

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

In the Matter of Request for Amendment 1 for the
Wheatridge Renewable Energy Facility II Site
Certificate

)
) PROPOSED ORDER ON
) REQUEST FOR AMENDMENT 1 TO
) THE SITE CERTIFICATE
)

November 18, 2020

**[Tracked changes version:
All changes from Draft Proposed Order to Proposed Order presented in red-line]**

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1 **I. INTRODUCTION**

2
3 The Oregon Department of Energy (Department or ODOE) issues this ~~draft~~ proposed order in
4 accordance with Oregon Revised Statute (ORS) 469.405(1) and Oregon Administrative Rule
5 (OAR) 345-027-037265, based on its review of Request for Amendment 1 (RFA1 or amendment
6 request) to the Wheatridge Renewable Energy Facility II site certificate. The certificate holder
7 for the facility is Wheatridge Wind II, LLC, a wholly owned indirect subsidiary of NextEra Energy
8 Resources, LLC (NEER) (certificate holder owner).

9
10 Request for Amendment 1 to the Wheatridge Renewable Energy Facility II site certificate (RFA1
11 or amendment request) seeks Council approval of issuance of an amended and two original site
12 certificates based entirely on the previously approved WREFII site certificate. The amendment
13 request is limited to allocation of previously approved facility components into a first amended
14 site certificate for WREFII and original site certificates for facilities named Wheatridge
15 Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE).
16 WREFII would include 200 MW wind energy generation within a 7,850 acre site boundary in
17 Morrow County - under existing certificate holder ownership; WREFIII would include 150 MW
18 of solar photovoltaic energy generation within a 2,294 acre site boundary in Morrow County -
19 under new certificate holder ownership, Wheatridge Solar Energy Center, LLC; and, WREFE
20 would include 200 MW wind energy generation within a 4,582 acre site boundary in Umatilla
21 and Morrow counties - under new certificate holder ownership, Wheatridge East, LLC. The
22 current certificate holder, Wheatridge Wind II, LLC and certificate holder owner, NextEra Energy
23 Resources, LLC would be maintained for the amended WREFII site certificate. The new
24 certificate holders for the WREFIII and WREFE site certificates are wholly-owned subsidiaries of
25 the existing certificate holder owner, NextEra Energy Resources, LLC.

26
27 The certificate holder seeks approval of administrative amendments to previously imposed
28 conditions; and requests to adjust the decommissioning amount based on splitting and sharing
29 of previously approved facility components. The site certificates would contain all previously
30 imposed conditions, unless otherwise evaluated in this order.

31
32 Based upon review of this amendment request, the Department recommends Council approve
33 the amendment request and issue an amended WREFII site certificate and two original site
34 certificates for WREFIII and WREFE based entirely on the WREFII site certificate, subject to the
35 existing and recommended amended conditions set forth in this order.

1 **I.A. Certificate Holder and Owner Information**

2

3 The current certificate holder for the WREFII site certificate is as follows:

4

5 Wheatridge Wind II, LLC

6 FEW/JB

7 700 Universe Blvd.

8 Juno Beach, FL 33408

9

10 *Certificate Holder Owner/Certificate Holder*

11

12 NextEra Energy Resources, LLC

13 FEW/JB

14 700 Universe Blvd.

15 Juno Beach, FL 33408

16

17 For the amended WREFII site certificate, the certificate holder and certificate holder owner
18 would remain the same as presented above.

19

20 **I.B. WREFIII and WREFE Certificate Holder and Owner Information**

21

22 For the proposed original WREFIII site certificate, the certificate holder and certificate holder
23 owner would be as follows:

24

25 Wheatridge Solar Energy Center, LLC

26 FEW/JB

27 700 Universe Blvd.

28 Juno Beach, FL 33408

29

30 *WREFIII Certificate Holder Owner/Certificate Holder*

31

32 NextEra Energy Resources, LLC

33 FEW/JB

34 700 Universe Blvd.

35 Juno Beach, FL 33408

36

37 For the proposed original WREFE site certificate, the certificate holder and certificate holder
38 owner would be as follows:

39

40 Wheatridge East, LLC

41 FEW/JB

42 700 Universe Blvd.

43 Juno Beach, FL 33408

44

1 WREFE Certificate Holder Owner/Certificate Holder

2

3 NextEra Energy Resources, LLC

4 FEW/JB

5 700 Universe Blvd.

6 Juno Beach, FL 33408

7

8 **I.C. Approved Facility Components, Site Boundary and Corridors**

9

10 *Approved Facility Components*

11

12 The Wheatridge Renewable Energy Facility II (facility) site certificate, as approved in *Final Order*
13 *on Amendment 5 of the Wheatridge Wind Energy Facility Site Certificate* (May 2020), authorizes
14 construction and operation of a 550 megawatt (MW) wind and solar facility, to be located
15 within both Morrow and Umatilla counties. The facility, as approved, would include up to 117
16 wind turbines and up to 900 acres of solar energy generation equipment. The wind turbines
17 could include a range of technologies with varying dimensions. Wind turbine dimensions may
18 not exceed 476 feet in maximum blade tip height (tower hub height plus blade length); 197 feet
19 in maximum blade length; 278 feet in maximum hub height; and 393 feet in rotor diameter. The
20 individual wind turbine generating capacity may not exceed 2.5 MW.

21

22 Related or supporting facilities to wind facility components, as approved, would include up to
23 32 miles of up to two parallel overhead 230 kilovolt (kV) intraconnection transmission lines that
24 would traverse one of four approved routing options, as further described below. Related or
25 supporting facilities, as approved, would also include an electrical collection system, up to two
26 collector substations, up to 12 meteorological towers, supervisory control and data acquisition
27 (SCADA) systems, up to two operations and maintenance (O&M) buildings, up to two battery
28 storage systems (20 and 30 MW per system), up to 72 miles of new or improved access roads,
29 and temporary construction areas.

30

31 Solar photovoltaic energy facility components could include up to two solar arrays located
32 within Wheatridge West (further described below), entirely within Morrow County, on
33 Exclusive Farm Use zoned land. The solar arrays consist of photovoltaic panels mounted onto
34 tracking modules and arranged in strings within the solar micro-siting corridors. Strings of
35 modules are connected by electrical collector lines and inverters that convert the direct current
36 power generated by panels to alternating current power. Transformers placed near the
37 inverters step up power to 34.5 kV for transmission to the Wheatridge West substation. The
38 maximum layout including total number of modules, configuration, dimensions, total energy
39 generating capacity and mounting system of solar array components shall be substantially as
40 approved in *Final Order on Amendment 4 of the Wheatridge Wind Energy Facility* (November
41 2019).

42

43 Related or supporting facilities to solar facility components, as approved, would include above-
44 and belowground 34.5 kV electrical collection system; internal service roads, gates and

1 perimeter fencing; collector substation expansion; and, up to 41 distributed battery storage
2 systems.

3
4 *Approved Site Boundary*

5
6 The facility site is located within a site boundary of approximately 12,432 acres, south of
7 Interstate 84 and northeast of Lexington in Umatilla and Morrow counties. The facility site is
8 divided into two groups, Wheatridge West and Wheatridge East. Wheatridge West is located
9 entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles
10 northeast of Lexington and approximately 7 miles northwest of Heppner. Wheatridge East is
11 located approximately 16 miles northeast of Heppner and includes land in both Morrow and
12 Umatilla counties. Wheatridge West and Wheatridge East would be connected via a 230 kV
13 transmission line or “intraconnection” transmission line (see Figure 1, *Approved Site*
14 *Boundary/Micrositing Areas (Wind and Solar) and Facility Regional Location* below).

15
16 *Approved Micrositing Corridors*

17 Micrositing corridor means a continuous area of land within which construction of facility
18 components may occur subject to site specific conditions.¹ Council authorizes micrositing
19 corridors for wind facilities when a certificate holder has adequately studied the entire corridor
20 and demonstrated compliance with Council standards based on impacts of facility components
21 anywhere within the corridor. For this facility, the site boundary is equivalent to the micrositing
22 corridor.

23
24 The site boundary contains two separate micrositing corridors, one for wind facility
25 components and one for solar facility components. Micrositing corridors for wind turbines are a
26 minimum of approximately 660 feet in width around turbines, and wider in some locations. The
27 site boundary width around site access roads and electrical collection lines (collector lines) is
28 narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the
29 area surrounding the substations, meteorological towers (met towers), the operation and
30 maintenance (O&M) buildings, and construction yards.

31
32 Micrositing corridors for solar facility components include the area for Solar Array 1 and Solar
33 Array 2, which includes private access roads, service roads, a 34.5 kV collection system, gates
34 and perimeter security fence, as presented in Figure 1: *Approved Site Boundary/Micrositing*
35 *Areas (Wind and Solar) and Facility Regional Location* below).

36
37 *Approved Intraconnection Transmission Line Corridor*

38
39 The certificate holder obtained approval of four routing options for the 230 kV intraconnection
40 transmission line that interconnects Wheatridge West and Wheatridge East for the

¹ OAR 345-001-0010(32)

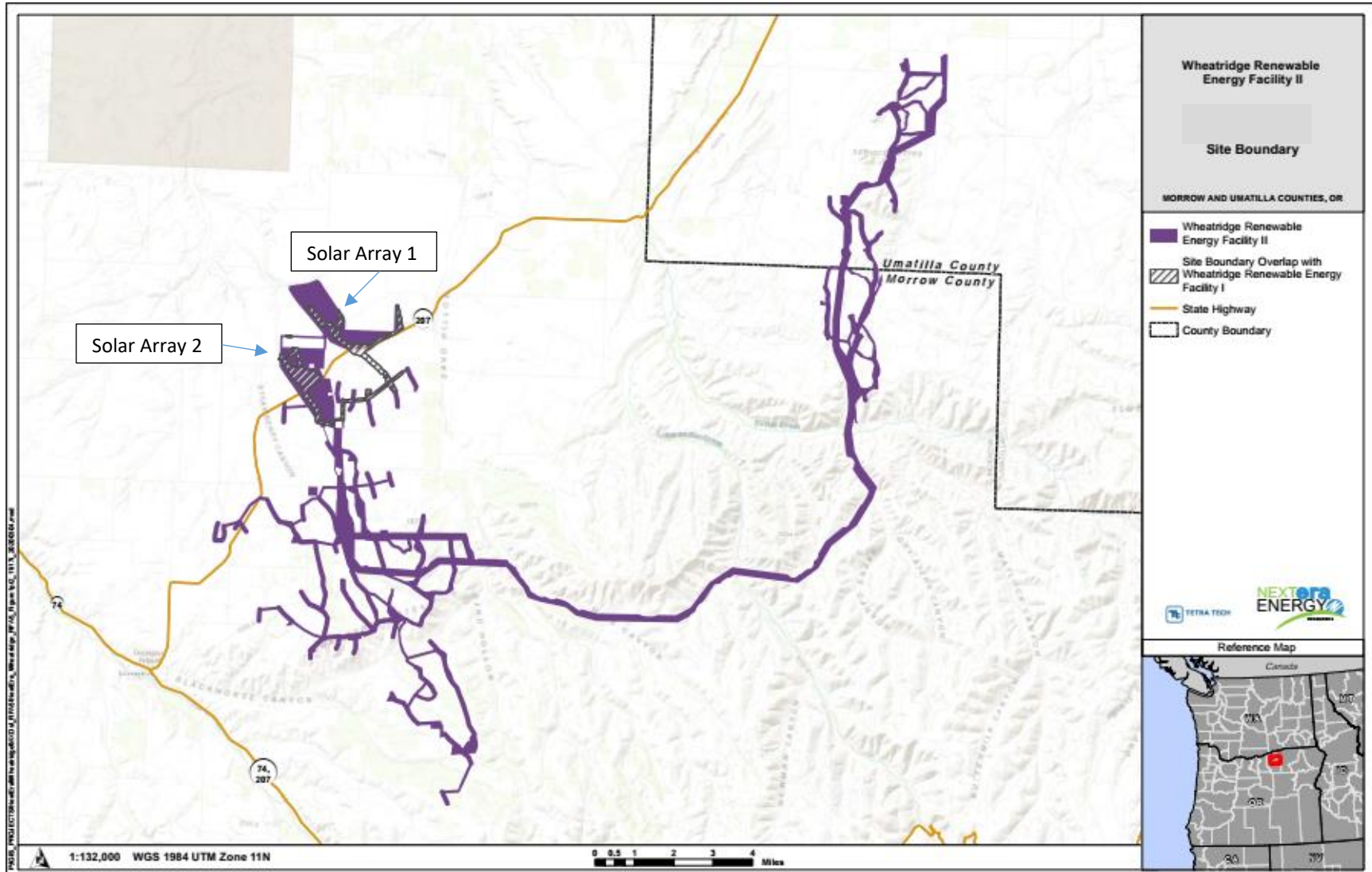
1 transmission of generated power. The intraconnection transmission line corridor is
2 approximately 1,000-feet in width and ranges in length from 24.5 to 31.5 miles, based upon the
3 four approved transmission line route options.
4

5 The approved 230 kV intraconnection transmission line route options, as presented in ASC
6 Exhibit C (Figures C-4a through C-4d), are summarized below:
7

- 8 • Option 1: 31.5-mile 230 kV intraconnection transmission line extending from
9 Wheatridge East Substation 3 to Wheatridge West Substation 1
10
- 11 • Option 2: 31.3-mile 230 kV intraconnection transmission line extending from
12 Wheatridge East Substation 3 to Wheatridge West Substation 2b, and then to
13 Wheatridge West Substation 2a (alternate)
14
- 15 • Option 3: 24.5-mile 230 kV intraconnection transmission line extending from
16 Wheatridge West Substation 1 to Wheatridge East Substation 3
17
- 18 • Option 4: 27.8 mile 230 kV intraconnection transmission line extending from
19 Wheatridge West Substation 2a to Wheatridge West Substation 2b, and then to
20 Wheatridge East Substation 3
21

22

1 Figure 1: Approved Site Boundary/Micrositing Areas (Wind and Solar) and Facility Regional Location



1 **I.D. Procedural History**

2
3 The Wheatridge Renewable Energy Facility II (WREFII) Site Certificate was issued through
4 Council’s approval of the *Final Order on Amendment 5 of the Wheatridge Wind Energy Facility*
5 *Site Certificate* (May 2020), which authorized a split of the Wheatridge Wind Energy Facility Site
6 Certificate into two original site certificates for newly named facilities, WREFII and Wheatridge
7 Renewable Energy Facility I.

8
9 The Wheatridge Wind Energy Facility Site Certificate was authorized under the *Final Order on*
10 *the Application for Site Certificate* (Final Order on ASC) on April 28, 2017. The site certificate
11 became effective on May 24, 2017. On June 14, 2017, Wheatridge Wind Energy, LLC and
12 Swaggart Wind Power, LLC (certificate holder owner in 2017) submitted Request for
13 Amendment 1 (RFA1) of the site certificate, requesting to transfer certificate holder ownership
14 from Swaggart Wind Power, LLC to a new parent company, NextEra Energy Resources, LLC. The
15 Council issued *Final Order on Amendment 1* and the first amended site certificate on July 27,
16 2017. The first amended site certificate became effective on August 17, 2017.

17
18 On May 18, 2018, the certificate holder submitted Request for Amendment 2 (RFA2) and
19 Request for Amendment 3 (RFA3). RFA2 requested approval for construction and operation of
20 two battery storage systems, to be located in Wheatridge East and one in Wheatridge West.
21 RFA3 requested approval to modify wind turbine specifications for maximum blade-tip height.
22 The Council issued *Final Order on RFA3* and second amended site certificate on November 16,
23 2018; Council issued the *Final Order on RFA2* and a third amended site certificate on December
24 14, 2018. On July 1, 2019 the certificate holder submitted Request for Amendment 4 (RFA4)
25 seeking approval to add 1,527 acres to the site boundary for construction and operation of 150
26 MW of photovoltaic solar power generation equipment and up to 41 distributed energy storage
27 (battery) systems. The Council approved *Final Order on RFA4* and issued the fourth amended
28 site certificate on November 22, 2019.

29
30 On April 16, 2020 the certificate holder submitted Request for Amendment 5 (RFA5). RFA5
31 requested approval to amend the existing site certificate by creating two original site
32 certificates based entirely on the existing Wheatridge Wind Energy Facility site certificate, but
33 including only 40 of the previously approved 292 wind turbines (totaling approximately 100
34 MW capacity) into one site certificate, with all remaining facility components in another site
35 certificate, with new facility names - Wheatridge Renewable Energy Facility I (WREFI) and
36 Wheatridge Renewable Energy Facility II (WREFII). The certificate holder owner, NextEra Energy
37 Resources, LLC was maintained for WREFI and WREFII. The Council approved *Final Order on*
38 *RFA5* and issued two original site certificates on May 22, 2020.

1 **II. AMENDMENT PROCESS**

2
3 **II.A. Requested Amendment**

4
5 The certificate holder requests Council approval to allocate previously approved facility
6 components and site certificate conditions into an amended and two original site certificates
7 based entirely on the previously approved WREFII site certificate. The amendment request is
8 limited solely to the allocation of previously approved facility components into a first amended
9 site certificate for WREFII and original site certificates for facilities named Wheatridge
10 Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE).

- 11
12 • WREFII would include 200 MW wind energy generation within a 7,850 acre site
13 boundary in Morrow County - under existing certificate holder ownership;
14 • WREFIII would include 150 MW of solar photovoltaic energy generation within a 2,294
15 acre site boundary in Morrow County - under new certificate holder ownership,
16 Wheatridge Solar Energy Center, LLC; and,
17 • WREFE would include 200 MW wind energy generation within a 4,582 acre site
18 boundary in Umatilla and Morrow counties - under new certificate holder ownership,
19 Wheatridge East, LLC.

20
21 The current certificate holder, Wheatridge Wind II, LLC and certificate holder owner, NextEra
22 Energy Resources, LLC would be maintained for the amended WREFII site certificate. The new
23 certificate holders for the WREFIII and WREFE site certificates are wholly-owned subsidiaries of
24 the existing certificate holder owner, NextEra Energy Resources, LLC.

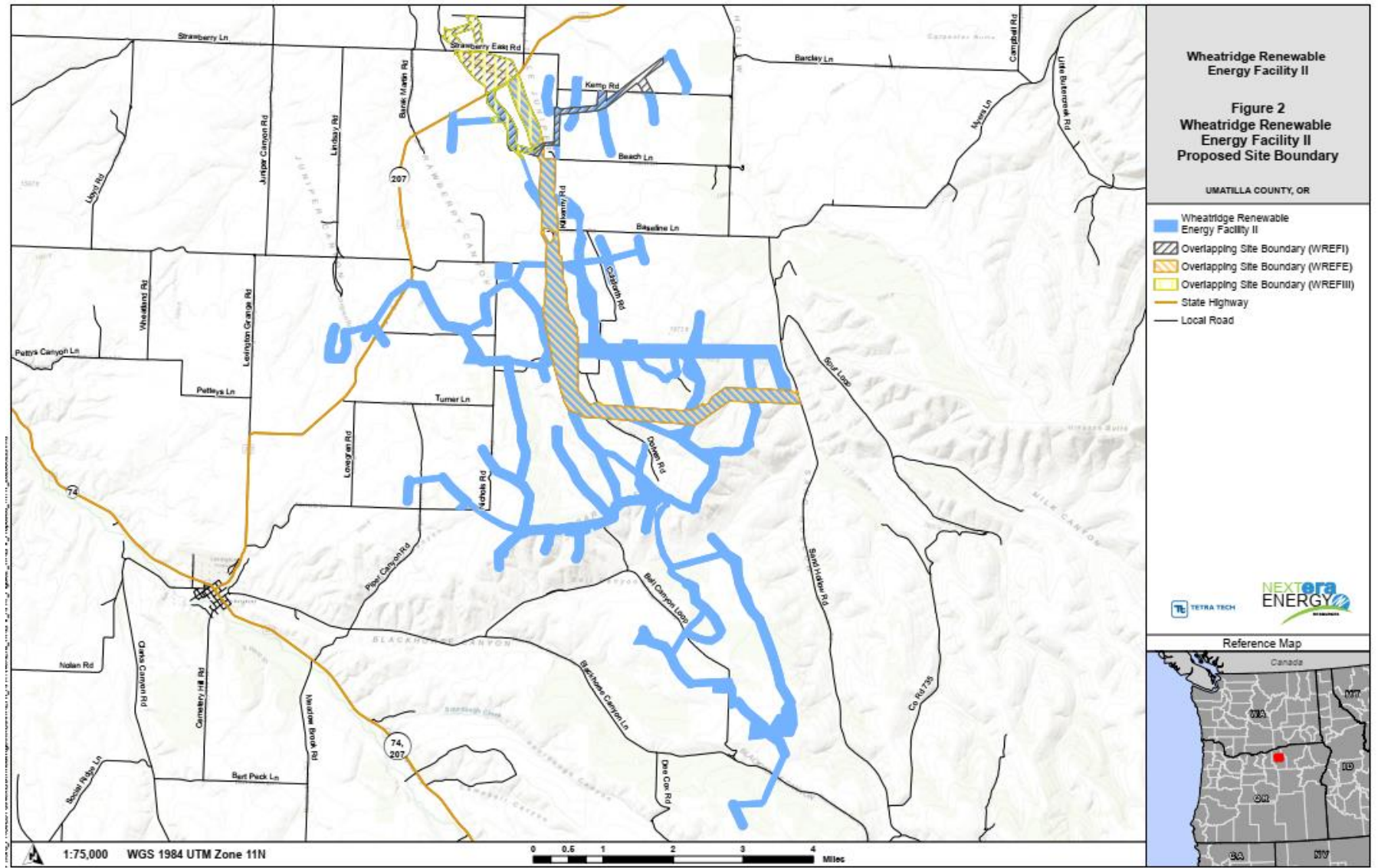
25
26 Previously approved facility components that would be shared between WREFII and WREFIII
27 include a collector substation, access roads, temporary laydown areas and the O&M building,
28 all of which would be reflected in both WREFII and WREFIII site certificates with the exception
29 of the O&M building reflected only in the WREFII site certificate. WREFE would not share any
30 related or supporting facilities with WREFII or WREFIII, however would include areas of
31 overlapping site boundary. The proposed amended site boundaries, including locations where
32 related or supporting facilities would be shared and therefore site boundaries would overlap,
33 are presented in Figures 2, 3 and 4 below.

34
35 The certificate holder seeks approval of administrative amendments to previously imposed
36 conditions; and requests to adjust the decommissioning amount based on splitting and sharing
37 of previously approved facility components. In RFA1 Attachments 7, 8 and 9, the certificate
38 holder represents a reduction in the maximum number of facility components authorized in the
39 existing WREFII site certificate. For example, the certificate holder represents that the
40 maximum number of wind turbines in WREFII would be 80 and WREFE would be 66, totaling
41 146 wind turbines, where WREFII authorizes up to 252. Similarly, the WREFII site certificate
42 authorizes 12 metrological towers, which has been reduced to a total of 6 meteorological
43 towers, 5 to be included in the original WREFE site certificate and 1 included in the amended

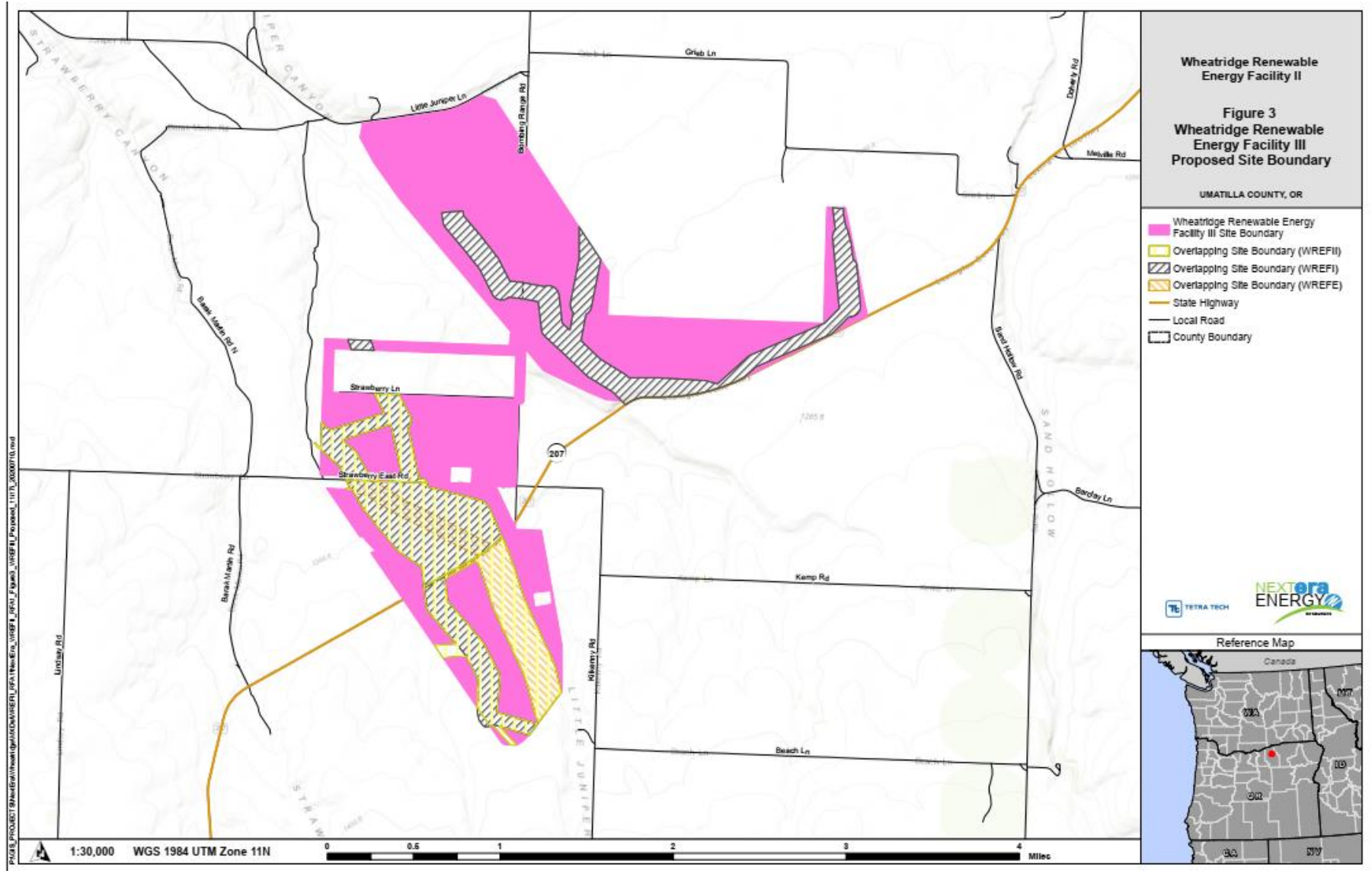
1 WREFII site certificate. The reduction in maximum number of authorized facility components is
2 reflected in the facility decommissioning cost estimates for WREFII and WREFE in Table 1
3 *Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)* of this order.
4 The site certificates would contain all previously imposed conditions, unless otherwise
5 evaluated in this order.
6
7

1 **Figure 2: Proposed Amended WREFII Site Boundary**

2

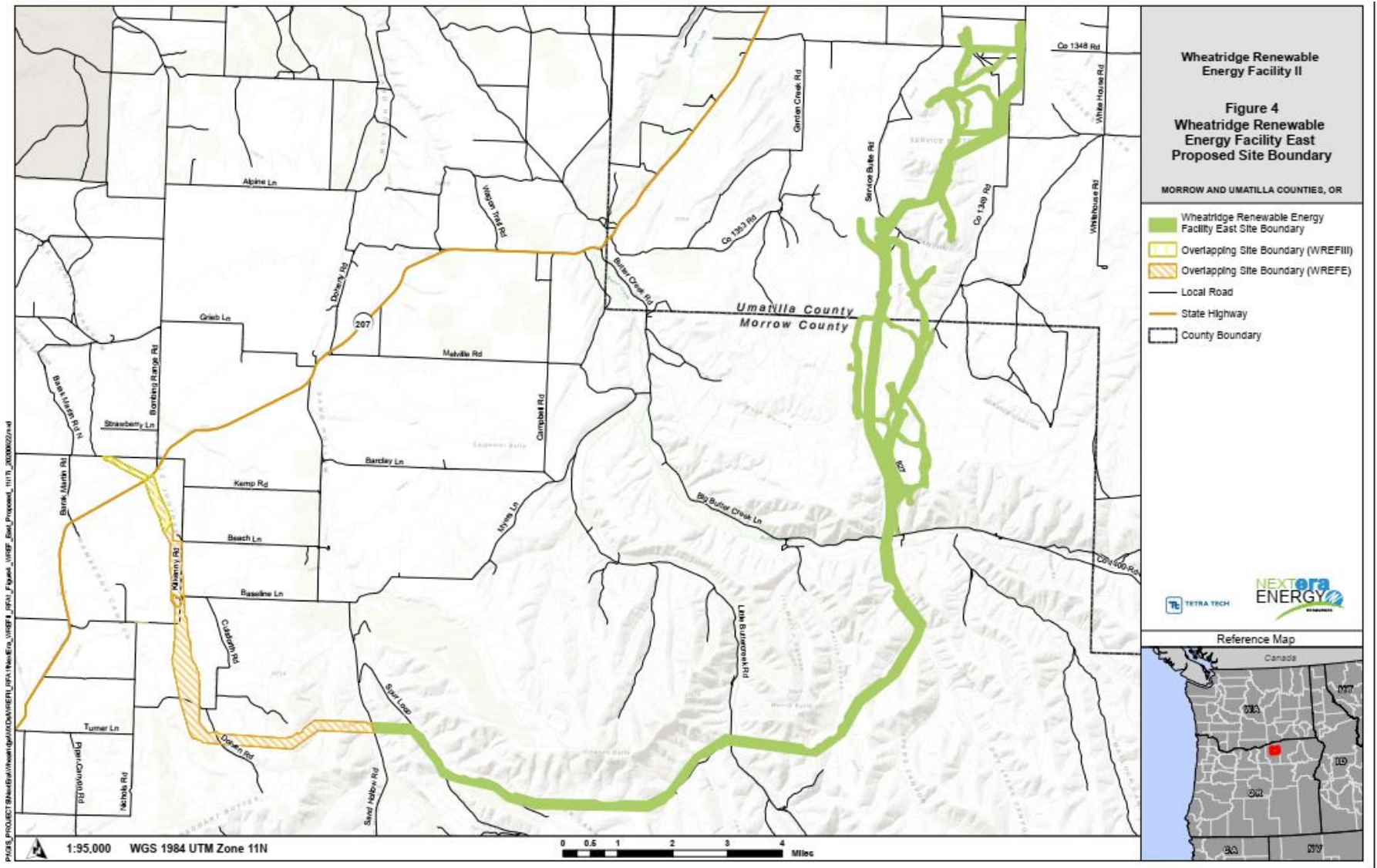


1 **Figure 3: Proposed WREFIII Site Boundary**



2

1 **Figure 4: Proposed WREFE Site Boundary**



2

1 **II.B. Amendment Review Process**
2

3 Council rules describe the processes for transfers, Type A, Type B, and Type C review of a
4 request for amendment at OAR 345-027-0351. The Type A review is the standard or “default”
5 site certificate amendment process for changes that require an amendment. Type C review
6 process is associated with construction-related changes. The key procedural difference
7 between the Type A and Type B review is that the Type A review includes a public hearing on
8 the draft proposed order and an opportunity for a contested case proceeding. The primary
9 timing differences between Type A and Type B review are the maximum allowed timelines for
10 the Department’s determination of completeness of the preliminary request for amendment,
11 as well as the issuance of the draft proposed order, and proposed order. It is important to note
12 that Council rules authorize the Department to adjust the timelines for these specific
13 procedural requirements, if necessary.
14

15 A certificate holder may submit an amendment determination request to the Department for a
16 written determination of whether a request for amendment justifies review under the Type B
17 review process. The certificate holder has the burden of justifying the appropriateness of the
18 Type B review process as described in OAR 345-027-0351(3). The Department may consider,
19 but is not limited to, the factors identified in OAR 345-027-0357(8) when determining whether
20 to process an amendment request under Type B review.
21

22 On August 3, 2020, the certificate holder submitted a Type B Review amendment
23 determination request (Type B Review ADR), requesting the Department’s review and
24 determination of whether, based on evaluation of the OAR 345-027-0357(8) factors, the
25 amendment request could be reviewed under the Type B review process. On August 18, 2020,
26 the Department determined that Request for Amendment 1 of the Wheatridge Renewable
27 Energy Facility II Site Certificate justifies Type B review, based on the low level of complexity,
28 the limited level of reviewing agency interest in the proposed changes anticipated by the
29 Department, and the low likelihood of significant adverse impacts or additional mitigation from
30 the proposed change.
31

32 Pursuant to OAR 345-027-0363(2), on October 12, 2020, the Department determined the
33 preliminary amendment request to be complete and issued requests for additional information.
34 On the same day, the Department posted the complete amendment request to the facility
35 project website within an announcement notifying the public that the complete RFA had been
36 received and is available for viewing.
37

38 **II.C. Council Review Process**
39

40 On October 12, 2020, the Department issued this draft proposed order, and a Public Notice of
41 the Draft Proposed Order and Request for Amendment, initiating a 24-day comment period
42 extending from October 12 through November 6, 2020. The notice was distributed to all
43 persons on the Council’s general mailing list, to the special mailing list established for the

1 facility, to a current list of property owners supplied by the certificate holder in August 2020,
2 and to a list of reviewing agencies as defined in OAR 345-001-0010(52).

3
4 To raise an issue on the record of the draft proposed order, a person must raise the issue in a
5 written comment submitted after the date of the notice of the draft proposed order received
6 by the Department before the written comment deadline. The Council will not accept or
7 consider public comments on RFA1 or on the draft proposed order after the written comment
8 deadline, listed above, that closes the record on the draft proposed order. ~~After the
9 Department considers all comments received before the comment deadline for the draft
10 proposed order, but not more than 21 days after the comment deadline, the Department will
11 issue a proposed order. The proposed order shall recommend approval, modification, or denial
12 of the amended WREFII and two original site certificates. Upon issuance of the proposed order,
13 the Department will issue a notice of the proposed order.~~

14
15 On the record of the draft proposed order, the Department received comments from four local,
16 state and Tribal Government agencies including the Confederated Tribes of Umatilla Indian
17 Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Morrow County
18 Board of Commissioners as the Special Advisory Group, Oregon Department of Fish and
19 Wildlife; and the certificate holder.

20
21 On November 17, 2020, the Department issued the proposed order, addressing comments
22 received on the record of the draft proposed order (see Attachment B of this order for all DPO
23 comments), along with a notice of proposed order issuance. The proposed order notice was
24 distributed to all persons on the Council’s general mailing list, to the special mailing list
25 established for the facility and a current list of property owners supplied by the certificate
26 holder. The proposed order recommends approval of an amended and two original site
27 certificates.

28
29 The Council, may adopt, modify or reject the proposed order based on the considerations
30 described in OAR 345-027-0375. In a written final order, the Council shall either grant or deny
31 issuance of the amended and two original site certificates, as requested through the
32 amendment request. In making a decision to grant or deny issuance of a request for
33 amendment, the Council shall apply the applicable laws and Council standards required under
34 OAR 345-027-0375 and in effect on the dates described in OAR 345-027-0375 (3). The Council’s
35 final order is subject to judicial review by the Oregon Supreme Court as provided in ORS
36 469.403.

37 38 **II.D. Applicable Division 27 Rule Requirements**

39
40 A site certificate amendment is necessary under OAR 345-027-0350(4) because the certificate
41 holder requests to design, construct, and operate the facility in a manner different from the
42 description in the site certificate and would require modification to existing conditions in the
43 site certificate.
44

1 The Type B amendment review process (consisting of rules 345-027-0359, -0360, -0363, -0365, -
2 0368, -0372, and -0375) shall apply to the Council’s review of a request for amendment that the
3 Department or the Council approves for Type B review under 345-027-0357.

4
5 **III. REVIEW OF THE REQUESTED AMENDMENT**
6

7 Under ORS 469.310, the Council is charged with ensuring that the “siting, construction and
8 operation of energy facilities shall be accomplished in a manner consistent with protection of
9 the public health and safety.” ORS 469.401(2) further provides that the Council must include in
10 the amended site certificate “conditions for the protection of the public health and safety, for
11 the time for completion of construction, and to ensure compliance with the standards, statutes
12 and rules described in ORS 469.501 and ORS 469.503.”² The Council implements this statutory
13 framework by adopting findings of fact, conclusions of law, and conditions of approval
14 concerning the amended facility’s compliance with the Council’s Standards for Siting Facilities
15 at OAR 345, Divisions 22, 24, 26, and 27.

16
17 This ~~draft~~ proposed order includes the Department’s ~~initial~~ analysis of whether the changes
18 proposed in RFA1 satisfy each applicable Council Standard based on the information in the
19 record. ~~Following the written comment period on the draft proposed order, the Department~~
20 ~~will issue its proposed order, which will include the Department’s consideration of the~~
21 ~~comments and any additional evidence received on the record of the draft proposed order.~~
22

23 **III.A. Standards Potentially Impacted by Request for Amendment 1**
24

25 **III.A.1 General Standard of Review: OAR 345-022-0000**
26

27 *(1) To issue a site certificate for a proposed facility or to amend a site certificate, the*
28 *Council shall determine that the preponderance of evidence on the record supports the*
29 *following conclusions:*
30

31 *(a) The facility complies with the requirements of the Oregon Energy Facility Siting*
32 *statutes, ORS 469.300 to ORS 469.570 and 469.590 to 469.619, and the standards*
33 *adopted by the Council pursuant to ORS 469.501 or the overall public benefits of the*
34 *facility outweigh the damage to the resources protected by the standards the facility*
35 *does not meet as described in section (2);*
36

37 *(b) Except as provided in OAR 345-022-0030 for land use compliance and except for*
38 *those statutes and rules for which the decision on compliance has been delegated by*
39 *the federal government to a state agency other than the Council, the facility*
40 *complies with all other Oregon statutes and administrative rules identified in the*
41 *project order, as amended, as applicable to the issuance of a site certificate for the*
42 *proposed facility. If the Council finds that applicable Oregon statutes and rules, other*

² ORS 469.401(2).

1 *than those involving federally delegated programs, would impose conflicting*
2 *requirements, the Council shall resolve the conflict consistent with the public interest.*
3 *In resolving the conflict, the Council cannot waive any applicable state statute.*

4 * * *

5 *(4) In making determinations regarding compliance with statutes, rules and ordinances*
6 *normally administered by other agencies or compliance with requirement of the Council*
7 *statutes if other agencies have special expertise, the Department of Energy shall consult*
8 *such other agencies during the notice of intent, site certificate application and site*
9 *certificate amendment processes. Nothing in these rules is intended to interfere with the*
10 *state's implementation of programs delegated to it by the federal government.*

11
12 **Findings of Fact**

13
14 OAR 345-022-0000 provides the Council's General Standard of Review and requires the Council
15 to find that a preponderance of evidence on the record supports the conclusion that the
16 proposed changes would comply with the requirements of EFSC statutes and the siting
17 standards adopted by the Council and that the proposed changes would comply with all other
18 Oregon statutes and administrative rules applicable to the issuance of proposed two new site
19 certificates.

20
21 OAR 345-022-0000(2) and (3) apply to RFAs where a certificate holder has shown that the
22 proposed facility modifications cannot meet Council standards or has shown that there is no
23 reasonable way to meet the Council standards through mitigation or avoidance of the damage
24 to protected resources; and, for those instances, establish criteria for the Council to evaluate in
25 making a balancing determination. In RFA5, the certificate holder has not represented that the
26 proposed amendments cannot meet an applicable Council standard. Therefore, OAR 345-022-
27 0000(2) and (3) would not apply to this review.

28
29 *Certificate Expiration (OAR 345-027-0013)*

30
31 ORS 469.370(12) requires the Council to "specify in the site certificate the date by which
32 construction of the facility must begin." ORS 469.401(2) requires that the site certificate contain
33 a condition "for the time for completion of construction." Under OAR 345-025-0006(4), the
34 certificate holder must begin construction on the facility no later than the construction
35 beginning date specified by Council in the site certificate. "Construction" is defined in ORS
36 469.300(6) and OAR 345-010-0010(12) to mean "work performed on a site, excluding surveying,
37 exploration or other activities to define or characterize the site, the cost of which exceeds
38 \$250,000."

39
40 In the WREFII site certificate, General Standard Conditions 1 and 2 establish the construction
41 commencement and completion deadlines for previously approved wind and solar facility
42 components. In RFA1, the certificate holder requests Council amend General Standard
43 Conditions 1 and 2 for the proposed amended WREFII and original WREFE site certificates to
44 remove reference to the deadline for solar facility components, and similarly, to remove

1 reference to the deadline for wind facility components in the original WREFIII site certificate.
2 Because RFA1 requests to allocate 200 MW of wind facility components, each, to the amended
3 WREFII and WREFE site certificate and 150 MW of solar facility components in the WREFIII
4 original site certificate, the Department recommends Council amend the conditions for the
5 WREFII and WREFIII site certificates as follows:
6

7 *WREFII and WREFE Site Certificates*
8

9 **Recommended Amended General Standard of Review Condition 1 (WREFII and WREFE):**

10 The certificate holder shall:

- 11 a. Begin construction of wind facility components and its related or supporting facilities, by
12 May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written
13 notification to the Department that it has met the construction commencement
14 deadline. Construction is defined in OAR 345-001-0010.
15 b. ~~Begin construction of solar facility components and its related or supporting facilities, as~~
16 ~~approved the Fourth Amended Site Certificate, by November 22, 2022). On or before~~
17 ~~November 22, 2022, the certificate holder shall provide written notification to the~~
18 ~~Department that it has met the construction commencement deadline. Construction is~~
19 ~~defined in OAR 345-001-0010.~~
20

21 **Recommended Amended General Standard of Review Condition 2 (WREFII and WREFE):**

22 The certificate holder shall:

- 23 a. Complete construction of the wind facility components and its related or supporting
24 facilities by May 24, 2023. The certificate holder shall promptly notify the Department of
25 the date of completion of construction.
26 b. ~~Complete construction of solar facility components and its related or supporting~~
27 ~~facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On~~
28 ~~or before November 22, 2025, the certificate holder shall promptly notify the~~
29 ~~Department of the date of completion of construction.~~
30

31 *WREFIII Site Certificate*
32

33 **Recommended Amended General Standard of Review Condition 1 (WREFIII):** The
34 certificate holder shall:

- 35 a. ~~Begin construction of wind facility components and its related or supporting facilities, by~~
36 ~~May 24, 2020. On or before May 24, 2020, the certificate holder shall provide written~~
37 ~~notification to the Department that it has met the construction commencement~~
38 ~~deadline. Construction is defined in OAR 345-001-0010.~~
39 b. Begin construction of solar facility components and its related or supporting facilities, as
40 approved the Fourth Amended Site Certificate, by November 22, 2022). On or before
41 November 22, 2022, the certificate holder shall provide written notification to the
42 Department that it has met the construction commencement deadline. Construction is
43 defined in OAR 345-001-0010.
44

1 **Recommended Amended General Standard of Review Condition 2 (WREFII):** The
2 certificate holder shall:

- 3 ~~a. Complete construction of the wind facility components and its related or supporting~~
4 ~~facilities by May 24, 2023. The certificate holder shall promptly notify the Department of~~
5 ~~the date of completion of construction.~~
6 b. Complete construction of solar facility components and its related or supporting
7 facilities, as approved the Fourth Amended Site Certificate, by November 22, 2025. On
8 or before November 22, 2025, the certificate holder shall promptly notify the
9 Department of the date of completion of construction.

10
11 *Site Specific Conditions [OAR 345-025-0010]*

12
13 The Council rules include “site specific” conditions at OAR 345-025-0010 that the Council may
14 include in the site certificate to address issues specific to certain facility types or proposed
15 features of facilities.³ Because WREFII previously included a 230 kV intraconnection
16 transmission line, Council imposed Site Specific Condition 1 to establish the approved corridor
17 for which construction and operation of the transmission line was authorized. The certificate
18 holder requests that the condition be removed in the amended WREFII site certificate and
19 original WREFIII site certificate because the 230 kV intraconnection transmission line, if
20 constructed, would only be part of the WREFE facility. Because the certificate holder represents
21 that WREFII and WREFIII would not include the 230 kV intraconnection transmission line, the
22 Department recommends Council amend the condition for the WREFII and WREFIII site
23 certificate only, as follows:

24
25 **Recommended Deleted Site Specific Condition 1 (WREFII and WREFIII):** ~~The Council shall~~
26 ~~specify an approved corridor in the site certificate and shall allow the certificate holder to~~
27 ~~construct the pipeline or transmission line anywhere within the corridor, subject to the~~
28 ~~conditions of the site certificate. If the applicant has analyzed more than one corridor in its~~
29 ~~application for a site certificate, the Council may, subject to the Council’s standards,~~
30 ~~approve more than one corridor.~~

31 ~~The transmission line corridors approved by EFSC pursuant to this condition is described in~~
32 ~~Section 2.3 of the site certificate, and presented in the facility site map (see Attachment A~~
33 ~~of the site certificate.~~

34
35 **Conclusions of Law**

36
37 Based on the foregoing recommended findings of fact and conclusions of law, and subject to
38 compliance with the recommended amended and deleted conditions for the amended WREFII
39 site certificate and original WREFIII site certificate, the Department recommends that the

³ Site-Specific Conditions at OAR 345-025-0010(1)-(3), and (6)-(7) do not apply to the proposed facility based on facility energy source/type (solar photovoltaic power generation facility with related and supporting facilities including a proposed 230 kV transmission line).

1 Council find that the certificate holders would continue to satisfy the requirements of OAR 345-
2 022-0000.

3
4 III.A.2 Organizational Expertise: OAR 345-022-0010

5
6 *(1) To issue a site certificate, the Council must find that the applicant has the organizational*
7 *expertise to construct, operate and retire the proposed facility in compliance with*
8 *Council standards and conditions of the site certificate. To conclude that the applicant*
9 *has this expertise, the Council must find that the applicant has demonstrated the ability*
10 *to design, construct and operate the proposed facility in compliance with site certificate*
11 *conditions and in a manner that protects public health and safety and has demonstrated*
12 *the ability to restore the site to a useful, non-hazardous condition. The Council may*
13 *consider the applicant’s experience, the applicant’s access to technical expertise and the*
14 *applicant’s past performance in constructing, operating and retiring other facilities,*
15 *including, but not limited to, the number and severity of regulatory citations issued to*
16 *the applicant.*

17
18 *(2) The Council may base its findings under section (1) on a rebuttable presumption that an*
19 *applicant has organizational, managerial and technical expertise, if the applicant has an*
20 *ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate*
21 *the facility according to that program.*

22
23 *(3) If the applicant does not itself obtain a state or local government permit or approval for*
24 *which the Council would ordinarily determine compliance but instead relies on a permit*
25 *or approval issued to a third party, the Council, to issue a site certificate, must find that*
26 *the third party has, or has a reasonable likelihood of obtaining, the necessary permit or*
27 *approval, and that the applicant has, or has a reasonable likelihood of entering into, a*
28 *contractual or other arrangement with the third party for access to the resource or*
29 *service secured by that permit or approval.*

30
31 *(4) If the applicant relies on a permit or approval issued to a third party and the third party*
32 *does not have the necessary permit or approval at the time the Council issues the site*
33 *certificate, the Council may issue the site certificate subject to the condition that the*
34 *applicant shall not commence construction or operation as appropriate until the third*
35 *party has obtained the necessary permit or approval and the applicant has a contract or*
36 *other arrangement for access to the resource or service secured by that permit or*
37 *approval.*

1 **Findings of Fact**

2
3 Subsections (1) and (2) of the Council’s Organizational Expertise standard require that the
4 applicant (certificate holder) demonstrate its ability to design, construct operate and retire the
5 facility with proposed changes in compliance with Council standards and all site certificate
6 conditions, and in a manner that protects public health and safety, as well as its ability to
7 restore the site to a useful, non-hazardous condition. The Council may consider the certificate
8 holder’s experience and past performance in constructing, operating and retiring other facilities
9 in determining compliance with the Council’s Organizational Expertise standard. Subsections (3)
10 and (4) address third party permits.

11
12 For this amendment request, the certificate holder owner for WREFII, WREFIII and WREFE
13 would remain NextEra Energy Resources, LLC, an entity relied upon by the certificate holder,
14 and determined by Council to, satisfy the Organizational Expertise standard (April 2017 Final
15 Order on Amendment 1). The Department recommends Council continue to rely on its previous
16 findings that the organizational expertise of the certificate holder owner would satisfy the
17 standard for the amended WREFII site certificate and two original site certificates for WREFIII
18 and WREFE.

19
20 As described throughout this order, the proposed amended WREFII site certificate and original
21 WREFIII site certificate would share related or supporting facilities including a collector
22 substation, O&M building, access roads and temporary laydown areas. The Department notes
23 that Council previously imposed Organizational Expertise Condition 11, requiring that the
24 certificate holder provide, prior to use of shared related or supporting facilities, a draft,
25 confidential “Common Facilities Agreement,” intended to be executed by the certificate holders
26 for the sharing of the previously approved facility components. While this condition would not
27 apply under the WREFE site certificate because sharing of related or supporting facilities is not
28 proposed, and therefore is recommended for deletion (see Attachment A-3 of this order), the
29 Department recommends Council continue to rely upon this condition to support the
30 evaluation of whether the WREFII and WREFIII certificate holders have demonstrated a
31 likelihood of obtaining resources necessary for facility operation.

32
33 As described in Section I.B. *WREFIII and WREFE Certificate Holder and Owner Information* of this
34 order, the certificate holder for the amended WREFII site certificate, Wheatridge Wind II, LLC,
35 would be maintained. The proposed certificate holders for WREFIII and WREFE are wholly-
36 owned subsidiaries of the existing certificate holder owner, NextEra Energy Resources, LLC,
37 Wheatridge Solar Energy Center, LLC and Wheatridge Wind East, LLC, respectively. To
38 demonstrate that the new certificate holders are lawfully entitled to possession or control of
39 the site or the facility, RFA1 provides a legal opinion letter dated September 2, 2020 from
40 Squire Patton Boggs (US) LLP for both Wheatridge Solar Energy Center, LLC (RFA1 Attachment
41 5) and Wheatridge East Wind, LLC (RFA1 Attachment 6). The legal opinion states that “subject
42 to the Certificate Holder’s meeting all of the requirements of any applicable federal, state and
43 local laws (including all the rules and regulations promulgated pursuant thereunder), the
44 Certificate Holder has the legal authority to construct and operate the facility without violating

1 the Documents.” RFA1 Attachments 1 and 2 provide the Articles of Incorporation for
2 Wheatridge Solar Energy Center, LLC and Wheatridge East Wind, LLC. The articles of
3 incorporation have been authorized by the Secretary’s Office of Delaware. Based on review of
4 the information provided in the RFA1 attachments, the Department recommends Council find
5 that the new certificate holders would be lawfully entitled to possession or control of the
6 WREFIII and WREFE site and facility, as described in the site certificate.

7
8 **Conclusions of Law**

9
10 Based on the evidence in the record, and subject to compliance with the existing conditions,
11 the Department recommends Council finds that the certificate holders would continue to
12 satisfy the requirements of the Council’s Organizational Expertise standard.

13
14 **III.A.3 Land Use: OAR 345-022-0030**

15
16 *(1) To issue a site certificate, the Council must find that the proposed facility complies with*
17 *the statewide planning goals adopted by the Land Conservation and Development*
18 *Commission.*

19
20 *(2) The Council shall find that a proposed facility complies with section (1) if:*

21
22 *(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and*
23 *the Council finds that the facility has received local land use approval under the*
24 *acknowledged comprehensive plan and land use regulations of the affected local*
25 *government; or*

26
27 *(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and*
28 *the Council determines that:*

29
30 *(A) The proposed facility complies with applicable substantive criteria as described in*
31 *section (3) and the facility complies with any Land Conservation and*
32 *Development Commission administrative rules and goals and any land use*
33 *statutes directly applicable to the facility under ORS 197.646(3);*

34
35 *(B) For a proposed facility that does not comply with one or more of the applicable*
36 *substantive criteria as described in section (3), the facility otherwise complies*
37 *with the statewide planning goals or an exception to any applicable statewide*
38 *planning goal is justified under section (4); or*

39
40 *(C) For a proposed facility that the Council decides, under sections (3) or (6), to*
41 *evaluate against the statewide planning goals, the proposed facility complies*
42 *with the applicable statewide planning goals or that an exception to any*
43 *applicable statewide planning goal is justified under section (4).*

44 ***

1 **Findings of Fact**

2
3 The Land Use standard requires the Council to find that the facility, with proposed changes,
4 would continue to comply with local applicable land use substantive criteria, as well as the
5 statewide planning goals adopted by the Land Conservation and Development Commission
6 (LCDC).⁴

7
8 Council previously found that the certificate holder demonstrated compliance with the Land
9 Use standard. Because there are no physical changes and no new geographic area proposed in
10 this amendment request, the proposed changes would not impact Council’s previous findings of
11 compliance. The Department consulted with Morrow and Umatilla counties on the local permit
12 process, given the proposed split of facility components into an amended and new site
13 certificates, to inform any potential amendments to previously imposed Condition PRE-LU-01
14 (preconstruction requirement to obtain local permits). Based on consultation with the counties,
15 for local permits already obtained, amendments to those permits would ~~not~~ be required to
16 match the projects and project boundary and Condition PRE-LU-01 would be required to be
17 satisfied prior to construction of WREFIII or WREFE ~~because the local permits apply to the~~
18 ~~facility or portions of the facility on the land it would be sited, and does not require an update~~
19 ~~based on change in facility name or owner.~~⁵

20
21 Based on the administrative nature of the amendment request, the Department recommends
22 Council rely on its previous findings and continue to find that the new certificate holders would
23 maintain compliance with applicable land use requirements for the amended and new site
24 certificates.

25
26 **Conclusions of Law**

27
28 Based on the foregoing recommended findings and the evidence in the record, and subject to
29 compliance with existing site certificate conditions, the Department recommends the Council
30 find that the facilities, with proposed changes, would continue to comply with the Land Use
31 standard.

32
33 **III.A.4 Retirement and Financial Assurance: OAR 345-022-0050**

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

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

40

⁴ The Council must apply the Land Use standard in conformance with the requirements of ORS 469.504.

⁵ [Morrow County Planning Department Comments Wreccis-2020-06-17-WREFIIAMD1. Special Advisory Group Comment 2020-10-28.](#)

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

4
5 **Findings of Fact**

6
7 The Retirement and Financial Assurance standard requires a finding that the facility site can be
8 restored to a useful, non-hazardous condition at the end of the facility's useful life, should
9 either the certificate holder stop construction or should the facility cease to operate.⁶ In
10 addition, it requires a demonstration that the certificate holder can obtain a bond or letter of
11 credit in a form and amount satisfactory to the Council to restore the site to a useful, non-
12 hazardous condition.

13
14 Council previously found that the certificate holder demonstrated compliance with the
15 Retirement and Financial Assurance standard. The changes proposed in RFA1 would not result
16 in changes in tasks or actions previously approved by Council as reasonable for facility
17 decommissioning. Similarly, the changes proposed in RFA1 would not result in changes to the
18 unit costs, as previously approved by Council, for decommissioning of the tasks and actions
19 identified to restore the facility site to a useful, nonhazardous condition.

20
21 The changes proposed in RFA1 would result in allocation of previously approved facility
22 components into three site certificates, including sharing of several facility components within
23 the WREFII and WREFIII site certificates. Based on these changes, the certificate holder provides
24 updated retirement cost estimates for WREFII and WREFE in RFA1 Attachment. The facility
25 components to be included in the WREFIII site certificate represent those that were approved
26 in the Council's *Final Order on Amendment 4* (November 2019). The retirement cost estimate
27 for facility components covered in WREFIII would not change from the previously approved
28 estimate, and methods, resulting in \$9.4 million (Q4 2018 dollars), as imposed in Retirement
29 and Financial Assurance Condition 5 (PRE-RF-02).

30
31 The Council's previously approved decommissioning amount for WREFII wind facility
32 components totaled \$16.3 million (Q3 2020 dollars) and has been allocated, using the
33 previously approved tasks and unit costs, based on facility components to be included in the
34 amended WREFII and original WREFE site certificates. As presented in Table 1: *Facility*
35 *Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)* below, the total
36 decommissioning amount for WREFII and WREFE is approximately \$13.1 million (Q3 2020). The
37 difference in the values (\$16.3 million to \$13.1 million) is based on the certificate holder's
38 representation of fewer facility components than the maximum number previously approved
39 (e.g. total wind turbines and wind turbine components reduced from 252 to 146;
40 meteorological towers reduced from 12 to 6). The reduced number of facility components is

⁶ OAR 345-022-0050(1).

- 1 reflected in Attachment A of this order (draft site certificates), and therefore accurately aligns
- 2 with the reduced decommissioning estimate.
- 3

Table 1: Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)

Facility Component	Unit Cost	Approved Facility		WREFII (Amended)		WREFE	
		No. of Components	Total Cost	No. of Components	Total Cost	No. of Components	Total Cost
<i>Wind Facility Components (Approved in 2017)</i>							
<i>Wind Turbines</i>							
Disconnect electrical	\$212	252	\$53,424	80	\$16,960	66	\$13,992
Remove turbine blades, hubs and nacelles	\$5,900	252	\$1,486,800	80	\$472,000	66	\$389,400
Remove turbine towers (per ton of steel)	\$82	44,168	\$3,621,776	26,128	\$2,142,496	11,568	\$948,576
Remove turbine foundations	\$52	7,132	\$370,864	2,264	\$117,728	1,868	\$97,136
Remove pad transformers and foundations	\$2,538	252	\$639,576	80	\$203,040	66	\$167,508
Restore turbine site	\$1,138	252	\$286,776	80	\$91,040	66	\$75,108
<i>Meteorological Towers</i>							
Dismantle and dispose	\$10,393	12	\$124,716	1	\$10,393	5	\$51,965
<i>O&M Facilities</i>							
Dismantle and dispose	\$62,886	2	\$125,772	1	\$62,886	1	\$62,886
<i>Substations</i>							
Dismantle and dispose	\$188,094	3	\$564,282	.67	\$125,383	1	\$188,094
<i>Transmission Lines</i>							
Above-ground collector Lines (per mile)	\$6,459	10.83	\$69,951	0	0	18.68	\$120,654
Transmission Lines (per mile)	\$29,611	63	\$1,865,493	0	0	63	\$1,865,493
Junction Boxes (per unit)	\$51	60	\$3,060	0	0	60	\$3,060
<i>Access Roads</i>							
Road removal, grading and seeding (per mile)	\$23,555	73	\$1,719,515	32.44	\$764,124	13.63	\$321,055
<i>Restore Additional Areas Disturbed by Facility Removal</i>							
Grading and seeding around access roads, met towers, O&M facilities and turbine turnouts (per acre)	\$8,706	128.4	\$1,117,850	40.76	\$354,857	33.63	\$292,783
Seeding around collector line	\$3,398	144.19	\$489,958	0	0	144.19	\$489,958

Table 1: Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)

Facility Component	Unit Cost	Approved Facility				WREFII (Amended)		WREFE	
		No. of Components		Total Cost		No. of Components	Total Cost	No. of Components	Total Cost
structures, transmission lines, crane paths and temporary laydown areas (per acre)									
<i>General Costs</i>									
Permits, mobilization, engineering, overhead	\$465,536	--		\$465,536		--	\$147,789	--	\$121,926
<i>Wind Facility Components Subtotal</i>									
Subtotal (Q3 2015) =				\$13,005,349		--	\$4,508,696	--	\$5,209,594
Subtotal (Q2 2020) =				\$15,218,995		--	\$4,909,970	--	\$5,673,248
<i>Battery Storage Systems (Approved in 2018)</i>									
		30MW	20MW	30MW	20MW	30MW		20MW	
Field Management (Per Day)	\$1,341	15	10	\$20,115	\$13,410	15	\$20,115	10	\$13,410
Battery Removal (Per Day)	\$1,482	13	9	\$19,275	\$13,338	13	\$19,275	9	\$13,338
Transport Batteries (Per Battery)	\$1,487	7	5	\$10,409	\$7,435	7	\$10,409	5	\$7,435
Battery Disposal Fees (Per Ton)	\$200	131	87	\$26,200	\$17,400	131	\$26,200	87	\$17,400
Structural Demolition (Per Ton)	\$110	130	87	\$14,257	\$9,570	130	\$14,257	87	\$9,570
Transport of Demolition Waste (Per Load)	\$1,375	7	5	\$9,625	\$6,875	7	\$9,625	5	\$6,875
Structural Demolition Waste Disposal Fees (Per Ton)	\$30	130	87	\$3,900	\$2,600	130	\$3,900	87	\$2,600
Concrete Breaking and Excavation (Per Cubic Yard)	\$46	260	173	\$11,960	\$7,958	260	\$11,960	173	\$7,958
Concrete Transport Offsite (Per Cubic Yard)	\$63	260	173	\$16,380	\$10,899	260	\$16,380	173	\$10,899
Underground Utility Removal (Per Day)	\$1,101	3	2	\$3,303	\$2,202	3	\$3,303	2	\$2,202
Restoration (Per Cubic Yard)	\$33	300	200	\$9,990	\$6,600	300	\$9,990	200	\$6,600
<i>Battery Storage Systems Subtotal</i>									
Subtotal (Q3 2018) =				\$145,414	\$98,287	--	\$145,414	--	\$98,287
15% Subcontractor Markup =				\$21,803	\$14,745	--	\$21,803	--	\$14,745
Subtotal with Markup (Q3 2018) =				\$167,226	\$113,030	--	\$167,226	--	\$113,030
Subtotal (Q2 2020) =				\$172,511	\$114,595	--	\$172,511	--	\$114,595
<i>Wind Facility Components and Battery Storage Systems – Summary Total (Q2 2020 Dollars)</i>									
Wind Facility Components (Q2 2020) =							\$4,909,970	--	\$5,673,248

Table 1: Facility Decommissioning Cost Estimate (Approved Facility, WREFII and WREFE)

Facility Component	Unit Cost	Approved Facility		WREFII (Amended)		WREFE	
		No. of Components	Total Cost	No. of Components	Total Cost	No. of Components	Total Cost
Battery Storage Systems (Q2 2020) =					\$172,511	--	\$114,595
Wind Facility Components and Battery Storage Systems (Q2 2020) (without ODOE Contingencies) =					\$5,082,481	--	\$5,787,843
<i>ODOE Applied Contingencies</i>							
1% Performance Bond =					\$50,825	--	\$57,878
10% Project Management =					\$508,248	--	\$578,784
10% Future Development =					\$508,248	--	\$578,784
Wind Facility Components and Battery Storage Systems (Q2 2020) (with ODOE Contingencies)					\$6,149,802	--	\$7,003,290

- 1
- 2 Based on RFA1 Attachment 10 Retirement Cost Estimate, and represented in the table above,
- 3 the full decommissioning amount for related or supporting facilities shared between WREFII
- 4 and WREFII are fully reflected in the retirement estimate for WREFII.

1 Based on the requested facility component allocation, and analysis presented above, the
2 Department recommends Council amend previously imposed Retirement and Financial
3 Assurance Condition 5 in the WREFII, WREFIII and WREFE site certificates to reflect the updated
4 decommissioning amount for each facility, to be provided as a bond or letter of credit prior to
5 construction, as presented below:
6

7 **Recommended Amended Retirement and Financial Assurance Condition 5 (WREFII):**

8 Before beginning construction of the:

9 a. Wind energy facility components or its related or supporting facilities, the certificate
10 holder shall submit to the State of Oregon, through the Council, a bond or letter of
11 credit naming the State of Oregon, acting by and through the Council, as beneficiary or
12 payee. The initial bond or letter of credit amount for the wind facility components is
13 ~~\$16.3~~ 6.2 million dollars (~~Q23 202018~~ dollars), to be adjusted to the date of issuance,
14 and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this
15 condition:

16 ~~b. Solar energy facility components or its related or supporting facilities, the certificate~~
17 ~~holder shall submit to the State of Oregon, through the Council, a bond or letter of~~
18 ~~credit naming the State of Oregon, acting by and through the Council, as beneficiary or~~
19 ~~payee. The initial bond or letter of credit amount for the solar facility components is~~
20 ~~\$9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance, and~~
21 ~~adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this~~
22 ~~condition:~~

- 23 1. The certificate holder may adjust the amount of the initial bond or letter of
24 credit based on the final design configuration of the facility. Any revision to the
25 restoration costs should be adjusted to the date of issuance as described in (2)
26 and subject to review and approval by the Council.
- 27 2. The certificate holder shall adjust the amount of the bond or letter of credit
28 using the following calculation:
 - 29 i. Adjust the amount of the bond or letter of credit (expressed in ~~Q23 202018~~
30 dollars for wind facility components and ~~Q4 2018 dollars for solar facility~~
31 ~~components~~) to present value, using the U.S. Gross Domestic Product Implicit
32 Price Deflator, Chain-Weight, as published in the Oregon Department of
33 Administrative Services' "Oregon Economic and Revenue Forecast" or by any
34 successor agency and using the third quarter ~~202018~~ index value and the
35 quarterly index value for the date of issuance of the new bond or letter of
36 credit. If at any time the index is no longer published, the Council shall select a
37 comparable calculation to adjust ~~Q23 202018~~ dollars to present value.
 - 38 ii. Round the result total to the nearest \$1,000 to determine the financial
39 assurance amount.
- 40 3. The certificate holder shall use an issuer of the bond or letter of credit approved
41 by the Council.
- 42 4. The certificate holder shall use a form of bond or letter of credit approved by the
43 Council. The certificate holder shall describe the status of the bond or letter of
44 credit in the annual report submitted to the Council under OAR 345-026-0080.

1 The bond or letter of credit shall not be subject to revocation or reduction
2 before retirement of the facility site.

3
4 **Recommended Amended Retirement and Financial Assurance Condition 5 (WREFIII):**

5 Before beginning construction of the:

- 6 a. ~~Wind energy facility components or its related or supporting facilities, the certificate~~
7 ~~holder shall submit to the State of Oregon, through the Council, a bond or letter of~~
8 ~~credit naming the State of Oregon, acting by and through the Council, as beneficiary or~~
9 ~~payee. The initial bond or letter of credit amount for the wind facility components is~~
10 ~~\$16.3 million dollars (Q2 2020 dollars), to be adjusted to the date of issuance, and~~
11 ~~adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this~~
12 ~~condition:~~
13 b. Solar energy facility components or its related or supporting facilities, the certificate
14 holder shall submit to the State of Oregon, through the Council, a bond or letter of
15 credit naming the State of Oregon, acting by and through the Council, as beneficiary or
16 payee. The initial bond or letter of credit amount for the solar facility components is
17 \$9.4 million dollars (Q4 2018 dollars), to be adjusted to the date of issuance, and
18 adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this
19 condition:...*[sub-paragraph 2 language would not change and therefore is not presented*
20 *here for brevity; the language is the same as represented in sub-paragraph (2) of the*
21 *WREFII condition above, or see Attachment A-2 for reference to specific condition*
22 *language]*

23
24 **Recommended Amended Retirement and Financial Assurance Condition 5 (WREFE):**

25 Before beginning construction of the:

- 26 a. Wind energy facility components or its related or supporting facilities, the certificate
27 holder shall submit to the State of Oregon, through the Council, a bond or letter of
28 credit naming the State of Oregon, acting by and through the Council, as beneficiary or
29 payee. The initial bond or letter of credit amount for the wind facility components is
30 ~~\$16.3~~ 7.0 million dollars (~~Q2 2020~~ 2018 dollars), to be adjusted to the date of issuance,
31 and adjusted on an annual basis thereafter, as described in sub-paragraph (2) of this
32 condition:... *[sub-paragraph 2 language would not change and therefore is not*
33 *presented here for brevity; the language is the same as represented in sub-paragraph (2)*
34 *of the WREFII condition above, or see Attachment A-2 for reference to specific condition*
35 *language]*

36
37 **Conclusions of Law**

38
39 Based on the foregoing recommended findings of fact, and subject to compliance with the
40 existing and recommended amended Retirement and Financial Assurance conditions, the
41 Department recommends that the Council find that the facilities, with proposed changes,
42 would continue to comply with the Council's Retirement and Financial Assurance standard.
43

1 III.A.5 Fish and Wildlife Habitat: OAR 345-022-0060

2
3 *To issue a site certificate, the Council must find that the design, construction and*
4 *operation of the facility, taking into account mitigation, are consistent with:*

5
6 *(1) The general fish and wildlife habitat mitigation goals and standards of OAR 635-415-*
7 *0025(1) through (6) in effect as of February 24, 2017****

8
9 **Findings of Fact**

10
11 The EFSC Fish and Wildlife Habitat standard requires the Council to find that the design,
12 construction and operation of a proposed facility, or facility with proposed changes, is
13 consistent with the Oregon Department of Fish and Wildlife’s (ODFW) habitat mitigation policy,
14 goals, and standards, as set forth in OAR 635-415-0025. The ODFW Habitat Mitigation Policy
15 and EFSC Fish and Wildlife Habitat standard create requirements to mitigate impacts to fish and
16 wildlife habitat, based on the quantity and quality of the habitat as well as the nature, extent,
17 and duration of the potential impacts to the habitat. The policy also establishes a habitat
18 classification system based on value the habitat would provide to a species or group of species.
19 There are six habitat categories; Category 1 being the most valuable and Category 6 the least
20 valuable.

21
22 Council previously found that the certificate holder demonstrated compliance with the Fish and
23 Wildlife Habitat standard. Because there are no physical changes and no new geographic area
24 proposed in this amendment request, the proposed changes would not impact Council’s
25 previous findings of compliance. As proposed in RFA1, the proposed change includes allocation
26 of previously approved facility components into an amended and two original site certificates,
27 mirroring previously imposed conditions and mitigation plan requirements. To ensure that all
28 previously approved mitigation plans are maintained, as applicable, based on the amended
29 WREFII and original WREFIII and WREFE site certificates, the Department provides the following
30 analysis.

31
32 As explained in this order, WREFII is currently under construction and therefore previously
33 satisfied preconstruction requirements applicable to the finalization of the Habitat Mitigation
34 Plan (Condition PRE-FW-04), Revegetation Plan (PRE-FW-05), Noxious Weed Control Plan (PRE-
35 LU-03), and Wildlife Monitoring and Mitigation Plan (PRE-FW-02). The Department maintains
36 copies of the final plans to be implemented by the certificate holder.

37
38 The original site certificate for WREFIII includes 150 MW of solar facility components on up to
39 900 acres of Exclusive Farm use zoned land, which represent facility components approved in
40 the Council’s *Final Order on Amendment 4* (November 2019). In the Council’s *Final Order on*
41 *Amendment 4*, Council approved a draft Habitat Mitigation Plan, draft Revegetation Plan, draft
42 Noxious Weed Control Plan, and draft Wildlife Monitoring and Mitigation Plan, specific to solar
43 photovoltaic energy generation components and associated habitat and wildlife impacts. These

1 plans are incorporated into this order and continue to apply, as previously approved, to
2 WREFIII.

3
4 The mitigation plan requirements for WREFE, a facility to be comprised of previously approved
5 wind facility components, mirror those previously approved for WREFII and have been updated
6 to accurately reflect the facility description and location, and are provided as Attachments C-F
7 of this order.⁷

8
9 **Conclusions of Law**

10
11 Based on the foregoing recommended findings of fact and conclusions, and subject to
12 compliance with existing site certificate conditions, the Department recommends the Council
13 find that the facilities, with proposed changes, would continue to comply with the Council’s Fish
14 and Wildlife Habitat standard.

15
16 **III.B. Standards Not Likely to Be Impacted by Request for Amendment 1**

17
18 RFA1, as described throughout this order, solely requests authorization to split, and share
19 some, previously approved facility components within previously approved site boundary and
20 micrositing corridors, but redefined based on specific facility components covered in an
21 amended and two original site certificates. Based on the administrative scope of the
22 amendment request, with the exception of substantive changes evaluated in Section III.A.
23 *Standards Potentially Impacted by Request for Amendment 1* of this order, the Department
24 recommends Council find that the standards listed below are not likely to be impacted by RFA1.

25
26 Sections III.B.1 through III.B.12 present the language of the identified standards and other
27 applicable laws and regulations not likely to be impacted by RFA1, for reference purposes only.

28
29 **III.B.1 Structural Standard: OAR 345-022-0020**

30
31 *(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the*
32 *Council must find that:*

33
34 *(1) The applicant, through appropriate site-specific study, has adequately*
35 *characterized the seismic hazard risk of the site;*
36

⁷ [WREFIIAMD1. DPO Comments Reviewing Agency ODFW. In comments on the record of the draft proposed order, ODFW District Biologist Steve Cherry recommended that all previously imposed conditions and mitigation plans be maintained for the amended and two original site certificates under review in Request for Amendment 1. As described in the proposed order, all previously imposed conditions and mitigation plans would be maintained as a result of the amendment.](#)

1 (2) *The applicant can design, engineer, and construct the facility to avoid dangers to*
2 *human safety and the environment presented by seismic hazards affecting the*
3 *site, as identified in subsection (1)(a);*
4

5 (3) *The applicant, through appropriate site-specific study, has adequately*
6 *characterized the potential geological and soils hazards of the site and its vicinity*
7 *that could, in the absence of a seismic event, adversely affect, or be aggravated*
8 *by, the construction and operation of the proposed facility; and*
9

10 (4) *The applicant can design, engineer and construct the facility to avoid dangers to*
11 *human safety and the environment presented by the hazards identified in*
12 *subsection (c).*
13

14 (2) *The Council may not impose the Structural Standard in section (1) to approve or deny*
15 *an application for an energy facility that would produce power from wind, solar or*
16 *geothermal energy. However, the Council may, to the extent it determines*
17 *appropriate, apply the requirements of section (1) to impose conditions on a site*
18 *certificate issued for such a facility.*
19

20 (3) *The Council may not impose the Structural Standard in section (1) to deny an*
21 *application for a special criteria facility under OAR 345-015-0310. However, the*
22 *Council may, to the extent it determines appropriate, apply the requirements of*
23 *section (1) to impose conditions on a site certificate issued for such a facility.*
24

25 III.B.2 Soil Protection: OAR 345-022-0022

26

27 *To issue a site certificate, the Council must find that the design, construction and*
28 *operation of the facility, taking into account mitigation, are not likely to result in a*
29 *significant adverse impact to soils including, but not limited to, erosion and chemical*
30 *factors such as salt deposition from cooling towers, land application of liquid effluent,*
31 *and chemical spills.*
32

33 III.B.3 Protected Areas: OAR 345-022-0040

34

35 (1) *Except as provided in sections (2) and (3), the Council shall not issue a site certificate*
36 *for a proposed facility located in the areas listed below. To issue a site certificate for a*
37 *proposed facility located outside the areas listed below, the Council must find that,*
38 *taking into account mitigation, the design, construction and operation of the facility are*
39 *not likely to result in significant adverse impact to the areas listed below. References in*
40 *this rule to protected areas designated under federal or state statutes or regulations are*
41 *to the designations in effect as of May 11, 2007:*
42

43 (a) *National parks, including but not limited to Crater Lake National Park and Fort*
44 *Clatsop National Memorial;*

1
2 *(b) National monuments, including but not limited to John Day Fossil Bed National*
3 *Monument, Newberry National Volcanic Monument and Oregon Caves National*
4 *Monument;*

5
6 *(c) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et*
7 *seq. and areas recommended for designation as wilderness areas pursuant to 43*
8 *U.S.C. 1782;*

9
10 *(d) National and state wildlife refuges, including but not limited to Ankeny, Bandon*
11 *Marsh, Baskett Slough, Bear Valley, Cape Meares, Cold Springs, Deer Flat, Hart*
12 *Mountain, Julia Butler Hansen, Klamath Forest, Lewis and Clark, Lower Klamath,*
13 *Malheur, McKay Creek, Oregon Islands, Sheldon, Three Arch Rocks, Umatilla, Upper*
14 *Klamath, and William L. Finley;*

15
16 *(e) National coordination areas, including but not limited to Government Island,*
17 *Ochoco and Summer Lake;*

18
19 *(f) National and state fish hatcheries, including but not limited to Eagle Creek and*
20 *Warm Springs;*

21
22 *(g) National recreation and scenic areas, including but not limited to Oregon Dunes*
23 *National Recreation Area, Hell's Canyon National Recreation Area, and the Oregon*
24 *Cascades Recreation Area, and Columbia River Gorge National Scenic Area;*

25
26 *(h) State parks and waysides as listed by the Oregon Department of Parks and*
27 *Recreation and the Willamette River Greenway;*

28
29 *(i) State natural heritage areas listed in the Oregon Register of Natural Heritage*
30 *Areas pursuant to ORS 273.581;*

31
32 *(j) State estuarine sanctuaries, including but not limited to South Slough Estuarine*
33 *Sanctuary, OAR Chapter 142;*

34
35 *(k) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers*
36 *designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed*
37 *as potentials for designation;*

38
39 *(l) Experimental areas established by the Rangeland Resources Program, College of*
40 *Agriculture, Oregon State University: the Prineville site, the Burns (Squaw Butte) site,*
41 *the Starkey site and the Union site;*

42
43 *(m) Agricultural experimental stations established by the College of Agriculture,*
44 *Oregon State University, including but not limited to: Coastal Oregon Marine*

1 Experiment Station, Astoria Mid-Columbia Agriculture Research and Extension
2 Center, Hood River Agriculture Research and Extension Center, Hermiston Columbia
3 Basin Agriculture Research Center, Pendleton Columbia Basin Agriculture Research
4 Center, Moro North Willamette Research and Extension Center, Aurora East Oregon
5 Agriculture Research Center, Union Malheur Experiment Station, Ontario Eastern
6 Oregon Agriculture Research Center, Burns Eastern Oregon Agriculture Research
7 Center, Squaw Butte Central Oregon Experiment Station, Madras Central Oregon
8 Experiment Station, Powell Butte Central Oregon Experiment Station, Redmond
9 Central Station, Corvallis Coastal Oregon Marine Experiment Station, Newport
10 Southern Oregon Experiment Station, Medford Klamath Experiment Station, Klamath
11 Falls;

12
13 (n) Research forests established by the College of Forestry, Oregon State University,
14 including but not limited to McDonald Forest, Paul M. Dunn Forest, the Blodgett
15 Tract in Columbia County, the Spaulding Tract in the Mary's Peak area and the
16 Marchel Tract;

17
18 (o) Bureau of Land Management areas of critical environmental concern,
19 outstanding natural areas and research natural areas;

20
21 (p) State wildlife areas and management areas identified in OAR chapter 635,
22 Division 8.

23 ***

24 III.B.4 Threatened and Endangered Species: OAR 345-022-0070

25
26 To issue a site certificate, the Council, after consultation with appropriate state agencies,
27 must find that:

28
29 (1) For plant species that the Oregon Department of Agriculture has listed as
30 threatened or endangered under ORS 564.105(2), the design, construction and
31 operation of the proposed facility, taking into account mitigation:

32
33 (a) Are consistent with the protection and conservation program, if any, that the
34 Oregon Department of Agriculture has adopted under ORS 564.105(3); or

35
36 (b) If the Oregon Department of Agriculture has not adopted a protection and
37 conservation program, are not likely to cause a significant reduction in the
38 likelihood of survival or recovery of the species; and

39
40 (2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as
41 threatened or endangered under ORS 496.172(2), the design, construction and
42 operation of the proposed facility, taking into account mitigation, are not likely to
43 cause a significant reduction in the likelihood of survival or recovery of the species.
44

1 III.B.5 Scenic Resources: OAR 345-022-0080

2
3 *(1) Except for facilities described in section (2), to issue a site certificate, the Council*
4 *must find that the design, construction and operation of the facility, taking into*
5 *account mitigation, are not likely to result in significant adverse impact to scenic*
6 *resources and values identified as significant or important in local land use plans,*
7 *tribal land management plans and federal land management plans for any lands*
8 *located within the analysis area described in the project order.*

9
10 III.B.6 Historic, Cultural, and Archaeological Resources: OAR 345-022-0090

11
12 *(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the*
13 *Council must find that the construction and operation of the facility, taking into account*
14 *mitigation, are not likely to result in significant adverse impacts to:*

15
16 *(a) Historic, cultural or archaeological resources that have been listed on, or would*
17 *likely be listed on the National Register of Historic Places;*

18
19 *(b) For a facility on private land, archaeological objects, as defined in ORS*
20 *358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and*

21
22 *(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).*

23
24 *(2) The Council may issue a site certificate for a facility that would produce power from*
25 *wind, solar or geothermal energy without making the findings described in section (1).*
26 *However, the Council may apply the requirements of section (1) to impose conditions on*
27 *a site certificate issued for such a facility.*

28 ***

29 III.B.7 Recreation: OAR 345-022-0100

30
31 *(1) Except for facilities described in section (2), to issue a site certificate, the Council must*
32 *find that the design, construction and operation of a facility, taking into account*
33 *mitigation, are not likely to result in a significant adverse impact to important*
34 *recreational opportunities in the analysis area as described in the project order. The*
35 *Council shall consider the following factors in judging the importance of a recreational*
36 *opportunity:*

- 1 (a) Any special designation or management of the location;
- 2 (b) The degree of demand;
- 3 (c) Outstanding or unusual qualities;
- 4 (d) Availability or rareness;
- 5 (e) Irreplaceability or irretrievability of the opportunity.

6 ***

7 III.B.8 Waste Minimization: OAR 345-022-0120

8
9 (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the
10 Council must find that, to the extent reasonably practicable:

11
12 (a) The applicant’s solid waste and wastewater plans are likely to minimize
13 generation of solid waste and wastewater in the construction and operation of the
14 facility, and when solid waste or wastewater is generated, to result in recycling and
15 reuse of such wastes;

16
17 (b) The applicant’s plans to manage the accumulation, storage, disposal and
18 transportation of waste generated by the construction and operation of the facility
19 are likely to result in minimal adverse impact on surrounding and adjacent areas.

20
21 (2) The Council may issue a site certificate for a facility that would produce power from
22 wind, solar or geothermal energy without making the findings described in section (1).
23 However, the Council may apply the requirements of section (1) to impose conditions on
24 a site certificate issued for such a facility.

25 ***

26 III.A.9 Public Services: OAR 345-022-0110

27
28 (1) Except for facilities described in sections (2) and (3), to issue a site certificate, the
29 Council must find that the construction and operation of the facility, taking into account
30 mitigation, are not likely to result in significant adverse impact to the ability of public
31 and private providers within the analysis area described in the project order to provide:
32 sewers and sewage treatment, water, storm water drainage, solid waste management,
33 housing, traffic safety, police and fire protection, health care and schools.

34
35 (2) The Council may issue a site certificate for a facility that would produce power from
36 wind, solar or geothermal energy without making the findings described in section (1).
37 However, the Council may apply the requirements of section (1) to impose conditions on
38 a site certificate issued for such a facility.

39 ***

40 III.B.10 Division 23 Standards

41
42 The Division 23 standards apply only to “nongenerating facilities” as defined in ORS
43 469.503(2)(e)(K), except nongenerating facilities that are related or supporting facilities. The

1 facility, with proposed changes, would not be a nongenerating facility as defined in statute and
2 therefore Division 23 is inapplicable to the facility, with proposed changes..

3
4 III.B.11 Division 24 Standards

5
6 The Council's Division 24 standards include specific standards for the siting of wind project,
7 which is further evaluated below.

8
9 III.B.11.1 Siting Standards for Transmission Lines: OAR 345-024-0090

10
11 *To issue a site certificate for a facility that includes any transmission line under Council*
12 *jurisdiction, the Council must find that the applicant:*

13
14 *(1) Can design, construct and operate the proposed transmission line so that alternating*
15 *current electric fields do not exceed 9 kV per meter at one meter above the ground*
16 *surface in areas accessible to the public;*

17
18 *(2) Can design, construct and operate the proposed transmission line so that induced*
19 *currents resulting from the transmission line and related or supporting facilities will*
20 *be as low as reasonably achievable.*

21
22 III.B.11.2 Public Health and Safety Standards for Wind Energy Facilities: OAR 345-024-
23 0010

24
25 *To issue a site certificate for a proposed wind energy facility, the Council must find that the*
26 *applicant:*

27
28 *(1) Can design, construct and operate the facility to exclude members of the public from*
29 *close proximity to the turbine blades and electrical equipment.*

30
31 *(2) Can design, construct and operate the facility to preclude structural failure of the tower*
32 *or blades that could endanger the public safety and to have adequate safety devices and*
33 *testing procedures designed to warn of impending failure and to minimize the consequences*
34 *of such failure.*

35
36 III.B.11.3 Cumulative Effects Standard for Wind Energy Facilities OAR 345-024-0015

37
38 *To issue a site certificate for a proposed wind energy facility, the Council must find that the*
39 *applicant can design and construct the facility to reduce cumulative adverse environmental*
40 *effects in the vicinity by practicable measures including, but not limited to, the following:*

41
42 *(1) Using existing roads to provide access to the facility site, or if new roads are needed,*
43 *minimizing the amount of land used for new roads and locating them to reduce adverse*
44 *environmental impacts.*

- 1 (2) *Using underground transmission lines and combining transmission routes.*
- 2 (3) *Connecting the facility to existing substations, or if new substations are needed,*
3 *minimizing the number of new substations.*
- 4 (4) *Designing the facility to reduce the risk of injury to raptors or other vulnerable wildlife in*
5 *areas near turbines or electrical equipment.*
- 6 (5) *Designing the components of the facility to minimize adverse visual features.*
- 7 (6) *Using the minimum lighting necessary for safety and security purposes and using*
8 *techniques to prevent casting glare from the site, except as otherwise required by the*
9 *Federal Aviation Administration or the Oregon Department of Aviation.*

10
11 III.B.12 Other Applicable Regulatory Requirements Under Council Jurisdiction

12
13 Under ORS 469.503(3) and under the Council’s General Standard of Review (OAR 345-022-
14 0000), the Council must determine whether the proposed facility complies with “all other
15 Oregon statutes and administrative rules...as applicable to the issuance of a site certificate for
16 the proposed facility.” This section addresses the applicable Oregon statutes and administrative
17 rules that are not otherwise addressed in Council standards, including the Oregon Department
18 of State Lands’ Removal Fill Law and Oregon Department of Water Resources’ Water Rights
19 Law.

20
21 III.B.12.1 Noise Control Regulations: OAR 340-035-0035

22
23 (1) *Standards and Regulations:*

24 ***

25 (i) *New Noise Sources:*

26
27 (B) *New Sources Located on Previously Unused Site:*

28
29 (i) *No person owning or controlling a new industrial or commercial noise source*
30 *located on a previously unused industrial or commercial site shall cause or*
31 *permit the operation of that noise source if the noise levels generated or*
32 *indirectly caused by that noise source increase the ambient statistical noise*
33 *levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels*
34 *specified in Table 8, as measured at an appropriate measurement point, as*
35 *specified in subsection (3)(b) of this rule, except as specified in subparagraph*
36 *(1)(b)(B)(iii).*

37 (ii) *The ambient statistical noise level of a new industrial or commercial noise*
38 *source on a previously unused industrial or commercial site shall include all*
39 *noises generated or indirectly caused by or attributable to that source*
40 *including all of its related activities. Sources exempted from the requirements*
41 *of section (1) of this rule, which are identified in subsections (5)(b) - (f), (j),*
42 *and (k) of this rule, shall not be excluded from this ambient measurement.*

43 (iii) *For noise levels generated or caused by a wind energy facility:*

- 1 (i) *The increase in ambient statistical noise levels is based on an assumed*
2 *background L50 ambient noise level of 26 dBA or the actual ambient*
3 *background level. The person owning the wind energy facility may*
4 *conduct measurements to determine the actual ambient L10 and L50*
5 *background level.*
- 6 (ii) *The "actual ambient background level" is the measured noise level at*
7 *the appropriate measurement point as specified in subsection (3)(b) of*
8 *this rule using generally accepted noise engineering measurement*
9 *practices. Background noise measurements shall be obtained at the*
10 *appropriate measurement point, synchronized with windspeed*
11 *measurements of hub height conditions at the nearest wind turbine*
12 *location. "Actual ambient background level" does not include noise*
13 *generated or caused by the wind energy facility.*
- 14 (iii) *The noise levels from a wind energy facility may increase the ambient*
15 *statistical noise levels L10 and L50 by more than 10 dBA (but not*
16 *above the limits specified in Table 8), if the person who owns the noise*
17 *sensitive property executes a legally effective easement or real*
18 *covenant that benefits the property on which the wind energy facility*
19 *is located. The easement or covenant must authorize the wind energy*
20 *facility to increase the ambient statistical noise levels, L10 or L50 on*
21 *the sensitive property by more than 10 dBA at the appropriate*
22 *measurement point.*
- 23 (iv) *For purposes of determining whether a proposed wind energy facility*
24 *would satisfy the ambient noise standard where a landowner has not*
25 *waived the standard, noise levels at the appropriate measurement*
26 *point are predicted assuming that all of the proposed wind facility's*
27 *turbines are operating between cut-in speed and the wind speed*
28 *corresponding to the maximum sound power level established by IEC*
29 *61400-11 (version 2002-12). These predictions must be compared to*
30 *the highest of either the assumed ambient noise level of 26 dBA or to*
31 *the actual ambient background L10 and L50 noise level, if measured.*
32 *The facility complies with the noise ambient background standard if*
33 *this comparison shows that the increase in noise is not more than 10*
34 *dBA over this entire range of wind speeds.*
- 35 (v) *For purposes of determining whether an operating wind energy*
36 *facility complies with the ambient noise standard where a landowner*
37 *has not waived the standard, noise levels at the appropriate*
38 *measurement point are measured when the facility's nearest wind*
39 *turbine is operating over the entire range of wind speeds between cut-*
40 *in speed and the windspeed corresponding to the maximum sound*
41 *power level and no turbine that could contribute to the noise level is*
42 *disabled. The facility complies with the noise ambient background*
43 *standard if the increase in noise over either the assumed ambient*
44 *noise level of 26 dBA or to the actual ambient background L10 and*

1 L50 noise level, if measured, is not more than 10 dBA over this entire
2 range of wind speeds.

3 (vi) For purposes of determining whether a proposed wind energy facility
4 would satisfy the Table 8 standards, noise levels at the appropriate
5 measurement point are predicted by using the turbine's maximum
6 sound power level following procedures established by IEC 61400-11
7 (version 2002-12), and assuming that all of the proposed wind
8 facility's turbines are operating at the maximum sound power level.

9 (vii) For purposes of determining whether an operating wind energy
10 facility satisfies the Table 8 standards, noise generated by the energy
11 facility is measured at the appropriate measurement point when the
12 facility's nearest wind turbine is operating at the windspeed
13 corresponding to the maximum sound power level and no turbine that
14 could contribute to the noise level is disabled.

15 ***

16 III.B.12.2 Removal-Fill

17
18 The Oregon Removal-Fill Law (ORS 196.795 through 196.990) and Department of State
19 Lands (DSL) regulations (OAR 141-085-0500 through 141-085-0785) require a removal-
20 fill permit if 50 cubic yards or more of material is removed, filled, or altered within any
21 “waters of the state.”⁸ The Council, in consultation with DSL, must determine whether a
22 removal-fill permit is needed and if so, whether a removal-fill permit should be issued.

23
24 III.B.12.3 Water Rights

25
26 Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources
27 Department (OWRD) administers water rights for appropriation and use of the water
28 resources of the state. Under OAR 345-022-0000(1)(b), the Council must determine
29 whether the facility would comply with these statutes and administrative rules. OAR
30 345-021-0010(1)(o)(F) requires that if a facility needs a groundwater permit, surface
31 water permit, or water right transfer, that a decision on authorizing such a permit rests
32 with the Council.

33

⁸ ORS 196.800(15) defines “Waters of this state.” The term includes wetlands and certain other waterbodies.

1 **V. PROPOSED CONCLUSIONS AND ORDER**

2
3 Based on the recommended findings and conclusions included in this order, the Department
4 recommends that Council make the following findings:

- 5
6 1. The proposed changes included in Request for Amendment 1 of the Wheatridge
7 Renewable Energy Facility II site certificate complies with the requirements of the
8 Oregon Energy Facility Siting Statutes, ORS 469.300 to 469.520.
9
10 2. The proposed changes included in Request for Amendment 1 of the Wheatridge
11 Renewable Energy Facility II site certificate complies with the standards adopted by
12 the Council pursuant to ORS 469.501.
13
14 3. The proposed changes included in Request for Amendment 1 of the Wheatridge
15 Renewable Energy Facility II site certificate complies with all other Oregon statutes
16 and administrative rules identified in the project order as applicable to the issuance
17 of a site certificate for the facility.
18

19 Accordingly, the Department recommends that the Council find that the proposed changes
20 included in Request for Amendment 1 of the Wheatridge Renewable Energy Facility II site
21 certificate complies with the General Standard of Review (OAR 345-022-0000). The Department
22 recommends that the Council find, based on a preponderance of the evidence on the record,
23 that the site certificate may be amended as requested.
24
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1 **Proposed Order**

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3 The Department recommends that the Council approve Amendment 1 of the Wheatridge
4 Renewable Energy Facility II site certificate.

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Issued this 18th day of November 2020

The OREGON DEPARTMENT OF ENERGY



By: _____

**Todd Cornett, Assistant Director
Oregon Department of Energy, Energy Facility Siting Division**

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8 **ATTACHMENTS**

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- 11 Attachment B: Draft Proposed Order Comments/Index
- 12 Attachment C: Draft WREFE Habitat Mitigation Plan
- 13 Attachment D: Draft WREFE Revegetation Plan
- 14 Attachment E: Draft WREFE Noxious Weed Control Plan
- 15 Attachment F: Draft WREFE Wildlife Monitoring and Mitigation Plan

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Attachment A Amended Site Certificates A

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

**Site Certificate for the
Wheatridge Renewable Energy Facility II**

ISSUANCE DATE

| **Site Certificate**

May 22, 2020

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WHEATRIDGE RENEWABLE ENERGY FACILITY II SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
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
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II

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, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). 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 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; *Final Order on Request for Amendment 4* issued on November 22, 2019; and *Final Order on Request for Amendment 5* issued May 22, 2020. 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* (2) *Final Order on Request for Amendment 4* (3) *Final Order on Request for Amendment 2*; (4) *Final Order on Request for Amendment 3*; (5) *Final Order on Request for Amendment 1*; (6) *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 345-027-0410 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 Wheatridge Renewable Energy Facility II (WREFII) energy facility and its related or supporting facilities are located within Morrow ~~and Umatilla~~ counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 12,432,850 acres of private land and includes previously approved facility components that are associated with this site certificate and the site certificates for Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE). WREFII includes perimeter of the wind energy facility site, its related and-or 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 Shared (WREFI and WREFII) Related or Supporting Facilities is discussed further in Section 3.3 below.

~~Facility components are divided into two groups, Wheatridge West and Wheatridge East. WREFII components are~~ Wheatridge West is located entirely within Morrow County, bisected by Oregon

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.

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. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates with the exception of the O&M building reflected only in this site certificate. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII. 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 ~~12,432~~ 7,850 acres of privately owned land: ~~2,956 acres in Wheatridge East, 7,850 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, 2, 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

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 or~~ 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 ~~550~~ 200 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 ~~252~~ ~~120~~ ~~80~~ 80 wind turbines with a total generating capacity up to ~~499~~ ~~200~~ 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 499.7 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
<i>Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.</i>	

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 ~~638~~ miles of mostly underground 34.5 kV collector lines)
- Up to ~~three~~ ~~two~~ collector substations
- ~~Up to 32 miles of up to two overhead, parallel 230 kV transmission lines~~
- Up to ~~10~~ permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- ~~Up to two~~ One operations and maintenance (O&M) buildings (with one shared with WREFI)
- Up to ~~61~~ ~~33~~ 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 ~~638~~ 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 (NEESC) 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 638 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~~two) of substations within the micro-siting 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 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-foot (30-meters) in diameter of temporary land disturbance per tower and approximately 32-foot (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~~ **one** O&M buildings, ~~each~~ located on up to 1.1 acres, one O&M building is shared with WREFI, 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~~ **33** 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 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 November 22, 2022 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before November 22, 2025 (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 fence line; 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.~~

3.3 Shared (WREFI and WREFII) Related or Supporting Facilities

The WREFI and Wheatridge Renewable Energy Facility II (WREFII) site certificates were originally approved as one site certificate for the Wheatridge Wind Energy Facility (April 2017). In May 2020, facility components were split or bifurcated into two separate site certificates, but identified that certain related or supporting facilities would be shared or used by both facilities. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates with the exception of the O&M building reflected only in this site certificate. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under both site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the WREFI and WREFII facilities, including the Wheatridge West collector substation, SCADA system, 20 MW battery storage system, temporary laydown areas, and access roads. These related or supporting facilities are included in both WREFI and WREFII site certificates. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between WREFI and WREFII site certificates and certificate holders. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility

or ceases facility operation, both certificate holders are obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

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.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate

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 (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019)] [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 (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019)] [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 (2017), 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 (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), 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. 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>

[Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)]

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> <p>[Final Order on ASC (2017), Organizational Expertise Condition 5]</p>
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 (2017), 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>[Final Order on AMD1 (2017), 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 (2018), Organizational Expertise Condition 10]</p>
GEN-OE-05	<p>The certificate holder is authorized to share related or supporting facilities including the Wheatridge West collector substation, SCADA system, access roads, temporary staging areas, and battery storage system (30 MW systems, as approved in Final Order on Amendment 2), all of which are governed under both WREFI and WREFII site certificates.</p> <ol style="list-style-type: none">Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities.If WREFI or WREFII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5. <p>Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times.</p> <p>[Final Order on AMD5 (2020); Organizational Expertise Condition 11]</p>

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 (2017), Structural Standard Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN-LU-01	The certificate holder shall design the facility to comply with the following setback distances in Morrow County: <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. 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 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 solar facility components shall be setback a minimum of 25 feet from any abutting property or taxlot. [Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020)]
GEN-LU-02	During design and construction of the facility, the certificate holder shall: <ul style="list-style-type: none"> a. Obtain an access permit for changes in access on Morrow County roads; and b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. [Final Order on ASC (2017), Land Use Condition 4]
GEN-LU-03	During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate: <ul style="list-style-type: none"> a. Paint the towers in alternating bands of white and red or aviation orange; or b. Install aviation lighting as recommended by the Federal Aviation Administration. [Final Order on ASC (2017), Land Use Condition 9]
GEN-LU-04	The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall: <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.

	<p>d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.</p> <p>[Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019)]</p>
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 (2017), 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 (2017), Land Use Condition 16; AMD3 (2018)]</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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), Scenic Resources Condition 1, AMD2 (2018)]</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 (2017), Scenic Resources Condition 2, AMD2 (2018)]</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 (2017), 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 (2017), 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 (2017), 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 (2018), 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 (2017), Public Health and Safety Standards for Wind Facilities Condition 3]</p>
GEN-WF-02	<p>The certificate holder shall notify the department, and 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), Organizational Expertise Condition 7]</p>
PRE-OE-06	<p>The certificate holder must:</p> <ul style="list-style-type: none"> a. 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. b. 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. c. 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. <p>[Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020)]</p>

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">a) 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.b) 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 boundary• Define and delineate geological and geotechnical hazards, and means to mitigate these hazards• Geotechnical design criteria and data for the turbine foundations, foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilities• Design data for installation of underground and overhead collector lines, and overhead transmission lines• Investigation 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 DOGAMI• Investigations of the swell and collapse potential of loess soils within the site boundary. <p>[Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018)]</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 (2017), Structural Standard Condition 3; AMD5 (2020)]</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 (2017), 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 (2017), 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 facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 3]</p>
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 (2017), 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 (2017), 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">a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; andb. Obtain all other necessary local permits, including building permits.c. Provide the county with a building permit application, a third party technical report which includes:<ol 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.d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. <p>[Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018)]</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 (2017), 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 County 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 (2017), Land Use Condition 6; AMD5 (2020)]</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 (2017), 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, and Morrow County, and Umatilla County.</p> <p>[Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020)]</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 (2017), Land Use Condition 13]</p>
PRE-LU-07	<p>Before beginning construction, the certificate holder must:</p> <p>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.</p> <p>b.— Provide the Department and county with a building permit application that includes a third party technical report which:</p> <p>1.— Evaluates fire hazards, and</p> <p>2.— Presents mitigation and recommendations for a fire suppression system designed for the battery storage systems.</p> <p>c.— The certificate holder shall provide copies of the third party technical report and issued permits to the Department.</p> <p>[Final Order on ASC (2017), Land Use Condition 15; AMD2 (2018)]</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 (2017), Land Use Condition 18; AMD4 (2019)]</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 (2017), 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 (2017), Retirement and Financial Assurance Condition 4] [Mandatory Condition OAR 345-025-0006(8)]</p>
PRE-RF-02	<p>Before beginning construction of the:</p> <p>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 \$16.3</p>

million dollars (Q2 2020 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:~~
- ~~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:
 - ~~i.—Adjust the amount of the bond or letter of credit (expressed in Q2 2020 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 second quarter 2020 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 second quarter 2020 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.~~

[Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020)]

STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01

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.

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 micrositing 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

	<p>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 (2017), 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 the Final Order on Request for Amendment 5 (2020), based on the final facility design, as approved by the department in consultation with ODFW.</p> <ol style="list-style-type: none"> a. 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. b. 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 (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020)]</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 (2017), 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.

	<p>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:</p> <ul 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. <p>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.</p> <p>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.</p> <p>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> <p>[Final Order on ASC (2017), 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 D of the Final Order on Amendment 5 (2020), from the department, in consultation with Umatilla and Morrow eCountyies and ODFW. 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 (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020)]</p>
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 (2017), 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 the Final Order on Amendment 5 (2020), 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 (2017), 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. 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: <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.
 [Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]

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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4]</p>

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

PRE-PS-01	<p>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:</p> <ul style="list-style-type: none"> 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. <p>[Final Order on ASC (2017), Public Services Condition 6]</p>
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</p>

	<p>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 (2017), 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 (2017), 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 (2017), 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> <ol 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;

	<p>i. Staff training requirements; and Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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"> a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards b. Description of waste segregation methods for recycling or disposal. c. 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). [Final Order on ASC (2017), 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. [Final Order on ASC (2017), Waste Minimization Condition 3]</p>

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

PRE-TL-01

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.
[Final Order on ASC (2017), Siting Standard Condition 2]

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_z 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 L₁₀ and L₅₀ 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 (2017), Noise Control Condition 2; AMD3 (2018)]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	<p>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.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 1]</p>
CON-SP-02	<p>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.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 2]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	<p>During construction, the certificate holder shall comply with the following requirements:</p> <ol 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. <p>[Final Order on ASC (2017), Land Use Condition 8]</p>
CON-LU-02	<p>During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.</p> <p>[Final Order on ASC (2017), Land Use Condition 17]</p>
CON-LU-03	<p>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.</p> <p>[Final Order on ASC (2017), Land Use Condition 19]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	<p>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.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]</p>

<p>CON-FW-02</p>	<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 border="1" data-bbox="363 768 1438 984"> <thead> <tr> <th>Sensitive Status Species</th> <th>Buffer Size (Radius Around Nest Site):</th> <th>Sensitive Nesting and Breeding Season :</th> </tr> </thead> <tbody> <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> </tbody> </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 (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]</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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<p>CON-FW-03</p>	<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. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</p>												
<p>CON-FW-04</p>	<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. [Final Order on ASC (2017), 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 (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]</p>
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 (2017), 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> <ul style="list-style-type: none">a. Recycling steel and other metal scrap.b. Recycling wood waste.c. Recycling packaging wastes such as paper and cardboard.d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler 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.e. 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.
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	<p>f. 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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"> a. 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, b. 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). [Final Order on ASC (2017), Waste Minimization Condition 1]</p>
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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. [Final Order on ASC (2017), 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"> a. 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. b. 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

	<p>problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions.</p> <ul style="list-style-type: none"> c. 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. d. 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. e. 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 (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)]</p>
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STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]

<p>CON-TL-01</p>	<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
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	<p>the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).</p> <p>j. Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)]</p>
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
CON-NC-01	<p>During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:</p> <ol style="list-style-type: none"> 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. <p>[Final Order on ASC (2017), Noise Control Condition 1]</p>

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 (2017), Soil Protection Condition 5; AMD2 (2017)]</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 (2017), 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>

	<p>holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC (2017), Public Services Condition 19]</p>
<p>PRO-PS-03</p>	<p>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 (2017), Public Services Condition 22]</p>

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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 345-025-0006(9) 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 (2017), 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 (2018), 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 (2017), 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> <p>[Final Order on ASC (2017), Public Services Condition 2]</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 (2017), Public Services Condition 4; AMD2 (2018)]</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 (2017), 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 (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]</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

	<p>757.035 must provide the commission with the following information before January 2 of each even-numbered year:</p> <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; and ii. 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] <p>(3) Provide OPUC Safety Staff with:</p> <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 (2017), Siting Standard Condition 3]</p>
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STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

<p>OPR-NC-01</p>	<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 (2017), Noise Control Condition 3]</p>
<p>OPR-NC-02</p>	<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 (2017), Noise Control Condition 4]</p>
<p>OPR-NC-03</p>	<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</p>

approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.

[Final Order on ASC (2017), Noise Control Condition 5]

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 345-025-0006(9). 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 on ASC (2017), 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 345-025-0006(9), 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 on ASC (2017), 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 345-027-0400.

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 Wheatridge Wind III, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder/certificate holder owner).

ENERGY FACILITY SITING COUNCIL

WHEATRIDGE WIND II, LLC

By: _____

By: _____

Hanley Jenkins, II, Chair

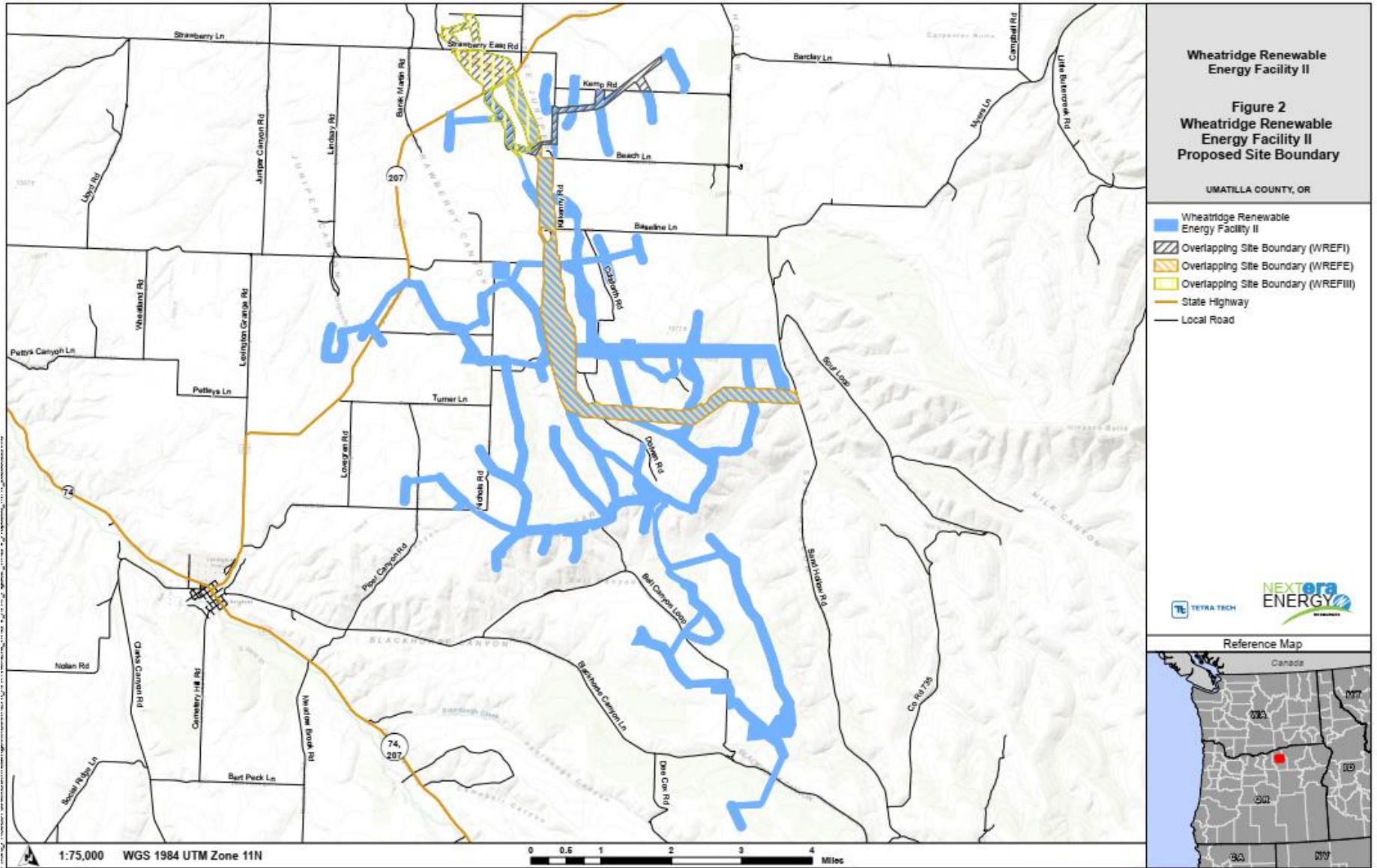
Matthew Handel, Vice President
Development, NextEra Energy Resources,
LLC on behalf of Wheatridge Wind III, LLC

Oregon Energy Facility Siting Council

Date: _____

Date: _____

Attachment A
WREF II Site Boundary Maps



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

**Site Certificate for the
Wheatridge Renewable Energy Facility III**

ISSUANCE DATE

| **Site Certificate**

May 22, 2020

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WHEATRIDGE RENEWABLE ENERGY FACILITY III SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
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
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II

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 Solar Energy Center, LLC~~ ~~Wheatridge Wind II, LLC~~ (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). 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 Renewable Energy Facility III (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; *Final Order on Request for Amendment 4* issued on November 22, 2019; and *Final Order on Request for Amendment 5* issued May 22, 2020. 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* (2) *Final Order on Request for Amendment 4* (3) *Final Order on Request for Amendment 2*; (4) *Final Order on Request for Amendment 3*; (5) *Final Order on Request for Amendment 1*; (6) *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 345-027-0410 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 Wheatridge Renewable Energy Facility III (WREFIII), is a solar facility generating up to 150 MW of solar energy. The energy facility and its related or supporting facilities are located within Morrow and Umatilla counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 12,432 2,294 acres of private land and includes the perimeter of the energy facility site two solar array facilities and distributed energy storage within micro-siting corridors, its related and/or supporting facilities, including 34.5 kV collector lines above or below ground within a perimeter fence and outside a fenced area in two routes, service roads, 5 acre substation, and 41 distributed battery storage sites for lithium-ion batteries 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 Shared (WREFI and WREFII) Related or Supporting Facilities is discussed further in Section 3.3 below.

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.

WREFIII, Facility components are 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). Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII.

2.1 Site Boundary

The site boundary encompasses a total of ~~12,432~~ 2,294 acres of privately owned land: ~~2,956 acres in Wheatridge East, 7,850 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, 10, 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

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 or~~ 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 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.

As presented in the ASC, the facility will be constructed in phases. In accordance with ORS 469.300(6), preconstruction conditions may be satisfied for the applicable phase, facility component or for the facility, as applicable, based on final design and configuration.

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 252 wind turbines with a total generating capacity up to 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 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 micro-siting 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
<i>Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.</i>	

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 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 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 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 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 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 microsite 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 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 150 MW solar energy facility and its related or supporting facilities must begin by November 22, 2022 (under General Standard Condition 1 (GEN-GS-01)) and construction of these components must be completed on or before November 22, 2025 (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 stabled 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-foot 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-foot 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.

3.3 Shared (WREFI and WREFII) Related or Supporting Facilities

~~The WREFI and Wheatridge Renewable Energy Facility II (WREFII) site certificates were originally approved as one site certificate for the Wheatridge Wind Energy Facility (April 2017). In May 2020, facility components were split or bifurcated into two separate site certificates, but identified that certain related or supporting facilities would be shared or used by both facilities. Previously approved facility components that are shared between WREFII and WREFIII include a collector substation, access roads, temporary laydown areas and the O&M building, all of which are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however would include areas of overlapping site boundary. Portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under both site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.~~

The certificate holder is authorized to share related or supporting facilities ~~between with~~ the WREFI and WREFII facilities, including the Wheatridge West collector substation, ~~SCADA system, 20 MW battery storage system,~~ temporary laydown areas, and access roads. These related or supporting

facilities are also included in both WREFI and WREFII site certificates. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between ~~WREFI and WREFII site certificates and~~ certificate holders. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, both certificate holders are obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

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.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate

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 (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019)] [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 (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019)] [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 (2017), 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-solar 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-solar 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-solar 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 (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), 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. 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>

[Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)]

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> <p>[Final Order on ASC (2017), Organizational Expertise Condition 5]</p>
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 (2017), 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>[Final Order on AMD1 (2017), Organizational Expertise Condition 9]</p>
GEN-OE-04	<p>The certificate holder shall:</p> <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. <p>[Final Order on AMD2 (2018), Organizational Expertise Condition 10]</p>
GEN-OE-05	<p>The certificate holder is authorized to share related or supporting facilities including the Wheatridge West collector substation, SCADA system, access roads, temporary staging areas, and battery storage system (30 MW systems, as approved in Final Order on Amendment 2), all of which are governed under both WREFI and WREFII site certificates.</p> <ul style="list-style-type: none">a. Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities.b. If WREFI or WREFII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5. <p>Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times.</p> <p>[Final Order on AMD5 (2020); Organizational Expertise Condition 11]</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 (2017), 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. 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 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 solar facility components shall be setback a minimum of 25 feet from any abutting property or taxlot. <p>[Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020)]</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; and b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. <p>[Final Order on ASC (2017), 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; or b. Install aviation lighting as recommended by the Federal Aviation Administration. <p>[Final Order on ASC (2017), 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.

	<p>d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.</p> <p>[Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019)]</p>
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 (2017), 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> <p>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.</p> <p>b. — 2 miles from turbine towers to a city urban growth boundary.</p> <p>c. — 1 mile from turbine towers to land within Umatilla County lands zoned Unincorporated Community.</p> <p>d. — 2 miles from turbine towers to rural residences within Umatilla County.</p> <p>e. — 164 feet (50 meters) from tower and facility components to known archeological, historical and cultural sites or CTUIR cultural site.</p> <p>[Final Order on ASC (2017), Land Use Condition 16; AMD3 (2018)]</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 (2017), 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 (2017), 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 (2017), 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 (2017), Land Use Condition 28]</p>
<p>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</p>	
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 (2017), Retirement and Financial Assurance Condition 1]</p> <p>[Mandatory Condition OAR 345-025-0006(7)]</p>
<p>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</p>	
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 (2017), 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 (2017), 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 (2017), Scenic Resources Condition 1, AMD2 (2018)]</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 (2017), Scenic Resources Condition 2, AMD2 (2018)]</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 (2017), 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 (2017), 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 (2017), 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 (2018), 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 (2017), Public Health and Safety Standards for Wind Facilities Condition 3]</p>
GEN-WF-02	<p>The certificate holder shall notify the department, and 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 (2017), 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 <u>of the facility, facility component or phase</u>, 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 (2017), Organizational Expertise Condition 1]</p>
PRE-OE-02	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), Organizational Expertise Condition 2]</p>
PRE-OE-03	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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 (2017), Organizational Expertise Condition 3]</p>
PRE-OE-04	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), Organizational Expertise Condition 4]</p>
PRE-OE-05	<p>Prior to construction <u>of the facility, facility component or phase</u>, the certificate holder must provide the department and Umatilla and Morrow Countyies 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 (2017), Organizational Expertise Condition 7]</p>
PRE-OE-06	<p>The certificate holder must:</p> <ul style="list-style-type: none"> <li data-bbox="354 1518 1433 1675">a. 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. <li data-bbox="354 1682 1433 1854">b. 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.

- c. 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 (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020)]

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

PRE-SS-01	<p>Before beginning construction <u>of the facility, facility component or phase</u>, the certificate holder must:</p> <ol style="list-style-type: none"> a) 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. b) 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 boundary • Define and delineate geological and geotechnical hazards, and means to mitigate these hazards • Geotechnical design criteria and data for the turbine foundations, foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilities • Design data for installation of underground and overhead collector lines, and overhead transmission lines • Investigation 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 DOGAMI • Investigations of the swell and collapse potential of loess soils within the site boundary. <p>[Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018)]</p>
PRE-SS-02	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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 (2017), Structural Standard Condition 3; AMD5 (2020)]</p>
PRE-SS-03	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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 solar arrays 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 (2017), Structural Standard Condition 4]</p>
PRE-SS-04	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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>

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 facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 3]</p>
PRE-SP-02	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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 (2017), 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 (2017), 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 (2017), Land Use Condition 3; AMD2 (2018)]</p>
PRE-LU-02	<p>Before beginning construction <u>of the facility, facility component or phase, as applicable</u>, 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 (2017), Land Use Condition 5]</p>
PRE-LU-03	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), Land Use Condition 6; AMD5 (2020)]</p>
PRE-LU-04	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), Land Use Condition 7]</p>

PRE-LU-05	<p>Prior to beginning construction <u>of the facility, facility component or phase</u>, 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, and Morrow County, and Umatilla County.</p> <p>[Final Order on ASC (2017), Land Use Condition 12; AMD5 (2020)]</p>
PRE-LU-06	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), 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 (2017), Land Use Condition 15; AMD2 (2018)]</p>
PRE-LU-08	<p>Prior to facility construction <u>of the facility, facility component or phase</u>, 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 (2017), Land Use Condition 18; AMD4 (2019)]</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 (2017), Land Use Condition 21]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
PRE-RF-01	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), Retirement and Financial Assurance Condition 4] [Mandatory Condition OAR 345-025-0006(8)]</p>
PRE-RF-02	<p>Before beginning construction of the:</p> <ul 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 \$16.3

~~million dollars (Q2 2020 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:
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:
 - i. Adjust the amount of the bond or letter of credit (expressed in ~~Q2 2020 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 second quarter 2020 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 second quarter 2020 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.

[Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020)]

STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01

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.

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 micrositing 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

	<p>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 (2017), Fish and Wildlife Habitat Condition 1]</p>
PRE-FW-02	<p>Prior to construction <u>of the facility, facility component or phase</u>, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment F of the Final Order on Request for Amendment 5 (2020), based on the final facility design, as approved by the department in consultation with ODFW.</p> <ol style="list-style-type: none"> a. 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. b. 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 (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020)]</p>
PRE-FW-03	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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 (2017), Fish and Wildlife Habitat Condition 8]</p>
PRE-FW-04	<p>Before beginning construction <u>of the facility, facility component or phase</u> 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

	<p>methodology, habitat map and available acres by habitat category and subtype in tabular format.</p> <ul style="list-style-type: none"> 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: <ul 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 (2017), Fish and Wildlife Habitat Condition 10]</p>
PRE-FW-05	<p>Before beginning construction <u>of the facility, facility component or phase</u>, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment D of the Final Order on Amendment 5 (2020), from the department, in consultation with Umatilla and Morrow <u>eCounties</u> and ODFW. 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 (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020)]</p>
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
PRE-TE-01	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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 (2017), 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 the Final Order on Amendment 5 (2020), 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 (2017), 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. 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: <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.
 [Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]

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

PRE-HC-01	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 2018-2020 for historic, cultural, and archaeological resources. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 1]</p>
PRE-HC-02	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 2]</p>
PRE-HC-03	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4]</p>

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

PRE-PS-01	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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.</p> <p>In addition, the certificate holder shall include the following information in the plan:</p> <ol style="list-style-type: none"> 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; A policy of including traffic control procedures in contract specifications for construction of the facility; 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; 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; A policy to encourage and promote carpooling for the construction workforce; and Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points. <p>[Final Order on ASC (2017), Public Services Condition 6]</p>
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</p>

	<p>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 (2017), 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 (2017), Public Services Condition 8]</p>
PRE-PS-04	<p>Before beginning construction <u>of the facility, facility component or phase, as applicable</u>, the certificate holder shall <u>complete the Federal Aviation Administration (FAA) Notice Criteria Tool for solar facility coordinates. If the FAA Notice Criteria Tool does not require filing with the FAA, the certificate holder will submit the results to the Department and no other coordination of filings are required either with FAA or the Oregon Department of Aviation.</u></p> <p><u>If the FAA Notice Criteria Tool requires FAA filing, the certificate holder will</u> 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 <u>the facility</u> 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 (2017), Public Services Condition 9; AMD1]</p>
PRE-PS-05	<p>Prior to construction <u>of the facility, facility component or phase, as applicable</u>, 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 Ione 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> <ol style="list-style-type: none"> 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. Identification of agencies that participated in developing the plan; Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; Contact information for each agency listed above;

	<p>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;</p> <p>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;</p> <p>h. The designated meeting location in case of evacuation;</p> <p>i. Staff training requirements; and</p> <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 (2017), Public Services Condition 13]</p>
PRE-PS-06	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), Public Services Condition 20]</p>
PRE-PS-07	<p>Before beginning construction <u>of the facility, facility component or phase</u>, 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 (2017), Public Services Condition 21]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
PRE-WM-01	<p>Prior to construction <u>of the facility, facility component or phase</u>, 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 (2017), Waste Minimization Condition 2]</p>
PRE-WM-02	<p>Prior to construction <u>of the facility, facility component or phase, as applicable</u>, 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</p>

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.

[Final Order on ASC (2017), Waste Minimization Condition 3]

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

PRE-TL-01

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.
[Final Order on ASC (2017), Siting Standard Condition 2]

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), including~~ 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-solar~~ 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 (2017), Noise Control Condition 2; AMD3 (2018)]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	<p>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.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 1]</p>
CON-SP-02	<p>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.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 2]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	<p>During construction, the certificate holder shall comply with the following requirements:</p> <ol style="list-style-type: none"> Construction vehicles shall use previously disturbed areas including existing roadways and tracks. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. <p>[Final Order on ASC (2017), Land Use Condition 8]</p>
CON-LU-02	<p>During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.</p> <p>[Final Order on ASC (2017), Land Use Condition 17]</p>
CON-LU-03	<p>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.</p> <p>[Final Order on ASC (2017), Land Use Condition 19]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	<p>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.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]</p>

<p>CON-FW-02</p>	<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 border="1" data-bbox="363 768 1438 984"> <thead> <tr> <th>Sensitive Status Species</th> <th>Buffer Size (Radius Around Nest Site):</th> <th>Sensitive Nesting and Breeding Season :</th> </tr> </thead> <tbody> <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> </tbody> </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 (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]</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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<p>CON-FW-03</p>	<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. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</p>												
<p>CON-FW-04</p>	<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. [Final Order on ASC (2017), 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 by the Department to be likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WR11-BB-IS-01, WR11-DM-04) may be treated as are concurred not likely NRHP eligible <u>if SHPO has not provided comment on the certificate holder's NRHP eligibility recommendations within 90 days of a final request for review by the Department. Disturbance of resources treated as NRHP eligible, either by the certificate holder's NRHP-eligibility recommendations or</u> through SHPO review, <u>may be allowed if -or-</u> 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, <u>treated as NRHP-eligible, either by the certificate holder's NRHP-eligibility recommendation or through SHPO review</u>, 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 (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]</p>
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 (2017), Historic, Cultural, and Archeological Resources Condition 5]</p>
<p>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</p>	
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">a. Recycling steel and other metal scrap.b. Recycling wood waste.c. Recycling packaging wastes such as paper and cardboard.d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler 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.

	<p>e. 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.</p> <p>f. 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> <p>[Final Order on ASC (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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

	<p>supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions.</p> <p>b. 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.</p> <p>c. 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.</p> <p>d. 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.</p> <p>e. 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> <p>{Final Order on ASC (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)}</p>
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STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]

<p>CON-TL-01</p>	<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> <ol style="list-style-type: none"> 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. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground. 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)). 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. 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. 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. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.
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	<ul style="list-style-type: none"> 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 [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)]
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
CON-NC-01	<p>During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:</p> <ul style="list-style-type: none"> 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. <p>[Final Order on ASC (2017), Noise Control Condition 1]</p>

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 (2017), Soil Protection Condition 5; AMD2 (2017)]</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 (2017), 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>

	<p>holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC (2017), Public Services Condition 19]</p>
<p>PRO-PS-03</p>	<p>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 (2017), Public Services Condition 22]</p>

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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 345-025-0006(9) 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 (2017), 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 (2018), 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 (2017), Public Services Condition 1]
OPR-PS-02	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. [Final Order on ASC (2017), 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 (2017), Public Services Condition 4; AMD2 (2018)]</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 (2017), 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 (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]</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

	<p>757.035 must provide the commission with the following information before January 2 of each even-numbered year:</p> <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; and ii. 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] <p>(3) Provide OPUC Safety Staff with:</p> <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 (2017), Siting Standard Condition 3]</p>
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STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

<p>OPR-NC-01</p>	<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 (2017), Noise Control Condition 3]</p>
<p>OPR-NC-02</p>	<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 (2017), Noise Control Condition 4]</p>
<p>OPR-NC-03</p>	<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</p>

approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.

[Final Order on ASC (2017), Noise Control Condition 5]

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 345-025-0006(9). 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 on ASC (2017), 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 345-025-0006(9), 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 on ASC (2017), 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 345-027-0400.

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 ~~Wheatridge Wind II, LLC~~ **Wheatridge Solar Energy Center, LLC** (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder/certificate holder owner).

ENERGY FACILITY SITING COUNCIL

WHEATRIDGE ~~WIND II~~SOLAR ENERGY CENTER, LLC

By: _____

By: _____

Hanley Jenkins, II, Chair

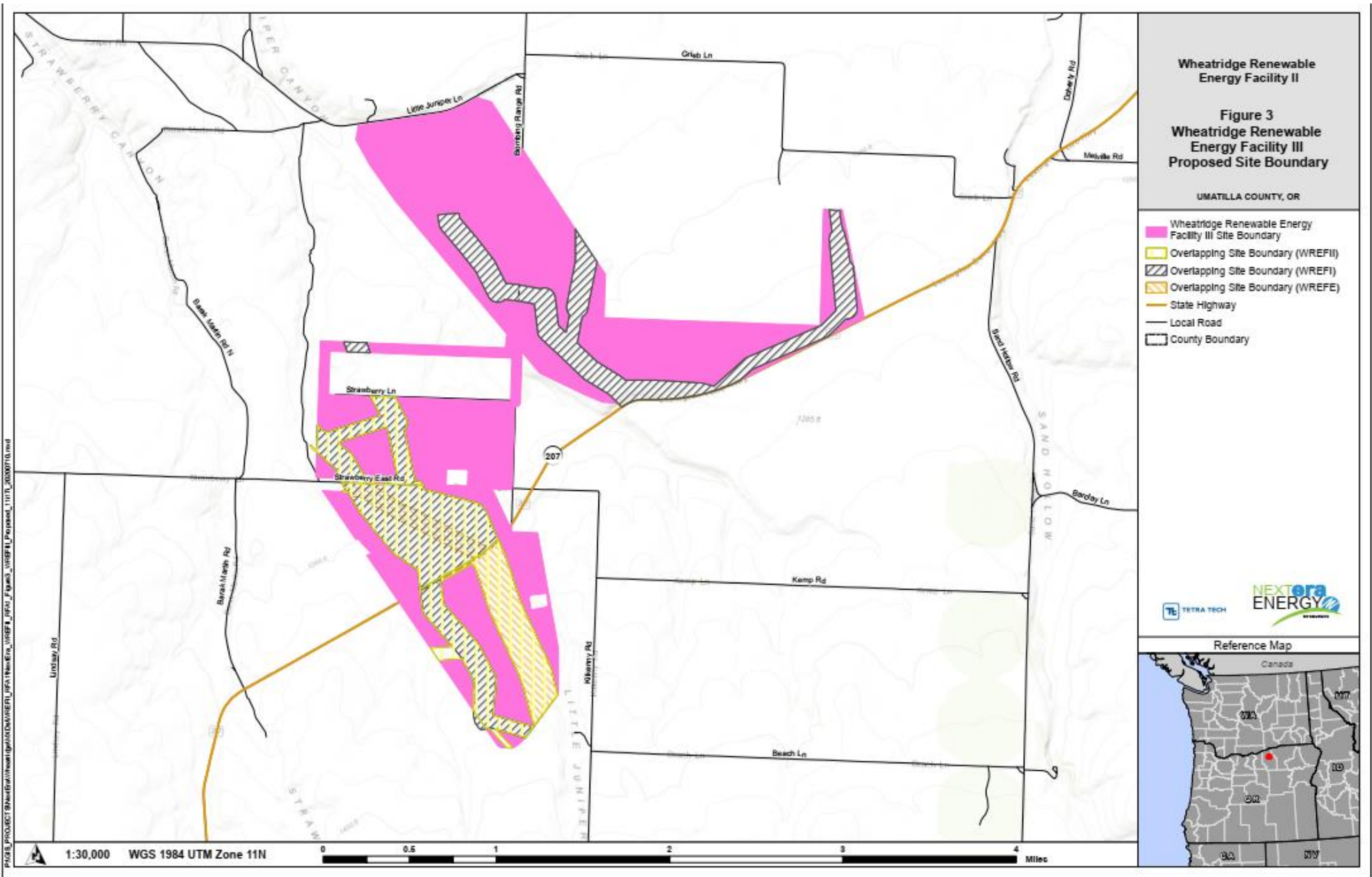
Matthew Handel, Vice President
Development, NextEra Energy Resources,
LLC on behalf of **Wheatridge Solar Energy Center, LLC** ~~Wheatridge Wind II, LLC~~

Oregon Energy Facility Siting Council

Date: _____

Date: _____

Attachment A
WREF III Site Boundary Maps



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

**Site Certificate for the
Wheatridge Renewable Energy Facility **East****

ISSUANCE DATE

Site Certificate

~~May 22, 2020~~

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WHEATRIDGE RENEWABLE ENERGY FACILITY ~~#~~EAST SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
BMP	Best Management Practice
Council or EFSC	Oregon Energy Facility Siting Council
Department or ODOE	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
HMP	Habitat Mitigation Plan
NEER	NextEra Energy Resources, LLC
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
WMMP	Wildlife Monitoring and Mitigation Plan
WREFI	Wheatridge Renewable Energy Facility I
WREFII	Wheatridge Renewable Energy Facility II

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 East Wind II, LLC (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NEER, certificate holder owner). 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 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; *Final Order on Request for Amendment 4* issued on November 22, 2019; and *Final Order on Request for Amendment 5* issued May 22, 2020. 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* (2) *Final Order on Request for Amendment 4* (3) *Final Order on Request for Amendment 2*; (4) *Final Order on Request for Amendment 3*; (5) *Final Order on Request for Amendment 1*; (6) *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 345-027-0410 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 Wheatridge East energy facility and its related or supporting facilities are located within Morrow and Umatilla counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately ~~4,582~~ 12,432 acres of private land and includes ~~the perimeter of the~~ 200 MW wind 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

~~Facility components are 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 is connected to a proposed intervia~~ includes a~~

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.

230 kV transmission line ~~or “intraconnection” transmission line~~ (see facility site boundary map provided in Attachment A). Previously approved facility components are shared between WREFII and WREFIII and are reflected in both WREFII and WREFIII site certificates. WREFE does not share any related or supporting facilities with WREFII or WREFIII, however there are areas of overlapping site boundary, such as portions of the 230-kV Intraconnection Line may have overlapping site boundaries with WREFI, WREFII, and WREFIII.

2.1 Site Boundary

The site boundary encompasses a total of ~~12,4324,582~~ acres of privately owned land: ~~2,956 acres in Wheatridge East, 7,850 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	26E	18, 19, 20, 21, 29, 32
1N	28E	4, 5, 8, 9, 16, 17, 21, 28, 33
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

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 or~~ 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.~~ The ~~M~~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 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 ~~252 132~~ 66 wind turbines with a total generating capacity up to ~~400-200~~ 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 499.7 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 micro-siting 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
<i>Wind turbine types with the maximum dimension specifications shall be equipped with Low Noise Trailing Edge blades.</i>	

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 ~~68~~ 30 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 ~~10~~ 5 permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- ~~Up to two~~ One operations and maintenance (O&M) buildings
- Up to ~~61~~ 14 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 ~~68~~ 30 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 ~~68~~ 30 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 the 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 ~~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-foot (30-meters) in diameter of temporary land disturbance per tower and approximately 32-foot (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~~ one 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 November 22, 2022 (under General Standard Condition 1 (GEN-GS-01) and construction of these components must be completed on or before November 22, 2025 (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-foot 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.

3.3 Shared (WREFI and WREFII) Related or Supporting Facilities

The WREFI and Wheatridge Renewable Energy Facility II (WREFII) site certificates were originally approved as one site certificate for the Wheatridge Wind Energy Facility (April 2017). In May 2020, facility components were split or bifurcated into two separate site certificates, but identified that certain related or supporting facilities would be shared or used by both facilities. Sharing of facility components, or use by multiple facilities, is allowable in the EFSC process when the compliance obligation and applicable regulatory requirements for the shared facilities is adequately covered under both site certificates, including under normal operational circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

The certificate holder is authorized to share related or supporting facilities between the WREFI and WREFII facilities, including the Wheatridge West collector substation, SCADA system, 20-MW battery storage system, temporary laydown areas, and access roads. These related or supporting facilities are included in both WREFI and WREFII site certificates. Compliance with site certificate conditions and EFSC standards which apply to these shared related or supporting facilities are shared between WREFI and WREFII site certificates and certificate holders. In accordance with Organizational Expertise Condition 11, if either certificate holder substantially modifies a shared related or supporting facility or ceases facility operation, both certificate holders are obligated to submit an amendment determination request or request for amendment to the Department to determine the appropriate process for evaluating the change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to the Department that a “Common Facilities Agreement” or similarly legally binding agreement has been fully executed between certificate holders to ensure approval and agreement of access to the shared resources has been obtained prior to operation of shared facilities.

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.

This site certificate contains conditions initially imposed in the Wheatridge Wind Energy Facility site certificate, as approved in April 2017, and amended in July 2017 (AMD1), November (AMD2) and December 2018 (AMD3), November 2019 (AMD4), and May 2020 (AMD5). Site certificate conditions include a bracketed citation (e.g. [Final Order on ASC (2017), AMD2 (2018), AMD4 (2019)]) which provides reference to the Council order imposing or amending the condition. Bracketed citations dated 2017 through May 2020 represent conditions imposed or amended under the Wheatridge Wind Energy Facility site certificate; bracketed citations dated after May 2020 represent conditions imposed or amended under the Wheatridge Renewable Energy Facility II site certificate

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 (2017), General Standard Condition 1; AMD2 (2018); AMD4 (2019)] [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 (2017), General Standard Condition 2 (2018); AMD2 (2018); AMD4 (2019)] [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 (2017), 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 (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [Final Order on ASC (2017), 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. 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>

[Final Order on ASC (2017), Site Specific Condition 1] [OAR 345-025-0010(5)]

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> <p>[Final Order on ASC (2017), Organizational Expertise Condition 5]</p>
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 (2017), 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>[Final Order on AMD1 (2017), Organizational Expertise Condition 9]</p>
GEN-OE-04	<p>The certificate holder shall:</p> <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. <p>[Final Order on AMD2 (2018), Organizational Expertise Condition 10]</p>
GEN-OE-05	<p>The certificate holder is authorized to share related or supporting facilities including the Wheatridge West collector substation, SCADA system, access roads, and temporary staging areas, if necessary and battery storage system (30 MW systems, as approved in Final Order on Amendment 2), all of which are governed under both WREFI and WREFII site certificates.</p> <ul style="list-style-type: none">a. Within 30 days of use by both certificate holders of the shared facilities, the certificate holder must provide evidence to the Department that the certificate holders of the shared facilities have an executed agreement for shared use of any constructed shared facilities.b. If WREFII or WREFIII propose to substantially modify any of the shared facilities listed in sub(a) of this condition, each certificate holder shall submit an amendment determination request or request for site certificate amendment to obtain a determination from the Department on whether a site certificate amendment is required or to process an amendment for both site certificates in order to accurately account for any significant change in the decommissioning amount required under Retirement and Financial Assurance Condition 5. <p>Prior to facility decommissioning or if facility operations cease, each certificate holder shall submit an amendment determination request or request for site certificate amendment to document continued ownership and full responsibility, including coverage of full decommissioning amount of the shared facilities in the bond or letter of credit pursuant to Retirement and Financial Assurance Condition 5, for the operational facility, if facilities are decommissioned at different times.</p> <p>[Final Order on AMD5 (2020); Organizational Expertise Condition 11]</p>

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 (2017), Structural Standard Condition 2]
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN-LU-01	The certificate holder shall design the facility to comply with the following setback distances in Morrow County: <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. 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 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 solar facility components shall be setback a minimum of 25 feet from any abutting property or taxlot. [Final Order on ASC (2017), Land Use Condition 1; AMD3 (2018); AMD4 (2019); AMD5 (2020)]
GEN-LU-02	During design and construction of the facility, the certificate holder shall: <ul style="list-style-type: none"> a. Obtain an access permit for changes in access on Morrow County roads; and b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards. [Final Order on ASC (2017), Land Use Condition 4]
GEN-LU-03	During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate: <ul style="list-style-type: none"> a. Paint the towers in alternating bands of white and red or aviation orange; or b. Install aviation lighting as recommended by the Federal Aviation Administration. [Final Order on ASC (2017), Land Use Condition 9]
GEN-LU-04	The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall: <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.

	<p>d. Bury underground communication and electrical lines within the area disturbed by temporary road widening, where possible.</p> <p>[Final Order on ASC (2017), Land Use Condition 11; AMD4 (2019)]</p>
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 (2017), 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 (2017), Land Use Condition 16; AMD3 (2018)]</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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), Retirement and Financial Assurance Condition 1] [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 (2017), 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 (2017), 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 (2017), Scenic Resources Condition 1, AMD2 (2018)]</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 (2017), Scenic Resources Condition 2, AMD2 (2018)]</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 (2017), 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 (2017), 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 (2017), 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 (2018), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), Organizational Expertise Condition 7]</p>
PRE-OE-06	<p>The certificate holder must:</p> <ul style="list-style-type: none"> a. 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. b. 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. c. 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. <p>[Final Order on ASC (2017), Organizational Expertise Condition 8; AMD4 (2019); AMD5 (2020)]</p>

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">a) 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.b) 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 boundary• Define and delineate geological and geotechnical hazards, and means to mitigate these hazards• Geotechnical design criteria and data for the turbine foundations, foundations of substations, O&M buildings, battery storage systems, roads, and other related and supporting facilities• Design data for installation of underground and overhead collector lines, and overhead transmission lines• Investigation 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 DOGAMI• Investigations of the swell and collapse potential of loess soils within the site boundary. <p>[Final Order on ASC (2017), Structural Standard Condition 1; AMD2 (2018)]</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 (2017), Structural Standard Condition 3; AMD5 (2020)]</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 (2017), 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 (2017), 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 facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 3]</p>
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 (2017), 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 (2017), 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"> a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and b. Obtain all other necessary local permits, including building permits. c. Provide the county with a building permit application, a third party technical report which includes: <ol 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. d. The certificate holder shall provide copies of the third-party technical report and issued permits to the Department. <p>[Final Order on ASC (2017), Land Use Condition 3; AMD2 (2018)]</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 (2017), 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 (2017), Land Use Condition 6; AMD5 (2020)]</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 (2017), 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 (2017), Land Use Condition 12; AMD5 (2020)]</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 (2017), Land Use Condition 13]</p>
PRE-LU-07	<p>Before beginning construction, the certificate holder must:</p> <ol 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: <ol 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 (2017), Land Use Condition 15; AMD2 (2018)]</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 (2017), Land Use Condition 18; AMD4 (2019)]</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 (2017), 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 (2017), Retirement and Financial Assurance Condition 4] [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 \$16.3

million dollars (Q2 2020 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:~~
- ~~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:
 - ~~i.—Adjust the amount of the bond or letter of credit (expressed in Q2 2020 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 second quarter 2020 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 second quarter 2020 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.~~

[Final Order on ASC (2017), Retirement and Financial Assurance Condition 5; AMD2 (2018); AMD4 (2019); AMD5 (2020)]

STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

PRE-FW-01

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.

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 micrositing 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

	<p>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 (2017), 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 the Final Order on Request for Amendment 5 (2020), based on the final facility design, as approved by the department in consultation with ODFW.</p> <ol style="list-style-type: none"> a. 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. b. 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 (2017), Fish and Wildlife Habitat Condition 4; AMD5 (2020)]</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 (2017), 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.

	<p>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:</p> <ul 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. <p>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.</p> <p>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.</p> <p>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> <p>[Final Order on ASC (2017), 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 D of the Final Order on Amendment 5 (2020), from the department, in consultation 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.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 11; AMD5 (2020)]</p>
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 (2017), 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 the Final Order on Amendment 5 (2020), 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 (2017), 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. 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: <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.
 [Final Order on ASC (2017), Threatened and Endangered Species Condition 3; AMD3 (2018); AMD4 (2019)]

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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), Historic, Cultural, and Archeological Resources Condition 4]</p>

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

PRE-PS-01	<p>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:</p> <ul style="list-style-type: none"> 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. <p>[Final Order on ASC (2017), Public Services Condition 6]</p>
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</p>

	<p>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 (2017), 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 (2017), 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 (2017), 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> <ol style="list-style-type: none"> 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. Identification of agencies that participated in developing the plan; Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; Contact information for each agency listed above; 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; 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; The designated meeting location in case of evacuation;

	<p>i. Staff training requirements; and Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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"> a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards b. Description of waste segregation methods for recycling or disposal. c. 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). [Final Order on ASC (2017), 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. [Final Order on ASC (2017), Waste Minimization Condition 3]</p>

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

PRE-TL-01

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.
[Final Order on ASC (2017), Siting Standard Condition 2]

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_z 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 L₁₀ and L₅₀ 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 (2017), Noise Control Condition 2; AMD3 (2018)]

4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
CON-SP-01	<p>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.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 1]</p>
CON-SP-02	<p>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.</p> <p>[Final Order on ASC (2017), Soil Protection Condition 2]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
CON-LU-01	<p>During construction, the certificate holder shall comply with the following requirements:</p> <ol style="list-style-type: none"> Construction vehicles shall use previously disturbed areas including existing roadways and tracks. Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable. New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards. Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable. <p>[Final Order on ASC (2017), Land Use Condition 8]</p>
CON-LU-02	<p>During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.</p> <p>[Final Order on ASC (2017), Land Use Condition 17]</p>
CON-LU-03	<p>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.</p> <p>[Final Order on ASC (2017), Land Use Condition 19]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
CON-FW-01	<p>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.</p> <p>[Final Order on ASC (2017), Fish and Wildlife Habitat Condition 3; AMD4]</p>

<p>CON-FW-02</p>	<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 border="1" data-bbox="362 768 1438 984"> <thead> <tr> <th>Sensitive Status Species</th> <th>Buffer Size (Radius Around Nest Site):</th> <th>Sensitive Nesting and Breeding Season :</th> </tr> </thead> <tbody> <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> </tbody> </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 (2017), Fish and Wildlife Habitat Condition 5; AMD3 (2018); AMD4 (2019)]</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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<p>CON-FW-03</p>	<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. [Final Order on ASC (2017), Fish and Wildlife Habitat Condition 7]</p>												
<p>CON-FW-04</p>	<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. [Final Order on ASC (2017), 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 (2017), Historic, Cultural, and Archeological Resources Condition 3; AMD4 (2019)]</p>
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 (2017), 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> <ul style="list-style-type: none">a. Recycling steel and other metal scrap.b. Recycling wood waste.c. Recycling packaging wastes such as paper and cardboard.d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler 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.e. 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.
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	<p>f. 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), 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> <ul style="list-style-type: none"> a. 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, b. 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). [Final Order on ASC (2017), Waste Minimization Condition 1]</p>
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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. [Final Order on ASC (2017), 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> <ul style="list-style-type: none"> a. 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. b. 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

	<p>problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions.</p> <ul style="list-style-type: none"> c. 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. d. 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. e. 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 (2017), Public Health and Safety Standards for Wind Facilities Condition 4; AMD3 (2018)]</p>
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STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]

<p>CON-TL-01</p>	<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
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	<p>the time that final engineering of each of these components is completed (OAR 345-025-0010(4)).</p> <p>j. Implement a safety protocol to ensure adherence to NESC grounding requirements [Final Order on ASC (2017), Siting Standard Condition 1; AMD4 (2019)]</p>
STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]	
CON-NC-01	<p>During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:</p> <ol style="list-style-type: none"> 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. <p>[Final Order on ASC (2017), Noise Control Condition 1]</p>

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 (2017), Soil Protection Condition 5; AMD2 (2017)]</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 (2017), 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>

	<p>holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC (2017), Public Services Condition 19]</p>
<p>PRO-PS-03</p>	<p>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 (2017), Public Services Condition 22]</p>

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 (2017), 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"> a. 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. b. 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. c. 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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 (2017), 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. [Final Order on ASC (2017), 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 345-025-0006(9) 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 (2017), 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 (2018), 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. [Final Order on ASC (2017), 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. [Final Order on ASC (2017), Public Services Condition 2]</p>

<p>OPR-PS-03</p>	<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 (2017), Public Services Condition 4; AMD2 (2018)]</p>
<p>OPR-PS-04</p>	<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 (2017), Public Services Condition 12]</p>
<p>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</p>	
<p>OPR-WF-01</p>	<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 (2017), Public Health and Safety Standards for Wind Facilities Condition 2; AMD2 (2018)]</p>
<p>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]</p>	
<p>OPR-TL-01</p>	<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

	<p>757.035 must provide the commission with the following information before January 2 of each even-numbered year:</p> <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; and ii. 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] <p>(3) Provide OPUC Safety Staff with:</p> <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 (2017), Siting Standard Condition 3]</p>
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STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]

<p>OPR-NC-01</p>	<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 (2017), Noise Control Condition 3]</p>
<p>OPR-NC-02</p>	<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 (2017), Noise Control Condition 4]</p>
<p>OPR-NC-03</p>	<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</p>

	approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.
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[Final Order on ASC (2017), Noise Control Condition 5]

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 345-025-0006(9). 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 on ASC (2017), 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 345-025-0006(9), 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 on ASC (2017), 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 345-027-0400.

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 ~~Wheatridge Wind II, LLC~~ **Wheatridge East, LLC** (certificate holder), a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (certificate holder/certificate holder owner).

ENERGY FACILITY SITING COUNCIL

WHEATRIDGE ~~WIND II, EAST,~~ LLC

By: _____

By: _____

Hanley Jenkins, II, Chair

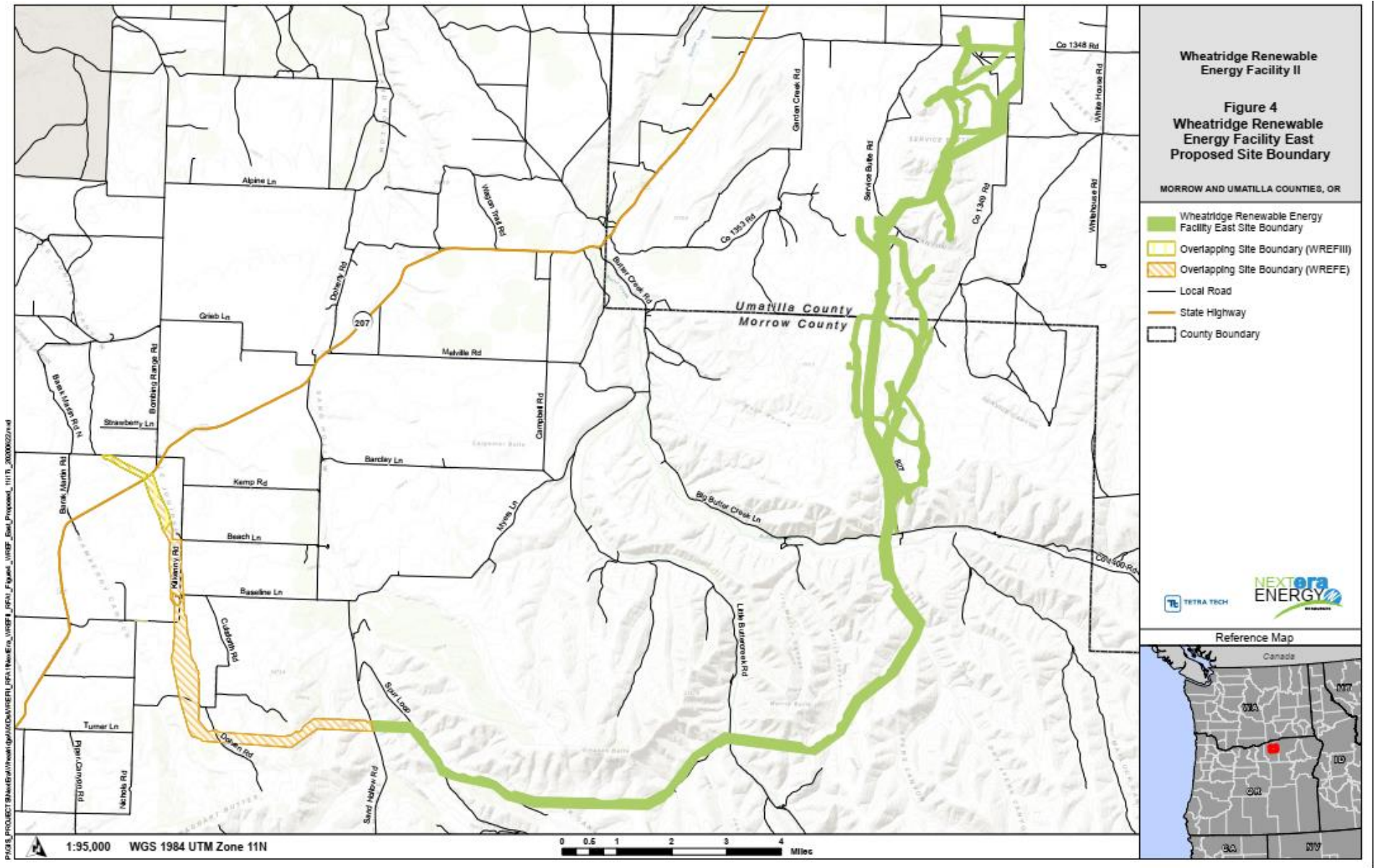
Matthew Handel, Vice President
Development, NextEra Energy Resources,
LLC on behalf of **Wheatridge East, LLC-**
~~Wheatridge Wind II, LLC~~

Oregon Energy Facility Siting Council

Date: _____

Date: _____

Attachment A
WREFE **E** **+** Site Boundary Maps



Attachment B: Draft Proposed Order Comment Index

Date	Commenter	Organization
10/14/2020	Steve Cherry	Oregon Department of Fish and Wildlife
10/27/2020	Teara Farrow Ferman	Confederated Tribes of Umatilla Indian Reservation
10/28/2020	Commissioners	Morrow County Board of Commissioners
11/03/2020	Christian Nauer	Confederated Tribes of Warm Springs Reservation of Oregon
11/06/2020	Certificate Holder	NextEra Energy Resources, Inc.

ESTERSON Sarah * ODOE

Subject: Email Summary of Public Notice Issued for Draft Proposed Order on Request for Amendment 1 (RFA1) and Complete RFA1 of the Wheatridge Renewable Energy Facility II

From: Steve Cherry <Steve.P.Cherry@state.or.us>

Sent: Wednesday, October 14, 2020 10:57 AM

To: ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>

Subject: RE: Email Summary of Public Notice Issued for Draft Proposed Order on Request for Amendment 1 (RFA1) and Complete RFA1 of the Wheatridge Renewable Energy Facility II

Sarah,

ODFW would request that all the previously adopted and agreed to conditions and requirements for WWEFII would be applied as appropriate to the two new proposed facilities from this Amendment. It appears that is the case in this matter and if so then ODFW has no further comments on the propose Amendment and DPO. Please let me know if you have any questions or need additional information from me. Thanks

Steve

ESTERSON Sarah * ODOE

From: Teara Farrow Ferman <TearaFarrowFerman@ctuir.org>
Sent: Tuesday, October 27, 2020 4:08 PM
To: ESTERSON Sarah * ODOE
Cc: Shawn Steinmetz
Subject: CTUIR comments on Wheatridge Renewable Energy Facility II Request for Amendment 1 and Draft Proposed Order
Attachments: 2020 10 27 CTUIR Comment Memo - Wheatridge Renewable Energy Facility II Request for Amendment 1 and Draft Proposed Order.pdf

Sarah,

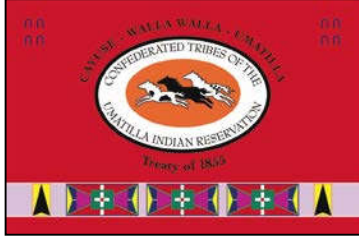
Attached are the CTUIR's comments regarding Wheatridge Renewable Energy Facility II Request for Amendment 1 and Draft Proposed Order.

TEARA FARROW FERMAN

Manager | Cultural Resources Protection Program
Confederated Tribes of the Umatilla Indian Reservation
46411 Timíne Way | Pendleton | Oregon 97801
541.276.3447 Office | 541.429.7230 Fax
TearaFarrowFerman@ctuir.org

Assistant General Manager | Átaw Consulting, LLC
A Small Business Enterprise of the CTUIR
46411 Timíne Way | Pendleton | Oregon 97801
541.429.7230 Office | Fax
TearaFarrowFerman@ctuir.org

The information in this e-mail may be confidential and intended only for the use and protection of the Confederated Tribes of the Umatilla Indian Reservation. If you have received this email in error, please immediately notify me by return e-mail and delete this from your system. If you are not an authorized recipient for this information, then you are prohibited from any review, dissemination, forwarding or copying of this e-mail and its attachments. Thank you.



**Confederated Tribes *of the*
Umatilla Indian Reservation**
Department of Natural Resources

46411 Timine Way, Pendleton, Oregon 97801

MEMORANDUM

To: Sarah Esterson, Senior Siting Analyst
Oregon Department of Energy
Sent via email to: Sarah.Esterson@oregon.gov

From: Teara Farrow Ferman, Cultural Resources Protection Program Manager
Confederated Tribes of the Umatilla Indian Reservation
46411 Timine Way, Pendleton, OR 97801
TearaFarrow Ferman@ctuir.org
541-276-3447

Teara Farrow Ferman

Date: October 27, 2020

RE: Confederated Tribes of the Umatilla Indian Reservation's Comments on the Wheatridge Renewable Energy Facility II's Request for Comments on Request for Amendment 1 and Draft Proposed Order

General Comments:

Thank you for contacting the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) regarding the Wheatridge Renewable Energy Facility II's Request for Comments on Request for Amendment 1 and Draft Proposed Order. The CTUIR offers the following comments for the project.

Specific Comments:

This amendment does not appear to have any newly planned ground disturbing activities associated with it as presented in the Notice dated October 12, 2020. The Request for Amendment 1 or the approval of a site certificate should not have any new effects to archaeological resources.



Board of Commissioners

P.O. Box 788 • Heppner, OR 97836
541-676-5613
www.co.morrow.or.us

Commissioner Melissa Lindsay, Chair
Commissioner Don Russell
Commissioner Jim Doherty

October 28, 2020

Sarah Esterson, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE, 1st Floor
Salem, OR 97301

RE: Wheatridge Renewable Energy Facility II Request for Amendment 2

Dear Mrs. Esterson,

Morrow County appreciates the opportunity to comment on the Wheatridge Renewable Energy Facility II (WREF II) Request for Amendment 2 (RFA2). It is our understanding that RFA2 seeks Energy Facility Siting Council (EFSC) approval to split the approved Wheatridge II facility components and site boundary into three facilities, each with its own site certificate. The facilities would include WREF II, Wheatridge Renewable Energy Facility III (WREF III), and Wheatridge Renewable Energy Facility East (WREF E). WREF II would include 200 megawatts (MW) of wind generating components within Morrow County; WREF III would include 150 MW of solar facility components in Morrow County; and, WREF E would include 200 MW of wind generating components in Umatilla County. The certificate holder for WREF II would remain as Wheatridge Wind II, LLC; the certificate holders for WREF III and WREF E would be wholly owned subsidiaries of NextEra Energy Resources, the current parent company of WREF II. The amendment request seeks Council approval of Wheatridge Solar Energy Center, LLC as the WREF III certificate holder and Wheatridge East, LLC as the WREF E certificate holder.

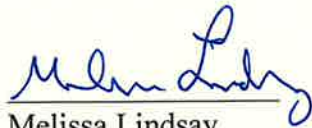
The amended Site Certificate will likewise require an amended Conditional Use Permit for each facility being created under RFA2, in order that the local land use permits match the projects and project boundaries. A Zoning Permit will also be required for each individual tax lot within the project boundary.

Additionally, we request that each facility secure a Road Use Agreement from Matt Scrivner, Morrow County Public Works Director.

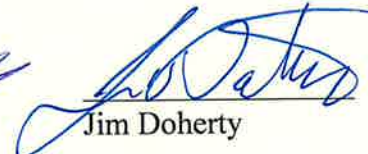
As always, Morrow County appreciates the opportunity to coordinate with you and other Department staff. Should you have any questions about this comment letter, or need

additional information, please do not hesitate to contact Tamra Mabbott, Planning Director, (541) 922-4624 X5505.

Sincerely,


Melissa Lindsay


Don Russell


Jim Doherty

Cc: Tamra Mabbott, Morrow County Planning Director
Matt Scrivner and Sandra Pointer, Morrow County Public Works
Kate Knop, Morrow County Finance Director



ESTERSON Sarah * ODOE

Subject: Email Summary of Public Notice Issued for Draft Proposed Order on Request for Amendment 1 (RFA1) and Complete RFA1 of the Wheatridge Renewable Energy Facility II

Attachments: PastedGraphic-1.pdf

From: Christian Nauer <christian.nauer@ctwsbnr.org>
Sent: Tuesday, November 3, 2020 9:01 AM
To: ESTERSON Sarah * ODOE <Sarah.Esterson@oregon.gov>
Cc: Robert Brunoe <robert.brunoe@ctwsbnr.org>
Subject: Re: Email Summary of Public Notice Issued for Draft Proposed Order on Request for Amendment 1 (RFA1) and Complete RFA1 of the Wheatridge Renewable Energy Facility II

Hi Sarah,

Thank you very much for the opportunity to provide comment on the Public Notice Issued for Draft Proposed Order on Request for Amendment 1 (RFA1) and Complete RFA1 of the Wheatridge Renewable Energy Facility II.

General Comment:

As the technical reviewer for NHPA Section 106 and other cultural resource issues for the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the CTWSRO Tribal Historic Preservation Office (THPO) has concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects (APE). The Project APE is within the areas of concern for the CTWSRO.

Project-specific Comment(s):

It is not clear to me whether or not the proposed expansion includes Project effects within areas that have not been appropriately surveyed for cultural resources. If this is the case, we strongly recommend that a reasonable and good faith effort is made to identify, evaluate, and protect potential historic properties and cultural resources within the entirety of the Project APE.

Thank you for your efforts to protect cultural resources.

Best Regards, and Stay Safe,

Christian

Christian Nauer, MS
Archaeologist
Confederated Tribes of the Warm Springs Reservation of Oregon
Branch of Natural Resources

christian.nauer@ctwsbnr.org

Office 541.553.2026

Cell 541.420.2758



November 6, 2020

Ms. Sarah Esterson
Siting Analyst
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301

**Subject: Wheatridge Renewable Energy Facility II Request for
Amendment 1 –Comments on Draft Proposed Order**

Dear Ms. Esterson:

NextEra Energy Resources, LLC (NextEra), on behalf of Wheatridge Wind II, LLC (the Certificate Holder), is providing the following comments with respect to the Draft Proposed Order (DPO) on Request for Amendment 1 (RFA 1). RFA 1 requests to split and share some of the previously approved facility components into an amended and two original site certificates within redefined site boundaries (amended site certificate for Wheatridge Renewable Energy Facility II (WREFII); and, new original site certificates for facilities named Wheatridge Renewable Energy Facility III (WREFIII) and Wheatridge Renewable Energy Facility East (WREFE). The following comments are provided:

1. Certificate Holder LLC clarifications – The Certificate Holder would like to clarify that the Certificate Holder is Wheatridge Wind II, LLC versus Wheatridge Wind Energy, LLC (see cover of DPO). In addition, the certificate holder for Wheatridge WREFE is Wheatridge East Wind, LLC versus Wheatridge East, LLC (see page 4 of DPO).
2. WREFE Site Certificate Condition GEN-GS-01 – As affirmed by conversations with Oregon Department of Energy (ODOE) staff, the construction commencement deadline (May 24, 2020) has been met for WREFE because the Facility was originally part of the Wheatridge Wind Energy Facility which began construction in compliance with Condition GEN-GS-01 in 2019.
3. Consistent with past precedent, the Certificate Holder may comply with the construction commencement condition by starting construction consistent with ORS 469.300(6) on a portion or initial phase of the Facility. If construction of the Facility is phased, the Certificate Holder is only required to comply with the preconstruction conditions applicable to the initial phase in order to activate the Site Certificate.
4. WREFIII Site Certificate Condition GEN-PS-04 – This condition that requires a 100-foot vegetation-free zone around battery storage systems originated from the much larger centralized battery storage sites that are part of WREFII and WREFE¹. When applied to each of the distributed battery storage sites for the solar arrays, this condition creates an unnecessary increased land disturbance, i.e., gravel with no public safety or fire safety

¹ Final Order on Request for Amendment 2, Wheatridge Wind Energy Facility

benefit. The solar array sites with the distributed battery storage will be mowed as needed to a height no more than 3 inches, for fire safety requirements and to keep vegetation from interfering with operations and maintenance activities. The solar array sites will also include gravel access roads that will serve as fire breaks. The lithium-ion battery systems will be completely contained in concrete temperature-controlled storage containers on gravel foundation pads. The distributed battery storage systems will include fire detection and suppression, as designed by the battery manufacturer and in accordance with the guidelines outlined in National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems² and/or other updated guidance applicable to energy storage at the time of construction to provide for safe operation and monitoring. In addition, the following measures will be implemented for the distributed battery storage sites, associated with the solar arrays, to minimize fire and safety risks:

- O&M staff will conduct frequent inspections of the battery systems according to the manufacturer’s recommendations (see Condition OPR-RF-01).
- Battery storage and fire protection systems will comply with applicable standards specified by Morrow County building departments through the permitting process, which will include the 2014 Oregon Structural Specialty Code et. seq., as documented through the Facility’s building permit application(s) (see Condition PRE-LU-01).
- An emergency management plan will be developed with response procedures in the event of an emergency, such as a fire, in consultation with ODOE and local fire protection districts (see Conditions PRE-PS-05 and PRO-PS-02).

Therefore, the Certificate Holder is proposing to remove condition GEN-PS-04 as the design and suitable fire and safety measures for the distributed battery storage sites, associated with the solar arrays, are provided through other conditions.

GEN-PS-04	The certificate holder shall design, construct and maintain the battery storage systems within a 100 foot vegetation free zone. [Final Order on AMD2, Public Services Condition 23]
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5. WREFIII Site Certificate Condition PRE-PS-04 – This condition originally referenced submitting Federal Aviation Administration (FAA) Form 7460-1 Notice of Proposed Construction or Alteration for Facility for each turbine. The Certificate Holder’s consultant contacted Dan Shoemaker with the FAA (Pers communication, October 30, 2020). Mr. Shoemaker stated that the FAA Notice Criteria Tool³ may be relied upon to identify whether

² National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems, was published in late 2019 after a productive engagement between the Energy Storage Association – a battery manufacturer and installer trade group – and the NFPA. NFPA 855 establishes common language and requirements for safe battery installations for incorporation into the comprehensive building and fire codes developed over the past several decades. This standard helps ensure consistency across the variety of codes that may apply to a project and provides more information for inspectors in need of specific guidance. NFPA 855 addresses a variety of battery designs and installation considerations, including spacing between battery packs, sizing of sprinklers, ventilation, related fire mitigation systems, and overall site clearance requirements.

³<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

filing a FAA Form 7460-1 is required for a solar facility. Based on this, and because the Oregon Department of Aviation review is based on review of the FAA 7460-1s⁴, the Certificate Holder proposes the following changes to Condition PRE-PS-04:

PRE-PS-04	<p>Before beginning construction, the certificate holder shall complete the FAA Notice Criteria Tool for the solar facility coordinates. If the FAA Notice Criteria Tool does not require filing with the FAA, the certificate holder will submit the results to ODOE and no other coordination or filings are required either with FAA or the Oregon Department of Aviation. If the FAA Notice Criteria Tool requires FAA filing, the certificate holder will submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration. 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 the facility 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 (2017), Public Services Condition 9]</p>
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6. WREFIII Site Certificate Condition CON-HC-01 – The 200-foot avoidance buffer around archaeological sites imposed by this condition is dependent on the State Historic Preservation Office (SHPO) concurrence of the Certificate Holder’s evaluation of archaeological sites and objects not likely eligible at WREFIII. Due to the lack of National Register of Historic Places (NRHP) eligibility concurrence from SHPO for those resources, the Certificate Holder proposes the following changes to Condition CON-HC-01:

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 by the Department to be likely NRHP eligible (e.g. 6B2H-MC-ISO-17, WRII-BB-IS-01, WRII-DM-04) may be treated as are concurred not likely NRHP eligible if SHPO has not provided comment on the Certificate Holder’s NRHP eligibility recommendations within 30 days of a final request for review by the Department. Disturbance of resources treated as NRHP eligible, either by the Certificate Holder’s NRHP-eligibility recommendation or through SHPO review, may be allowed if 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, treated as NRHP-eligible, either by the Certificate Holder’s NRHP-eligibility</p>
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⁴ <https://www.oregon.gov/aviation/plans-and-programs/Pages/Tall-Structures.aspx>

	<p>recommendation or through SHPO review, 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>
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Thank you for your consideration. If you have any questions, please feel free to contact me at (760) 522-7563 or Christopher.Powers@nexteraenergy.com.

Regards,



Chris Powers

NextEra Energy Resources

Cc: David Lawlor, NextEra Energy Resources

Sarah Stauffer Curtiss, Stoel Rives

Carrie Konkol, Tetra Tech

Anneke Solsby, Tetra Tech

Attachment C WREFIII Draft Habitat Mitigation Plan

Wheatridge Wind Energy Project

Draft Habitat Mitigation Plan

Prepared for
Wheatridge Wind Energy, LLC
245 W. Main Street, Suite 200
Ione, Oregon 97843

Prepared by:



Rick Gerhardt
Northwest Wildlife Consultants, Inc.
815 NW 4th St.
Pendleton, Oregon 97801

March 30, 2015

Updated by



Tetra Tech, Inc.
1750 SW Harbor Way, Suite 400
Portland, Oregon 97201

June 2019

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1.0 Introduction

The Wheatridge Wind Energy Facility (Facility) is an approved, but not yet constructed, wind energy generation facility consisting of up to 292 turbines with a peak generating capacity of up to 500 megawatts (MW), located in an Approved Site Boundary of approximately 13,097 acres in Morrow and Umatilla counties, Oregon. As part of Request for Amendment 4 (RFA 4) to the Facility Site Certificate through the Energy Facility Siting Council (EFSC), Wheatridge Wind Energy, LLC (Certificate Holder) is proposing to add up to 150 MW of photovoltaic solar energy generation to the Facility to provide the opportunity for an integrated, renewable energy facility with both wind and solar energy generation and energy storage. RFA 4 would expand the Approved Site Boundary by 2,294.3 acres (to a total of 14,264.3 acres) to provide for solar generation and energy storage facilities.

This draft Habitat Mitigation Plan (HMP) provides concepts for meeting the habitat mitigation needs of the amended Facility. Northwest Wildlife Consultants (NWC) has conducted habitat categorization surveys and other biological studies that inform habitat categorization in accordance with the Oregon Department of Fish and Wildlife's (ODFW) Fish and Wildlife Habitat Mitigation Policy, Oregon Administrative Rule (OAR) 635-415-0000 through 0025. NWC has also identified potential mitigation opportunities and potential habitat enhancement actions.

The Certificate Holder's goal is to reduce and eliminate the impact of the amended Facility over time by preserving and maintaining in-kind habitat in the Columbia Basin Ecoregion to achieve a net benefit to Category 2 habitat, and no net loss of Categories 3 and 4 through the concepts proposed in this draft HMP. The proposed concepts were discussed with personnel from the ODFW on August 20, 2012 and on July 11, 2014. The March 30, 2015 HMP Draft Concepts included habitat impact acreages known as of early spring 2015. This May 2019 version adds habitat impact acreages from the solar energy generation and its related or supporting facilities proposed for addition to the Facility under RFA 4. This May 2019 version also incorporates changes requested by ODFW in the April 28, 2017 Draft Final Order (Redline) with Attachments (EFSC 2017a). The actual acres of temporary and permanent impacts and the associated mitigation requirements will be determined based on the final design and included in a final HMP prior to construction.

2.0 Description of Impacts

Habitat mapping and categorization has been completed in accordance with the ODFW Fish and Wildlife Habitat Mitigation Policy. The process is documented in Exhibit P for both the ASC and for RFA 4, and summarized in this draft HMP. No wetlands, perennial streams or other aquatic habitats are addressed in this document because at the time of preparation (May 2019) no facilities are planned for these habitat types.

The ODFW Fish and Wildlife Habitat Mitigation Policy categorizes habitats based on type, quality, availability, and usefulness/importance to wildlife, and establishes mitigation goals and implementation standards for each. Table 1 defines each of the six habitat category types.

Table 1. Habitat Categorization Types

Category Type	Definition ¹	Mitigation Goal
1	Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.	The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality.
2	Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.	The mitigation goal if impacts are unavoidable is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.
3	Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.	The mitigation goal is no net loss of either habitat quantity or quality.
4	Important habitat for fish and wildlife species.	The mitigation goal is no net loss of either habitat quantity or quality.
5	Habitat for fish and wildlife having high potential to become either essential or important habitat.	The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.
6	Habitat that has low potential to become essential or important habitat for fish and wildlife.	The mitigation goal is to minimize impacts.

1. Source: OAR 635-415-0025.

Impacts may be permanent or temporary. Permanent impacts are defined as those impacts that will exist for the life of the Facility. Temporary impacts are those impacts that will last for a time less than the life of the Facility. The duration of temporary impacts to habitat will vary by habitat subtype. For example, the recovery period for agricultural areas that were temporarily disturbed could be as short as 1 to 3 years, grasslands generally recover within 3 to 7 years, and shrublands may require 10 to 50 years to recover (with the longer recovery periods associated with disturbances in mature sagebrush habitats). The Certificate Holder will restore temporary impacts consistent with the Revegetation Plan.

As described in Exhibit P, Category 1 habitat includes habitat within 785 feet of documented Washington ground squirrel (*Urocitellus washingtoni*) colonies. Category 1 habitat occurs within the Site Boundary, but the Facility is designed and microsited to avoid Category 1 habitat. Therefore, there are no impacts to Category 1 habitat. Category 2 habitat occurs in the Site Boundary and will be impacted by the Facility. Category 2 habitat is associated with ODFW mule deer winter range (ODFW 2012) and areas of potential Washington ground squirrel use. Areas of potential ground squirrel use are adjacent to and within 4,921 feet (1.5 kilometers [km]) of ground squirrel Category 1 habitat, but not occupied by any squirrels either for burrowing or foraging,

which is of similar habitat type and quality to the adjacent Washington ground squirrel Category 1 habitat. Category 3, 4, and 6 habitat will also be impacted by the Facility, while Category 5 habitat is not identified in the Site Boundary. Table 2 shows the acres of permanent and temporary impacts in each habitat category by habitat subtype for Wheatridge West, Wheatridge East, Transmission Intraconnection Line, and the Solar facilities.

Table 2. Temporary and Permanent Impacts by Habitat Category and Habitat Subtype

Habitat Category and Habitat Subtype	Impacts (acres) ¹	
	Temporary	Permanent
Wheatridge West		
Category 2		
Developed-Revegetated or Other Planted Grassland	106.9	17.0
Grassland-Exotic Annual	13.3	1.7
Grassland-Native Perennial	32.3	5.5
Shrub-steppe-Basin Big Sagebrush	2.5	0.8
Shrub-steppe-Rabbitbrush/Snakeweed	0.4	-
Subtotal Category 2	155.5	24.9
Category 3		
Developed-Revegetated or Other Planted Grassland	60.7	8.0
Grassland-Native Perennial	28.7	5.5
Shrub-steppe-Rabbitbrush/Snakeweed	2.1	0.0 ²
Subtotal Category 3	91.5	13.5
Category 4		
Grassland-Exotic Annual	11.6	1.8
Subtotal Category 4	11.6	1.8
Category 6		
Developed-Dryland Wheat	533.3	88.3
Developed-Other	1.0	0.3
Subtotal Category 6	534.3	88.6
Total for Wheatridge West	921.7	792.9
Wheatridge East		
Category 2		
Grassland-Exotic Annual	17.2	3.3
Grassland-Native Perennial	19.5	2.6
Subtotal Category 2	36.7	6.0
Category 3		
Grassland-Native Perennial	14.4	1.9
Shrub-steppe-Rabbitbrush/Snakeweed	12.1	1.9

Habitat Category and Habitat Subtype		Impacts (acres) ¹	
		Temporary	Permanent
Subtotal Category 3		26.4	3.8
Category 4			
Grassland-Exotic Annual		7.8	1.3
Grassland-Native Perennial		1.2	0.2
Shrub-steppe-Rabbitbrush/Snakeweed		2.7	0.3
Subtotal Category 4		11.7	1.8
Category 6			
Developed-Dryland Wheat		185.7	29.9
Subtotal Category 6		185.7	29.9
Total for Wheatridge East	302.1	260.6	41.5
Transmission Intraconnection Line			
Category 2			
Developed-Revegetated or Other Planted Grassland		11.5	0.1
Grassland-Exotic Annual		3.0	0.0
Grassland-Native Perennial		36.8	0.2
Shrub-steppe-Basin Big Sagebrush		0.7	0.0
Shrub-steppe-Rabbitbrush/Snakeweed		14.7	0.1
Subtotal Category 2		66.7	0.4
Category 3			
Developed-Revegetated or Other Planted Grassland		7.2	0.1
Grassland-Native Perennial		6.7	0.0
Shrub-steppe-Basin Big Sagebrush		0.4	0.0
Shrub-steppe-Rabbitbrush/Snakeweed		2.5	0.0
Subtotal Category 3		16.8	0.1
Category 4			
Grassland-Exotic Annual		2.5	0.0
Subtotal Category 4		2.5	0.0
Category 6			
Developed-Dryland Wheat		56.3	0.4
Developed-Irrigated Agriculture		1.0	0.0
Developed-Other		0.6	0.0
Subtotal Category 6		58.0	0.4
Total for Transmission Intraconnection Line	144.9	144.0	0.9
Solar Facilities			
Category 2			

Habitat Category and Habitat Subtype	Impacts (acres) ¹		
	Temporary	Permanent	
Developed-Revegetated or Other Planted Grassland	0.7	0.0	
Grassland-Exotic Annual	0.6	3.0	
Grassland-Native Perennial	0.4	1.3	
Shrub-steppe-Basin Big Sagebrush	0.0	0.0	
Shrub-steppe-Rabbitbrush/Snakeweed	0.0	0.0	
Subtotal Category 2	1.7	4.3	
Category 3			
Developed-Revegetated or Other Planted Grassland	0.0	0.0	
Grassland-Native Perennial	0.7	0.0	
Shrub-steppe-Basin Big Sagebrush	0.0	0.0	
Shrub-steppe-Rabbitbrush/Snakeweed	0.0	0.0	
Subtotal Category 3	0.7	0.0	
Category 4			
Grassland-Exotic Annual	0.3	76.0	
Grassland-Native Perennial	0.0	0.0	
Shrub-steppe-Rabbitbrush/Snakeweed	0.0	0.0	
Subtotal Category 4	0.3	76.0	
Category 6			
Developed-Dryland Wheat	4.6	812.6	
Developed-Irrigated Agriculture	0.0	0.0	
Developed-Other	1.4	0.2	
Subtotal Category 6	6.0	812.7	
Total for Solar Facilities	901.8	8.7	893.1
Grand Total	2,270.4	1,206.2	1,064.3
1. Totals in this table may not be precise due to rounding.			

3.0 Methods for Calculating Mitigation

Mitigation calculations presented in the 2015 Habitat Mitigation Plan were modified in response to comments from ODFW published in the April 2017 Final Order (EFSC 2017a). To be consistent with the Fish and Wildlife Habitat Standard (OAR 345-022-0060), the EFSC adopted Fish and Wildlife Condition 10 in the Site Certificate (EFSC 2017b), which states the following:

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.

- 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 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*
- d. 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:*
 - 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.*
- e. 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.*
- f. 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.*
- g. 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.

EFSC cites public hearing comments from ODFW, stating that the mitigation ratios for Category 2 habitat should all be the same, and that mitigation should be proposed for temporary impacts to Category 4 shrub-steppe habitat (EFSC 2017a). The 2015 HMP had used either a 2:1 or >1:1 ratio for impacts on Category 2 habitat, depending on whether or not that habitat is within big game winter ranges. The ratio has been modified so that all impacts on Category 2 habitat are mitigated at a >1:1 ratio. In addition, temporary impacts on Category 4 shrub-steppe habitat are mitigated at a <1:1 ratio, instead of not having mitigation. Table 3 shows the methods for calculating mitigation for permanent impacts and Table 4 shows the methods for calculating mitigation for temporary impacts. The Certificate Holder is not proposing compensatory mitigation under the ODFW Fish and Wildlife Habitat Mitigation Policy for impacts to Category 6 habitat.

Table 3. Calculating Mitigation for Permanent Impacts

Habitat Category	Impact Acres	Mitigation Ratio	Mitigation Description
Category 2	1	>1	The mitigation goal for Category 2 habitat is “no net loss” and “net benefit.” Accordingly, mitigation for permanent impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity.
Category 3 and Category 4	1	1	The mitigation goal for Category 3 & 4 habitat is “no net loss” in quantity or quality.
Category 6	1	0	The mitigation goal for impacts on Category 6 habitat is minimization; no compensatory mitigation proposed.

Table 4. Calculating Mitigation for Temporary Impacts

Habitat Category	Habitat Subtype	Impact Acres	Mitigation Ratio	Mitigation Description
Category 2	All	1	>1	The mitigation goal for Category 2 habitat is “no net loss” and “net benefit.” Accordingly, mitigation for temporary impacts on Category 2 habitat needs to demonstrate a net benefit in quality or quantity. Mitigation would be a greater amount of acreage than what is impacted by the project. All areas of temporary disturbance would be restored at the site of impact. The proposed mitigation ratio would meet the “net benefit” requirement and would account for the temporary loss of habitat function during restoration.
Category 3	Grassland-Native Perennial, Shrub-steppe-Basin Big Sagebrush, Shrub-steppe-Rabbitbrush/Snakeweed	1	<1	The mitigation goal for Category 3 & 4 habitat is “no net loss” in quantity or quality. Depending on the habitat subtype temporarily disturbed, the proposed mitigation ratio would result in a lesser amount of acreage of mitigation than what

Habitat Category	Habitat Subtype	Impact Acres	Mitigation Ratio	Mitigation Description
Category 4	Shrub-steppe-Rabbitbrush/Snakeweed			is impacted by the project. Combined with restoration of temporary disturbances, the proposed mitigation ratio is intended to account for the temporary loss of habitat functionality and meet the “no net loss” goal.
Category 6	All	1	0	The mitigation goal for Category 6 habitat is minimization; no compensatory mitigation is proposed.

4.0 Estimated Mitigation for the Amended Facility

Table 5 applies the acres of temporary and permanent impacts shown in Table 2 with the mitigation ratios shown in Table 3 and Table 4 to estimate mitigation requirements.

Table 5. Mitigation Accounting by Habitat Category and Habitat Subtype

Habitat Category ¹	Habitat Subtype	Impact	Acres	Mitigation Ratio	Estimated Mitigation	Mitigation Subtotal by Habitat Category
2	Developed-Revegetated or Other Planted Grassland	Temp	119.1	>1	>119.1	>296.2 ²
		Perm	17.1	>1	>17.1	
	Grassland-Exotic Annual	Temp	34.2	>1	>34.2	
		Perm	8.0	>1	>8.0	
	Grassland-Native Perennial	Temp	89.0	>1	>89.0	
		Perm	9.6	>1	>9.6	
	Shrub-steppe-Basin Big Sagebrush	Temp	3.2	>1	>3.2	
		Perm	0.8	>1	>0.8	
Shrub-steppe-Rabbitbrush/Snakeweed	Temp	15.1	>1	>15.1		
	Perm	0.1	>1	0.1		
3	Developed-Revegetated or Other Planted Grassland	Temp	67.9	0	0.0	> 17.4, up to 84.9
		Perm	8.1	1	8.1	
	Grassland-Native Perennial	Temp	50.5	<1	<50.5	
		Perm	7.4	1	7.4	
	Shrub-steppe-Basin Big Sagebrush	Temp	0.4	<1	<0.4	
		Perm	0.0	0	0.0	
Shrub-steppe-Rabbitbrush/Snakeweed	Temp	16.6	<1	<16.6		
	Perm	2.0	1	2.0		

Habitat Category ¹	Habitat Subtype	Impact	Acres	Mitigation Ratio	Estimated Mitigation	Mitigation Subtotal by Habitat Category
4	Grassland-Exotic Annual	Temp	22.3	0	0.0	> 79.7, up to 82.4
		Perm	79.2	1	79.2	
	Grassland-Native Perennial	Temp	1.2	0	0.0	
		Perm	0.2	1	0.2	
	Shrub-steppe-Rabbitbrush/ Snakeweed	Temp	2.7	<1	<2.7	
		Perm	0.3	1	0.3	
TOTALS						> 393.3
<p>1. No mitigation is accrued for impacts on Category 6 habitat.</p> <p>2. Category 2 habitat originates from 224.2 acres of mule deer winter range and 88.4 acres of Washington ground squirrel potential area of use. Overlap occurs between mule deer winter range and Washington ground squirrel potential areas of use in some areas.</p>						

5.0 Habitat Mitigation Area

5.1 Description

The Habitat Mitigation Area (HMA) is the area where the Certificate Holder is proposing to perform enhancement and preservation actions that are in addition to the revegetation of areas of temporary disturbance associated with the Facility. The HMA must be large enough and have the characteristics to meet the standards set in OAR 635-415-0025.

According to ODFW standards, areas appropriate for mitigation of Category 2 and Category 3 habitat impacts must provide “in-kind” mitigation which creates similar structure and function to that being disturbed and also be “in-proximity” to the Project and have potential for habitat enhancement. The Certificate Holder looked for privately-owned lands that contained native and revegetated uplands of interest and importance for conservation. The ODFW has identified “strategy habitats” and approaches for “conservation actions” within the Columbia Plateau Ecoregion (ODFW, 2006). The Oregon Conservation Strategy is “intended to provide a long-term, big-picture “blue print” for conserving Oregon’s natural resources to maintain or improve environmental health...” (ODFW, 2006). The Certificate Holder also looked for lands that were within designated mule deer winter range.

The Certificate Holder has identified more than 550 acres of suitable in-kind and in-proximity habitat for consideration by ODFW and ODOE. ODFW personnel are familiar with the proposed site of the HMA. The HMA contains ODFW “strategy habitats” and other wildlife habitat similar to those being impacted by the amended Facility.

The HMA habitats include Native Perennial Grassland, Revegetated Grassland, Basin Big Sagebrush Shrub-steppe, Rabbitbrush/Buckwheat Shrub-steppe, and Exotic Annual Grassland habitats of

varying quality. Basalt escarpments also occur in the HMA. Wildlife species usage of the HMA is similar to what has been recorded during surveys of the Facility. Other long-term conserved habitat (approximately 324 acres) consisting of Native Perennial Grassland and Shrub-steppe is nearby and with the addition of this HMA, a larger more valuable tract of protected habitat will be available for wildlife.

Raptors, including golden eagles, hunt on the HMA and some nest onsite or in the general area. There are opportunities for implementing habitat enhancement actions, as needed for the final habitat mitigation compliance. NWC has confirmed with ODFW that the parcels under current consideration have adequate potential for mitigating the habitat loss expected to occur and for providing benefit for the wildlife species that use the habitats impacted by habitat loss associated with the amended Facility, including big game. All of the habitat proposed for use as mitigation lies within designated deer winter range (ODFW 2012). Through an agreement with the landowner, the Certificate Holder has secured the ability for a long-term easement of suitable habitat on a portion of the available 550 acres at the site of the proposed HMA. The final amount of mitigation to be put into easement will be determined based on the final design and through pre-construction compliance surveys that will be performed to confirm habitat categorization.

5.2 Habitat Enhancement Actions

Habitat designated for mitigation will be conserved and protected from alteration for the life of the Facility. Final detailed enhancement actions and monitoring procedures will be designed in consultation with the ODFW and biologists familiar with the HMA. Besides such legal protection to ensure no development, potential enhancement actions for the HMA include the following.

- Modification of grazing practices—wildlife habitat values have priority and livestock grazing will be reduced or restricted from the HMA to ensure that habitat is maximally useful to wildlife, livestock grazing can be used as a wildlife habitat enhancement tool.
- The Certificate Holder will work with the landowner to monitor and control or eradicate County-designated noxious weeds impacting wildlife habitat quality. A Weed Plan will be prepared.
- Seeding and planting with native plants—sagebrush and bunch grasses—will occur in reasonable proportion to the acres of functional sagebrush and native grassland habitats lost through Facility construction. Sagebrush seeding and/or planting will provide future cover and browse for wintering mule deer. Specific details for amount and extent to be determined after final Facility impacts are known. Native grassland plugs and young shrubs can be planted in sensitive areas where seeding is not appropriate.
- A plan for fire response and control will be in place and applied to the HMA. It will include fire prevention measures, methods to detect fires, and a protocol for fire response and suppression.
- Wildlife Projects:

- Where old barbed wire fence on the HMA presents potential problems for big game and other wildlife, the Certificate Holder will work with the landowner to remove such fencing.
 - Wildlife guzzler as a watering source for wildlife.
 - Install burrowing owl artificial burrows. Burrows would be paired and pairs separated by 0.25 mile.
 - Install artificial raptor nest platforms (target species is Ferruginous hawk).
 - Strategic removal of Washington ground squirrel mammalian predators. An example would be to live-trap and transplant badgers that are disturbing ground squirrel natal sites in the fall and winter.
- Habitat protection will involve restricting any uses of the mitigation area that would be inconsistent with the goals of no net loss of habitats in Categories 2, 3, and 4 and a net benefit to Category 2 habitat quantity or quality.

Enhancement activities will be performed on an appropriate portion of the HMA to meet the required mitigation goals. The habitat within the HMA is currently of higher quality to most of the habitat to be impacted within mule deer winter range. In addition, the HMA and connected lands support Washington ground squirrel habitat.

5.3 HMA Monitoring

The Certificate Holder will hire a qualified, independent investigator (wildlife biologist, botanist, or revegetation specialist) to conduct monitoring at the HMA and the success of its protection and (within applicable acres) enhancements. Monitoring duration is for the life of the Facility, with annual monitoring occurring over the first three to 5 years and subsequent long-term monitoring occurring at 5-year intervals. At a minimum, annual monitoring will include assessments of:

- Amount and quality of vegetation;
- Success of weed control measures;
- Degree of recovery of native grasses and forbs;
- Success of revegetation measures (where applicable);
- Wildlife observed and notes on special status species (wildlife and plants) present; and
- Maintenance needs of guzzler, nest platforms and artificial burrows, if installed;

Methods and results of all monitoring will be reported to ODOE and ODFW, along with a report of the mitigation/enhancement measures undertaken since the last monitoring report.

5.4 HMA Success Criteria

The goal of the habitat mitigation described herein is to protect and enhance a sufficient quantity of habitat to meet ODFW standards of no net loss of habitat Category 3 and Category 4 and a net gain in habitat quantity and quality of Category 2. Habitat protection alone—apart from enhancement—

is not sufficient to meet the net-benefit criterion for Category 2 habitat. The minimum amount of habitat protection and enhancement required will be calculated as in Table 5 above using the impact acreages associated with the final Facility design. If sufficient high-quality habitat is not available for protection, habitat mitigation goals can be achieved by enhancing the required amount of habitat to bring it up to the higher category. Criteria for assessing such a category improvement will include density and quality of native vegetation of the appropriate types (e.g., desirable forbs and bunchgrasses) successful control of noxious weeds, and other criteria developed in conjunction with the department.

Habitat protection and enhancement must endure for the life of the Facility. That is, even after habitat protection and enhancement has been achieved, periodic monitoring must take place to assess whether protection and enhancement persists at levels commensurate with mitigation goals. Should habitat quality fall below that prescribed by the HMP, the Certificate Holder will, in consultation with ODFW and ODOE, propose adaptive management actions for compensating for such a failure to meet mitigation goals.

6.0 Amendment of the HMP

This HMP may be amended by agreement of the holder of the Site Certificate and the Oregon Energy Facility Siting Council. Amendments to this Plan will not require an amendment of the Site Certificate.

7.0 References

EFSC (Oregon Energy Facility Siting Council). 2017a. Final Order: In the Matter of the Application for a Site Certificate for the Wheatridge Wind Energy Facility. April 2017.

EFSC 2017b. Site Certificate for the Wheatridge Wind Energy Facility. April 27, 2017.

ODFW (Oregon Department of Fish and Wildlife). 2012. Elk and Deer Winter Range for Eastern Oregon, East of the Crest of the Cascades. GIS data files (2). Available online at: <https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=885.xml>

Attachment D WREIII Revegetation Plan

Wheatridge Wind Energy Project

Draft Revegetation Plan

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1.0 Introduction

This document has been prepared for the Wheatridge Wind Energy Facility (Facility) as part of Request for Amendment 4 (RFA 4) to the Facility Site Certificate, submitted to the Oregon Department of Energy (ODOE). It provides primary concepts for meeting the needs for revegetation following Facility construction and will be finalized (by ODOE) into a formal Revegetation Plan. The concepts provided here are consistent with approved plans in place for other Oregon wind projects in similar habitats, in particular those that are permitted through the Oregon Energy Facility Siting Council (EFSC). The Leaning Juniper II, Stateline, and Montague Revegetation Plans, and available revegetation monitoring reports for wind and natural gas energy projects served as models for the Wheatridge concepts.

The Revegetation Plan, which has been developed in consultation with personnel from the Oregon Department of Fish and Wildlife (ODFW), delineates practices and standards for restoring those areas temporarily disturbed during construction of the Facility; it does not apply to areas permanently occupied by the Facility. Such restoration is a requirement of the Site Certificate.

This plan describes planting methods, monitoring requirements, success criteria, and adaptive management (in case success criteria are not met). Throughout Facility construction and revegetation activities, the Certificate Holder will take appropriate actions to prevent the spread of noxious weeds (as identified in Morrow County Ordinance No. MC-C-3-90 and No. MC-C-2-99 Appendices A and B). Where appropriate, and pursuant to consultation with the county weed control managers, monitoring of the establishment of noxious weeds and of the effectiveness of weed control or eradication may be performed in concert with the revegetation monitoring described in this document.

2.0 Site Description

The Facility is located primarily in Morrow County, with a small portion in Umatilla County, Oregon. It lies within the Columbia Plateau Ecoregion, entirely on private land and primarily in agricultural land used for growing dryland wheat. Native vegetation has been modified by historical and current livestock grazing, by changes in fire regimes, and by the presence of exotic grasses and other vegetation.

Primary soil types include Mikkalo, Willis, Ritzville, and Warden, and land cover types are Developed (Dryland Wheat, Revegetated Grassland, and Other Developed), Grassland (Exotic Annual and Native Perennial), and Shrub-steppe (Basin Big Sagebrush and Snakeweed/Rabbitbrush). The amounts and types of habitats expected to be disturbed during Project construction are described in Exhibit P of the Application for Site Certificate and Exhibit P of RFA 4. For purposes of this plan, Developed-Dryland Wheat is referred to as cropland and Developed-Revegetated Grassland, both Grassland and both Shrub-steppe land cover types are referred to as wildlife habitat. Developed-Other land cover types include farm and ranch homes and

related infrastructure, roads, quarries, livestock facilities, and other areas associated with human activity.

3.0 Revegetation Methods

This plan addresses revegetation methods for both croplands and wildlife habitat. Restoration of Developed-Other land cover types will be determined on a case-by-case basis and is not covered further in this plan. Revegetation will begin as soon as feasible after completion of construction and seeding and planting will be done in a timely manner and in the appropriate season. Agricultural land restoration methods will likely be designed in consultation with the landowner. Soil preparation will involve standard, commonly-used methods, and will take into account all relevant site-specific factors, including slope, size of area, and erosion potential. Topsoil will be restored and mulching and other erosion control measures will be used throughout construction and during revegetation efforts. Preconstruction land use, soil, and vegetation type will dictate the seed mix used for each area to be restored; the wildlife habitat seed mixes used will be finalized in consultation with ODFW and will comply with the Oregon Seed Law (OAR 603-056).

3.1 Restoration of Cropland

It is expected that croplands will be reseeded with the appropriate crop or maintained as fallow in consultation with the landowner or farm operator. The Certificate Holder will also consult with the landowner or farm operator to determine seed mix and application methods and rates for seed and fertilizer. Success of cropland revegetation will have been achieved when production of the revegetated area is comparable to that of adjacent non-disturbed croplands. Success determination will involve consultation with the landowner or farm operator, and the holder of the Site Certificate will report to ODOE on the success of cropland restoration efforts.

Soil compaction is a concern for restoring agricultural soils to their pre-construction productivity. During construction of temporary features, the certificate holder would excavate and store soils by soil horizon, so that soils could be replaced and restored appropriately including replacing topsoil on the surface. During post-construction restoration of temporary impacts to agricultural areas, the Certificate Holder would loosen agricultural soil to a depth of six feet to reduce the potential effects of compaction.

3.2 Restoration of Wildlife Habitat

All wildlife habitat will be reseeded with a mix of native or native-like grasses, forbs, and shrubs characteristic of the area prior to construction disturbance. Seed mix and application rates will be determined in consultation with the landowner and ODFW, and will take into consideration soil types, erosion potential, and growing conditions. The seed mix will be approved by ODOE, and seeds will be obtained from a reputable supplier in compliance with the Oregon Seed Law (OAR 603-056).

Methods and timing of planting will be appropriate to the seed mix, weather conditions, and site conditions (including area size, slope, and erosion potential). Preparation of disturbed ground may

include replacing lost topsoil and/or chemical or mechanical weed control. Two common application methods for non-cropland are described below.

Broadcast Seeding

In this method, the seed mix will be broadcast at specified application rates. Broadcasting should not be utilized when winds exceed five miles per hour. If feasible, half of the seed mix will be broadcast in one direction, with the other half broadcast perpendicular to the first half. A tracking dye may be added to facilitate uniform application. Certified weed-free straw will be applied at a rate of two tons per acre immediately after seeding; straw may either be crimped into the ground or applied with a tackifier.

Drill Seeding

In this method, seed will be planted using an agricultural or range seed drill according to application rates recommended by the seed supplier.

4.0 Monitoring

4.1 Revegetation Record

Records will be kept of revegetation efforts, both for croplands and for wildlife habitat; records will include:

- Date construction was completed
- Description of the affected area
- Date revegetation was initiated
- Description of the revegetation effort

The holder of the Site Certificate will update these records periodically as revegetation work occurs, and will provide ODOE with copies of these records with submission of the annual report required by the Site Certificate.

4.2 Monitoring Procedures

Monitoring of the revegetation effort will be conducted by an independent botanist or revegetation specialist; this monitoring will be done during the first growing season after planting (Year 1), and again in Years 3 and 5. Nearby reference sites (approximating pre-construction conditions) will be selected as targets toward which revegetation will aim. Monitoring will not be required for areas that have been converted by the landowner to land uses that preclude meeting revegetation success criteria.

4.2.1 Weed Control

A qualified investigator will be employed to annually assess weed growth during the first five years of revegetation work and to make recommendations on weed control measures. Reports will be

submitted to the holder of the Site Certificate, to ODOE, and to ODFW following each annual inspection. These reports will identify areas and describe extent of weed growth and describe the success of control measures. At the time of the year-5 report, the investigator will consult with ODOE, ODFW, and the holder of the Site Certificate to design an appropriate plan for subsequent weed control.

4.2.2 Wildlife Habitat Recovery

In the first growing season after planting of areas to be revegetated, a qualified independent investigator (botanist or revegetation specialist) will inspect each wildlife habitat revegetation area to assess the success of revegetation measures. These assessments will be repeated in Year 3 and Year 5. Annual reports will be submitted to the holder of the Site Certificate, to ODOE, and to ODFW. Assessments will address whether each wildlife habitat revegetation area is trending toward meeting the success criteria described below.

In consultation with ODFW, reference sites—areas of habitat and quality similar to those found prior to disturbance at the areas to be revegetated—will be established to represent target conditions for revegetation areas. During each assessment, revegetated areas will be compared to reference sites with regard to:

- Presence and density of weeds
- Degree of erosion
- Vegetative density
- Proportion of desirable vegetation
- Species diversity and structural stage of desirable vegetation

Reference sites will be chosen with consideration to land use patterns, soil types, terrain, and presence of noxious weeds. It is expected that a variety of reference sites will be required to represent the range of disturbed areas for which revegetation is required. New reference sites may be chosen if land use changes, wildfire, or other disturbance makes a chosen reference site no longer representative of target conditions.

Based on the Year 5 assessment, the holder of the Site Certificate will consult with ODOE and ODFW to design an action plan for subsequent years. The holder of the Site Certificate may propose remedial actions and/or additional monitoring for areas that have not met the success criteria. Alternatively, revegetation efforts may in some cases be deemed to have failed, and mitigation may be proposed in such cases to compensate for habitat loss.

4.3 Success Criteria

Each annual report will involve an assessment of the progress toward revegetation objectives of each area of wildlife habitat disturbed during Project construction. The overarching metric for success is when the habitat quality is equal to or better than the quality at the relevant reference

site according to the conditions described above. Final determination of whether the holder of the Site Certificate has met the revegetation obligations will be made by ODOE.

4.4 Remedial Action

Remedial action options will be identified in cases where success criteria are not met, whether due to wildfire subsequent to Project construction or because of lower than expected rates of germination or survival. Remedial actions may include reseeding or other measures. The investigator will make recommendations for remedial actions after each monitoring visit, and the holder of the Site Certificate will take appropriate measures to meet the restoration objectives. The holder of the Site Certificate will annually report the investigator's recommendations for remedial actions and the measures taken. ODOE may require reseeding or other remedial actions in cases where revegetation objectives have not been met.

5.0 Plan Amendment

It is expected that the completed Revegetation Plan will make provision for an amendment process that would depend upon the agreement of all concerned parties. In particular, this Plan may be amended—without requiring an amendment to the Site Certificate—by agreement between the Oregon Energy Facility Siting Council (OEFSC) and the holder of the Site Certificate.

Attachment E: Draft Noxious Weed Control Plan

The Morrow County Weed Department works to keep noxious weed at a minimum on roadways and throughout the county, assists area landowners with land maintenance needs, and follows the Oregon Department of Agriculture (ODA) noxious weed policy and classification system as part of ODA's Noxious Weed Control Program (see attachment to this plan). Noxious weeds are identified on the State of Oregon noxious weed list and mapped by ODA as occurring in Morrow County. "A" listed weeds are economically important, nonnative species with limited distribution in the county. "B" listed weeds are economically important, nonnative species that are regionally abundant. At the County level, eradication is required for "A" listed weeds at an intensive level, with containment the goal for "B" listed weeds. "T" listed weeds are a designated group of weed species that are selected and will be the focus for prevention and control by the Noxious Weed Control Program. Action against these weeds will receive priority (see the attachment to this plan).

For the purposes of this weed control plan, the term "weed" refers to any species on the Morrow County weed list regardless of its "A" or "B" status. The Facility area includes cultivated or otherwise developed agricultural land (cropland) as well as areas of grassland, shrub-steppe habitat, and other habitat subtypes (wildlife habitat areas). Noxious weeds are present within the site boundary, and construction activities could spread these weeds. This plan outlines the measures the certificate holder will implement to control weeds within areas disturbed by Facility construction and operation. The Facility will temporarily disturb approximately XX acres of wildlife habitat and approximately XX acres of cropland during road, transmission line, and wind and solar facility components construction. Temporarily disturbed areas will be revegetated as described in the site revegetation plan.

Weed Control Goals

Weed species can adversely affect the structure and composition, and therefore the inherent values of the revegetation and habitat mitigation areas. Overarching goals of post-construction operations are prevention, identification, and control of weeds. Guidance and best management practices to accomplish these goals are provided in this plan.

Weed Species of Concern

The certificate holder will survey weed species during its pre-construction habitat and Special status species surveys to determine the weed inventory and pre-disturbance noxious weed conditions. The results of these preconstruction surveys will be used to develop maps identifying and marking weeds targeted for control and to determine the appropriate method of control, which would include herbicide spraying, biological control, mechanical control (ie mowing, cultivation) or cultural (burning).

The final Noxious Weed Control Plan will establish the best timing of control treatments and a schedule for interval ongoing control and monitoring measures, based on consultation with the Oregon Department of Energy, Oregon Department of Fish and Wildlife, Morrow and Umatilla County Weed Control Departments.

Long-Term Weed Control (Example language to be considered in final plan)

Long-term weed control will be accomplished through the seeding of perennial grasses known to compete well with noxious weeds, such as thickspike wheatgrass (*Elymus lanceolatus*) and Sherman big bluegrass (*Poa secunda*), or by maintaining the existing cover in the buffers. Short-term weed control will be through herbicide use. However, it will be important to ensure that the short-term herbicide use does not affect the establishment of the perennial grass cover intended to provide long-term control.

Early detection and management of small populations before they can expand into larger populations is extremely important for successful control.

Weed control will continue until the disturbed areas meet the success criteria described above with respect to the designated reference sites. Supplemental seeding may be needed to achieve this goal. Subsequent fertilizer application will be limited in areas treated for weeds, and the timing of the seeding will need to be coordinated with any herbicide applications.

The knapweeds, rush skeletonweed, field bindweed, whitetop, yellow starthistle, and medusahead rye are the species of primary concern (“target” species) as they were observed onsite during the preconstruction surveys. Treatment specifics will differ depending on the following variables:

- Disturbed area or buffer
- Proximity to biologically sensitive areas

The target species will be the same for all onsite areas, but the treatment implementation will vary slightly according to these parameters.

The herbicides used and the timing of application will differ depending on whether the species are (1) perennial, broad-leaved, or dicot weeds (knapweeds and thistles, field bindweed, whitetop), or (2) annual grasses or monocots (goatgrass and medusahead). Appropriate herbicides differ substantially between dicots and monocots.

Best Management Practices (Example language to be considered in final plan)

The certificate holder will implement best management practices during Facility construction and operation to help prevent the invasion and spread of noxious weeds onsite. These may include the following:

- Information regarding target weed species will be provided at the operations and maintenance building.
- Weed prevention and control measures, including Facility inspection and documentation, will be included in operations plans.
- Temporary ground-disturbing operations in weed-infested areas will be inspected and documented in accordance with Facility monitoring plan.
- Vehicles and equipment will be cleaned prior to entry into revegetation areas to help minimize introduction of noxious weed seeds to the site.
- To prevent conditions favoring weed establishment, temporarily disturbed areas will be

revegetated soon as possible.

- The site will be revegetated with appropriate, locally collected native seed or native plants; when these are not available, noninvasive and nonpersistent, nonnative species may be used.
- Seed and straw mulch to be used for site rehabilitation will be inspected and certified free of weed seed and propagules.

Treatment (Example language to be considered in final plan)

Before the initial weed treatment begins, the herbicide applicator personnel will meet with a botanist for a ½-day session to review the target species and their identification, and to identify native species to be avoided, such as the native thistle (*Cirsium undulatum*) onsite. Following the initial meeting between the botanist and herbicide applicators, the applicators will be responsible for identifying and treating the target species.

Control will be accomplished through use of herbicides targeted to the individual weed species. The herbicide is to be applied by a licensed applicator, using appropriate best management practices.

Herbicide application will occur twice in year 1, in the spring (knapweeds, thistles, bindweed) and fall (other species), and once a year thereafter during the spring (mid to late May), if necessary, until the success criteria are met. Herbicide will be applied with a spreader sticker surfactant (e.g., Dynamic Green Concepts, Phase). Rush skeletonweed will be treated throughout the growing season as it occurs. Information on identification of this and other target weed species will be included in the environmental training materials to be provided to operations staff. If rush skeletonweed is observed during routine operations activities at any time during the growing season, the licensed applicator will be contacted to treat this species as soon after it is observed as practicable. Table 2 provides a summary of recommended treatment by target species.

Special Considerations (Example language to be considered in final plan)

During treatment activities, the certificate holder will consider the following sensitive areas:

- **Washington ground squirrel sites**. The Washington ground squirrel is sensitive to disturbance during the breeding season (generally January through March, sometimes lasting through April). The diet of the Washington ground squirrel consists mostly of herbaceous vegetation, as well as flowers, roots, bulbs, seeds, and insects. Therefore, no herbicides will be sprayed within 400 meters (1,200 feet) of identified Washington ground squirrel sites during the breeding season.
- **Ephemeral streams/draws**. No herbicide will be sprayed where the drift can enter standing water or saturated soil. This precaution will likely only be necessary during the spring. However, it will be the herbicide applicators' responsibility to ensure that no herbicide or drift enters standing water.

Monitoring (Example language to be considered in final plan)

Monitoring will be conducted on an annual basis by a qualified botanist for the first 5 years

following initial seeding to assess weed growth and to recommend weed control measures. The weed monitoring will consist of two general components:

- Site survey to identify weed species that have established within the disturbed areas
- Inspections of treated areas to assess the success of the weed treatments

The site survey will be a pedestrian survey of disturbed areas in mid to late May. The survey will be scheduled to be initiated slightly before the herbicide application to identify any weed species. The focus will be on weed species observed prior to construction on the site (knapweed, starthistle, field bindweed, whitetop, jointed goatgrass, medusahead rye), as well as any other species on the Gilliam County weed list that might require different control methods.

The results of the site survey will be summarized in a short memorandum in which (1) any new weed species observed and treatment protocols are identified, (2) the location and weed species within the buffers are described, and (3) reference plot cover values are listed.

Subsequent monitoring results will be summarized in short memorandums in which the treatment success is described, any recommendations to improve treatment success (if necessary) are made, and any new weed species or emergence are noted. Following the initial five years of post-construction monitoring, the certificate holder shall consult with the Oregon Department of Energy, Oregon Department of Fish and Wildlife, Morrow and Umatilla County Weed Control Departments to determine the appropriate long-term weed management and control measures.

Attachment F WREFIII Draft WWMP

Wheatridge Wind Energy Project

Draft

Wildlife Monitoring and Mitigation Plan

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1.0 Introduction

The Wheatridge Wind Energy Facility (Facility) is an approved, but not yet constructed, wind energy generation facility consisting of up to 292 turbines with a peak generating capacity of up to 500 megawatts (MW), located in an Approved Site Boundary of approximately 13,097 acres in Morrow and Umatilla counties, Oregon. As part of Request for Amendment 4 (RFA 4) to the Facility Site Certificate through the Energy Facility Siting Council (EFSC), Wheatridge Wind Energy, LLC (Certificate Holder) is proposing to add up to 150 MW of photovoltaic solar energy generation to the Facility to provide the opportunity for an integrated, renewable energy facility with both wind and solar energy generation and energy storage. RFA 4 would expand the Approved Site Boundary by 2,294.3 acres (to a total of 14,264.3 acres) to provide for solar generation and energy storage facilities. A detailed Facility description can be found in Exhibit B of the Facility Application for Site Certificate (ASC) and RFA 4, and detailed maps of the Facility site boundary and associated and supporting facilities can be found in Exhibit C.

This document provides primary concepts for meeting the operations phase wildlife monitoring and mitigation needs and will be finalized by the Oregon Department of Energy (ODOE) into a formal Wildlife Monitoring and Mitigation Plan (WMMP). The WMMP will take into account monitoring recommendations from the Oregon Department of Fish and Wildlife (ODFW) and the United States Fish and Wildlife Service (USFWS).

The concepts provided herein are consistent with approved plans in place for other Oregon wind projects, in particular those that are permitted through the State process and the Energy Facility Siting Council. For most such plans in the Oregon Columbia Plateau, the objective has been to provide information useful for determining the impacts of construction and operation of wind energy facilities on wildlife in general—and on birds and bats in particular. As a result of such studies, a wealth of information is available, and the species and relative proportions of birds and bats impacted by wind development in the Oregon Columbia Plateau is now well established.

For this reason, and because multiple-species monitoring has often led to a suboptimal understanding of impacts to particular species of special conservation concern, the USFWS has established guidelines (USFWS, 2012) to facilitate the identifying and addressing such species and the potential impacts to them. For the Facility, pre- construction information reviews and field investigations (Gerhardt et al., 2014) followed those guidelines, as did subsequent siting and micrositing of facilities (Exhibits P and Q of the Wheatridge ASC and RFA 4). The conclusion of this process led to discussions with USFWS centering on the potential risk of the Facility to golden eagle, discussions that likely will lead to an Eagle Conservation Plan and an Eagle Take Permit. In that case, the methods described in this WMMP (especially fatality monitoring and mitigation) may— prior to the beginning of construction of the Facility—be tailored specifically to golden eagles and other large raptors.

This plan describes wildlife monitoring that the Certificate Holder shall conduct during operation of the Facility. Monitoring objectives of the formal study are to determine whether the facility causes significant fatalities of birds and bats and to determine whether the facility results in a loss of

habitat quality. Objectives of continued recording, handling and reporting of incidentally discovered injured or dead wildlife are to meet the standards specified in any other requirement (federal, state, county) for understanding and documenting species found over time.

For the formal study, the Certificate Holder shall use experienced and properly trained personnel (the “investigators”) to conduct the monitoring required under this plan. The professional qualifications of the investigators are subject to approval by the ODOE. For all components of this plan except the life-of-project Wildlife Reporting and Handling System, the Certificate Holder shall hire independent third-party investigators (not employees of the Certificate Holder) to perform monitoring tasks.

The Wildlife Monitoring and Mitigation Plan for the Facility has the following components:

1. Fatality monitoring program including:
 - a. Removal trials
 - b. Searcher efficiency trials
 - c. Fatality search protocol
 - d. Statistical analysis
2. Raptor nesting surveys
3. Wildlife Reporting and Handling System

Component #1 is of shorter duration whereas #2 is periodic for a longer period and #3 if for the life of the Facility. Based on the results of the monitoring program, mitigation of significant impacts may be required. The selection of the mitigation actions should allow for flexibility in creating appropriate responses to monitoring results that cannot be known in advance. If the Department determines that mitigation is needed, the Certificate Holder shall propose appropriate mitigation actions to ODOE and shall carry out mitigation actions approved by ODOE, subject to review by the EFSC.

2.0 Fatality Monitoring – Wind Facility

2.1 Definitions and Methods

2.1.1 Seasons

This plan uses the following dates for defining seasons:

Season	Dates
Spring Migration	March 16 to May 15
Summer/Breeding	May 16 to August 15
Fall Migration	August 16 to October 31
Winter	November 1 to March 15

2.1.2 Search Plots

The investigators shall conduct fatality monitoring within search plots. The Certificate Holder, in consultation with the Oregon Department of Fish and Wildlife, shall select search plots based on a systematic sampling design that ensures that the selected search plots are representative of the habitat conditions in different parts of the site. Each search plot will contain one turbine. Search plots will be square or circular. Circular search plots will be centered on the turbine location; radius will be determined with regard to maximum blade tip height and species of concern. Square search plots will be of sufficient size to contain a circular search plot as described above. The Certificate Holder shall provide maps of the search plots to ODOE before beginning fatality monitoring at the facility. The Certificate Holder shall use the same search plots for each search conducted during a monitoring year.

2.1.3 Scheduling

Fatality monitoring will begin one month after commencement of commercial operation of the facility. Subsequent monitoring years will follow the same schedule (beginning in the same calendar month in the subsequent monitoring year).

In each monitoring year, the investigators shall conduct fatality monitoring searches at the rates of frequency shown below. Over the course of one monitoring year, the investigators will conduct 16 searches, as follows:

Season	Frequency
Spring Migration	2 searches per month (4 searches)
Summer/Breeding	1 search per month (3 searches)
Fall Migration	2 searches per month (5 searches)
Winter	1 search per month (4 searches)

2.1.4 Sample Size

The sample size for fatality monitoring is the number of turbines searched per monitoring year. The investigators shall conduct fatality monitoring during each monitoring year in search plots at one-

third of the turbines that are built or 50 turbines, whichever is greater. If fewer than 50 turbines are built, the Certificate Holder shall search all turbines.

2.1.5 Duration of Fatality Monitoring

The investigators shall perform one complete monitoring cycle during the first full year of facility operation (Year 1). At the end of the first year of monitoring, the Certificate Holder will report the results for joint evaluation by ODOE, the Certificate Holder, and ODFW. In the evaluation, the Certificate Holder shall compare the results for the Facility with the thresholds of concern described in Section 1(g) of this plan and with comparable data from other wind power facilities in the Columbia Basin, as available. If the fatality rates for the first year of monitoring at the Facility do not exceed any of the thresholds of concern and are within the range of the fatality rates found at other wind power facilities in the region, then the investigators will perform a second year of monitoring in Year 5 of operations.

If fatality rates for the first year of monitoring at the Facility materially exceed any of the thresholds of concern or the range of fatality rates found at other wind power facilities in the region, the Certificate Holder shall propose additional mitigation for ODOE and ODFW review within 6 months after reporting the fatality rates to the ODOE. Alternatively, the Certificate Holder may opt to conduct a second year of fatality monitoring immediately if the certificate holder believes that the results of Year 1 monitoring were anomalous. If the Certificate Holder takes this option, the investigators still must perform the monitoring in Year 5 of operations as described above.

2.2 Removal Trials

The objective of the removal trials is to estimate the length of time avian and bat carcasses remain in the search area. Estimates of carcass removal rates will be used to adjust carcass counts for removal bias. "Carcass removal" is the disappearance of a carcass from the search area due to predation, scavenging, or other means, such as farming activity.

The investigators shall conduct carcass removal trials within each of the seasons defined above during the first year of fatality monitoring. For each trial, the investigators shall use 10 to 15 carcasses of small- and large-bodied species. Trial carcasses shall be distributed within habitat categories and subtypes in proportion to their amounts within search plots.

After the first year of fatality monitoring, the investigators may reduce the number of removal trials and the number of removal trial carcasses during any subsequent year of fatality monitoring, subject to the approval of the Department. The investigators must show that the reduction is justified based on a comparison of the first year removal data with published removal data from nearby wind energy facilities.

The investigators shall use game birds or other legal sources of avian species as test carcasses for the removal trials, and the investigators may use carcasses found in fatality monitoring searches. The investigators shall select species with the same coloration and size attributes as species found within the site boundary. If suitable trial carcasses are available, trials during the fall season will

include several small brown birds to simulate bat carcasses. Legally obtained bat carcasses will be used if available.

Trial carcasses will be marked discreetly for recognition by searchers and other personnel. Carcasses will be placed in a variety of postures to simulate a range of conditions. For example, birds will be: (1) placed in an exposed posture (e.g., thrown over the shoulder),

(2) hidden to simulate a crippled bird (e.g., placed beneath a shrub or tuft of grass) or (3) partially hidden. The trial carcasses will be placed randomly within the carcass removal trial plots. Trial carcasses will be left in place until the end of the carcass removal trial.

An approximate schedule for assessing removal status is once daily for the first 4 days, and on days 7, 10, 14, 21, 28 and 35. This schedule may be adjusted depending on actual carcass removal rates, weather conditions and coordination with the other survey work. The condition of scavenged carcasses will be documented during each assessment, and at the end of the trial all traces of the carcasses will be removed from the site. Scavenger or other activity could result in complete removal of all traces of a carcass in a location or distribution of feathers and carcass parts to several locations. This distribution will not constitute removal if evidence of the carcass remains within an area similar in size to a search plot and if the evidence would be discernable to a searcher during a normal survey.

Before beginning removal trials for any subsequent year of fatality monitoring, the Certificate Holder shall report the results of the first year removal trials to ODOE and ODFW. In the report, the Certificate Holder shall analyze whether four removal trials per year, as described above, provide sufficient data to accurately estimate adjustment factors for carcass removal. The number of removal trials may be adjusted up or down, subject to the approval of ODOE.

2.3 Searcher Efficiency Trials

The objective of searcher efficiency trials is to estimate the percentage of bird and bat fatalities that searchers are able to find. The investigators shall conduct searcher efficiency trials on the fatality monitoring search plots in both grassland/shrub-steppe and cultivated agriculture habitat types. A pooled estimate of searcher efficiency may be used—if sample sizes are too small for some habitat types—to adjust carcass counts for detection bias.

The investigators shall conduct searcher efficiency trials within each of the seasons defined above during the years in which the fatality monitoring occurs. Each trial will involve approximately 4 to 15 carcasses. The searchers will not be notified of carcass placement or test dates. The investigators shall vary the number of trials per season and the number of carcasses per trial so that the searchers will not know the total number of trial carcasses being used in any trial. In total, approximately 80 carcasses will be used per year, or approximately 15 to 25 per season.

For each trial, the investigators shall use small- and large-bodied species. The investigators shall use game birds or other legal sources of avian species as test carcasses for the efficiency trials, and the investigators may use carcasses found in fatality monitoring searches. The investigators shall select species with the same coloration and size attributes as species found within the site

boundary. If suitable test carcasses are available, trials during the fall season will include several small brown birds to simulate bat carcasses.

Legally obtained bat carcasses will be used if available. The investigators shall mark the test carcasses to differentiate them from other carcasses that might be found within the search plot and shall use methods similar to those used to mark removal test carcasses as long as the procedure is sufficiently discreet and does not increase carcass visibility.

The Certificate Holder shall distribute trial carcasses in varied habitat in rough proportion to the habitat types within the facility site. On the day of a standardized fatality monitoring search (described below) but before the beginning of the search, investigators will place efficiency trial carcasses randomly within search plots (one to three trial carcasses per search plot) within areas to be searched. If scavengers appear attracted by placement of carcasses, the carcasses will be distributed before dawn.

Efficiency trials will be spread over the entire season to incorporate effects of varying weather and vegetation growth. Carcasses will be placed in a variety of postures to simulate a range of conditions. For example, birds will be: (1) placed in an exposed posture (thrown over the shoulder), (2) hidden to simulate a crippled bird or (3) partially hidden.

The number and location of the efficiency trial carcasses found during the carcass search will be recorded. The number of efficiency trial carcasses available for detection during each trial will be determined immediately after the trial by the person responsible for distributing the carcasses. Following plot searches, all traces of test carcasses will be removed from the site. If new searchers are brought into the search team, additional searcher efficiency trials will be conducted to ensure that detection rates incorporate searcher differences. The Certificate Holder shall include a discussion of any changes in search personnel and any additional detection trials in the reporting required under Section 4 of this plan.

Before beginning searcher efficiency trials for any subsequent year of fatality monitoring, the Certificate Holder shall report the results of the first year efficiency trials to ODOE and ODFW. In the report, the Certificate Holder shall analyze whether the efficiency trials as described above provide sufficient data to accurately estimate adjustment factors for searcher efficiency. The number of searcher efficiency trials for any subsequent year of fatality monitoring may be adjusted up or down, subject to the approval of ODOE.

2.4 Fatality Monitoring Search Protocol

The objective of fatality monitoring is to estimate the number of bird and bat fatalities that are attributable to facility operation as an indicator of the impact of the facility on habitat quality. The goal of bird and bat fatality monitoring is to estimate fatality rates and associated variances. The investigators shall perform fatality monitoring using standardized carcass searches according to the schedule described above.

Personnel trained in proper search techniques (“the searchers”) will conduct the carcass searches by walking concentric or parallel transects (with transect width determined by the species of

concern) within search plots. Search area and speed may be adjusted by habitat type after evaluation of the first searcher efficiency trial.

Searchers shall flag all avian or bat carcasses discovered. Carcasses are defined as a complete carcass or body part, 10 or more feathers or three or more primary feathers in one location. When parts of carcasses and feathers from the same species are found within a search plot, searchers shall make note of the relative positions and assess whether or not these are from the same fatality.

All carcasses (avian and bat) found during the standardized carcass searches will be photographed, recorded and labeled with a unique number. Searchers shall make note of the nearest two or three structures (turbine, power pole, fence, building or overhead line) and the approximate distance from the carcass to these structures. The species and age of the carcass will be determined when possible. Searchers shall note the extent to which the carcass is intact and estimate time since death. Searchers shall describe all evidence that might assist in determination of cause of death, such as evidence of electrocution, vehicular strike, wire strike, predation or disease. When assessment of the carcass is complete, all traces of it will be removed from the site.

Each carcass will be bagged and frozen for future reference and possible necropsy or (if the carcass is fresh and whole) for use in trials. A copy of the data sheet for each carcass will be kept with the carcass at all times. For each carcass found, searchers will record species, sex and age when possible, date and time collected, location, condition (e.g., intact, scavenged, feather spot) and any comments that may indicate cause of death. Searchers will photograph each carcass as found and will map the find on a detailed map of the search area showing the location of the wind turbines and associated facilities. The certificate holder shall coordinate collection of state endangered, threatened, sensitive or other state protected species with ODFW. The Certificate Holder shall coordinate collection of federally listed endangered or threatened species and Migratory Bird Treaty Act protected avian species with the U.S. Fish and Wildlife Service. The Certificate Holder shall obtain appropriate collection permits from ODFW and USFWS.

The investigators shall calculate fatality rates using the statistical methods described in Section (f), except that the investigators may use different notation or methods that are mathematically equivalent with prior approval of ODOE. In making these calculations, the investigators may exclude carcass data from the first search of each turbine plot (to eliminate possible counting of carcasses that were present before the turbine was operating).

The investigators shall estimate the number of avian and bat fatalities attributable to operation of the facility based on the number of avian and bat fatalities found at the facility site. All carcasses located within areas surveyed, regardless of species, will be recorded and, if possible, a cause of death determined based on blind necropsy results. If a different cause of death is not apparent, the fatality will be attributed to facility operation. The total number of avian and bat fatalities will be estimated by adjusting for removal and searcher efficiency bias.

On an annual basis, the Certificate Holder shall report an estimate of fatalities in eight categories: (1) all birds, (2) small birds, (3) large birds, (4) raptors, (5) grassland birds, (6) nocturnal migrants, (7) state and federally listed threatened and endangered species and State Sensitive Species listed

under OAR 635-100-0040 and (8) bats. The Certificate Holder shall report annual fatality rates on both a per-MW and per-turbine basis.

2.5 Incidental Finds and Injured Birds

The searchers might discover carcasses incidental to formal carcass searches (e.g., while driving within the project area). For each incidentally discovered carcass, the searcher shall identify, photograph, record data and collect the carcass as would be done for carcasses within the formal search sample during scheduled searches. If the incidentally discovered carcass is found within a formal search plot, the fatality data will be included in the calculation of fatality rates. If the incidentally discovered carcass is found outside a formal search plot, the data will be reported separately. The Certificate Holder shall coordinate collection of incidentally discovered state endangered, threatened, sensitive or other state protected species with ODFW. The Certificate Holder shall coordinate collection of incidentally discovered federally-listed endangered or threatened species and Migratory Bird Treaty Act protected avian species with the USFWS.

The Certificate Holder shall develop and follow a protocol for handling injured birds. Any injured native birds found on the facility site will be carefully captured by a trained project biologist or technician and transported to a qualified rehabilitation specialist approved by ODOE.¹ The Certificate Holder shall pay costs, if any, charged for time and expenses related to care and rehabilitation of injured native birds found on the site, unless the cause of injury is clearly demonstrated to be unrelated to the facility operations.

2.6 Statistical Methods for Fatality Estimates (Shoenfeld Estimator)

The estimate of the total number of wind facility-related fatalities is based on:

1. The observed number of carcasses found during standardized searches during the two monitoring years for which the cause of death is attributed to the facility.²
2. Searcher efficiency expressed as the proportion of planted carcasses found by searchers.
3. Removal rates expressed as the estimated average probability a carcass is expected to remain in the study area and be available for detection by the searchers during the entire survey period.

2.6.1 Definition of Variables

The following variables are used in the equations below:

c_i the number of carcasses detected at plot i for the study period of interest (e.g., one year) for which the cause of death is either unknown or is attributed to the facility

¹ Approved specialists include Lynn Tompkins (wildlife rehabilitator) of Blue Mountain Wildlife, a wildlife rehabilitation center in Pendleton, and the Audubon Bird Care Center in Portland. The Certificate Holder must obtain ODOE approval before using other specialists.

² If a different cause of death is not apparent, the fatality will be attributed to facility operation.

- n the number of search plots
- k the number of turbines searched (includes the turbines centered within each search plot and a proportion of the number of turbines adjacent to search plots to account for the effect of adjacent turbines on the search plot buffer area)
- \bar{c} the average number of carcasses observed per turbine per year
- s the number of carcasses used in removal trials
- s_c the number of carcasses in removal trials that remain in the study area after 35 days
- se standard error (square of the sample variance of the mean)
- t_i the time (days) a carcass remains in the study area before it is removed
- \bar{t} the average time (days) a carcass remains in the study area before it is removed
- d the total number of carcasses placed in searcher efficiency trials
- p the estimated proportion of detectable carcasses found by searchers
- I the average interval between searches in days
- $\hat{\pi}$ the estimated probability that a carcass is both available to be found during a search and is found
- m_t the estimated annual average number of fatalities per turbine per year, adjusted for removal and observer detection bias
- C nameplate energy output of turbine in megawatts (MW)

2.6.2 Observed Number of Carcasses

The estimated average number of carcasses (\bar{c}) observed per turbine per year is:

$$\bar{c} = \frac{\sum_{i=1}^n c_i}{k}$$

2.6.3 Estimation of Carcass Removal

Estimates of carcass removal are used to adjust carcass counts for removal bias. Mean carcass removal time (t) is the average length of time a carcass remains at the site before it is removed:

$$\bar{t} = \frac{\sum_{i=1}^n t_i}{s - s_c}$$

This estimator is the maximum likelihood estimator assuming the removal times follow an exponential distribution and there is right-censoring of data. Any trial carcasses still remaining at 35 days are collected, yielding censored observations at 35 days. If all trial carcasses are removed before the end of the trial, then s_c is 0, and \bar{t} is just the arithmetic average of the removal times. Removal rates will be estimated by carcass size (small and large), habitat type and season.

2.6.4 Estimation of Observer Detection Rates

Observer detection rates (i.e., searcher efficiency rates) are expressed as p , the proportion of trial carcasses that are detected by searchers. Observer detection rates will be estimated by carcass size, habitat type and season.

2.6.5 Estimation of Facility-Related Fatality Rates

The estimated per turbine annual fatality rate (m_t) is calculated by:

$m_t = \frac{\bar{c}}{\hat{\pi}_t}$ Where $\hat{\pi}_t$ includes adjustments for both carcass removal (from scavenging and other means) and observer detection bias assuming that the carcass removal times t_i follow an exponential distribution. Under these assumptions, this detection probability is estimated by:

$$\hat{\pi}_t = \frac{\bar{t} \cdot p}{I} \cdot \left[\frac{\exp\left(I/\bar{t}\right) - 1}{\exp\left(I/\bar{t}\right) - 1 + p} \right]$$

The estimated per MW annual fatality rate (m) is calculated by:

$$m = \frac{m_t}{C}$$

The final reported estimates of m , associated standard errors and 90% confidence intervals will be calculated using bootstrapping (Manly 1997). Bootstrapping is a computer simulation technique that is useful for calculating point estimates, variances and confidence intervals for complicated test statistics. For each iteration of the bootstrap, the plots will be sampled with replacement, trial carcasses will be sampled with replacement, and \bar{c} , \bar{t} , p , $\hat{\pi}_t$ and m will be calculated. A total of 5,000 bootstrap iterations will be used. The reported estimates will be the means of the 5,000 bootstrap estimates. The standard deviation of the bootstrap estimates is the estimated standard error. The lower 5th and upper 95th percentiles of the 5000 bootstrap estimates are estimates of the lower limit and upper limit of 90% confidence intervals.

2.7 Nocturnal Migrant and Bat Fatalities

Differences in observed nocturnal migrant and bat fatality rates for lit turbines, unlit turbines that are adjacent to lit turbines and unlit turbines that are not adjacent to lit turbines will be compared graphically and statistically.

The Certificate Holder shall use a worst-case analysis to resolve any uncertainty in the results and to determine whether the data indicate that additional mitigation should be considered. ODOE may require additional, targeted monitoring if the data indicate the potential for significant impacts that cannot be addressed by worst-case analysis and appropriate mitigation.

Mitigation may be appropriate if fatality rates exceed a “threshold of concern.”³ For the purpose of determining whether a threshold has been exceeded, the Certificate Holder shall calculate the average annual fatality rates for species groups after each year of monitoring. Based on current knowledge of the species that are likely to use the habitat in the area of the facility, the following thresholds apply to the Facility:

Species Group	Threshold of Concern (fatalities per MW)
Raptors (All eagles, hawks, falcons and owls, including burrowing owls.)	0.09
Raptor species of special concern (Swainson’s hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl.)	0.06
Grassland species (All native bird species that rely on grassland habitat and are either resident species occurring year round or species that nest in the area, excluding horned lark, burrowing owl and northern harrier.)	0.59
State sensitive avian species listed under OAR 635-100-0040 (Excluding raptors listed above.)	0.2
Bat species as a group	2.5

If the data show that a threshold of concern for an avian species group has been exceeded, the Certificate Holder shall implement mitigation if ODOE determines that mitigation is appropriate based on analysis of the data, consultation with ODFW, and consideration of any other significant information available at the time. In addition, ODOE may determine that mitigation is appropriate if fatality rates for individual avian or bat species (especially State Sensitive Species) are higher than expected and at a level of biological concern. If ODOE determines that mitigation is appropriate, the Certificate Holder, in consultation with ODOE and ODFW, shall propose mitigation measures designed to benefit the affected species. This may take into consideration whether the mitigation required or provided in conjunction with raptor nest monitoring, habitat mitigation, or other

³ The Council adopted “thresholds of concern” for raptors, grassland species, and state sensitive avian species in the Final Order on the Application for the Klondike III Wind Project (June 30, 2006) and for bats in the Final Order on the Application for the Biglow Canyon Wind Farm (June 30, 2006). As explained in the Klondike III order: “Although the threshold numbers provide a rough measure for deciding whether the Council should be concerned about observed fatality rates, the thresholds have a very limited scientific basis. The exceeding of a threshold, by itself, would not be a scientific indicator that operation of the facility would result in range-wide population level declines of any of the species affected. The thresholds are provided in the Wildlife Monitoring and Mitigation Plan to guide consideration of additional mitigation based on two years of monitoring data.”

components of the Wildlife Monitoring and Mitigation Plan or Habitat Mitigation Plan, would also benefit the affected species.

The Certificate Holder shall implement mitigation as approved by ODOE, subject to review by the Council. ODOE may recommend additional, targeted data collection if the need for mitigation is unclear based on the information available at the time. The Certificate Holder shall implement such data collection as approved by the Council.

The Certificate Holder shall design mitigation to benefit the affected species group. Mitigation may include, but is not limited to, protection of nesting habitat for the affected group of native species through a conservation easement or similar agreement. Tracts of land that are intact and functional for wildlife are preferable to degraded habitat areas. Preference should be given to protection of land that would otherwise be subject to development or use that would diminish the wildlife value of the land. In addition, mitigation measures might include: enhancement of the protected tract by weed removal and control; increasing the diversity of native grasses and forbs; planting sagebrush or other shrubs; constructing and maintaining artificial nest structures for raptors; improving wildfire response; and conducting or making a contribution to research that will aid in understanding more about the affected species and its conservation needs in the region.

If the data show that the threshold of concern for bat species as a group has been exceeded, the Certificate Holder shall implement mitigation if ODOE determines that mitigation is appropriate based on analysis of the data, consultation with ODFW, and consideration of any other significant information available at the time. For example, if the threshold for bat species as a group is exceeded, the Certificate Holder may contribute to Bat Conservation International or to a Pacific Northwest bat conservation group to fund new or ongoing research in the Pacific Northwest to better understand wind facility impacts to bat species and to develop possible ways to reduce impacts to the affected species.

2.8 Fatality Monitoring – Solar Facility

The Certificate Holder will consult with the ODOE and ODFW to confirm the extent of fatality monitoring that should be conducted for the solar facility.

3.0 Raptor Nest Surveys

The objectives of raptor nest surveys are: (1) to estimate the size of the local breeding populations of raptor species that nest on the ground or aboveground in trees or other aboveground nest locations in the vicinity of the facility; and (2) to determine whether there are noticeable changes in nesting activity or nesting success in the local populations of the following raptor species: Swainson’s hawk, golden eagle, ferruginous hawk and burrowing owl.

The Certificate Holder shall conduct short-term and long-term monitoring. The investigators will use aerial and ground surveys to evaluate nest success by gathering data on active nests, on nests with young, and on young fledged.

3.1 Short-Term Monitoring

Short-term monitoring will be done in two monitoring seasons. The first monitoring season will be in the first raptor nesting season after completion of construction of the facility. The second monitoring season will be in the fourth year after construction is completed. The Certificate Holder shall provide a summary of the first-year results in the monitoring report described in Section 4. After the second monitoring season, the investigators will analyze two years of data compared to the baseline data.

During each monitoring season, the investigators will conduct a minimum of one aerial and one ground survey for raptor nests in late May or early June and additional surveys as described in this section. The survey area is the area within the facility site and a 2-mile buffer zone around the site. For the ground surveys while checking for nesting success (conducted within the facility site and up to a maximum of ½ mile from the facility site), nests outside the leased project boundary will be checked from an appropriate distance where feasible, depending on permission from the landowner for access.

All nests discovered during pre-construction surveys and any nests discovered during post-construction surveys, whether active or inactive, will be given identification numbers. Global positioning system (GPS) coordinates will be recorded for each nest. Locations of inactive nests will be recorded because they could become occupied during future years.

Determining nest occupancy may require one or two visits to each nest. Aerial surveys for nest occupancy will be conducted within the facility site and a 2-mile buffer. For occupied nests, the Certificate Holder will determine nesting success by a minimum of one ground visit to determine the species, number of young and young fledged within the facility site and up to ½ mile from the facility site. “Nesting success” means that the young have successfully fledged (the young are independent of the core nest site).

3.2 Long-Term Monitoring

In addition to the two years of post-construction raptor nest surveys described in Section 2(a), the investigators shall conduct long-term raptor nest surveys at 5-year intervals for the life of the facility.⁴ Investigators will conduct the first long-term raptor nest survey in the raptor nesting season of the ninth year after construction is completed and will repeat the survey at 5-year intervals thereafter. In conducting long-term surveys, the investigators will follow the same survey protocols as described above in Section 2(a) unless the investigators propose alternative protocols that are approved by ODOE. In developing an alternative protocol, the investigators will consult with ODFW and will take into consideration other raptor nest monitoring conducted in adjacent areas. The investigators will analyze the data—as a way of determining trends in the number of raptor breeding attempts the facility supports and the success of those attempts—and will submit a report after each year of long-term raptor nest surveys.

⁴ As used in this plan, “life of the facility” means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

4.0 Wildlife Reporting and Handling System

The Wildlife Reporting and Handling System (WRHS) is a monitoring program to search for and handle avian and bat casualties found by maintenance personnel during operation of the facility. Maintenance personnel will be trained in the methods needed to carry out this program. This monitoring program includes the initial response, handling and reporting of bird and bat carcasses discovered incidental to maintenance operations (“incidental finds”).

All avian and bat carcasses discovered by maintenance personnel will be photographed and data will be recorded as would be done for carcasses within the formal search sample during scheduled searches. If maintenance personnel discover incidental finds, the maintenance personnel will notify a project biologist. The project biologist (or the project biologist’s experienced wildlife technician) will collect the carcass or will instruct maintenance personnel to have an on-site carcass handling permittee collect the carcass. The Certificate Holder’s on-site carcass handling permittee must be a person who is listed on state and federal scientific or salvage collection permits and who is available to process (collect) the find on the day it is discovered. The find must be processed on the same day as it is discovered.

During the years in which fatality monitoring occurs, if maintenance personnel discover incidental finds outside the search plots for the fatality monitoring searches, the data will be reported separately from fatality monitoring data. If maintenance personnel discover carcasses within search plots, the data will be included in the calculation of fatality rates.

The maintenance personnel will notify a project biologist. The project biologist will collect the carcass or will instruct maintenance personnel to have an on-site carcass handling permittee collect the carcass. As stated above, the on-site permittee must be available to process the find on the day it is discovered. The Certificate Holder shall coordinate collection of state endangered, threatened, sensitive or other state protected species with ODFW. The Certificate Holder shall coordinate collection of federally-listed endangered or threatened species and Migratory Bird Treaty Act protected avian species with the USFWS.

4.1 Data Reporting

The Certificate Holder will report wildlife monitoring data and analysis to the ODOE for each calendar year in which wildlife monitoring occurs. Monitoring data include fatality monitoring program data, raptor nest survey data, and WRHS data. The Certificate Holder may include the reporting of wildlife monitoring data and analysis in the annual report required under OAR 345-026-0080 or submit this information as a separate document at the same time the annual report is submitted. In addition, the Certificate Holder shall provide to ODOE any data or record generated in carrying out this monitoring plan upon request by ODOE.

The Certificate Holder shall notify USFWS and ODFW immediately if any federal or state endangered or threatened species are killed or injured on the facility site.

4.2 Amendment of the Plan

This Wildlife Monitoring and Mitigation Plan may be amended from time to time by agreement of the Certificate Holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes ODOE to agree to amendments to this plan and to mitigation actions that may be required under this plan. ODOE shall notify the Council of all amendments and mitigation actions, and the Council retains the authority to approve, reject or modify any amendment of this plan or mitigation action agreed to by ODOE.