposed mitigation measures that would benefit the affected species. • The Department's review and determination of the exception request shall be conducted in consultation with the Oregon Department of Agriculture, or a third-party consultant. The Department's determination on the exception request must be concurred with by Council. Council retains authority to reject, modify or concur with the exception request. <p>[Final Order on ASC; AMD3; Threatened and Endangered Species Condition 3; AMD4]</p>

STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

PRE-HC-01	<p>Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2013-14 for historic, cultural, and archaeological resources.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 1]</p>
PRE-HC-02	<p>Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings as "no entry" areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 2]</p>
PRE-HC-03	<p>Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request.</p>

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]

PRE-PS-01

Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility.

In addition, the certificate holder shall include the following information in the plan:

- a. Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads;
- b. A policy of including traffic control procedures in contract specifications for construction of the facility;
- c. Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles;
- d. A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County and Umatilla County Public Works Departments;
- e. A policy to encourage and promote carpooling for the construction workforce; and
- f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points.

[Final Order on ASC, Public Services Condition 6]

PRE-PS-02	<p>Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County and Umatilla County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County and Umatilla County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County and Umatilla County must be submitted to the department before beginning construction. If required by Morrow County or Umatilla County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.</p> <p>[Final Order on ASC, Public Services Condition 7]</p>
PRE-PS-03	<p>The certificate holder shall design and construct new access roads and private road improvements to standards approved by Umatilla County or Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Umatilla County and Morrow County Public Works Departments.</p> <p>[Final Order on ASC, Public Services Condition 8]</p>
PRE-PS-04	<p>Before beginning construction, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.</p> <p>[Final Order on ASC, Public Services Condition 9]</p>

PRE-PS-05	<p>Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department, Lone Rural Fire Protection District, and Echo Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility.</p> <p>Additional information that shall be included in the plan:</p> <ul style="list-style-type: none"> a. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information. b. Identification of agencies that participated in developing the plan; c. Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; e. Contact information for each agency listed above; f. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility; g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place; h. The designated meeting location in case of evacuation; i. Staff training requirements; and <p>Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.</p> <p>[Final Order on ASC, Public Services Condition 13]</p>
PRE-PS-06	<p>Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.</p> <p>[Final Order on ASC, Public Services Condition 20]</p>

PRE-PS-07	<p>Before beginning construction, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring.</p> <p>[Final Order on ASC, Public Services Condition 21]</p>
STANDARD: WASTE MINIMIZATION (WM,) [OAR 345-022-0120]	
PRE-WM-01	<p>Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details:</p> <ol style="list-style-type: none"> Specification of the number and types of waste containers to be maintained at construction sites and construction yards Description of waste segregation methods for recycling or disposal. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction. <p>The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 2]</p>
PRE-WM-02	<p>Prior to construction, the certificate holder shall investigate and confirm that no surface waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction.</p> <p>[Final Order on ASC, Waste Minimization Condition 3]</p>
STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]	
PRE-TL-01	<p>Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.</p> <p>[Final Order on ASC, Siting Standard Condition 2]</p>

STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

PRE-NC-01

Prior to construction, the certificate holder shall provide to the department:

- a. Information that identifies the final design locations of all facility components to be built at the facility;
- b. The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s), transformers (substation and solar array), invertors, AC- and DC-coupled battery storage cooling system selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department;
- c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines, transformers, invertors, AC- and DC-coupled battery storage cooling systems) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. The analysis must also identify the noise reduction operation (NRO) mode approach that will be used during facility operation and include a figure that depicts the turbines that will be operating in NRO mode and the associated dBA reduction level; if required to meet the maximum allowable decibel threshold of 50 dBA; and,
- d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

[Final Order on ASC; AMD3; Noise Control Condition 2]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C. [Final Order on ASC, Soil Protection Condition 1]
CON-SP-02	During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP. [Final Order on ASC, Soil Protection Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	During construction, the certificate holder shall comply with the following requirements: <ul style="list-style-type: none"> a. Construction vehicles shall use previously disturbed areas including existing roadways and tracks. b. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. c. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. d. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. [Final Order on ASC, Land Use Condition 8]
CON-LU-02	During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds. [Final Order on ASC, Land Use Condition 17]
CON-LU-03	During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable. [Final Order on ASC, Land Use Condition 19]
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction. Upon request by the certificate holder, the Department may provide exceptions to this restriction. The certificate holder's request must include a justification for the request including any actions the certificate holder will take to avoid, minimize or mitigate impacts to mule deer winter range during winter in the relevant area. The Department will consult with ODFW on any request made under this condition. [Final Order on ASC, Fish and Wildlife Habitat Condition 3; AMD4]

CON-FW-02	<p>Prior to construction, the certificate holder shall develop a construction plan that demonstrates construction activities within 0.25-mile of previously identified active nest sites are scheduled to avoid the sensitive nesting and breeding season. Previously identified active nest sites are those identified through the pre-construction raptor nest survey as required through Condition PRE-FW-01 and may also include any previously identified active nest sites from previous surveys.</p> <p>During construction within the time periods listed below, the certificate holder shall implement buffer zones around active nest sites of the species listed below. Active nest sites shall be identified based on the Condition PRE-FW-01 pre-construction nest survey and be monitored during construction by a biological monitor, both of which shall be based on a protocol approved by the Department in consultation with ODFW- specifying methodology and frequency of monitoring. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.</p> <table><tr><th>Sensitive Status Species</th><th>Buffer Size (Radius Around Nest Site):</th><th>Sensitive Nesting and Breeding Season :</th></tr><tr><td>Western burrowing owl</td><td>0.25 mile</td><td>April 1 to August 15</td></tr><tr><td>Ferruginous hawk</td><td>0.25 mile</td><td>March 15 to August 15</td></tr><tr><td>Swainson’s hawk</td><td>0.25 mile</td><td>April 1 to August 15</td></tr></table> <p>If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance. [Final Order on ASC; AMD3 Fish and Wildlife Habitat Condition 5; <u>AMD4</u>]</p>	Sensitive Status Species	Buffer Size (Radius Around Nest Site):	Sensitive Nesting and Breeding Season :	Western burrowing owl	0.25 mile	April 1 to August 15	Ferruginous hawk	0.25 mile	March 15 to August 15	Swainson’s hawk	0.25 mile	April 1 to August 15
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CON-FW-03	<p>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 7]</p>												
CON-FW-04	<p>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 9]</p>												
STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]													

CON-HC-01	<p>Prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones, unless resources assumed likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WR11-BB-IS-01, WR11-DM-04) are concurred not likely NRHP eligible through SHPO review; or, a Historic, Cultural, and Archeological Resources mitigation plan is submitted and accepted by the Department and SHPO which includes measures such as: additional archival and literature review; video media publications; public interpretation funding; or other form of compensatory mitigation deemed appropriate by the Department, in consultation with SHPO. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the National Register of Historic Places (NRHP) unless otherwise agreed to by the Department and SHPO. The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking must be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 3; AMD4]</p>
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CON-HC-02	<p>During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 5]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
CON-PS-01	<p>During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2:</p> <ol style="list-style-type: none"> Recycling steel and other metal scrap. Recycling wood waste. Recycling packaging wastes such as paper and cardboard. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured. Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible. <p>[Final Order on ASC, Public Services Condition 3]</p>
CON-PS-02	<p>During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office and Umatilla County Sheriff's Office.</p> <p>[Final Order on ASC, Public Services Condition 10]</p>
CON-PS-03	<p>During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 14]</p>
CON-PS-04	<p>During construction, the certificate holder shall design turbines to be constructed on concrete pads with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation.</p> <p>[Final Order on ASC, Public Services Condition 16]</p>

CON-PS-05	<p>During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including turbines and towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations.</p> <p>[Final Order on ASC, Public Services Condition 17]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	<p>During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities:</p> <ol style="list-style-type: none"> Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and, Confirm that all disposal sites have been inspected and approved by the certificate holder's environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted. <p>The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 1]</p>
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
CON-WF-01	<p>During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 1]</p>
CON-WF-02	<p>Prior to and during operations the certificate holder shall:</p> <ol style="list-style-type: none"> Install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions. Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency. The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report. In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation. <p>[Final Order on ASC;AMD3; Public Health and Safety Standards for Wind Facilities Condition 4]</p>

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]

CON-TL-01	<p>During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields and submit verification to the Department, including:</p> <ul style="list-style-type: none">a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground.d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-025-0010(4)).e. Providing to landowners a map of underground, with any applicable NESC demarking for underground facilities, and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles.h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.i. Designing, constructing and operating the transmission line in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).j. Implement a safety protocol to ensure adherence to NESC grounding requirements <p>[Final Order on ASC, Siting Standard Condition 1; AMD4]</p>
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STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

CON-NC-01

During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:

- a. Establish and enforce construction site and access road speed limits;
- b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;
- c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;
- d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;
- e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,
- f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request.

[Final Order on ASC, Noise Control Condition 1]

4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
PRO-SP-01	<p>Prior to beginning facility operation, the certificate holder shall provide the Department a copy of an operational SPCC plan, if required per DEQ's Hazardous Waste Program. If an SPCC plan is not required, the certificate holder shall prepare and submit to the Department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:</p> <ul style="list-style-type: none"> • Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 100-122 and 142 • Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment • Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each O&M building, substation and battery storage system components • Restriction limiting onsite storage of diesel fuel or gasoline • Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment • Preventative measures and procedures to avoid spills <ul style="list-style-type: none"> ○ Procedures for chemical storage ○ Procedures for chemical transfer ○ Procedures for chemical transportation ○ Procedures for fueling and maintenance of equipment and vehicles ○ Employee training and education • Clean-up and response procedures, in case of an accidental spill or release • Proper storage procedures • Reporting procedures in case of an accidental spill or release <p>[Final Order on ASC, Soil Protection Condition 5; AMD2]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
PRO-PS-01	<p>Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 15]</p>
PRO-PS-02	<p>Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate</p>

	holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC, Public Services Condition 19]
PRO-PS-03	Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility. [Final Order on ASC, Public Services Condition 22]

4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
OPR-GS-01	<p>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.</p> <p>[Final Order on ASC, Mandatory Condition 1] [OAR 345-025-0006(2)]</p>
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR-SP-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas or within the maintenance area of the O&M buildings to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction. <p>[Final Order on ASC, Soil Protection Condition 6]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR-LU-01	<p>Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County.</p> <p>[Final Order on ASC, Land Use Condition 2]</p>
OPR-LU-02	<p>During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11.</p> <p>[Final Order on ASC, Land Use Condition 10]</p>
OPR-LU-03	<p>Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County and Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 23]</p>
OPR-LU-04	<p>Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Umatilla and Morrow Counties.</p> <p>[Final Order on ASC, Land Use Condition 25]</p>

OPR-LU-05	<p>Within 90 days of the commencement of electrical service from Wheatridge East, the certificate holder shall provide a summary of as-built changes to the department and Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 26]</p>
OPR-LU-06	<p>Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-027-0110 or its equivalent:</p> <ol style="list-style-type: none"> 1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade. 2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses. 3. Remove gravel from areas surrounding turbine pads. 4. Remove and restore private access roads unless the landowners directs otherwise. 5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses. 6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Habitat Condition 11. 7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone. <p>[Final Order on ASC, Land Use Condition 27]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
OPR-RF-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> (a) Conduct monthly inspections of the battery storage systems, in accordance with manufacturer specifications. The certificate holder shall maintain documentation of inspections, including any corrective actions, and shall submit copies of inspection documentation in its annual report to the Department. (b) Provide evidence in its annual report to the Department of active property coverage under its commercial business insurance from high loss-catastrophic events, including but not limited to, onsite fire or explosion. <p>[Final Order on AMD2, Retirement and Financial Assurance Condition 6]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]	
OPR-PS-01	<p>During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&M buildings to licensed on-site septic systems in compliance with State permit requirements. The certificate holder shall design each septic system for a discharge capacity of less than 2,500 gallons per day.</p> <p>[Final Order on ASC, Public Services Condition 1]</p>
OPR-PS-02	<p>Except as provided in this condition, during facility operation, the certificate holder shall obtain water for on-site uses from on-site wells located near the O&M buildings. The certificate holder shall construct on-site wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from each of the two on-site wells. The certificate holder may obtain water from other sources for on-site uses subject to prior approval by the Department.</p>

OPR-PS-03	<p>(a) Prior to operation, the certificate holder shall submit to the Department for approval its Operational Waste Management Plan that includes but is not limited to the following:</p> <ol style="list-style-type: none"> 1. Onsite handling procedure for operational replacement of damaged, defective or recalled lithium-ion batteries. The procedure shall identify applicable 49 CFR 173.185 provisions and address, at a minimum, onsite handling, packaging, interim storage, and segregation requirements. 2. Training employees to handle, replace, and store damaged, defective or recalled lithium-ion batteries; minimize and recycle solid waste. 3. Recycling paper products, metals, glass, and plastics. 4. Recycling used oil and hydraulic fluid. 5. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements. 6. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights, lithium-ion batteries, lead-acid and nickel-cadmium batteries, and replaced, damaged, defective or recalled lithium-ion batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes. <p>(b) During operation, the certificate holder shall implement the approved Operational Waste Management Plan.</p> <p>[Final Order on ASC, Public Services Condition 4; AMD2]</p>
OPR-PS-04	<p>During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.</p> <p>[Final Order on ASC, Public Services Condition 12]</p>
STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]	
OPR-WF-01	<p>During operation, the certificate holder shall ensure each facility substation and battery storage systems are enclosed with appropriate fencing and locked gates to protect the public from electrical hazards.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 2; AMD2]</p>

STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]

OPR-TL-01	<p>During operation, the certificate holder shall:</p> <ol style="list-style-type: none">(1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.(2) File the following required information with the Commission:<ol style="list-style-type: none">a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year:<ol style="list-style-type: none">i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; andii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public.iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days.iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3](3) Provide OPUC Safety Staff with:<ol style="list-style-type: none">a. Maps and Drawings of routes and installation of electrical supply lines showing:<ul style="list-style-type: none">• Transmission lines and structures (over 50,000 Volts)• Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)• Substations, roads and highways• Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer). <p>[Final Order on ASC, Siting Standard Condition 3]</p>
-----------	--

STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

OPR-NC-01	<p>During operation of the facility, if required to meet the maximum allowable decibel threshold of 50 dBA, the certificate holder shall only operate the facility in the NRO mode that is identified prior to construction pursuant to Noise Control Condition 2. After beginning operation of the facility, the certificate holder shall include a certification in its annual Compliance Report that the NRO mode turbines identified in the preconstruction analysis required by Noise Control Condition 2 are operating at or below the identified dBA reduction level.</p> <p>[Final Order on ASC, Noise Control Condition 3]</p>
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OPR-NC-02	<p>During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.</p> <p>[Final Order on ASC, Noise Control Condition 4]</p>
OPR-NC-03	<p>During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.</p> <p>[Final Order Noise Control Condition 5]</p>

4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET-RF-01	<p>The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.</p> <p>[Final Order Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RF-02	<p>If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council's approval.</p> <p>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.</p> <p>[Final Order Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-025-0006(16)]</p>

5.0 Successors and Assigns

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

6.0 Severability and Construction

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

7.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council, and by Wheatridge Wind II ~~Energy~~, LLC.

ENERGY FACILITY SITING COUNCIL

By: _____

Hanley Jenkins, II, Chair

Oregon Energy Facility Siting Council

Date: _____

WHEATRIDGE WIND II ~~ENERGY~~, LLC

By: _____

Matthew Handel, Vice President
Development, NextEra Energy Resources,
LLC on behalf of Wheatridge Wind II
~~Energy~~, LLC

Date: _____

Attachment A
~~Wind~~ Facility ~~and Solar~~
~~Facility~~ Site Boundary Maps
(~~ASC Exhibit C, Figure C-2~~
~~and RFA4RFA5, Figure 1.2~~)

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Attachment 3. Retirement Cost Estimate

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Wheatridge 2.5 (40 turbines)
COST ESTIMATE FOR FACILITY SITE RESTORATION
 (Unit Costs in 2nd Quarter 2010 Dollars)

Adjustment Factor: 1.148853

Current Quarter: **Q3 2018**

GDP Index 2nd Quarter 2010: **100.981**

<https://www.oregon.gov/das/OEA/Pages/forecastecor>

GDP Index Current Quarter: **116.0123**

Cost Estimate Component	Quantity	Unit Cost	Extension
Turbines			
- Disconnect electrical, ready for disassembly (per turbine)	40	\$235	\$9,400
- Remove turbine blades, hubs and nacelles (per turbine)	40	\$5,900	\$236,000
- Remove turbine towers (per ton of steel)	13,064	\$82	\$1,071,248
- Remove turbine foundations (per cubic yard)	1,132	\$52	\$58,864
- Remove pad transformers and foundation (per turbine)	40	\$2,538	\$101,520
- Restore turbine site including spur road (per turbine)	40	\$1,138	\$45,520
Met Towers			
- Dismantle and dispose of met towers (per tower)	1	\$10,393	\$10,393
O&M Facilities			
- Dismantle and dispose of O&M facilities (per unit)	0	\$61,238	\$0
Substations			
- Dismantle and dispose of substations (per unit)	0.3333	\$187,491	\$62,491
Transmission Lines			
*To be owned by a local co-op U.E.C. (removal not required)			
Access Roads			
- Road removal, grading and seeding (per mile)	12	\$23,555	\$282,660
Restore Additional Areas Disturbed by Facility Removal			
- Grading and seeding around access roads, met towers, O&M facilities and turbine turnouts (per acre)	43.3175	\$8,706	\$377,122
- Seeding around collector line structures, transmission lines, crane paths and temporary laydown areas (per acre)	0	\$3,398	\$0
General Costs			
- Permits, mobilization, engineering, overhead	0.3333	\$454,238	\$151,398
Subtotal			\$2,406,615
Subtotal Adjusted to Current Dollars	Q3 2018		\$2,764,847
Performance Bond @ 1%			\$27,648
Gross Cost (Adjusted)			\$2,792,495
Administration and Project Management @ 10%			\$279,250
Future Developments Contingency @ 10%			\$279,250
Total Site Restoration Cost (current dollars)			\$3,350,994
Total Site Restoration Cost (rounded to nearest \$1,000)			\$3,351,000

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Attachment 4. Scotiabank Letter of Credit Commitment Letter

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LETTER OF CREDIT COMMITMENT LETTER

Portland General Electric Company
121 SW Salmon Street
3 World Trade Center - 0306
Portland, Oregon 97204
Attn: Credit Dept.

August 23, 2018

Dear Sirs or Madams:

NextEra Capital Holdings Inc. ("Bidder"), acting on behalf of Wheatridge Wind Energy, LLC, plans to submit a bid in response to the Portland General Electric Company's 2018 Renewable Resources Request For Proposals ("RFP"). The Bank of Nova Scotia (the "Bank") promises that, should any bid submitted by Bidder in the RFP be selected for negotiations, the Bank will issue an irrevocable standby letter of credit (the "Letter of Credit") in a form reasonably acceptable to you up to a maximum amount of \$60,000,000.

The Bank's commitment hereunder is subject to (i) documentation having terms and conditions taken as a whole no less favorable than those set forth in the Amended & Restated Corporate Revolving Credit Agreement dated as of February 8, 2013, as amended and (ii) non-occurrence of a material adverse change affecting general market conditions or the Bidder's financial condition.

The Bank shall not be under any obligation to issue any Letter of Credit if: (A) any order, judgment or decree of any governmental authority or arbitrator shall by its terms purport to enjoin or restrain the Bank from issuing the Letter of Credit, or any law or regulation applicable to the Bank or any request or directive (whether or not having the force of law) from any governmental authority with jurisdiction over the Bank shall prohibit, or request that the Bank refrain from, the issuance of letters of credit generally or the Letter of Credit in particular or shall impose upon the Bank with respect to the Letter of Credit any restriction, reserve or capital requirement (for which the Bank is not otherwise compensated) not in effect on the closing date, or shall impose upon the Bank any unreimbursed loss, cost or expense which was not applicable on the closing date and which the Bank in good faith deems material to it; and (B) the issuance of the Letter of Credit would violate one or more policies of the L/C Issuer applicable to letters of credit generally.

The Bank's commitment hereunder will terminate on December 31, 2020.

We understand that said letter of credit is a required element in evaluating the Bidder's bid and that the execution and delivery of the letter of credit is a condition precedent to you entering into an agreement with Bidder. We also understand that you are under no obligation to enter into any agreement with Bidder, under the RFP or otherwise.

[Remainder of page intentionally left blank]

Yours truly,
The Bank of Nova Scotia

By: 

Print: David Dewar

Title: Director

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**Attachment 5. Mitigation Plans
(To be provided as a supplement under
separate cover)**

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Attachment 6. Articles of Incorporation

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Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF FORMATION OF "WHEATRIDGE WIND II,
LLC", FILED IN THIS OFFICE ON THE FOURTH DAY OF DECEMBER, A.D.
2018, AT 2:40 O`CLOCK P.M.



7178638 8100
SR# 20187952955

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in blue ink, appearing to read "JBullock", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 204024174
Date: 12-04-18

STATE OF DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE OF FORMATION
OF
WHEATRIDGE WIND II, LLC

State of Delaware
Secretary of State
Division of Corporations
Delivered 02:40 PM 12/04/2018
FILED 02:40 PM 12/04/2018
SR 20187952955 - File Number 7178638

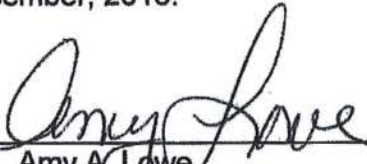
The undersigned, an authorized natural person, for the purpose of forming a limited liability company under the provisions and subject to the requirements of the laws of the State of Delaware (including Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

FIRST: The name of the limited liability company (hereinafter called the "limited liability company") is **Wheatridge Wind II, LLC**.

SECOND: The address of the registered office and the name and address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are:

NextEra Registered Agency, LLC
1105 N. Market Street, Suite 1300
Wilmington, Delaware 19801

Executed this 4th day of December, 2018.


By: Amy A. Lowe
An Authorized Person

STATE OF DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE OF FORMATION
OF
WHEATRIDGE WIND II, LLC

The undersigned, an authorized natural person, for the purpose of forming a limited liability company under the provisions and subject to the requirements of the laws of the State of Delaware (including Chapter 18, Title 6 of the Delaware Code and the acts amendatory thereof and supplemental thereto, and known, identified, and referred to as the "Delaware Limited Liability Company Act"), hereby certifies that:

FIRST: The name of the limited liability company (hereinafter called the "limited liability company") is **Wheatridge Wind II, LLC**.

SECOND: The address of the registered office and the name and address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are:

NextEra Registered Agency, LLC
1105 N. Market Street, Suite 1300
Wilmington, Delaware 19801

Executed this 4th day of December, 2018.


By: Amy A. Lowe
An Authorized Person

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Attachment 7. Proof of Registration to Do Business in Oregon

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Secretary of State
Corporation Division
255 Capitol Street NE, Suite 151
Salem, OR 97310-1327

Phone: (503) 986-2200
www.filinginoregon.com

Registry Number: 1502750-98
Type: FOREIGN LIMITED LIABILITY COMPANY

Next Renewal Date: 12/10/2019

WHEATRIDGE WIND II, LLC
700 UNIVERSE BLVD
JUNO BEACH FL 33408

Acknowledgment Letter

The document you submitted was recorded as shown below. Please review and verify the information listed for accuracy.

Document

APPLICATION FOR AUTHORITY

Filed On

12/10/2018

Jurisdiction

DELAWARE

Name

WHEATRIDGE WIND II, LLC

Principal Place of Business

700 UNIVERSE BLVD
JUNO BEACH FL 33408

Registered Agent

CORPORATION SERVICE COMPANY
1127 BROADWAY ST NE STE 310
SALEM OR 97301

Mailing Address

700 UNIVERSE BLVD
JUNO BEACH FL 33408



Application for Authority to Transact Business - Foreign Limited Liability Company

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - sos.oregon.gov/business - Phone: (503) 986-2200

FILED

DEC 10 2018

OREGON
SECRETARY OF STATE

REGISTRY NUMBER:

For office use only

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1) NAME: Wheatridge Wind II, LLC

NOTE: (Must contain the words "Limited Liability Company" or the abbreviations "LLC" or "L.L.C.") Must be identical to the name of record in home jurisdiction.

2) REGISTRY NUMBER IN HOME JURISDICTION 7178638

OR: CERTIFICATE OF EXISTENCE ☐ (ATTACHED)

(Please provide a web-verifiable registry number from the entity's home jurisdiction. Certain states, such as Delaware and New Jersey, do not provide status information online. Entities from such places must instead attach an official certificate of existence, current within 60 days of delivery to this office.)

3) DATE OF ORGANIZATION: 12/04/2018 DURATION, IF NOT PERPETUAL:

4) STATE OR COUNTRY OF ORGANIZATION:

Delaware

5) THIS FOREIGN LIMITED LIABILITY COMPANY SATISFIES THE REQUIREMENTS OF ORS 63.714(3).

6) NAME OF OREGON REGISTERED AGENT:

Corporation Service Company

7) REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS:

(Must be an Oregon Street Address, which is identical to the registered agent's business office.)

1127 Broadway Street NE, Suite 310

Salem, OR 97301

8) ADDRESS OF PRINCIPAL OFFICE OF THE BUSINESS:

700 Universe Blvd.

Juno Beach, FL 33408

9) ADDRESS WHERE THE DIVISION MAY MAIL NOTICES:

700 Universe Blvd.

Juno Beach, FL 33408

10) HOW WILL THIS LIMITED LIABILITY COMPANY BE MANAGED?

☒ This LLC will be member-managed by one or more members.

☐ This LLC will be manager-managed by one or more managers.

11) EXECUTION: (At least one member or manager must sign.)

I declare as an authorized signer, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any members, managers, employees or agents of the limited liability company. This filing has been examined by me and is, to the best of my knowledge and belief true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.

Signature:

Melissa A. Plotsky

Printed Name:

Melissa A. Plotsky

Title:

Secretary

CONTACT NAME: (To resolve questions with this filing.)

Angela Ewers

PHONE NUMBER: (Include area code.)

561/304-5923

FEES

Required Processing Fee \$275

Processing Fees are nonrefundable. Please make check payable to "Corporation Division."

Free copies are available at sos.oregon.gov/business, using the Business Name Search program.

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "WHEATRIDGE WIND II, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE SEVENTH DAY OF DECEMBER, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "WHEATRIDGE WIND II, LLC" WAS FORMED ON THE FOURTH DAY OF DECEMBER, A.D. 2018.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN ASSESSED TO DATE.



7178638 8300

SR# 20188026633

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 204049208

Date: 12-07-18

HOME

OREGON SECRETARY OF STATE
Corporation Division

business information center **business name search** oregon business guide

referral list business registry/renewal forms/fees notary public

uniform commercial code uniform commercial code search documents & data services

Business Name Search[Enter Friendly](#)**Business Entity Data**

Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date
FLLC	ACT	DELAWARE	12-10-2018	12-10-2020

ATRIDGE WIND II, LLC

[Enter Friendly](#)**Associated Names**

PRINCIPAL PLACE OF BUSINESS

VD

FL	33408	Country	UNITED STATES OF AMERICA
----	-------	---------	--------------------------

Registered agents and service of process.

REGISTERED AGENT	Start Date	12-10-2018	Resign Date
------------------	------------	------------	-------------

CORPORATION SERVICE COMPANY

ST NE STE 310

OR	97301	Country	UNITED STATES OF AMERICA
----	-------	---------	--------------------------

MAILING ADDRESS

VD

FL	33408	Country	UNITED STATES OF AMERICA
----	-------	---------	--------------------------

MEMBER	Resign Date
--------	-------------

HOLDINGS, LLC

VD

FL	33408	Country	UNITED STATES OF AMERICA
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[Enter Friendly](#)**Name History**

Business Entity Name	Name Type	Name Status	Start Date
	EN	CUR	12-10-2018

Attachment 8. Property Owner List

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**Attachment 9. Opinion of Legal Counsel
(To be provided as a supplement under
separate cover)**

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