

March 19-20 EFSC Meeting

Agenda Item E: Attachment 2

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1 **I. INTRODUCTION**

2

3 The Oregon Department of Energy (Department), as staff to the Energy Facility Siting Council
4 (Council), issues this Draft Final Order in accordance with Oregon Revised Statutes (ORS)
5 469.405 and Oregon Administrative Rules (OAR) 345-027-0400, recommending that the Council
6 grant a Request for Amendment of the Leaning Juniper IIB Wind Power Facility Site Certificate
7 for a transfer in certificate holder.

8

9 The Council approved the Site Certificate for Leaning Juniper II Wind Power Facility on
10 September 21, 2007. On November 20, 2009, the Council approved the First Amended Site
11 Certificate, adding area to the site boundary and authorizing wind turbines to be sited therein.
12 On June 21, 2013, the Council approved the Second Amended Site Certificate authorizing the
13 splitting of the site certificate into two separate site certificates for Leaning Juniper IIA Wind
14 Power Facility and Leaning Juniper IIB Wind Power Facility. On July 18, 2025, the Council
15 approved the Third Amended Site Certificate, authorizing repowering of the operational wind
16 turbines.

17

18 This order addresses a request to transfer the Third Amended Leaning Juniper IIB Wind Power
19 Facility Site Certificate from Leaning Juniper Wind Power II, LLC (current certificate holder) to
20 Leaning Juniper 2B, LLC (proposed new certificate holder). Specifically, this order recommends
21 that the Council grant a request for the site certificate to be amended to identify Leaning
22 Juniper 2B, LLC, as the new owner of, and certificate holder for the Leaning Juniper IIB Wind
23 Power Facility Site Certificate, with all the rights and obligations of the certificate holder under
24 the site certificate.

25

26 Pursuant to OAR 345-027-0400(1), “A request for amendment to a site certificate to transfer
27 the site certificate is required for a transaction that results in a change in the ownership,
28 possession or control of the facility or the certificate holder.” A “new owner” refers to “the
29 person or entity that will gain ownership, possession or control of the facility or the certificate
30 holder.”

31

32 **I.A. Name and Address of Certificate Holder**

33

34 The certificate holder, parent company of the certificate holder and certificate holder contacts
35 are:

36

37 Leaning Juniper Wind Power II, LLC
38 2701 NW Vaughn Street, Suite 300
39 Portland, OR 97210

40

41 Parent company:

42

43 Avangrid Power, LLC

1 2701 NW Vaughn Street, Suite 300
2 Portland, OR 97210

3
4 Individual responsible for submitting this amendment request:
5 Anneke Solsby, Permitting and Environmental
6 Avangrid Power, LLC
7 2701 NW Vaughn Street, Suite 300
8 Portland, OR 97210

9
10 I.B. Name and Address of New Project Owner / New Certificate Holder

11
12 New owner/certificate holder:

13
14 Leaning Juniper 2B, LLC
15 2701 NW Vaughn Street, Suite 300
16 Portland, OR 97210

17
18 Parent company:

19
20 Avangrid Power, LLC
21 2701 NW Vaughn Street, Suite 300
22 Portland, OR 97210

23
24 I.C. Description of Facility and Location

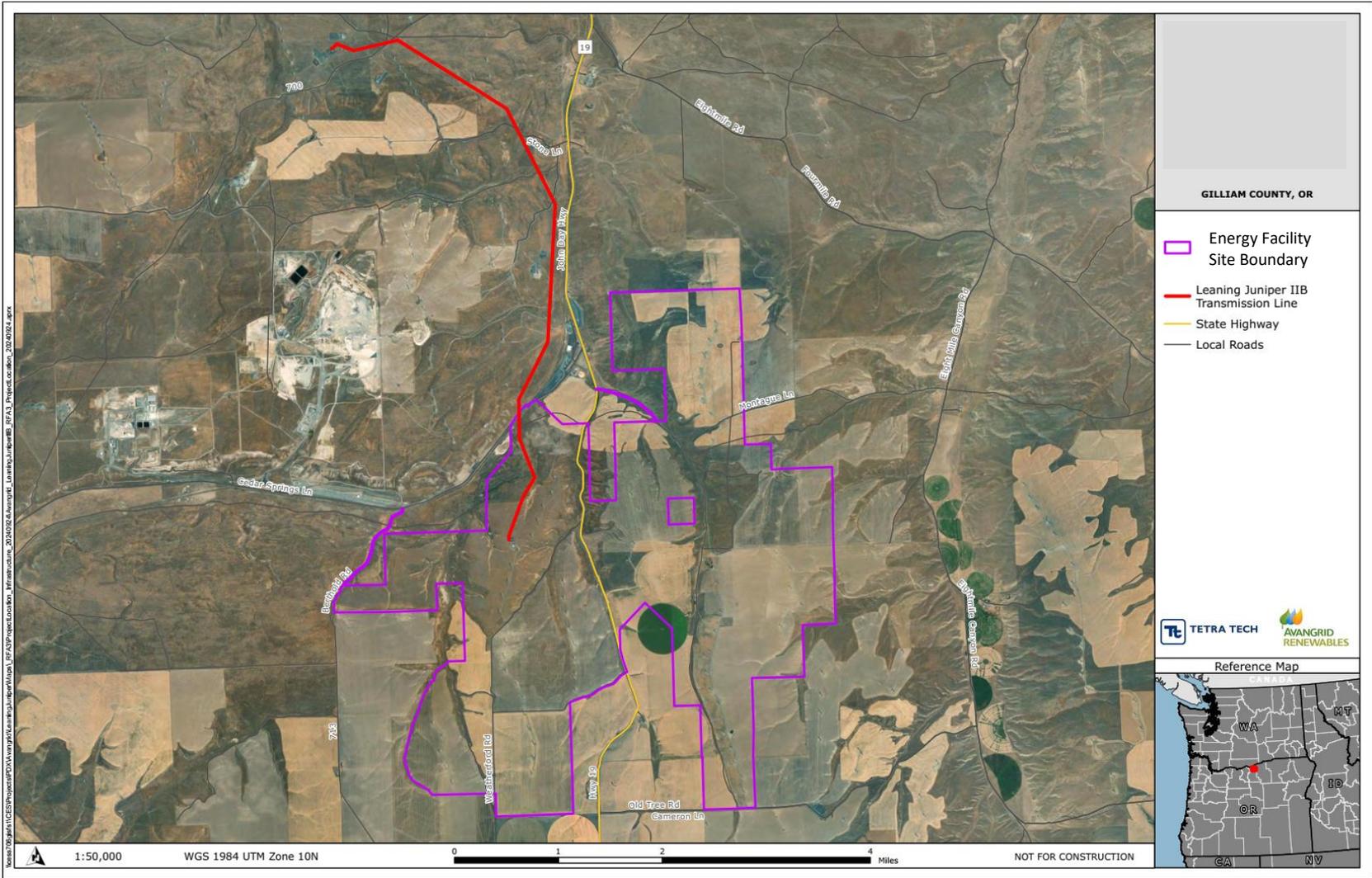
25
26 The facility is an operational, wind power generation facility consisting of 74 wind turbines with
27 a peak generating capacity of 120 MW. The maximum turbine blade tip height is 423 feet.
28 The facility includes the following related or supporting facilities described below:

- 29
- 30 • Power collection system
 - 31 • Substations and interconnection system
 - 32 • Meteorological towers
 - 33 • Operations and maintenance facilities
 - 34 • Control system
 - 35 • Access roads

36 The facility is located southwest of Arlington, in Gilliam County, Oregon. The site is in Townships
37 1 and 2 North and Ranges 21 and 22 East, as presented in Figure 1 below.¹

¹ Site boundary means, “the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors proposed by the applicant.” (OAR 345-001-0010(54))

Figure 1: Regional Location of Facility and Facility Site Boundary



1 **II. THE TRANSFER PROCESS**

2

3 **II.A. Description of the Transfer Request**

4

5 In its Request for Transfer of the Site Certificate, the certificate holder requests to transfer the
6 Third Amended Site Certificate to Leaning Juniper 2B, LLC, a new Delaware limited liability
7 company created to hold the facility assets. The parent company, Avangrid Power, LLC will
8 remain the same.

9

10 **II.B. Procedural History**

11

12 On December 16, 2025, counsel for the existing certificate holder and its parent company
13 notified the Department of the plan to transfer and assign the Leaning Juniper IIB Wind Power
14 Facility assets into a new wholly-owned subsidiary of Avangrid Power, LLC. On January 15, 2026,
15 the certificate holder submitted a Request for Transfer (Request for Amendment 4 or “RFA4”)
16 seeking authorization to transfer the site certificate for the facility to a new owner.

17

18 February 19, 2026, the Department issued Public Notice of Request for Amendment 4 to all
19 persons on the Council’s general mailing list, the special mailing list established for the facility,
20 an updated list of property owners supplied by the new owner, and reviewing agencies as
21 defined in OAR 345-001-0010(28).

22

23 The comment period ran from February 19 through March 20, 2026. During its March 20, 2026
24 meeting, Council conducted a public hearing on the Request for Transfer of the Leaning Juniper
25 IIB Wind Power Facility Site Certificate. Following the public hearing, Council received a staff
26 presentation on the details of the transfer request, including the Department’s
27 recommendations as presented in a March 6, 2026 staff report (which including the draft Final
28 Order). Following review of the transfer request and comments received, Council
29 **approved/rejected** the Request for Transfer and issued a Final Order **granting/denying** the
30 Request for Transfer and issuance of the related Fourth Amended Site Certificate.

31

32 **II.C. Comments on the Transfer Request**

33

34 [At the time of this draft Final Order, no comments on the transfer request had been received]

35

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

37

38 Under OAR 345-027-0400(8), the Council may approve a transfer of the site certificate if the
39 Council finds that:

40

- 41 *(a) The new owner complies with the Council standards described in OAR 345-022-0010,*
42 *345-022-0050 and, if applicable, OAR 345-024-0710(1); and*

1 (b) *The new owner is or will be lawfully entitled to possession or control of the site or the*
2 *facility described in the site certificate.*

3
4 The evaluation of OAR 345-027-0400(8)(a) is presented in Section III.A. *Organizational Expertise*
5 and III.B. *Retirement and Financial Assurance* of this order; OAR 345-024-0710(1), *Monetary*
6 *Path Payment Requirement* is related to the Carbon Standard and does not apply to wind
7 energy generation facilities and therefore is not evaluated in this order.

8
9 *Possession or Control of the Site, Facility or Certificate Holder [OAR 345-027-0400(8)(b)]*

10
11 Per OAR 345-027-0400(8)(b), to approve a transfer of the site certificate, the Council must find
12 that the new owner is or will be lawfully entitled to possession or control of the site or the
13 facility described in the site certificate. To evaluate whether the new owner is lawfully entitled
14 to possession or control of the site or facility, OAR 345-027-0400(5) states, “The Department
15 may require the new owner to submit a written statement from the current certificate
16 holder...verifying the new owner’s right, subject to the provisions of ORS Chapter 469 and the
17 rules of this chapter, to possession or control of the site or the facility.” Avangrid Power, LLC
18 (parent company of existing and proposed certificate holders) stated that Avangrid plans to
19 transfer and assign the facility assets to Leaning Juniper 2B, LLC and that Leaning Juniper 2B,
20 LLC will take possession and control of the facility and site.² The Department recommends
21 Council find that this letter satisfies the requirements of OAR 345-027-0400(8)(b).

22
23 *Certification [OAR 345-027-0400(4)]*

24 On behalf of Leaning Juniper 2B, LLC (the proposed new owner), Avangrid Power, LLC’s Deputy
25 General Counsel Jeffrey Durocher confirmed that Leaning Juniper 2B, LLC will abide by all the
26 terms and conditions of the Third Amended Site Certificate for the Leaning Juniper IIB Wind
27 Power Facility when transferred per the Request for Transfer.³ The Department recommends
28 Council find that this letter satisfies the requirements of OAR 345-027-0400(4).

29
30 **III.A. Organizational Expertise [OAR 345-022-0010]**

31
32 (1) *To issue a site certificate, the Council must find that the applicant has the*
33 *organizational expertise to construct, operate and retire the proposed facility in*
34 *compliance with Council standards and conditions of the site certificate. To conclude*
35 *that the applicant has this expertise, the Council must find that the applicant has*
36 *demonstrated the ability to design, construct and operate the proposed facility in*
37 *compliance with site certificate conditions and in a manner that protects public*
38 *health and safety and has demonstrated the ability to restore the site to a useful,*
39 *non-hazardous condition. The Council may consider the applicant's experience, the*

² LJIBAMD4 Request to Transfer 2026-02-20, Attachment 7, Attachment 1.

³ LJIBAMD4 Request to Transfer 2026-02-20, Attachment 6.

1 *applicant's access to technical expertise and the applicant's past performance in*
2 *constructing, operating and retiring other facilities, including, but not limited to, the*
3 *number and severity of regulatory citations issued to the applicant.*

4 ***4

5
6 **Findings of Fact**

7
8 To approve a request for amendment for site certificate transfer, the Council must find that the
9 new owner complies with the Organizational Expertise Standard. Leaning Juniper Wind Power
10 II, LLC (certificate holder) is a registered Oregon Limited Liability Company and has a registered
11 agent in Oregon.⁵ The certificate holder is a wholly owned subsidiary of Avangrid Power, LLC
12 (Avangrid Power).

13 The proposed new owner of the Leaning Juniper II Wind Power Facility Site Certificate, Leaning
14 Juniper 2B, LLC, is a limited liability company that was formed in the State of Delaware on
15 September 5, 2025.⁶ Leaning Juniper 2B, LLC registered to do business in the State of Oregon
16 on December 23, 2025.⁷ Like the current certificate holder/owner, Leaning Juniper 2B, LLC is a
17 wholly owned subsidiary of Avangrid Power, LLC. Because Leaning Juniper 2B, LLC is a newly
18 formed project-specific LLC, it seeks to rely on the organizational expertise of its parent
19 company to meet the Council's Standard.⁸

20 Avangrid Power has operated renewable energy projects in Oregon since 2001. Avangrid Power
21 owns approximately 8.6 gigawatts of utility-scale wind and solar generation, of which 2.2
22 megawatts are in Oregon, including six EFSC jurisdictional facilities. Avangrid Power is also the
23 parent company for two EFSC jurisdictional natural gas fired power plants in Klamath Falls
24 totaling 620 MW.

25
26 The Council has previously found that the parent company has the organizational expertise to
27 construct, operate and retire EFSC-jurisdictional facilities in compliance with Council standards
28 and conditions of the site certificate.

29
30 As described above, per OAR 345-022-0010(1), the Council may consider the number and
31 severity of regulatory citations issued to the new owner in determining whether the proposed

⁴ Because the certificate holder does not rely on an ISO 9000 or ISO 14000 certificate to meet the standard, and because the proposed transfer of ownership would not require any new or different third-party permits to be obtained the new owner's compliance with sections (2) through (4) are not evaluated further in this Order.

⁵ LJIBAMD3Doc9 RFA3 2025-05-25, Attachment 2b Articles of Organization.

⁶ LJIBAMD4 Request to Transfer 2026-02-20, Attachment 2.

⁷ LJIBAMD4 Request to Transfer 2026-02-20, Attachment 3. *See also* Oregon Secretary of State Corporation Division webpage:

https://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_detl?p_be_rsn=2636834&p_srce=BR_INQ&p_print=FALSE

⁸ LJIBAMD4 Request to Transfer 2026-02-20, pp. 8-9.

1 new certificate holder meets the Organizational Expertise Standard. The certificate holder's
2 parent company has experienced compliance issues within the last 6 years for EFSC
3 jurisdictional facilities. The Golden Hills Wind Project received two notices from Oregon
4 Department of Environmental Quality (DEQ) related to water quality issues under the 1200-
5 C/Erosion Sediment Control Plan (ESCP) permit. On April 19, 2023, following an April 13, 2023
6 site inspection, the Department issued corrective actions needed at the Montague Solar Facility
7 for failure to protect soils under the 1200-C/ESCP. On October 3, 2023, DEQ issued a warning
8 letter for water quality violations at the Bakeoven Solar Project site (2023-WLOTC-6715). The
9 issues have been resolved.

10
11 Because in this case both the certificate holder and new owner are subsidiaries of the same
12 parent company, Avangrid Power, LLC, the Department recommends that the Council find that
13 this regulatory history is relevant to the request to transfer ownership. The Council evaluated
14 the parent company's compliance history in 2025 through the decision on the Third Amended
15 Site Certificate and imposed stricter compliance reporting requirements to afford the
16 Department the ability to more closely track compliance status (see existing Conditions 21 and
17 112).

18
19 Based on compliance with the previously imposed conditions intended to address the
20 compliance history, the Department recommends Council find that Leaning Juniper 2B, LLC may
21 rely on the technical expertise of its parent company Avangrid Power, LLC, and that the parent
22 company has the organizational expertise to operate and retire the facility in compliance with
23 Council standards and conditions of the site certificate.

24 **Conclusions of Law**

25
26
27 Based on the foregoing recommended findings of fact, and based upon compliance with
28 existing site certificate conditions, the new owner has demonstrated an ability to comply with
29 the requirements of the Council's Organizational Expertise standard.

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

31
32
33 *To issue a site certificate, the Council must find that:*

34
35 *(1) The site, taking into account mitigation, can be restored adequately to a useful, non-*
36 *hazardous condition following permanent*
37 *cessation of construction or operation of the facility.*

38
39 *(2) To assist the Council in determining whether the standard outlined in (1) has been*
40 *met, the Applicant must submit information about site restoration, providing evidence to*
41 *support a finding by the Council as required by this rule. The applicant must include:*

42 *(a) The estimated useful life of the proposed facility;*

1 (b) Specific actions and tasks to restore the site to a useful, non-hazardous
2 condition;

3 (c) An estimate, in current dollars, of the total and unit costs of restoring the site
4 to a useful, non-hazardous condition;

5 (d) A discussion and justification of the methods and assumptions used to
6 estimate site restoration costs; and

7 (e) For facilities that might produce site contamination by hazardous materials, a
8 proposed monitoring plan, such as periodic environmental site assessment and
9 reporting, or an explanation why a monitoring plan is unnecessary.

10
11 (3) The applicant has a reasonable likelihood of obtaining a bond or letter of credit in
12 a form and amount satisfactory to the Council to restore the site to
13 a useful, non- hazardous condition.

14
15 (4) To assist the Council in determining whether the standard outlined in (3) has been
16 met, the Applicant must submit information:

17 (a) about the applicant's financial capability, providing evidence to support a
18 finding by the Council as required by OAR 345-022-0050(2). Nothing in this
19 section requires the disclosure of information or records protected from public
20 disclosure by any provision of state or federal law. The applicant must include:

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

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

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

30 (b) A materials analysis, including:

31 (A) An inventory of substantial quantities of industrial materials flowing
32 into and out of the proposed facility during construction and operation;

33 (B) The applicant's plans to manage hazardous substances during
34 construction and operation, including measures to prevent and contain
35 spills; and

36 (C) The applicant's plans to manage non-hazardous waste materials
37 during construction and operation.

38
39 **Findings of Fact**

40
41 In its Final Order on Request for Amendment 3, the Council found that \$10.33 million (in Q4
42 2024 dollars) was a satisfactory amount to restore the site to a useful, nonhazardous condition

1 and that the site, taking into account mitigation, can be restored adequately to a useful, non-
2 hazardous condition following permanent cessation of construction or operation of the facility.⁹
3 No changes to the design, construction, operation or retirement of the facility are proposed as
4 part of RFA4. The proposed change in ownership will not change the decommissioning tasks or
5 decommissioning estimate for the facility that Council previously approved, therefore the
6 Department recommends Council find that the new owner’s compliance with OAR 345-022-
7 0050(1) would not be affected by the proposed transfer of ownership.

8
9 Under OAR 345-022-0050(3), the Council must find that the new owner has a reasonable
10 likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the
11 Council to restore the site to a useful, non-hazardous condition.

12
13 As part of its Final Order on Request for Amendment 3, the Council amended Condition 101 and
14 imposed Condition 115, which require the certificate holder, among other items, to provide a
15 bond or letter of credit in the amount of \$10.33 million (in Q4 2024 dollars), adjusted to the
16 date of issuance or the amount determined as described in Condition 115 (a) or (b), and to
17 adjust the amount annually for inflation. Because the proposed transfer of ownership does not
18 change the activities necessary for site restoration, the Department recommends that Council
19 find that the amount referenced in Condition 115 continue to be satisfactory.

20
21 On February 19, 2026, Liberty Mutual Insurance Company, a national provider of surety bonds,
22 stated that Avangrid Power, LLC is a highly regarded client and is qualified for a single bond in
23 the amount of \$20,000,000 with an aggregate capacity of \$350,000,000. Liberty Mutual
24 referred to the proposed site certificate transfer to Leaning Juniper 2B, LLC, the required bond
25 or Letter of Credit of \$10.33 million (Q4 2024 dollars) and stated that, taking into consideration
26 the aggregate capacity of bonding for all Avangrid Power LLC projects, they are prepared to
27 consider issuance of a bond for the LJIIB facility in an amount of at least \$10.33 million, subject
28 to completion of normal underwriting requirements.¹⁰ Because all assets associated with the
29 Leaning Juniper IIB Wind Power Facility will be transferred to the proposed new owner, Leaning
30 Juniper 2B, LLC, because the new owner is owned by Avangrid Power, LLC (the same Parent
31 Company as the current certificate holder) and given the statements made by Liberty Mutual,
32 the Department recommends Council find that the new owner has a reasonable likelihood of
33 obtaining a bond or letter of credit in the form and amount required by the site certificate.

34 35 **Conclusions of Law**

36
37 Based on the foregoing recommended findings of fact, the Department recommends that
38 Council find that the site, taking into account mitigation, can be restored adequately to a useful,
39 non-hazardous condition following permanent cessation of operation of the facility, the new
40 owner has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount

⁹ LJIIBAMD3 Final Order on Request for Amendment 3 2025-07-18, pp. 61-69.

¹⁰ LJIIBAMD4 Request to Transfer 2026-02-20, Attachment 5.

1 satisfactory to the Council to restore the site to a useful, non- hazardous condition and,
2 therefore, the proposed transfer of the facility to the new owner complies with the Council’s
3 Retirement and Financial Assurance standard.

4

5 **IV. GENERAL CONCLUSIONS**

6

7 The Department recommends that the Council find that, subject to compliance with site
8 certificate conditions, the approval of the request to transfer ownership of Leaning Juniper IIB
9 Wind Power Facility Site Certificate from Leaning Juniper Wind Power II, LLC to Leaning Juniper
10 2B, LLC will not affect compliance with the Council’s standards described in OAR 345-022-0010
11 and 345-022-0050. The Department further recommends that the Council find that the new
12 owner is lawfully entitled to possession or control of the site or the facility described in the site
13 certificate.

14

15 **V. ORDER**

16

17 Based on the above recommended findings of fact, reasoning, and conclusions of law, the
18 Department recommends the Council approve the Request for Amendment 4 to Transfer the
19 Site Certificate for the Leaning Juniper IIB Wind Power Facility and issue the Fourth Amended
20 Site Certificate naming Leaning Juniper 2B, LLC as the new certificate holder.

Issued this 20th day of March 2026

OREGON ENERGY FACILITY SITING COUNCIL

By: _____
Cindy Condon, Chair

21 **ATTACHMENTS**

22 Attachment A: Draft Fourth Amended Site Certificate

23

Attachment A: Draft Fourth Amended Site Certificate

ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

~~Third~~ Fourth Amended Site Certificate
for the
Leaning Juniper IIB Wind Power Facility

ISSUANCE DATES

Site Certificate	September 21, 2007
First Amended Site Certificate	November 20, 2009
Second Amended Site Certificate	June 21, 2013
Third Amended Site Certificate	July 18, 2025
<u>Fourth Amended Site Certificate</u>	<u>TBD</u>

The Oregon Energy Facility Siting Council
THIRD-FOURTH AMENDED SITE CERTIFICATE
FOR THE LEANING JUNIPER IIB WIND POWER FACILITY

I. INTRODUCTION

1 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the
2 Leaning Juniper IIB Wind Power Facility (the facility, LJIB) in the manner authorized under ORS
3 Chapter 469. This site certificate is a binding agreement between the State of Oregon (State),
4 acting through the Council, and Leaning Juniper Wind Power ~~H2B~~, LLC (certificate holder)
5 authorizing the certificate holder to construct and operate the facility in Gilliam County,
6 Oregon. [Amendment #2 (LJF)]

7 The findings of fact, reasoning and conclusions of law underlying the terms and
8 conditions of this site certificate are set forth in the following documents, incorporated herein
9 by this reference: (a) the Council's *Final Order on the Application* for the facility issued on
10 September 21, 2007, (b) the Council's *Final Order on Amendment #1 for LJF*, and (c) the
11 Council's *Final Order on Amendment #2 for LJF*; ~~and~~ (d) the Council's *Final Order on Amendment*
12 *3 for ~~LJIA-LJIB~~* issued on July 18, 2025; and (e) the Council's Final Order on Amendment 4. In
13 interpreting this site certificate, any ambiguity will be clarified by reference to the following, in
14 order of priority: (1) ~~this Third Amended Site Certificate~~ the Final Order on Amendment #4 for
15 LJIB, (2) the *Final Order on Amendment #3 for LJIB*, (3) the *Final Order on Amendment #2 for*
16 *LJF*, (4) the *Final Order on Amendment #1 for LJF*, (5) the *Final Order on the Application for LJF*,
17 and (6) the record of the proceedings that led to the Final Orders on the Application,
18 Amendment #1, Amendment #2, ~~and~~ Amendment #2-3 and Amendment #4 for the facility.

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

II. SITE CERTIFICATION

- 21 1. To the extent authorized by state law and subject to the conditions set forth herein, the
22 State authorizes the certificate holder to construct, operate and retire a wind energy
23 facility, together with certain related or supporting facilities, at the site in Gilliam County,
24 Oregon, as described in Section III of this site certificate. ORS 469.401(1).
- 25 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules
26 in effect on the date that termination is sought or until the site certificate is revoked under
27 ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that
28 revocation is ordered. ORS 469.401(1).
- 29 3. This site certificate does not address, and is not binding with respect to, matters that were
30 not addressed in the Council's Final Orders on the Application and Amendment #1 for LJF,
31 Amendment #2, and Amendment #3 for LJLLB. Such matters include, but are not limited to:
32 building code compliance, wage, hour and other labor regulations, local government fees
33 and charges and other design or operational issues that do not relate to siting the facility
34

1 (ORS 469.401(4)) and permits issued under statutes and rules for which the decision on
2 compliance has been delegated by the federal government to a state agency other than
3 the Council. 469.503(3). [Amendment #2 (LJF), AMD3]

- 4 4. Both the State and the certificate holder shall abide by local ordinances, state law and the
5 rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
6 addition, upon a clear showing of a significant threat to public health, safety or the
7 environment that requires application of later-adopted laws or rules, the Council may
8 require compliance with such later-adopted laws or rules. ORS 469.401(2).
- 9 5. For a permit, license or other approval addressed in and governed by this site certificate,
10 the certificate holder shall comply with applicable state and federal laws adopted in the
11 future to the extent that such compliance is required under the respective state agency
12 statutes and rules. ORS 469.401(2).
- 13 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities
14 and political subdivisions in Oregon as to the approval of the site and the construction,
15 operation and retirement of the facility as to matters that are addressed in and governed
16 by this site certificate. ORS 469.401(3).
- 17 7. Each affected state agency, county, city and political subdivision in Oregon with authority
18 to issue a permit, license or other approval addressed in or governed by this site certificate
19 shall, upon submission of the proper application and payment of the proper fees, but
20 without hearings or other proceedings, issue such permit, license or other approval subject
21 only to conditions set forth in this site certificate. ORS 469.401(3).
- 22 8. After issuance of this site certificate, each state agency or local government agency that
23 issues a permit, license or other approval for the facility shall continue to exercise
24 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 25 9. After issuance of this site certificate, the Council shall have continuing authority over the
26 site and may inspect, or direct the Oregon Department of Energy (Department) to inspect,
27 or request another state agency or local government to inspect, the site at any time in
28 order to ensure that the facility is being operated consistently with the terms and
29 conditions of this site certificate. ORS 469.430.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

32 The energy facility is an operating electric power generating plant with an average electric
33 generating capacity of approximately 40 megawatts and a peak generating capacity of
34 approximately 120 megawatts that produces power from wind energy. The facility consists of
35 not more than 74 wind turbines. The energy facility is described further in the Final Orders on
36 the Application and Amendment #1, #2 and #3 for the facility.

Table 1: Facility Component Summary

Component	Dimension or Quantity
Turbines	74 1.62 MW GE
Rotor Diameter	318 feet (97 meters)
Tower Hub Height	262 feet (80 meters)
Max. Blade Tip Height	423 feet (129 meters)
Minimum Aboveground Blade Tip Clearance	103 feet (31.5 meters)

1

2 **(b) Related or Supporting Facilities**

3 The facility includes the following related or supporting facilities described below and in greater
4 detail in the Final Order on Amendment #3 for LJIB:

- 5 • Power collection system
- 6 • Substations and interconnection system
- 7 • Meteorological towers
- 8 • Operations and maintenance facilities
- 9 • Control system
- 10 • Access roads

11

12 **Power Collection System**

13 A power collection system operating at 34.5 kilovolts (kV) transports power from each
14 turbine to a collector substation. To the extent practicable, the collection system is installed
15 underground at a depth of at least three feet. Not more than 30 percent of the collector system
16 is installed aboveground.

17 **Substations and Interconnection System**

18 The facility includes a centrally located collector substation located near the turbines.
19 An above ground 230-kV transmission line carries the power from the substation to the
20 Bonneville Power Administration (BPA) Jones Canyon Switching Station and an interconnection
21 with the regional transmission grid through BPA's McNary-Santiam 230-kV transmission line.
22 [Amendment #2 (LJF)]

23 **Meteorological Towers**

24 The facility includes two permanent meteorological (met) towers. The met towers are
25 non-guyed steel towers approximately 80 meters in height. [Amendment #2 (LJF)]

26 **Operations and Maintenance Facilities**

27 The facility includes one operations and maintenance (O&M) buildings with
28 approximately 1.5 acres of fenced, graveled parking and storage area adjacent to each building.
29 [Amendment #2 (LJF)]

30 **Control System**

1 A fiber optic communications network links the wind turbines to a central computer at
 2 the O&M buildings. A “supervisory, control and data acquisition” (SCADA) system collects
 3 operating and performance data from each wind turbine and from the project as a whole and
 4 allows remote operation of the wind turbines.

5 **Access Roads**

6 The facility includes approximately 15 miles of 15-foot wide access roads to provide
 7 access to the turbine strings.

8 **2. Site Boundary, Micrositing Areas and Disturbance Limits**

9 The facility is located within an approximately 7,962 acre site boundary. A micrositing corridor
 10 is a continuous area of land within which construction of facility components may occur,
 11 subject to site certificate conditions. Council permits final siting flexibility within a micrositing
 12 corridor when the certificate holder demonstrates that requirements of all applicable standards
 13 have been satisfied by adequately evaluating the entire micrositing area/corridor and location
 14 of facility components anywhere within the corridor. To facilitate the repowering of the facility
 15 approved in the Final Order on RFA3, Council approved a 1,135 acre micrositing corridor (RFA3
 16 repower micrositing corridor – represented in Final Order Attachment A-1) within a 4,348 acre
 17 repower corridor, within the approved site boundary. Within that area, the certificate holder is
 18 approved to temporarily disturbed the areas listed in Table 2 below.
 19

Table 2: Maximum Temporary Disturbance, Per Component/Activity

Component	Existing Footprint	RFA3 Temporary ¹ Disturbance	Notes
Turbine Pads	25-30 feet (radius)	6.5 acres ²	Variable; graded areas occupy irregular shapes generally incorporating areas up to 500 feet from tower center point. This measurement generally does not include disturbance that did not require grading.
Access Road	15-20 feet (width)	85-110 ² feet (width)	110 feet wide (not inclusive of permanent access road)
Crane Path	15-20 feet (width)	85-110 ³ feet (width)	
Collector Line	40-55 feet (width)	50-75 feet (width)	
Central Laydown Areas	-	10-12 acres at each (two) central yard	
Turbine String Laydown Yards	-	5-10 acres	

20

1 **3. Location of the Proposed Facility**

2 The facility is located southwest of Arlington, in Gilliam County, Oregon. The site is in Townships
3 1 and 2 North and Ranges 21 and 22 East. The facility is located on land subject to lease
4 agreements with landowners. [Amendment #2 (LJF)]

5 **IV. MANDATORY CONDITIONS**

6 This section lists conditions required by OAR 345-025-0006 (Mandatory Conditions in
7 Site Certificates), OAR 345-025-0010 (Site Specific Conditions), OAR 345-025-0016 (Monitoring
8 Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities).
9 These conditions should be read together with the specific facility conditions listed in Section V
10 to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to
11 protect the public health and safety. In these conditions, “Office of Energy” means the Oregon
12 Department of Energy, and the other definitions in OAR 345-001-0010 apply.

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

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

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

33 1 OAR 345-025-0006(1): The Council may not change the conditions of the site certificate
34 except as provided for in OAR Chapter 345, Division 27.

35 2 OAR 345-025-0006(2): The certificate holder must submit a legal description of the site to
36 the Department of Energy within 90 days after beginning operation of the facility. The legal
37 description required by this rule means a description of metes and bounds or a description
38 of the site by reference to a map and geographic data that clearly and specifically identify
39 the outer boundaries that contain all parts of the facility.

- 1 3 OAR 345-025-0006(3): The certificate holder must design, construct, operate and retire the
2 facility:
- 3 (a) Substantially as described in the site certificate;
- 4 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and
5 applicable state and local laws, rules and ordinances in effect at the time the site
6 certificate is issued; and
- 7 (c) In compliance with all applicable permit requirements of other state agencies.
- 8 4 OAR 345-025-0006(4): The certificate holder must begin and complete construction of the
9 facility by the dates specified in the site certificate. (*See conditions 25 and 26.*)
- 10 5 OAR 345-025-0006(5): Except as necessary for the initial survey or as otherwise allowed for
11 wind energy facilities, transmission lines or pipelines under this section, the certificate
12 holder may not begin construction, as defined in OAR 345-001-0010, or create a clearing on
13 any part of the site until the certificate holder has construction rights on all parts of the
14 site. For the purpose of this rule, “construction rights” means the legal right to engage in
15 construction activities. For wind energy facilities, transmission lines or pipelines, if the
16 certificate holder does not have construction rights on all parts of the site, the certificate
17 holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a
18 clearing on a part of the site if the certificate holder has construction rights on that part of
19 the site and:
- 20 (a) The certificate holder would construct and operate part of the facility on that part of the
21 site even if a change in the planned route of a transmission line or pipeline occurs during
22 the certificate holder’s negotiations to acquire construction rights on another part of
23 the site; or
- 24 (b) The certificate holder would construct and operate part of a wind energy facility on that
25 part of the site even if other parts of the facility were modified by amendment of the
26 site certificate or were not built.
- 27 6 OAR 345-025-0006(6): If the Council requires mitigation based on an affirmative finding
28 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
29 shall consult with affected state agencies and local governments designated by the Council
30 and shall develop specific mitigation plans consistent with Council findings under the
31 relevant standards. The certificate holder must submit the mitigation plans to the Office
32 and receive Office approval before beginning construction or, as appropriate, operation of
33 the facility.
- 34 7 OAR 345-025-0006(7): The certificate holder must prevent the development of any
35 conditions on the site that would preclude restoration of the site to a useful, non-
36 hazardous condition to the extent that prevention of such site conditions is within the
37 control of the certificate holder.
- 38 8 OAR 345-025-0006(8): Before beginning construction of the facility, the certificate holder
39 shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form
40 and amount satisfactory to the Council to restore the site to a useful, non-hazardous

- 1 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
2 times until the facility has been retired. The Council may specify different amounts for the
3 bond or letter of credit during construction and during operation of the facility. (*See*
4 *Condition 30.*)
- 5 9 OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder
6 permanently ceases construction or operation of the facility. The certificate holder shall
7 retire the facility according to a final retirement plan approved by the Council, as described
8 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
9 useful, non-hazardous condition at the time of retirement, notwithstanding the Council’s
10 approval in the site certificate of an estimated amount required to restore the site.
- 11 10 OAR 345-025-0006(10): The Council shall include as conditions in the site certificate all
12 representations in the site certificate application and supporting record the Council deems
13 to be binding commitments made by the applicant.
- 14 11 OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall
15 restore vegetation to the extent practicable and shall landscape all areas disturbed by
16 construction in a manner compatible with the surroundings and proposed use. Upon
17 completion of construction, the certificate holder shall remove all temporary structures not
18 required for facility operation and dispose of all timber, brush, refuse and flammable or
19 combustible material resulting from clearing of land and construction of the facility.
- 20 12 OAR 345-025-0006(12): The certificate holder shall design, engineer and construct the
21 facility to avoid dangers to human safety presented by seismic hazards affecting the site
22 that are expected to result from all maximum probable seismic events. As used in this rule
23 “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading,
24 tsunami inundation, fault displacement and subsidence.
- 25 13 OAR 345-025-0006(13): The certificate holder shall notify the Department, the State
26 Building Codes Division and the Department of Geology and Mineral Industries promptly if
27 site investigations or trenching reveal that conditions in the foundation rocks differ
28 significantly from those described in the application for a site certificate. After the
29 Department receives the notice, the Council may require the certificate holder to consult
30 with the Department of Geology and Mineral Industries and the Building Codes Division
31 and to propose mitigation actions.
- 32 14 OAR 345-025-0006(14): The certificate holder shall notify the Department, the State
33 Building Codes Division and the Department of Geology and Mineral Industries promptly if
34 shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity
35 of the site.
- 36 15 OAR 345-025-0006(15): Before any transfer of ownership of the facility or ownership of the
37 site certificate holder, the certificate holder shall inform the Department of the proposed
38 new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership
39 that requires a transfer of the site certificate

1 16 OAR 345-025-0006(16): If the Council finds that the certificate holder has permanently
2 ceased construction or operation of the facility without retiring the facility according to a
3 final retirement plan approved by the Council, as described in OAR 345-027-0110, the
4 Council shall notify the certificate holder and request that the certificate holder submit a
5 proposed final retirement plan to the Office within a reasonable time not to exceed 90
6 days. If the certificate holder does not submit a proposed final retirement plan by the
7 specified date, the Council may direct the Department to prepare a proposed a final
8 retirement plan for the Council's approval. Upon the Council's approval of the final
9 retirement plan, the Council may draw on the bond or letter of credit described in section
10 (8) of this rule to restore the site to a useful, non-hazardous condition according to the final
11 retirement plan, in addition to any penalties the Council may impose under OAR Chapter
12 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the
13 actual cost of retirement, the certificate holder shall pay any additional cost necessary to
14 restore the site to a useful, non-hazardous condition. After completion of site restoration,
15 the Council shall issue an order to terminate the site certificate if the Council finds that the
16 facility has been retired according to the approved final retirement plan.

17
18 17 OAR 345-025-0010(4): If the facility includes any transmission line under Council
19 jurisdiction:
20 (a) The certificate holder shall design, construct and operate the transmission line in
21 accordance with the 2012 edition of the National Electrical Safety Code approved on
22 June 3, 2011 by the American National Standards Institute; and
23 (b) The certificate holder shall develop and implement a program that provides reasonable
24 assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a
25 permanent nature that could become inadvertently charged with electricity are
26 grounded or bonded throughout the life of the line.

27
28 18 OAR 345-025-0010(5): If the proposed energy facility is a pipeline or a transmission line or
29 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
30 specify an approved corridor in the site certificate and shall allow the certificate holder to
31 construct the pipeline or transmission line anywhere within the corridor, subject to the
32 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
33 application for a site certificate, the Council may, subject to the Council's standards,
34 approve more than one corridor.

35
36 19 OAR 345-025-0016: The following general monitoring conditions apply:
37 (a) The certificate holder shall consult with affected state agencies, local governments and
38 tribes and shall develop specific monitoring programs for impacts to resources
39 protected by the standards of Divisions 22 and 24 of this chapter and resources
40 addressed by applicable statutes, administrative rules and local ordinances. The
41 certificate holder must submit the monitoring programs to the Department of Energy

1 and receive Department approval before beginning construction or, as appropriate,
2 operation of the facility.

3 (b) The certificate holder shall implement the approved monitoring programs described in
4 section (a) and monitoring programs required by permitting agencies and local
5 governments.

6 (c) For each monitoring program described in sections (1) and (2), the certificate holder
7 shall have quality assurance measures approved by the Department before beginning
8 construction or, as appropriate, before beginning commercial operation.

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

13
14 20 OAR 345-026-0048: Following receipt of a site certificate or an amended site certificate,
15 the certificate holder shall implement a plan that verifies compliance with all site certificate
16 terms and conditions and applicable statutes and rules. As a part of the compliance plan, to
17 verify compliance with the requirement to begin construction by the date specified in the
18 site certificate, the certificate holder shall report promptly to the Department of Energy
19 when construction begins. Construction is defined in OAR 345-001-0010. In reporting the
20 beginning of construction, the certificate holder shall describe all work on the site
21 performed before beginning construction, including work performed before the Council
22 issued the site certificate, and shall state the cost of that work. For the purpose of this
23 exhibit, “work on the site” means any work within a site or corridor, other than surveying,
24 exploration or other activities to define or characterize the site or corridor. The certificate
25 holder shall document the compliance plan and maintain it for inspection by the
26 Department or the Council.

27 21 The certificate holder shall report according to the following requirements:

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

29 i. Within three months after beginning the facility repower, and every three
30 months thereafter during the facility repower, the certificate holder shall submit
31 a repower progress report to the Department of Energy. In each construction
32 progress report, the certificate holder shall describe any significant changes to
33 major milestones. The certificate holder shall report on the progress of the repower
34 and shall address the subjects listed in subsection (c) of this condition. When the
35 reporting date coincides, the certificate holder may include the progress report
36 within the annual report described in this rule.

37 (b) After January 1 but not later than April 30 of each year after beginning operation of the
38 facility, the certificate holder shall submit an annual report to the Department
39 addressing the subjects listed in in subsection (c) of this condition ~~this rule~~. For the
40 purpose of this condition, the beginning of operation of the facility means the date
41 when construction of a significant portion of the facility is substantially complete and
42 the certificate holder begins commercial operation of the facility as reported by the

1 certificate holder and accepted by the Department.. The Council Secretary and the
2 certificate holder may, by mutual agreement, change the reporting date.

- 3 i. To the extent that information required by this rule is contained in reports the
4 certificate holder submits to other state, federal or local agencies, the certificate
5 holder may submit excerpts from such other reports to satisfy this rule. The
6 Council reserves the right to request full copies of such excerpted reports.

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

- 9 i. Facility Status: An overview of site conditions, the status of facilities under
10 construction and a summary of the operating experience of facilities that are in
11 operation. The certificate holder shall describe any unusual events, such as
12 earthquakes, extraordinary windstorms, major accidents or the like that
13 occurred during the year and that had a significant adverse impact on the
14 facility.
- 15 ii. Reliability and Efficiency of Power Production: For electric power plants, the
16 plant availability and capacity factors for the reporting year. The certificate
17 holder shall describe any equipment failures or plant breakdowns that had a
18 significant impact on those factors and shall describe any actions taken to
19 prevent the recurrence of such problems
- 20 iii. Status of Surety Information: Documentation demonstrating that bonds or
21 letters of credit as described in the site certificate are in full force and effect and
22 will remain in full force and effect for the term of the next reporting period.
- 23 iv. Monitoring Report: A list and description of all significant monitoring and
24 mitigation activities performed during the previous year in accordance with site
25 certificate terms and conditions, a summary of the results of those activities and
26 a discussion of any significant changes to any monitoring or mitigation program,
27 including the reason for any such changes.
- 28 v. Compliance Report: A report describing the certificate holder's compliance with
29 all site certificate conditions that are applicable during the reporting period. For
30 ease of review, the certificate holder shall, in this section of the report, use
31 numbered subparagraphs corresponding to the applicable sections of the site
32 certificate.
- 33 vi. Facility Modification Report: A summary of changes to the facility that the
34 certificate holder has made during the reporting period without an amendment
35 of the site certificate in accordance with OAR 345-027-0350.

36
37 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange
38 copies of all correspondence or summaries of correspondence related to compliance with
39 statutes, rules and local ordinances on which the Council determined compliance, except
40 for material withheld from public disclosure under state or federal law or under Council
41 rules. The certificate holder may submit abstracts of reports in place of full reports;
42 however, the certificate holder shall provide full copies of abstracted reports and any
43 summarized correspondence at the request of the Department.

Leaning Juniper IIB Wind Power Facility

Third-Fourth Amended Site Certificate ~~July 18, 2025~~TBD

1 successor rule in effect at the time the request for extension is submitted. [Amendment #1
2 (LJF)]

3 27 The certificate holder shall design, construct and operate the facility substantially as
4 described in Section III of the site certificate and may select turbines of any type, subject to
5 the following restrictions:

- 6 (a) The total number of turbines at the facility must not exceed 74 turbines.
- 7 (b) The turbine hub height must not exceed 100 meters, and the turbine blade tip height
8 must not exceed 129 meters.

9 [AMD2, AMD3]

10 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals
11 required for construction, operation and retirement of the facility or ensure that its
12 contractors obtain the necessary federal, state and local permits or approvals.

13 29 Before beginning construction, the certificate holder shall notify the Department in
14 advance of any work on the site that does not meet the definition of “construction” in OAR
15 345-001-0010 or ORS 469.300 and shall provide to the Department a description of the
16 work and evidence that its value is less than \$250,000.

17 30 [Condition deleted by Amendment #2 (LJF)].

18
19 31 If the certificate holder elects to use a bond to meet the requirements of Condition 30 or
20 Condition 101, the certificate holder shall ensure that the surety is obligated to comply
21 with the requirements of applicable statutes, Council rules and this site certificate when
22 the surety exercises any legal or contractual right it may have to assume construction,
23 operation or retirement of the energy facility. The certificate holder shall also ensure that
24 the surety is obligated to notify the Council that it is exercising such rights and to obtain
25 any Council approvals required by applicable statutes, Council rules and this site certificate
26 before the surety commences any activity to complete construction, operate or retire the
27 energy facility. [Amendment #1]

28 32 Before beginning the facility repower, the certificate holder shall notify the Department of
29 the identity and qualifications of onsite construction contractor(s) for specific portions of
30 the work. The certificate holder shall select contractors that have substantial experience in
31 the design and construction of similar facilities. The certificate holder shall report to the
32 Department any change of construction contractors.

33 33 The certificate holder shall contractually require all construction contractors and
34 subcontractors involved in the facility repower to comply with all applicable laws and
35 regulations and with the terms and conditions of the site certificate. Such contractual
36 provisions shall not operate to relieve the certificate holder of responsibility under the site
37 certificate.

38 34 During the facility repower, the certificate holder shall have an on-site construction
39 manager or environmental monitor who is qualified in environmental compliance to ensure
40 compliance with all repower construction-related site certificate conditions. During

1 operation, the certificate holder shall have a project manager who is qualified in
2 environmental compliance to ensure compliance with all ongoing site certificate
3 conditions. The certificate holder shall notify the Department of the qualifications and
4 contract information (name, telephone number and e-mail address) of these managers and
5 shall keep the Department informed of any change in this information.

6 35 Within 72 hours after discovery of conditions or circumstances that may violate the terms
7 or conditions of the site certificate, the certificate holder shall report the conditions or
8 circumstances to the Department.

2. Land Use Conditions

9 36 The certificate holder shall cooperate with the Gilliam County Road Department to ensure
10 that any unusual damage or wear to county roads that is caused by construction of the facility is
11 repaired by the certificate holder. Upon completion of construction, the certificate holder shall
12 restore county roads to pre-construction condition or better, to the satisfaction of the County
13 Road Department.

14 37 During construction, the certificate holder shall implement measures to reduce traffic
15 impacts, including:

- 16 (a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
- 17 (b) Providing appropriate traffic safety signage and warnings.
- 18 (c) Requiring flaggers to be at appropriate locations at appropriate times during
19 construction to direct traffic reduce accident risks.
- 20 (d) Using traffic diversion equipment (such as advanced signage and pilot cars) when slow
21 or oversize construction loads are anticipated.
- 22 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so that
23 roads will not be closed to traffic because of construction vehicles. [Amendment #1
24 (LJF)]
- 25 (f) Encouraging carpooling for the construction workforce.
- 26 (g) Including traffic control procedures in contract specifications for construction of the
27 facility.
- 28 (h) Keeping the access from Highway 19 free of gravel that tracks out onto the highway.

29
30 38 The certificate holder shall ensure that no equipment or machinery is parked or stored on
31 any county road except while in use.

32 39 The certificate holder shall construct all facility components in compliance with the
33 following setback requirements:

- 34 (a) All facility components must be at least 3,520 feet from the property line of properties
35 zoned residential use or designated in the Gilliam County Comprehensive Plan as
36 residential.
- 37 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
38 110-percent of maximum blade tip height, measured from the centerline of the turbine

- 1 tower to the nearest edge of any public road right-of-way. The certificate holder shall
2 assume a minimum right-of-way width of 60 feet.
- 3 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
4 1,320 feet, measured from the centerline of the turbine tower to the center of the
5 nearest residence existing at the time of tower construction.
- 6 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
7 110-percent of maximum blade tip height, measured from the centerline of the turbine
8 tower to the nearest boundary of the certificate holder's lease area.
- 9 (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the
10 center line of each turbine tower to the nearest edge of any railroad right-of-way or
11 electrical substation.
- 12 (f) The certificate holder shall maintain a minimum distance of 250 feet measured from the
13 center line of each meteorological tower to the nearest edge of any public road right-of-
14 way or railroad right-of-way, nearest boundary of the certificate holder's lease area or
15 nearest electrical substation.
- 16 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from any
17 facility O&M building to the nearest edge of any public road right-of-way or railroad
18 right-of-way or the nearest boundary of the certificate holder's lease area.
- 19 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from any
20 substation to the nearest edge of any public road right-of-way or railroad right-of-way
21 or the nearest boundary of the certificate holder's electrical substation easement or, if
22 there is no easement, the nearest boundary of the certificate holder's lease area.
23 [Amendment #1(LJF)]
- 24
- 25 40 The certificate holder shall consult with area landowners and lessees during construction
26 and operation of the facility and shall implement measures to reduce or avoid any adverse
27 impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- 28 41 The certificate holder shall locate access roads and temporary construction laydown and
29 staging areas to minimize disturbance with farming practices and, wherever feasible, shall
30 place turbines and transmission interconnection lines along the margins of cultivated areas
31 to reduce the potential for conflict with farm operations.
- 32 42 Before beginning construction of any phase of the facility, the certificate holder shall
33 record in the real property records of Gilliam County a Covenant Not to Sue with regard to
34 generally accepted farming practices on farmland adjacent to the construction area
35 consistent with Gilliam County Zoning Ordinance 7.020(T)(4)(a)(5). [Amendment #1 (LJF)]
- 36 43 The certificate holder shall install lockable gates at the substation and on private access
37 roads.
- 38 44 Within 90 days after beginning operation of any phase of the facility, the certificate
39 holder shall provide to the Department and to the Gilliam County Planning Director the
40 actual latitude and longitude location or Stateplane NA D 83(91) coordinates of each
41 turbine tower, connecting line and transmission line built in that phase. In addition, the

1 certificate holder shall provide to the Department and to the Gilliam County Planning
2 Director, a summary of as-built changes in the facility compared to the original plan, if
3 any. [Amendment #1 (LJF)]

3. Cultural Resource Conditions

4 45 [Condition deleted by Amendment #2 (LJF)]

5 46 The certificate holder shall ensure that a qualified person instructs construction personnel
6 in the identification of cultural materials and avoidance of accidental damage to identified
7 resource sites.

8 47 The certificate holder shall ensure that construction personnel cease all ground-disturbing
9 activities in the immediate area if any archaeological or cultural resources are found during
10 construction of the facility until a qualified archaeologist can evaluate the significance of
11 the find. The certificate holder shall notify the Department and the State Historic
12 Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is
13 significant, the certificate holder shall make recommendations to the Council for
14 mitigation, including avoidance or data recovery, in consultation with the Department,
15 SHPO and other appropriate parties. The certificate holder shall not restart work in the
16 affected area until the certificate holder has demonstrated to the Department that it has
17 complied with the archaeological permit requirements administered by SHPO.

18 48 During construction of the LJIB components, the certificate holder shall label the site
19 identified as LJ-4/10/09-8 in the Request for Amendment #1 for LJF on construction maps
20 and drawings as a “no entry” area, and if construction will occur within 200 feet of the site,
21 the certificate holder shall flag a 50-foot buffer around the site. [Amendment #2 (LJF)]

4. Geotechnical Conditions

22 49 Before beginning construction of the facility, the certificate holder shall conduct site-
23 specific geotechnical investigation of that phase and shall report its findings to the Oregon
24 Department of Geology & Mineral Industries (DOGAMI). The certificate holder shall
25 conduct the geotechnical investigation after consultation with DOGAMI and in general
26 accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic
27 Reports and Site-Specific Seismic Hazard Reports.” [Amendment #2 (LJF)]

28 50 The certificate holder shall design and construct the facility in accordance with
29 requirements set forth by the State of Oregon’s Building Code Division and any other
30 applicable codes and design procedures. The certificate holder shall design all components
31 of the facility to meet or exceed the minimum standards required by the 2003 International
32 Building Code.

33 51 The certificate holder shall design, engineer and construct the facility to avoid dangers to
34 human safety presented by non-seismic hazards. As used in this condition, “non-seismic
35 hazards” include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

- 1 52 The certificate holder shall notify the Department within 72 hours of any accidents
2 including mechanical failures on the site associated with construction or operation of the
3 facility that may result in public health and safety concerns.
- 4 53 Before beginning construction of any phase of the facility, the certificate holder shall
5 submit Notices of Proposed Construction or Alteration to the Federal Aviation
6 Administration (FAA) and the Oregon Department of Aviation identifying the proposed final
7 locations of the turbines and related or supporting facilities in that phase of construction.
8 The certificate holder shall promptly notify the Department of the responses from the FAA
9 and the Oregon Department of Aviation. [Amendment #1 (LJF)]
- 10 54 To protect the public from electrical hazards, the certificate holder shall enclose the facility
11 substations with appropriate fencing and locked gates.
- 12 55 The certificate holder shall construct turbine towers that are smooth steel structures with
13 no exterior ladders or access to the turbine blades and shall install locked access doors
14 accessible only to authorized personnel.
- 15 56 The certificate holder shall follow manufacturers' recommended handling instructions and
16 procedures to prevent damage to towers or blades that could lead to failure.
- 17 57 The certificate holder shall have an operational safety monitoring program and shall
18 inspect turbine blades on a regular basis for signs of wear. The certificate holder shall
19 repair turbine blades as necessary to protect public safety.
- 20 58 The certificate holder shall install and maintain self-monitoring devices on each turbine,
21 linked to sensors at the operations and maintenance building, to alert operators to
22 potentially dangerous conditions, and the certificate holder shall immediately remedy any
23 dangerous conditions. The certificate holder shall maintain automatic equipment
24 protection features in each turbine that would shut down the turbine and reduce the
25 chance of a mechanical problem causing a fire.
- 26 59 The certificate holder shall install generator step-up transformers at the base of each tower
27 in locked cabinets designed to protect the public from electrical hazards and shall design
28 the cabinets to avoid creation of artificial habitat for raptor prey.
- 29 60 The certificate holder shall maintain turbines on concrete pads with a minimum of 10 feet
30 of non-flammable and non-erosive ground cover on all sides. The certificate holder shall
31 cover turbine pad areas with non-erosive material immediately following exposure during
32 disturbance and shall maintain the pad area covering during operation of the facility.
- 33 61 [Condition deleted by Amendment #3)]
- 34 62 During construction and operation of the facility, the certificate holder shall ensure that
35 the O&M buildings and all service vehicles are equipped with shovels and portable fire
36 extinguishers of a 4A50BC or equivalent rating.

- 1 63 During facility repower, the certificate holder shall ensure that construction vehicles and
2 equipment are operated on graveled areas to the extent possible and that open flames,
3 such as cutting torches, are kept away from dry grass areas.
- 4 64 Upon the beginning of operation of the facility, the certificate holder shall provide to North
5 Gilliam County Rural Fire Protection District and the Arlington Fire Department a site plan
6 indicating the identification number assigned to each turbine and the location of all facility
7 structures. During operation, the certificate holder will ensure that appropriate District and
8 Fire Department personnel have an up-to-date list of the names and telephone numbers of
9 facility personnel available to respond on a 24-hour basis in case of an emergency on the
10 facility site.
- 11 65 During operation, the certificate holder shall ensure that all on-site employees receive
12 annual fire prevention and response training, including tower rescue training, by qualified
13 instructors or members of the local fire department and that all employees are instructed
14 to keep vehicles on roads and off dry grassland, except when off-road operation is required
15 for emergency purposes.
- 16 66 During facility repower, the certificate holder shall require that all on-site construction
17 contractors develop and implement a site health and safety plan that informs workers and
18 others on-site what to do in case of an emergency and that includes the locations of fire
19 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
20 The certificate holder shall ensure that construction contractors have personnel on-site
21 who are trained and equipped for tower rescue and who are first aid and CPR certified.
- 22 67 During operation, the certificate holder shall develop and implement a site health and
23 safety plan that informs employees and others on-site what to do in case of an emergency
24 and that includes the locations of fire extinguishers and nearby hospitals, important
25 telephone numbers and first aid techniques.
- 26 68 The certificate holder shall handle any hazardous materials used on the site in a manner
27 that protects public health, safety and the environment and shall comply with all applicable
28 local, state and federal environmental laws and regulations.
- 29 69 If a reportable spill or release of hazardous materials occurs during construction or
30 operation of the facility, the certificate holder shall notify the Department within 72 hours
31 and shall clean up the spill or release and dispose of any contaminated soil or other
32 materials according to applicable regulations. The certificate holder shall make sure that
33 spill kits containing items such as absorbent pads are located on equipment and storage
34 facilities to respond to accidental spills and shall instruct employees handling hazardous
35 materials in the proper handling, storage and cleanup of these materials.

6. Water, Soils, Streams & Wetlands Conditions

- 36 70 The certificate holder shall conduct all construction work in compliance with an Erosion
37 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental
38 Quality and as required under the National Pollutant Discharge Elimination System (NPDES)

- 1 Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the
2 ESCP any procedures necessary to meet local erosion and sediment control requirements
3 and storm water management requirements.
- 4 71 During onsite disturbance, the certificate holder shall limit truck traffic to designated
5 existing and improved road surfaces to avoid soil compaction, to the extent possible.
- 6 72 During construction, the certificate holder shall avoid impacts to waters of the state in the
7 following manner:
- 8 (a) [Condition deleted by Amendment #1 (LJF)]
9 (b) The certificate holder shall avoid any disturbance to the wetland area identified as “W-
10 8” in the Request for Amendment #1 for LJF, Attachment 11, Figure 6. [Amendment #2
11 (LJF)].
12 (c) [Condition deleted by Amendment #2 (LJF)]
13 (d) [Condition deleted by Amendment #2 (LJF)]
14 (e) Before beginning construction of any phase of the facility, the certificate holder shall
15 determine whether any construction disturbance in that phase would occur in locations
16 not previously investigated for potential jurisdictional waters as described in the Final
17 Orders on the Application and Amendment #1 for LJF. The certificate holder shall
18 conduct pre-construction investigations to determine whether any jurisdictional waters
19 exist in those locations. The certificate holder shall submit a written report on the pre-
20 construction investigation to the Department of Energy and to the Department of State
21 Lands for approval before beginning construction of any phase of the facility and shall
22 ensure that construction of that phase would have no impact on any jurisdictional
23 water identified in the report. [Amendment #2 (LJF)]
- 24 73 During facility repower, the certificate holder shall ensure that the wash down of concrete
25 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
26 such wash down occurs at tower foundation locations, then the certificate holder shall
27 ensure that wash down wastewater does not run off the construction site into otherwise
28 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
29 underground with the backfill over the tower foundation.
- 30 74 The certificate holder shall restore areas outside the permanent footprint that are
31 disturbed during construction according to the methods and monitoring procedures
32 described in the *Revegetation Plan* that is incorporated in the *Final Order on Amendment*
33 *#2 for LJF* as Attachment F and as amended from time to time. [Amendment #2 (LJF)]
- 34 75 During facility operation, the certificate holder shall routinely inspect and maintain all
35 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
36 measures. The certificate holder shall restore areas that are temporarily disturbed during
37 facility maintenance or repair activities to pre-disturbance condition or better.
- 38 76 During facility operation, the certificate holder shall obtain water for on-site uses from one
39 or more on-site wells, subject to compliance with any applicable permit requirements, not
40 exceeding 5,000 gallons per day. The certificate holder shall not change the source of water
41 for on-site uses without prior Department approval.

1 77 During facility operation, if blade-washing becomes necessary, the certificate holder shall
2 ensure that there is no runoff of wash water from the site or discharges to surface waters,
3 storm sewers or dry wells. The certificate holder shall not use more than 50 gallons of
4 water per blade and shall not wash more than eight turbines (24 blades) per week. The
5 certificate holder shall not use acids, bases or metal brighteners with the wash water. The
6 certificate holder may use biodegradable, phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

7 78 The certificate holder shall install the 34.5-kV collector system underground to the extent
8 practical. The certificate holder shall install underground segments of the collector system
9 at a minimum depth of three feet. Where geotechnical conditions or other engineering
10 considerations require, the certificate holder may install segments of the collector system
11 aboveground, but the total length of aboveground segments must not exceed 30 percent
12 of the collector system. The certificate holder shall construct aboveground segments of the
13 collector system using single or double circuit monopole design as described in the site
14 certificate application. [Amendment #2 (LJF)]

15 79 At least 30 days before beginning preparation of detailed design and specifications for the
16 electrical transmission lines, the certificate holder shall consult with the Oregon Public
17 Utility Commission staff to ensure that transmission line designs and specifications are
18 consistent with applicable codes and standards.

19 80 To protect public safety, the certificate holder shall design and maintain the transmission
20 lines so that:
21 Alternating current electric fields during operation do not exceed 9 kV per meter at one
22 meter above the ground surface in areas accessible to the public.
23 Induced voltages during operation are as low as reasonably achievable.

24 81 The certificate holder shall take reasonable steps to reduce or manage human exposure to
25 electromagnetic fields, including but not limited to:

26 (a) Constructing all aboveground transmission lines at least 200 feet from any residence or
27 other occupied structure.

28 (b) Ensuring that the area near the facility substation is inaccessible to the public by fencing
29 the area.

30 (c) Constructing aboveground 34.5-kV transmission lines with a minimum clearance of 25
31 feet from the ground.

32 (d) Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30
33 feet from the ground.

34 (e) Providing to landowners a map of underground and overhead transmission lines on
35 their property and advising landowners of possible health risks.

36 [Amendment #1 (LJF)]

8. Plants, Wildlife & Habitat Protection Conditions

37 82 During operation of the facility, the certificate holder shall implement the Revegetation
38 and Noxious Weed Control Plan, as finalized under Fish and Wildlife Habitat Condition 117.

- 1 **83** The certificate holder shall design all aboveground transmission line support structures
2 following the practices suggested by the Avian Powerline Interaction Committee (2006)
3 and shall install anti-perching devices on transmission pole tops and cross arms where the
4 poles are located within ½ mile of turbines. [Amendment #1 (LJF)]
- 5 **84** The certificate holder may construct turbines and other facility components within the site
6 boundary as described in the Final Orders on the Application and Amendment #1 for LJF,
7 subject to the following requirements addressing potential habitat impact:
- 8 (a) The certificate holder shall not construct any facility components within areas of
9 Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
 - 10 (b) The certificate holder shall design and construct facility components that are the
11 minimum size needed for safe operation of the energy facility.
 - 12 (c) In the final design of the facility within microsites areas, the certificate holder shall
13 reduce impact on essential or important habitat (Category 4 and above) to the extent
14 practical.
 - 15 (d) As a protective measure during construction, the certificate holder shall install exclusion
16 fencing around confirmed populations of Laurent’s milk-vetch (identified in the Request
17 for Amendment #1 for LJF, Attachment 7, p. 13) and sessile mousetail (identified in
18 Figure Q-3 of the site certificate application and Request for Amendment #1 for LJF,
19 Attachment 7, p. 14). The certificate holder shall not install facility components or cause
20 temporary disturbance within these areas. Before beginning construction, the certificate
21 holder shall verify the protected status of sessile mousetail and notify the Department.
22 If the species has been upgraded to threatened or endangered under State or federal
23 law, the certificate holder shall take appropriate mitigation actions, subject to
24 Department approval.
 - 25 (e) If construction would affect locations within the microsites areas that were not
26 previously surveyed for the occurrence of State or federal threatened or endangered
27 species as described in the Final Orders on the Application and Amendment #1 for LJF,
28 the certificate holder shall conduct additional pre-construction surveys of those
29 locations, notify the Department of the findings and implement appropriate avoidance
30 or mitigation measures for any threatened or endangered species detected, subject to
31 Department approval. [Amendment #2 (LJF)]
- 32 **85** The certificate holder shall implement measures to mitigate impacts to sensitive wildlife
33 habitat during construction and operation including, but not limited to, the following:
- 34 (a) Preparing maps to show sensitive areas, such as nesting or denning areas for sensitive
35 wildlife species, that are off limits to construction personnel.
 - 36 (b) Before beginning construction of any phase of the facility, the certificate holder shall
37 have a qualified biologist place exclusion markers around sensitive wildlife habitat areas
38 for that phase of construction, including Category 1 Washington ground squirrel (WGS)
39 areas and an appropriate buffer around these areas. The certificate holder shall
40 maintain the exclusion markings until that phase of construction has been completed.

- 1 (c) Ensuring that a qualified person instructs construction and operations personnel to be
 2 aware of wildlife in the area and to take precautions to avoid injuring or destroying
 3 wildlife or sensitive wildlife habitat.
- 4 (d) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
 5 Posting and maintaining speed limit signs (not to exceed 20 miles per hour) on access
 6 roads throughout the site. The certificate holder shall ensure that all construction and
 7 operations personnel are instructed to observe caution when driving in the facility area
 8 to avoid injury or disturbance to wildlife enforce and for personal safety.
 9 [Amendment #1 (LJF)]

10 **86** During facility repower, the certificate holder shall protect the area within a 1300-foot
 11 buffer around active nests of the following species during the sensitive period, as provided
 12 in this condition:

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

13 During the year in which the repower occurs, the certificate holder shall use a protocol
 14 approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether
 15 there are any active nests of these species within a half-mile of any areas that would be
 16 disturbed during construction of that phase. If a nest is occupied by any of these species
 17 after the beginning of the sensitive period, the certificate holder shall not engage in high-
 18 impact construction activities (activities that involve blasting, grading or other major
 19 ground disturbance) or allow high levels of construction traffic within 1300 feet of the nest
 20 site. In addition, the certificate holder will flag the boundaries of the 1300-foot buffer area
 21 and shall instruct construction personnel to avoid any unnecessary activity within the
 22 buffer area. The certificate holder shall hire an independent biological monitor to observe
 23 the active nest sites during the sensitive period for signs of disturbance and to notify the
 24 Department of any non-compliance with this condition. If the monitor observes nest site
 25 abandonment or other adverse impact to nesting activity, the certificate holder shall
 26 implement appropriate mitigation, in consultation with ODFW and subject to the approval
 27 of the Department, unless the adverse impact is clearly shown to have a cause other than
 28 construction activity. The certificate holder may begin or resume high-impact construction
 29 activities before the ending day of the sensitive period if any known nest site is not
 30 occupied by the early release date. If a nest site is occupied, then the certificate holder may
 31 begin or resume high-impact construction before the ending day of the sensitive period
 32 with the approval of ODFW, after the young are fledged. The certificate holder shall use a
 33 protocol approved by ODFW to determine when the young are fledged (the young are
 34 independent of the core nest site). If avoidance within the buffer restrictions cannot be
 35 maintained, the certificate holder may request approval from the Department in

1 consultation with ODFW on a mitigation and conservation strategy for condition
2 compliance [AMD1, AMD3]

3 87 The certificate holder shall conduct wildlife monitoring as described in the *Wildlife*
4 *Monitoring and Mitigation Plan* that is incorporated in the *Final Order on Amendment #3*
5 Attachment E and as amended from time to time. [AMD2, AMD3]

6 88 [Condition deleted by Amendment #2 (LJF)]

7 89 The certificate holder shall acquire the legal right to create, enhance, maintain and protect
8 a habitat mitigation area as long as the site certificate is in effect by means of an outright
9 purchase, conservation easement or similar conveyance and shall provide a copy of the
10 documentation to the Department. Within the habitat mitigation area, the certificate
11 holder shall improve the habitat quality as described in the *Habitat Mitigation Plan* that is
12 incorporated in the *Final Order on Amendment #2* as Attachment E and as Finalized under
13 Fish and Wildlife Habitat Condition 119, and as amended from time to time. [AMD2,
14 AMD3]

9. Visual Effects Conditions

15 90 To reduce the visual impact of the facility, the certificate holder shall:

- 16 (a) Mount nacelles on smooth steel towers, painted uniformly in a neutral white color.
- 17 (b) Paint substation structures in a neutral color to blend with the surrounding landscape.
- 18 (c) Not allow any advertising on any part of the facility.
- 19 (d) Use only those signs required for facility safety or required by law, except that the
20 certificate holder may erect a sign to identify the facility.
- 21 (e) Maintain any signs allowed under this condition in good repair.

22
23 91 The certificate holder shall design and construct the operation and maintenance buildings
24 to be generally consistent with the character of similar buildings used by commercial
25 farmers or ranchers in the area and shall paint the building in a neutral color to blend with
26 the surrounding landscape.

27 92 The certificate holder shall not use exterior lighting at the facility except:

- 28 (a) The minimum turbine tower lighting required or recommended by the Federal
29 Aviation Administration.
- 30 (b) Security lighting at the operations and maintenance buildings and at the
31 substations, provided that such lighting is shielded or downward-directed to reduce glare.
- 32 (c) Minimum lighting necessary for repairs or emergencies.
- 33 (d) Minimum lighting necessary for construction directed to illuminate the work area
34 and shielded or downward-directed to reduce glare.

35 [Amendment #1 (LJF)]

10. Noise Control Conditions

36 93 To reduce noise impacts at nearby residential areas, the certificate holder shall:

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

6
7 94 Prior to facility repower, the certificate holder shall provide to the Department:

- 8 (a) The maximum sound power level of the turbines based on manufacturers' warranties or
- 9 confirmed by other means acceptable to the Department.
- 10 (b) The results of noise analysis of the facility to be built according to the final design
- 11 performed in a manner consistent with the requirements of OAR 340-035-
- 12 0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that
- 13 the total noise generated by the facility (including the noise from turbines and
- 14 substation transformers) would meet the ambient noise degradation test and maximum
- 15 allowable test at the appropriate measurement point for all potentially-affected noise
- 16 sensitive properties.
- 17 (c) For each noise-sensitive property where the certificate holder relies on a noise waiver to
- 18 demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy
- 19 of the a legally effective easement or real covenant pursuant to which the owner of the
- 20 property authorizes the certificate holder's operation of the facility to increase ambient
- 21 statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
- 22 measurement point. The legally-effective easement or real covenant must: include a
- 23 legal description of the burdened property (the noise sensitive property); be recorded in
- 24 the real property records of the county; expressly benefit the certificate holder;
- 25 expressly run with the land and bind all future owners, lessees or holders of any interest
- 26 in the burdened property; and not be subject to revocation without the certificate
- 27 holder's written approval.

28 [AMD1, AMD3]

29 95 During operation, the certificate holder shall maintain a complaint response system to

30 address noise complaints. The certificate holder shall promptly notify the Department of

31 any complaints received regarding facility noise and of any actions taken by the certificate

32 holder to address those complaints.

11. Waste Management Conditions

33 96 The certificate holder shall provide portable toilets for on-site sewage handling during

34 construction and shall ensure that they are pumped and cleaned regularly by a licensed

35 contractor who is qualified to pump and clean portable toilet facilities.

36 97 During operation, the certificate holder shall discharge sanitary wastewater generated at

37 the O&M building to a licensed on-site septic system in compliance with county permit

38 requirements. The certificate holder shall design the septic system design with a capacity

39 that is less than 2,500 gallons per day.

1 98 The certificate holder shall implement a waste management plan during construction that
2 includes but is not limited to the following measures:

- 3 (a) Training construction personnel to minimize and recycle solid waste.
- 4 (b) Minimizing the generation of wastes from construction through detailed estimating of
5 materials needs and through efficient construction practices.
- 6 (c) Recycling steel and other metal scrap.
- 7 (d) Recycling wood waste.
- 8 (e) Recycling packaging wastes such as paper and cardboard.
- 9 (f) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.
- 10 (g) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials,
11 mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a
12 licensed firm specializing in the proper recycling or disposal of hazardous wastes.

13 99 The certificate holder may dispose of waste concrete on site with the permission of the
14 landowner and in accordance with OAR 340-093-0080 and other applicable regulations.
15 The certificate holder shall dispose of waste concrete on site by placing the material in an
16 excavated hole, covering it with at least three feet of topsoil and grading the area to match
17 existing contours. If the waste concrete is not disposed of on site, the certificate holder
18 shall arrange for proper disposal in a landfill.

19 100 The certificate holder shall implement a waste management plan during operation that
20 includes but is not limited to the following measures:

- 21 (a) Training employees to minimize and recycle solid waste.
- 22 (b) Recycling paper products, metals, glass and plastics.
- 23 (c) Recycling used oil and hydraulic fluid.
- 24 (d) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.
- 25 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
26 absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium
27 batteries for disposal by a licensed firm specializing in the proper recycling or disposal of
28 hazardous wastes.

29 **VI. CONDITIONS ADDED BY AMENDMENT #1 OF LJF**

30 101 During facility operation, the certificate holder shall:

- 31 (a) Annually adjust the amount of the bond or letter of credit thereafter described in
32 Retirement and Financial Assurance Condition 115.
- 33 (b) Describe the status of the bond or letter of credit in the annual report submitted to the
34 Council under Condition 21.
- 35 (c) Ensure that the bond or letter of credit is not subject to revocation or reduction before
36 retirement of the facility site.
- 37 (d) The Department and Council reserve the right to adjust the contingencies, as
38 appropriate necessary to protect public health and safety or the environment and
39 ensure the certificate holder's bond or letter of credit is sufficient to ~~retire~~ restore the
40 site to a useful, non-hazardous condition.

41 [AMD2, AMD3]

1 102 Before beginning construction of the LJIB components as described in the *Final Order on*
2 *Amendment #1 for LJF*, the certificate holder shall provide to the Department a map
3 showing the final design locations of all LJIB components, the areas that would be
4 disturbed during construction and the areas that were surveyed in 2009 for historic,
5 cultural or archaeological resources as described in the Request for Amendment #1 for LJF.
6 If areas to be disturbed during construction lie outside of the previously surveyed areas,
7 the certificate holder shall hire qualified personnel to conduct field investigation of those
8 areas. The certificate holder shall provide a written report of the field investigation to the
9 Department and to the Oregon State Historic Preservation Office (SHPO). If any potentially
10 significant historic, cultural or archaeological resource sites are found during the field
11 investigation, the certificate holder shall ensure that construction and operation of the
12 facility will have no impact on the resources. The certificate holder shall instruct all
13 construction personnel to avoid the areas where resources were identified in the 2009
14 surveys or were found during pre-construction investigations and shall implement other
15 appropriate measures to protect the resources.

16 [Amendment #2 (LJF)]

17 103 In reference to the approximate alignment of the Oregon Trail described in the Request for
18 Amendment #1 for LJF, the certificate holder shall comply with the following requirements:

19 (a) The certificate holder shall not locate facility components on visible remnants of the
20 Oregon Trail and shall avoid any construction disturbance to those remnants.

21 (b) The certificate holder shall not locate facility components on undeveloped land
22 where the trail alignment is marked by existing Oregon-California Trail Association
23 markers, as described in the Request for Amendment #1 for LJF.

24 (c) Before beginning construction of the LJIB components as described in the *Final*
25 *Order on Amendment #1 for LJF*, the certificate holder shall provide to the State Historic
26 Preservation Office (SHPO) and the Department photographic documentation of the
27 presumed Oregon Trail alignments within the site boundary.

28 (d) The certificate holder shall ensure that construction personnel proceed carefully in
29 the vicinity of the presumed alignments of the Oregon Trail. If any intact physical evidence
30 of the trail is discovered, the certificate holder shall avoid any disturbance to the intact
31 segments by redesign, re-engineering or restricting the area of construction activity. The
32 certificate holder shall promptly notify the SHPO and the Department of the discovery.
33 The certificate holder shall consult with the SHPO and the Department to determine
34 appropriate mitigation measures.

35 [Amendment #2 (LJF)]

36 104 Before beginning construction of any new State Highway approaches or utility crossing
37 authorized by the *Final Order on Amendment #1 for LJF*, the certificate holder shall obtain
38 all required permits from the Oregon Department of Transportation (ODOT) subject to the
39 applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate
40 holder shall submit the necessary application or applications in a form satisfactory to ODOT

1 and the Department for the location, construction and maintenance of approaches to State
2 Highway 19 for access to the site. The certificate holder shall submit the necessary
3 application or applications in a form satisfactory to ODOT and the Department for the
4 location, construction and maintenance of collector cables or transmission lines crossing
5 Highway 19.

6 [Amendment #2 (LJF)]

7 **VII. CONDITIONS ADDED BY AMENDMENT # 2 OF LJF**

8 105 [Deleted in AMD3]

9 106 [Deleted in AMD3]

10 107 [Deleted in AMD3]

12 **VIII. CONDITIONS ADDED BY AMENDMENT #3 ~~REALTED-RELATED~~ TO FACILITY REPOWER**

13 108 General Standard of Review Condition 108 (PRE): Prior to and during the facility
14 repower, as applicable, if certificate holder identifies that disturbance impacts may or
15 will occur outside of the 1,135 acre repower micrositing corridor, as shown in the Final
16 Order Attachment A-1, these areas must be surveyed using current and accepted
17 methodologies for cultural and archeological objects and wetlands and waters of the
18 state. Survey results and reporting must be submitted to the State Historic Preservation
19 Office (SHPO), and the Department of State Lands (DSL), and the Department for
20 Department approval. The Department may request that any new resource, impact or
21 mitigation be evaluated through an Amendment Determination Request or Site
22 Certificate Amendment Process.

23 [AMD3]

24 109 General Standard Condition 109 (GEN): The certificate holder shall:

25 (a) Provide written notice to the Department of commencement of the facility repower
26 and shall commence repower actions on or before July 18, 2028.

27 (b) Provide written notice to the Department of repower completion. Repower actions
28 shall be substantively complete within three years of repower commencement.

29 [Mandatory Condition OAR 345-025-0006(4), AMD3]

31 110 Organizational Expertise Condition 110 (PRE): Prior to the facility repower, as applicable,
32 the certificate holder shall identify any necessary permits normally governed by the site
33 certificate for which it plans to obtain via a third-party contractor. Certificate holder
34 shall demonstrate that third-party permits are obtained prior to actions regulated under
35 the associated permit(s).

36 [AMD3]

- 1 111 Soil Protection Condition 111 (PRE): Prior to the facility repower, the certificate holder
2 shall submit to the Department an ODEQ-issued NPDES 1200-C General Construction
3 Permit and Erosion Sediment Control Plan (ESCP).
4 [AMD3]
- 5 112 Soil Protection Condition 112 (CON): During the facility repower, the certificate holder
6 shall conduct all work in compliance with the NPDES 1200-C General Construction
7 Permit, ESCP or revised ESCP, if applicable. The ESCP shall be revised if determined
8 necessary by the certificate holder, certificate holder's contractor(s) or the Department.
9 Any Department-required ESCP revisions shall be implemented within 14 days, unless
10 otherwise agreed to by the Department based on a good faith effort to address erosion
11 issues.
12 [AMD3]
- 13 113 Soil Protection Condition 113 (PRE): Prior to the facility repower, the certificate holder
14 shall collect the data described in Sections 1.1 and 1.2 of the Soil Monitoring Plan as
15 provided in Final Order on Amendment F Attachment C. Results shall be reported to the
16 Department.
17 [AMD3]
18
- 19 114 Soil Protection Condition 114 (CON): During the facility repower, the certificate holder
20 shall implement the Soil Monitoring Plan, as provided in the Final Order on Amendment
21 3 Attachment F.
22 [AMD3]
23
- 24 115 Retirement and Financial Assurance Condition 115 (PRE): Prior to the facility repower,
25 the certificate holder shall submit to the State of Oregon through the Council a bond or
26 letter of credit rider in the amount described herein naming the State of Oregon, acting
27 by and through the Council, as beneficiary or payee. The bond or letter of credit amount
28 is \$10.33 million (in Q4 2024 dollars), adjusted to the date of issuance as described in
29 (b), or the amount determined as described in (a).
30 (a) The certificate holder may adjust the amount of the bond or letter of credit rider
31 based on the final design of the repowered facility by applying the unit costs and
32 general costs illustrated in the Final Order on Request for Amendment 3 (RFA3)
33 Attachment J to the final design of the repowered facility and calculating the
34 financial assurance amount as described in that order, adjusted to the date of
35 issuance as described in (b) and subject to approval by the Department. Any
36 modification to the unit costs of the retirement cost estimate, as presented in the
37 Final Order on RFA3 Attachment J, are subject to review and approval by the
38 Council.
39 (b) The certificate holder shall adjust the amount of the bond or letter of credit rider,
40 using the following calculation and subject to approval by the Department:

- 1 (i) Adjust the Subtotal component of the bond or letter of credit amount
2 (expressed in Q4 2024 dollars) to present value, using the U.S. Gross Domestic
3 Product Implicit Price Deflator, Chain-Weight, as published in the Oregon
4 Department of Administrative Services' "Oregon Economic and Revenue
5 Forecast" or by any successor agency (the "Index") and using the annual
6 average index value for 2024 dollars and the quarterly index value for the date
7 of issuance of the bond or letter of credit rider. If at any time the Index is no
8 longer published, the Council shall select a comparable calculation to adjust
9 2024 dollars to present value.
- 10 (ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond
11 amount to determine the adjusted Gross Cost.
- 12 (iii) Add 10 percent of the adjusted Gross Cost for the adjusted administration and
13 project management costs and 10 percent of the adjusted Gross Cost for the
14 adjusted future developments contingency.
- 15 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
16 the resulting total to the nearest \$1,000 to determine the adjusted financial
17 assurance amount.
- 18 (c) The certificate holder shall use a form of bond or letter of credit approved by the
19 Council.
- 20 (d) The certificate holder shall use an issuer of the bond or letter of credit approved by
21 the Council.

22 [AMD3]

23 116 Retirement and Financial Assurance Condition 116 (CON): During the facility repower,
24 the certificate holder shall describe the status of the bond or letter of credit in the semi-
25 annual report submitted to the Council under Condition 21(a). If repower activities
26 extend for more than 12 months, the certificate holder shall adjust the amount of the
27 bond or letter of credit on an annual basis thereafter as described in Condition 101(b).
28 The Department and Council reserve the right to adjust the contingencies, as necessary
29 to ensure that costs to restore the site are adequate to maintain health and safety of
30 the public and environment.

31 [AMD3]

32 117 Fish and Wildlife Habitat Condition 117 (PRE): Prior to the facility repower, the
33 certificate holder shall finalize the Repower Revegetation and Noxious Weed Control
34 Plan as provided in Final Order on Amendment 3 Attachment C, subject to approval by
35 the Department. Finalization includes selection of seed mix, predisturbance data
36 collection, selection and documentation of monitoring and reference sites and final
37 review of success criteria, as described in the plan.

38 [AMD3]

- 1 118 Fish and Wildlife Habitat Condition 117 (CON): During the facility repower, the
2 certificate holder shall implement the Repower Revegetation and Noxious Weed Control
3 Plan, as finalized under Fish and Wildlife Habitat Condition 117.
4 [AMD3]
- 5 119 Fish and Wildlife Habitat Condition 119 (PRE): Prior to the facility repower, the
6 certificate holder shall finalize the Repower Habitat Mitigation Plan as provided in Final
7 Order on Amendment 3 Attachment D, subject to approval by the Department in
8 consultation with ODFW.
9 [AMD3]
- 10 120 Fish and Wildlife Habitat Condition 120 (GEN): The certificate holder shall implement
11 the Repower Habitat Mitigation Plan, as finalized under Fish and Wildlife Habitat
12 Condition 119, for the life of the facility.
13 [AMD3]
- 14 121 Threatened and Endangered Species Condition 121 (PRE): Prior to the facility repower,
15 in areas of ground disturbance within suitable WGS habitat within 1,000-feet of
16 previously identified WGS colonies (2024 Survey), the certificate holder shall perform
17 annual WGS surveys (non-protocol, spot check) within suitable WGS habitat and update
18 maps and flagging within 785-feet of any active WGS colony within suitable WGS
19 habitat. Provide updated maps to the Department and ODFW and identify any
20 significant change in previously identified WGS colonies and habitat.
21 [AMD3]
- 22 122 Threatened and Endangered Species Condition 122 (PRE): Prior to the facility repower,
23 certificate holder shall finalize and submit to the Department the WGS Avoidance and
24 Minimization Plan, Attachment G to the Final Order on AMD3.
25 [AMD3]
- 26 123 Threatened and Endangered Species Condition 123 (CON): During the facility repower,
27 certificate holder shall adhere to and implement the measures in the WGS Avoidance
28 and Minimization Plan under Threatened and Endangered Species Condition 122.
29 [AMD3]
- 30 124 Historic, Cultural, and Archaeological Resources Condition 124 (CON): During the facility
31 repower, the certificate holder shall prohibit ground disturbance within 50-feet from the
32 boundaries of LJ2B-I01 and 35GM243; the 50-foot buffer does not apply to existing
33 roads. Flagging shall be maintained to protect the resources unless activities are 200-
34 feet or more from the resource. Sensitive resource maps identifying the resource
35 location and avoidance area shall be maintained onsite and provided to contractors.
36 [AMD3]

- 1 125 Historic, Cultural, and Archaeological Resources Condition 125 (PRO): Prior to
2 completion of the facility repower, the certificate holder shall demonstrate completion
3 of coordination with CTUIR on impacts and mitigation, if applicable, related to effects of
4 the facility repower to Tiqaxtiqax. Coordination completion may be demonstrated
5 through CTUIR concurrence or analysis of impacts and mitigation.
6 [AMD3]
- 7 126 Historic, Cultural, and Archaeological Resources Condition 126 (PRE): Prior to the facility
8 repower, the certificate holder shall review/update the contact information in the
9 Inadvertent Discovery Plan (IDP); Attachment I of the Final Order on RFA3.
10 [AMD3]
- 11 127 Historic, Cultural, and Archaeological Resources Condition 127 (CON): The certificate
12 holder, and any onsite contractors, shall adhere to the requirements of the Inadvertent
13 Discovery Plan approved in accordance with Historic, Cultural, and Archaeological
14 Resources Condition 126.
15 [AMD3]
- 16
- 17 128 Public Services Condition 128 (PRE): Prior to and during the facility repower, as
18 applicable, the certificate holder shall:
19 a. Identify all water-related needs and estimate daily and annual water demand for
20 repower construction.
21 b. Provide evidence such as a contract or purchase agreement demonstrating that
22 adequate water supply to meet repower construction demand has been secured and
23 that water for all repower construction activities will be legally obtained by service
24 providers or third-party permits.
25 [AMD3]
- 26 129 Public Services Condition 129 (CON): Prior to facility repower, the certificate holder shall
27 notify local police and fire department(s) of the repower schedule, number of onsite
28 workers, type of activity and emergency response procedures.
29 [AMD3]
- 30 130 Public Services Condition 130 (PRE): Prior to the facility repower, the certificate holder
31 shall execute a Road Use Agreement with the Gilliam County Public Works Department
32 and submit a copy to the Department.
33 [AMD3]
- 34 131 Public Services Condition 131 (GEN): During and post-facility repower, as applicable, the
35 certificate holder shall adhere to the terms and conditions of the Road Use Agreement.
36 [AMD3]

- 1 132 Wildfire Prevention and Risk Mitigation Condition 132 (PRE): Prior to the facility
2 repower, the certificate holder shall finalize and submit a Final Wildfire Mitigation Plan
3 (WMP), Attachment H to the Final Order on AMD3 to the Department for review and
4 approval.
5 [AMD3]
- 6 133 Wildfire Prevention and Risk Mitigation Condition 133 (CON): During the facility
7 repower, the certificate holder shall require onsite contractors and employees to adhere
8 to the Final Wildfire Mitigation Plan (WMP) approved under Wildfire Prevention and
9 Risk Mitigation Condition 132 .
10 [AMD3]
- 11 134 Wildfire Prevention and Risk Mitigation Condition 134 (OPR): During operation, the
12 certificate holder shall adhere to the requirements of the Wildfire Mitigation Plan
13 (WMP), as provided in the Wildfire Prevention and Risk Mitigation Condition 131.
14 [AMD3]
- 15 135 Waste Minimization Condition 135 (GEN): Prior to the facility repower and during facility
16 operations, as applicable, the certificate holder shall:
17 a. Submit to the Department a copy of the contract or agreement with the contractor
18 for wind turbine component recycling. If not included with contract or agreement,
19 provide a description of methods and vendors for the packaging, transport, and
20 recycling of wind turbine components; or
21 b. Submit to the Department a copy of the contract or agreement with the contractor
22 for wind turbine component use, or description of reuse. If not included with
23 contract, agreement, or description, provide a description of methods and vendors
24 for the packaging, transport, and reuse purpose for wind turbine components; or
25 c. If recycling or reuse of wind turbine components is not feasible. Submit to the
26 Department an explanation of why no reasonable option for the recycling or reuse
27 of wind turbine components is available. Provide description of the methods,
28 vendors, and location for the disposal of wind turbine components.
29 [AMD3]
- 30 136 Public Health and Safety Condition 136 (PRO): Prior to completion of the facility repower,
31 certificate holder shall submit to the Department evidence that maintenance or repairs,
32 as identified in Final Order on AMD3 Attachment K, were completed.
33 [AMD3]

34 **SUCCESSORS AND ASSIGNS**

35 To transfer this site certificate or any portion thereof or to assign or dispose of it in any
36 other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

SEVERABILITY AND CONSTRUCTION

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

GOVERNING LAW AND FORUM

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

EXECUTION

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

12
13 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting by
14 and through its Energy Facility Siting Council, and by Leaning Juniper Wind Power #2B, LLC, a
15 wholly owned subsidiary of Avangrid Power, LLC.

ENERGY FACILITY SITING COUNCIL and LEANING JUNIPER WIND POWER #2B, LLC

By: _____

Chair
Oregon Energy Facility Siting Council

Date: _____

By: _____

Print: _____

Date: _____

and

By: _____

Print: _____

|

Date: _____

and

- 1
- 2
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- 7
- 8

By: _____

Print: _____

Date: _____

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