

KWP AMD2 DOC 1
ORIGINAL

**SECOND REQUEST FOR AMENDMENT TO
THE KLONDIKE III WIND PROJECT**

Prepared for
PPM ENERGY, INC.

RECEIVED

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DEPARTMENT OF ENERGY

Prepared by
David Evans and Associates, Inc.

April 2007



DAVID EVANS AND ASSOCIATES INC.

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INTRODUCTION

Pursuant to OAR 345-027-0030 and OAR 345-027-0050(1), Klondike Wind Power III LLC (KWP), a wholly-owned subsidiary of PPM Energy, Inc., the holder of the Site Certificate for the Klondike III Wind Project, requests to amend the Site Certificate to:

1. Move a single turbine and road and create temporary disturbance resulting from construction, both within and outside of those areas currently authorized for temporary disturbance in the Site Certificate as amended;

These proposed changes to the Klondike III Wind Project are described in greater detail in Section 1(c), below, and are further addressed below in accordance with the requirements set forth in each applicable OAR.

OAR 345-027-0050(1) requires that a request for an amendment must conform to the requirements of OAR 345-027-0060, which sets forth the required contents of a request to amend a site certificate. The discussion below provides the information required by OAR 345-027-0060.

SECTION 1 INFORMATION REQUIRED PURSUANT TO OAR 345-027-0060(1)

(a) Certificate Holder information

Name and mailing address of the Certificate Holder:

Klondike Wind Power III LLC
Attn: Jesse Gronner
1125 NW Couch St. Suite 700
Portland, OR 97209
(503) 796-7045

Name, mailing address, and telephone number of individual responsible for submitting the request:

Klondike Wind Power III LLC
Attn: Jesse Gronner
1125 NW Couch St. Suite 700
Portland, OR 97209
(503) 796-7045

(b) Description of the facility

The proposed facility, referred to as the Klondike III Wind Project, is located in northern Sherman County, and is generally described in the Application for Site Certificate, dated May 2005, and First Request for Amendment dated July 28, 2006. As currently permitted, the project will generate up to 283 MW of power with up to 165 turbines, and will connect to the grid at BPA's 230-kV Klondike Schoolhouse-John Day transmission line. As a result of this amendment request, no increase to the generating capacity or number of turbines will result.

(c) Description and analysis of the proposed change

OAR 345-027-0060(1)(c) requires that an amendment request include “[a] detailed description of the proposed change and the Certificate Holder’s analysis of the proposed change under the criteria of OAR 345-027-0050(1).” The Certificate Holder is requesting the following changes to the Site Certificate:

(i) Change of Project Configuration Outside of Site Boundary (micro-siting corridors)

The Certificate Holder requests to add additional 900-foot by 900-foot (18.5 acres) micro-siting area outside of the currently authorized site. Within the expanded boundary the applicant proposes to construct an access road and underground collector line, prepare and use a 250-foot by 250-foot (1.5 acres) laydown area at the turbine location, and install a turbine that was previously authorized. As a result, within the expanded site boundary, an additional 0.71 acres of additional permanent impact in agricultural areas will occur, as shown on Figures 1 and 2. Construction will cause temporary disturbance to approximately one acre additional within the micro-siting corridor for this relocated turbine, for a total temporary disturbance of about 2.5 acres. Following construction, these temporarily disturbed areas will be restored to their existing condition.

(ii) Change Site Boundary and add micro-siting corridor

The Certificate Holder requests that approximately 18.5 acres be added to the site, as shown on Figure 1. Within this area, a single turbine, and associated road and collector system, may be micro-sited to optimize the facility’s construction and operation.

(iii) Change to Site Certificate Condition

The Certificate Holder’s request for modification of certain Site Certificate conditions is summarized below. The specific language for the amended conditions is proffered in Attachment 1.

Pursuant to Condition **(28)(c)** of the First Amended Site Certificate, the Certificate Holder “. . . may select any turbine types for location K-2 as shown on Figure B-1 . . .”

The Certificate Holder requests the ability to select any turbine type for the additional micro-siting corridor as well as location k-2. Specific language for the condition is contained in the redlined Second Amended Site Certificate.

(iv) Legal Basis for Amendment Request

Under OAR 345-027-0050(1), a site certificate amendment request is required if a site Certificate Holder proposes to change the site boundary or otherwise to design, construct, operate, or retire a facility in a manner different from the

description in the site certificate and the proposed change meets one of the four criteria, as discussed below.

“(a) Could result in a significant adverse impact that the Council did not evaluate and address in the final order granting a site certificate affecting any resource protected by applicable standards in divisions 22 and 24 of this chapter;”

The change proposed by the applicant expands the site boundary by about 18.5 acres and could result in adverse impact on Division 22 resources that the Council did not already evaluate and address in the final order granting the Site Certificate, including soils; land use; fish and wildlife habitat; threatened and endangered species; scenic and aesthetic values; and historic, cultural, and archaeological resources.

The request for amendment is not expected to result in adverse impacts for the remaining Division 22 resources that the Council did not already evaluate and address in the final order granting the Site Certificate, including protected areas, recreation, public services, and waste minimization. Further, this Second Request for Amendment is not expected to result in adverse impacts with regard to applicable standards in Division 24 (OAR 345-024-0010, -0015) that the Council did not already evaluate and address in the final order granting the Site Certificate.

“(b) Could result in a significant adverse impact that the Council did not evaluate and address in the final order granting a site certificate affecting geographic areas or human, animal, or plant populations;”

The requested amendment would increase both permanent and temporary impacts outside the site boundary currently authorized by the Site Certificate. These changes may affect geographic areas, human, animal, or plant populations.

“(c) Could impair the Certificate Holder’s ability to comply with a site certificate condition; or”

The amendment requested by the Certificate Holder would not potentially impair the Certificate Holder’s ability to comply with site certificate conditions.

“(d) Could require a new condition or change to a condition in the site certificate.”

As noted above, the Certificate Holder is requesting a change in condition 28.

(d) Proposed changes to Site Certificate

OAR 345-027-0060 requires that a request to amend a site certificate must include “[t]he specific language of the site certificate, including affected conditions, that the Certificate Holder proposes to change, add or delete by an amendment.”

Attachment 1 to this First Request for Amendment is a “redline” of the Site Certificate, showing the specific proposed changes.

(e) Relevant Division 22, 23, and 24 standards

OAR 345-027-0060(1)(e) requires that this Request to Amend the Site Certificate include “[a] list of the standards of Divisions 22, 23, and 24 of this chapter relevant to the proposed change.”

Division 22 - As discussed above, the Certificate Holder is requesting to expand the site boundary for a number of project elements. Therefore, all Division 22 standards for siting non-nuclear energy facilities are relevant to this amendment request.

Division 23 - The Division 23 standards apply only to non-generating facilities and are therefore not relevant to this amendment request.

Division 24 - OAR 345-024-0010 and 345-024-0015 apply to wind energy facilities and are potentially relevant to this amendment request.

(f) Analysis of compliance with ORS 469, Council rules, and applicable state and local laws, rules, and ordinances

OAR 345-027-0060(1)(f) requires that this First Request for Amendment include:

“An analysis of whether the facility, with the proposed change, would comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances if the Council amends the site certificate as requested. For the purpose of this rule, a law, rule, or ordinance is ‘applicable’ if the Council would apply or consider the law, rule, or ordinance under OAR 345-027-0070(9).”

OAR 345-027-0070(9) provides:

“In making a decision to grant or deny issuance of an amended site certificate, the Council shall apply the applicable substantive criteria, as described in OAR 345-022-0030, in effect on the date the Certificate Holder submitted the request for amendment and all other state statutes, administrative rules, and local government ordinances in effect on the date the Council makes its decision.”

The Certificate Holder’s compliance with ORS 468, applicable Council rules (including those contained in OAR 354-022 and 345-024), and applicable state and local laws, rules, and ordinances is addressed in Attachment 2.

(g) Updated list of property owners

OAR 345-027-0060(1)(g) requires for an amendment to change the site boundary, “an updated list of the owners of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f).”

An updated list of property owners is included as Attachment 4.

SECTION 2 INFORMATION REQUIRED PURSUANT TO OAR 345-027-0060(2)

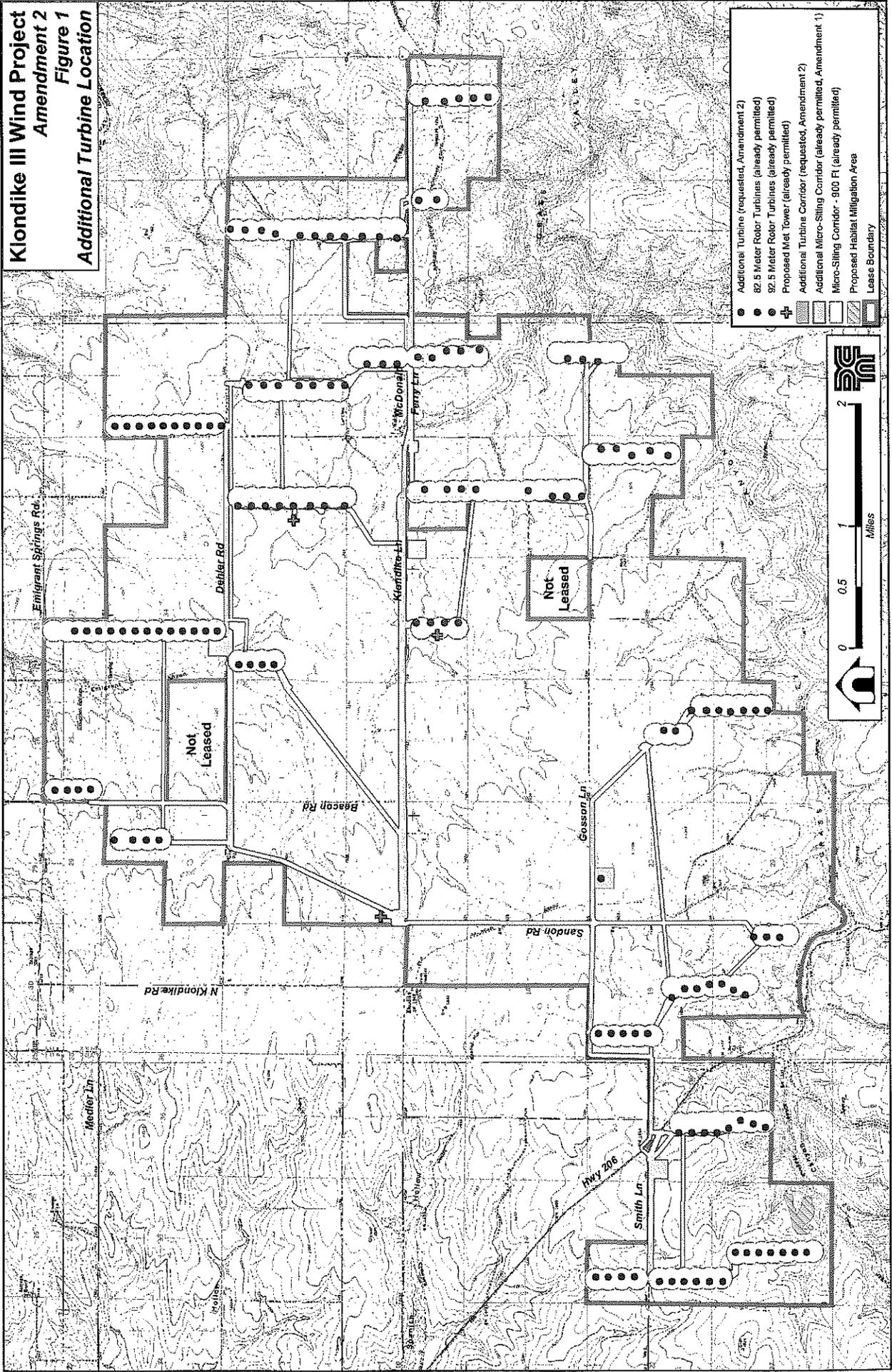
In a request to amend a site certificate, the Certificate Holder shall provide information described in applicable subsections of OAR 234-021-0010(1) in effect as of the date of the request.

Applicable subsections of OAR 345-027-0010(1) include:

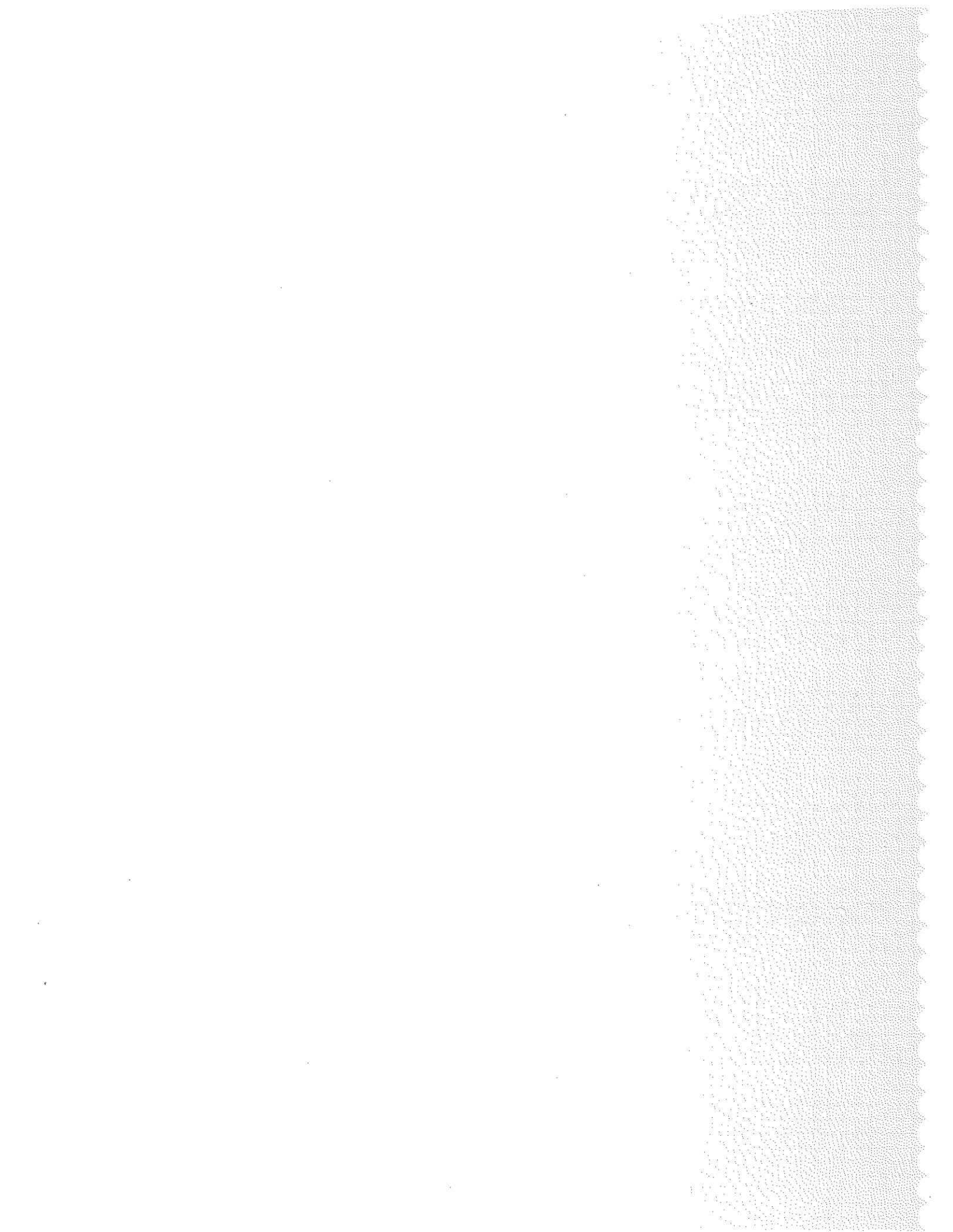
- OAR 345-027-0010(1)(i)
- OAR 345-027-0010(1)(j)
- OAR 345-027-0010(1)(k)
- OAR 345-027-0010(1)(p)
- OAR 345-027-0010(1)(r)
- OAR 345-027-0010(1)(s)
- OAR 345-027-0010(1)(w)
- OAR 345-027-0010(1)(x)

Information related to the proposed changes is contained in exhibits included with this Second Request for Amendment as Attachment 3.

**Klondike III Wind Project
Amendment 2
Figure 1
Additional Turbine Location**







ATTACHMENT 1

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

Second Amended Site Certificate

for the

Klondike III Wind Project

~~November 3, 2006~~ April, 2007

The Oregon Energy Facility Siting Council

FIRST SECOND AMENDED SITE CERTIFICATE FOR THE KLONDIKE III WIND PROJECT

I. INTRODUCTION

1 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the
2 Klondike III Wind Project (the facility) in the manner authorized under ORS Chapter 469. This
3 site certificate is a binding agreement between the State of Oregon (State), acting through the
4 Council, and Klondike Wind Power III LLC (certificate holder) authorizing the certificate holder
5 to construct and operate the Klondike III Wind Project in Sherman County, Oregon.

6 The findings of fact, reasoning and conclusions of law underlying the terms and
7 conditions of this site certificate are set forth in the following documents related to the facility,
8 which are incorporated herein by this reference: (a) the Council’s Final Order on the Application
9 and (b) the Council’s Final Order on Amendment #1. In interpreting this site certificate, any
10 ambiguity will be clarified by reference to the following, in order of priority: (1) this Second
11 Amended Site Certificate, (2) the Final Order on Amendment #2, (3) the First Amended Site
12 Certificate, (~~4~~) the Final Order on Amendment #1, (~~3~~) the Final Order on the Application and
13 (6) the record of the proceedings that led to the Final Orders on the Application and
14 Amendment #1. [Amendment #s and 2]

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

II. SITE CERTIFICATION

- 16 1. To the extent authorized by state law and subject to the conditions set forth herein, the State
17 authorizes the certificate holder to construct, operate and retire a wind energy facility,
18 together with certain related or supporting facilities, at the site in Sherman County, Oregon,
19 as described in Section III of this site certificate. ORS 469.401(1).
- 20 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
21 effect on the date that termination is sought or until the site certificate is revoked under ORS
22 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation
23 is ordered. ORS 469.401(1).
- 24 3. This site certificate does not address, and is not binding with respect to, matters that were not
25 addressed in the Council’s Final Orders on the Application and Amendments #1 and 2. Such
26 matters include, but are not limited to: building code compliance, wage, hour and other labor
27 regulations, local government fees and charges and other design or operational issues that do
28 not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules
29 for which the decision on compliance has been delegated by the federal government to a state
30 agency other than the Council. 469.503(3). [Amendment #s 1 and 2]
- 31 4. Both the State and the certificate holder shall abide by local ordinances, state law and the rules
32 of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
33 addition, upon a clear showing of a significant threat to public health, safety or the
34 environment that requires application of later-adopted laws or rules, the Council may require
35 compliance with such later-adopted laws or rules. ORS 469.401(2).

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

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

22 The energy facility is an electric power generating plant with an average electric generating
23 capacity of approximately 95 megawatts and a peak generating capacity of not more than 285
24 megawatts that produces power from wind energy. The facility consists of not more than 165
25 wind turbines, each with a peak generating capacity of not more than 2.4 megawatts. Turbines
26 are mounted on tubular steel towers. The turbine towers are about 263 feet tall at the turbine hub
27 and have an overall height of not more than 415 feet including the radius swept by the turbine
28 blades. The energy facility is described further in the Final Order on Amendments #1 and 2.
29 [Amendment #s1 and 2]

(b) Related or Supporting Facilities

30 The facility includes the following related or supporting facilities described below and in
31 greater detail in the Final Order on the Amendment #1:

- 32 • Power collection system
- 33 • Substations and interconnection system
- 34 • Meteorological towers
- 35 • Operations and maintenance building
- 36 • Control system
- 37 • Access roads

- Temporary construction areas

[Amendment #1]

Power Collection System

A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine to a collector substation. Most of the collection system is in underground segments but may include aboveground segments, not exceeding 12 miles in combined length, mounted on monopole support structures. Power from the eastern section of the facility is transmitted to a substation near Schoolhouse underground and aboveground 34.5-kV collector lines. [Amendment #1]

Substations and Interconnection System

The facility includes one substation located near existing Klondike I and II “Schoolhouse” facilities. The power generated by the facility interconnects with the regional transmission grid at that location. [Amendment #1]

Meteorological Towers

The facility includes three permanent meteorological (met) towers. The met towers are non-guyed steel towers approximately 80 meters in height.

Operations and Maintenance Building

The facility includes an operations and maintenance (O&M) building of approximately 5,000 square feet.

Control System

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

Access Roads

The facility includes access roads to provide access to the turbine strings. Access roads connect to graveled turbine turn-out and pad areas at the base of each wind turbine. The roads are approximately 20 feet wide and constructed with crushed gravel.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment during construction and temporary crane paths for efficient movement of cranes between turbine strings. [Amendment #1]

2. Location of the Proposed Facility

The facility is located approximately 4 miles east of Wasco, in Sherman County, Oregon, about 5 miles south of the Columbia River. The site is in Townships 1 and 2 North and Ranges 17, 18 and 19 East Sections. The facility is located on land subject to lease agreements with several landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

1 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
2 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
3 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
4 for Facilities). These conditions should be read together with the specific facility conditions
5 listed in Section V to ensure compliance with the siting standards of OAR Chapter 345,
6 Divisions 22 and 24, and to protect the public health and safety. In these conditions, "Office of
7 Energy" means the Oregon Department of Energy, and the other definitions in OAR 345-001-
8 0010 apply.

9 The obligation of the certificate holder to report information to the Department or the Council
10 under the conditions listed in this section and in Section V is subject to the provisions of OAR
11 345-001-0040, which addresses information that may be exempt under the Oregon Public
12 Records Law. To the extent permitted by law, the Department and the Council will not publicly
13 disclose information that may be exempt from public disclosure under ORS 192.502 et seq. or
14 ORS 469.560 if the certificate holder has clearly labeled such information and stated the basis for
15 the exemption at the time of submitting the information to the Department or the Council. If the
16 Council or the Department receives a request for the disclosure of the information, the Council or
17 the Department, as appropriate, will make a reasonable attempt to notify the certificate holder
18 and will refer the matter to the Attorney General for a determination of whether the exemption is
19 applicable, pursuant to ORS 192.450.

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

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

29 (1) OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate
30 except as provided for in OAR Chapter 345, Division 27.

31 (2) OAR 345-027-0020(2): Except as provided in OAR 345-027-0023(6), before beginning
32 construction, the certificate holder shall submit to the Office of Energy a legal description
33 of the site.

34 (3) OAR 345-027-0020(3): The certificate holder shall design, construct, operate and
35 retire the facility:

36 (a) Substantially as described in the site certificate;

37 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
38 and applicable state and local laws, rules and ordinances in effect at the time the site
39 certificate is issued; and

40 (c) In compliance with all applicable permit requirements of other state agencies.

41 (4) OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
42 facility by the dates specified in the site certificate. (See conditions (26) and (27).)

- 1 (5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed for
2 transmission lines or pipelines under this section, the certificate holder shall not begin
3 construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site
4 until the certificate holder has construction rights on all parts of the site. For the purpose of
5 this rule, "construction rights" means the legal right to engage in construction activities.
6 For transmission lines or pipelines, if the certificate holder does not have construction
7 rights on all parts of the site, the certificate holder may nevertheless begin construction, as
8 defined in OAR 345-001-0010, or create a clearing on a part of the site if:
9 (a) The certificate holder has construction rights on that part of the site; and
10 (b) The certificate holder would construct and operate part of the facility on that part of
11 the site even if a change in the planned route of the transmission line or pipeline occurs
12 during the certificate holder's negotiations to acquire construction rights on another part of
13 the site.
- 14 (6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding
15 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
16 shall consult with affected state agencies and local governments designated by the Council
17 and shall develop specific mitigation plans consistent with Council findings under the
18 relevant standards. The certificate holder must submit the mitigation plans to the Office and
19 receive Office approval before beginning construction or, as appropriate, operation of the
20 facility.
- 21 (7) OAR 345-027-0020(7): The certificate holder shall prevent the development of any
22 conditions on the site that would preclude restoration of the site to a useful, non-hazardous
23 condition to the extent that prevention of such site conditions is within the control of the
24 certificate holder.
- 25 (8) OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
26 shall submit to the State of Oregon, through the Council, a bond or letter of credit,
27 satisfactory to the Council, in an amount specified in the site certificate to restore the site to
28 a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of
29 credit in effect at all times until the facility has been retired. The Council may specify
30 different amounts for the bond or letter of credit during construction and during operation
31 of the facility. (See Condition (32).)
- 32 (9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
33 permanently ceases construction or operation of the facility. The certificate holder shall
34 retire the facility according to a final retirement plan approved by the Council, as described
35 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
36 useful, non-hazardous condition at the time of retirement, notwithstanding the Council's
37 approval in the site certificate of an estimated amount required to restore the site.
- 38 (10) OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all
39 representations in the site certificate application and supporting record the Council deems to
40 be binding commitments made by the applicant.
- 41 (11) OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall
42 restore vegetation to the extent practicable and shall landscape portions of the site disturbed
43 by construction in a manner compatible with the surroundings and proposed use. Upon
44 completion of construction, the certificate holder shall dispose of all temporary structures

1 not required for facility operation and all timber, brush, refuse and flammable or
2 combustible material resulting from clearing of land and construction of the facility.

3 (12) OAR 345-027-0020(12): The certificate holder shall design, engineer and construct the
4 facility to avoid dangers to human safety presented by seismic hazards affecting the site that
5 are expected to result from all maximum probable seismic events. As used in this rule
6 "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading,
7 tsunami inundation, fault displacement and subsidence.

8 (13) OAR 345-027-0020(13): The certificate holder shall notify the Office of Energy, the State
9 Building Codes Division and the Department of Geology and Mineral Industries promptly
10 if site investigations or trenching reveal that conditions in the foundation rocks differ
11 significantly from those described in the application for a site certificate. After the Office
12 receives the notice, the Council may require the certificate holder to consult with the
13 Department of Geology and Mineral Industries and the Building Codes Division and to
14 propose mitigation actions.

15 (14) OAR 345-027-0020(14): The certificate holder shall notify the Office, the State Building
16 Codes Division and the Department of Geology and Mineral Industries promptly if shear
17 zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the
18 site.

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

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

39 (17) OAR 345-027-0023(4): If the energy facility or related or supporting facility is a
40 transmission line, the certificate holder shall restore the reception of radio and television at
41 residences and commercial establishments in the primary reception area to the level present
42 prior to operations of the transmission line, at no cost to residents experiencing interference
43 resulting from the transmission line.

1 (18) OAR 345-027-0023(5): If the facility includes any high voltage transmission line under
2 Council jurisdiction:

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

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

10 (19) OAR 345-027-0023(6): If the proposed energy facility is a pipeline or a transmission line or
11 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
12 specify an approved corridor in the site certificate and shall allow the certificate holder to
13 construct the pipeline or transmission line anywhere within the corridor, subject to the
14 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
15 application for a site certificate, the Council may, subject to the Council's standards,
16 approve more than one corridor. Before beginning operation of the facility, the certificate
17 holder shall submit to the Office a legal description of the permanent right-of-way where
18 the applicant has built the pipeline or transmission line within an approved corridor. The
19 site of the pipeline or transmission line subject to the site certificate is the area within the
20 permanent right-of-way.

21 (20) OAR 345-027-0028: The following general monitoring conditions apply:

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

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

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

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

38 (21) OAR 345-026-0048: Following receipt of the site certificate, the certificate holder shall
39 implement a plan that verifies compliance with all site certificate terms and conditions and
40 applicable statutes and rules. As a part of the compliance plan, to verify compliance with
41 the requirement to begin construction by the date specified in the site certificate, the
42 certificate holder shall report promptly to the Office of Energy when construction begins.
43 Construction is defined in OAR 345-001-0010. In reporting the beginning of construction,
44 the certificate holder shall describe all work on the site performed before beginning
45 construction, including work performed before the Council issued the site certificate, and

1 shall state the cost of that work. For the purpose of this exhibit, “work on the site” means
2 any work within a site or corridor, other than surveying, exploration or other activities to
3 define or characterize the site or corridor. The certificate holder shall document the
4 compliance plan and maintain it for inspection by the Office of Energy or the Council.

5 (22) OAR 345-026-0080: The certificate holder shall report according to the following
6 requirements:

7 (a) General reporting obligation for non-nuclear facilities under construction or
8 operating:

9 (i) Within six months after beginning construction, and every six months thereafter
10 during construction of the energy facility and related or supporting facilities, the certificate
11 holder shall submit a semiannual construction progress report to the Council. In each
12 construction progress report, the certificate holder shall describe any significant changes to
13 major milestones for construction. The certificate holder shall include such information
14 related to construction as specified in the site certificate. When the reporting date coincides,
15 the certificate holder may include the construction progress report within the annual report
16 described in this rule;

17 (ii) The certificate holder shall, within 120 days after the end of each calendar year
18 after beginning construction, submit an annual report to the Council addressing the subjects
19 listed in this rule. The Council secretary and the certificate holder may, by mutual
20 agreement, change the reporting date.

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

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

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

32 (ii) Reliability and Efficiency of Power Production: For electric power plants,

33 (A) The plant availability and capacity factors for the reporting year. If equipment
34 failures or plant breakdowns had a significant impact on those factors, the certificate holder
35 shall describe them and its plans to minimize or eliminate their recurrence;

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

40 (C) The facility’s annual hours of operation by fuel type and, every five years after
41 beginning operation, a summary of the annual hours of operation by fuel type as described
42 in OAR 345-024-0590(5);

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

1 (iv) Industry Trends: A discussion of any significant industry trends that may affect
2 the operations of the facility;

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

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

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

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

18 (23) OAR 345-026-0100: The certificate holder shall promptly notify the Office of Energy of
19 any changes in major milestones for construction, decommissioning, operation or
20 retirement schedules. Major milestones are those identified by the certificate holder in its
21 construction, retirement or decommissioning plan.

22 (24) OAR 345-026-0105: The certificate holder and the Office of Energy shall exchange copies
23 of all correspondence or summaries of correspondence related to compliance with statutes,
24 rules and local ordinances on which the Council determined compliance, except for
25 material withheld from public disclosure under state or federal law or under Council rules.
26 The certificate holder may submit abstracts of reports in place of full reports; however, the
27 certificate holder shall provide full copies of abstracted reports and any summarized
28 correspondence at the request of the Office of Energy.

29 (25) OAR 345-026-0170: The certificate holder shall notify the Office of Energy within
30 72 hours of any occurrence involving the facility if:

31 (a) There is an attempt by anyone to interfere with its safe operation;

32 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused
33 event such as a fire or explosion affects or threatens to affect the public health and safety or
34 the environment; or

35 (c) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

36 The conditions listed in this section include conditions based on representations in the site
37 certificate application and supporting record. The Council deems these representations to be
38 binding commitments made by the applicant. These conditions are required under OAR 345-027-
39 0020(10). The certificate holder must comply with these conditions in addition to the conditions
40 listed in Section IV. This section includes other specific facility conditions the Council finds
41 necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and
42 24, and to protect the public health and safety. For conditions that require subsequent review and
43 approval of a future action, ORS 469.402 authorizes the Council to delegate the future review

1 and approval to the Department if, in the Council's discretion, the delegation is warranted under
2 the circumstances of the case.

1. Certificate Administration Conditions

3 (26) The certificate holder shall begin construction of the facility within three years after the
4 effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is
5 effective upon execution by the Council Chair and the applicant. The Council may grant an
6 extension of the deadline to begin construction in accordance with OAR 345-027-0030 or
7 any successor rule in effect at the time the request for extension is submitted.

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

17 (28) The certificate holder shall construct a facility that includes up to 165 wind turbines
18 substantially as described in the site certificate, subject to the following restrictions on
19 turbine selection:

20 (a) For any turbine string, the certificate holder may select any combination of GE 1.5-
21 megawatt or Vestas V82 1.65-megawatt wind turbines.

22 (b) For turbine strings K, L, M, N, R, S, U, V, W and X as identified in Table 1 of the
23 Final Order on Amendment #1, in addition to the turbine types listed in (a), the certificate
24 holder may select any turbine type such that the hub height does not exceed 80 meters, the
25 rotor diameter does not exceed 92.5 meters, the peak generating capacity does not exceed
26 2.4 megawatts and the maximum sound power level does not exceed 107 dBA.

27 (c) Notwithstanding the restriction described in (b) and in addition to the turbine types
28 listed in (a), the certificate holder may select any turbine type for both location K-02 and
29 the expanded site boundary addressed in Amendment #2 as shown on Figure B-11 as
30 described in the Final Order on Amendment #2, such that the hub height does not exceed
31 80 meters, the rotor diameter does not exceed 92.5 meters, the peak generating capacity
32 does not exceed 2.4 megawatts and the maximum sound power level does not exceed 110
33 dBA.

34 (d) Before beginning construction, the certificate holder shall identify all turbine types
35 selected for the project and provide evidence satisfactory to the Department that the
36 selected turbine types comply with this condition.

37 [Amendment #s 1 and 2]

38 (29) The certificate holder shall obtain all necessary state and local permits or approvals required
39 for construction, operation and retirement of the facility or ensure that its contractors obtain
40 the necessary state and local permits or approvals.

41 (30) Before beginning construction, the certificate holder shall notify the Department in advance
42 of any work on the site that does not meet the definition of "construction" in OAR 345-001-

1 0010 or ORS 469.300 and shall provide to the Department a description of the work and
2 evidence that its value is less than \$250,000.

3 (31) Before beginning construction and after considering all micrositing factors, the certificate
4 holder shall provide to the Department a detailed map of the proposed facility, showing the
5 final locations where facility components are proposed to be built in relation to the 300-foot
6 and 900-foot corridors having centerlines defined by the endpoints shown on Table 1 of the
7 Final Order on Amendment #1. In accordance with Condition (2), the certificate holder
8 must submit a legal description of the site to the Department. For the purposes of this site
9 certificate, the term "legal description" means a description of location by reference to a
10 map and geographic data that clearly and specifically identifies the physical location of all
11 parts of the facility. Notwithstanding OAR 345-027-0020(2), for the purposes of this site
12 certificate, construction of parts of a wind facility within micrositing corridors is
13 comparable to construction of pipelines or transmission lines within Council-approved
14 corridors as described in OAR 345-027-0023(6). Before beginning operation of the facility,
15 the certificate holder shall submit to the Department a legal description for those parts of
16 the facility constructed within micrositing corridors. The final site of the facility includes
17 the final turbine site corridors and other facility components as described in the Final Order
18 on Amendment #1 and in this site certificate. [Amendment #1]

19 (32) Before beginning construction, the certificate holder shall submit to the State of Oregon
20 through the Council a bond or letter of credit naming the State of Oregon, acting by and
21 through the Council, as beneficiary or payee. The initial bond or letter of credit amount is
22 \$1.089 million (2005 dollars) adjusted to the date of issuance as described in (b) or the
23 amount determined as described in (a). The certificate holder shall adjust the amount of the
24 bond or letter of credit on an annual basis thereafter as described in (b). Notwithstanding
25 the adjustments described in (a) and (b), the minimum bond or letter of credit amount is
26 \$500,000.

27 (a) The certificate holder may adjust the amount of the initial bond or letter of credit
28 based on the final design configuration of the facility by applying the unit costs and general
29 costs shown in Table 3 of the Final Order on Amendment #1 to the final design and
30 calculating the financial assurance amount as described in that order, adjusted to the date of
31 issuance as described in (b) and subject to approval by the Department.

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

34 (i) Adjust the gross cost component of the initial bond or letter of credit amount to
35 present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-
36 Weight, as published in the Oregon Department of Administrative Services' "Oregon
37 Economic and Revenue Forecast" or by any successor agency (the "Index") and using the
38 annual average index value for 2005 dollars and the quarterly index value for the date of
39 issuance of the new bond or letter of credit. If at any time the Index is no longer published,
40 the Council shall select a comparable calculation to adjust 2005 dollars to present value.

41 (ii) Adjust the estimated scrap value by an index factor derived from the Producer
42 Price Index values, not seasonally adjusted, reported by the U.S. Department of Labor,
43 Bureau of Labor Statistics, "Commodities: Metals and metal Products: Carbon steel scrap"
44 (Series ID: WPU101211). Using the average monthly index value for the 12 months ending
45 with December of the year preceding the year in which the adjustment is made as the
46 numerator and the average monthly index value for the 12 months ending with December

1 2005 (277.2) as the denominator, multiply the estimated scrap value of \$149 per ton (2005
2 dollars) by the resulting factor. If at any time the Producer Price Index Values are no longer
3 published, the Council shall select a comparable calculation to adjust the estimated scrap
4 value.

5 (iii) Multiply the adjusted scrap value (ii) per ton by the number of tons used to
6 calculate the scrap value component of the initial bond or letter of credit amount and
7 subtract the resulting value from the adjusted gross cost (i).

8 (iv) Add 1 percent of the subtotal (iii) for the adjusted performance bond amount, 10
9 percent of the subtotal (iii) for the adjusted administration and project management costs,
10 and 20 percent of the subtotal (iii) for the adjusted future developments contingency.

11 (v) Add the subtotal (iii) to the sum of percentages (iv) and round the resulting total to
12 the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting
13 year.

14 (c) The certificate holder shall use a form of bond or letter of credit approved by the
15 Council.

16 (d) The certificate holder shall use an issuer of the bond or letter of credit approved by the
17 Council.

18 (e) The certificate holder shall describe the status of the bond or letter of credit in the
19 annual report submitted to the Council under Condition (22).

20 (f) The bond or letter of credit shall not be subject to revocation or reduction before
21 retirement of the facility site.

22 [Amendment #1]

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

31 (34) Before beginning construction, the certificate holder shall notify the Department of the
32 identity and qualifications of the engineering, procurement and construction ("EPC")
33 contractor(s) for specific portions of the work. The certificate holder shall select EPC
34 contractors that have substantial experience in the design and construction of similar
35 facilities. The certificate holder shall report to the Department any change of major
36 construction contractors.

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

42 (36) During construction, the certificate holder shall have an on-site assistant construction
43 manager who is qualified in environmental compliance to ensure compliance with all
44 construction-related site certificate conditions. During operation, the certificate holder shall

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

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

8 (38) Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if
9 the proposed change would increase the electrical generation capacity of the facility and would
10 increase the number of wind turbines or the dimensions of existing wind turbines.

2. Land Use Conditions

11 (39) The certificate holder shall construct the public road improvements described in the site
12 certificate application to meet or exceed road standards for the road classifications in the
13 County's Transportation System Plan and Zoning Ordinance because roads will require a
14 more substantial section to bear the weight of the vehicles and turbine components than
15 would usually be constructed by the County.

16 (40) The certificate holder shall cooperate with the Sherman County Road Department to ensure
17 that any unusual damage or wear caused by construction of the facility is repaired by the
18 certificate holder. Upon completion of construction, the certificate holder shall restore the
19 county roads to at least their pre-project condition, to the satisfaction of the county public
20 works department.

21 (41) The certificate holder shall ensure that no equipment or machinery is parked or stored on
22 any county road except while in use.

23 (42) The certificate holder shall not locate any aboveground facility structure (including wind
24 turbines, O&M building, substations and meteorological towers but not including
25 aboveground transmission lines and junction boxes) within 30 feet from any property line
26 or within 50 feet from the right-of-way of any arterial or major collector road or street and
27 shall not allow any architectural feature, as described in Sherman County Zoning Ordinance
28 Section 4.2, to project into these required setbacks by more than 2 feet.

29 (43) The certificate holder shall locate aboveground transmission lines, junction boxes, access
30 roads and temporary construction laydown and staging areas to minimize disturbance with
31 farming practices and, wherever feasible, shall place turbines and transmission
32 interconnection lines along the margins of cultivated areas to reduce the potential for
33 conflict with farm operations. The certificate holder shall place aboveground transmission
34 lines and junction boxes along public road rights-of-way to the extent practicable. The
35 certificate holder shall place underground transmission lines and supervisory, control and
36 data acquisition (SCADA) system cables at least 36 inches below the surface of the ground.
37 [Amendment #1]

38 (44) The certificate holder shall include traffic control procedures in contract specifications for
39 construction of the facility. The certificate holder shall require flaggers to be at appropriate
40 locations at appropriate times during construction to direct traffic and to ensure minimal

1 conflicts between harvest and construction vehicles. The certificate holder shall submit a
2 final transportation plan to Sherman County before beginning construction.

3 (45) Before beginning construction of the facility, the certificate holder shall record Farm
4 Management Easements on the properties on which the certificate holder locates wind
5 power generation facilities. The certificate holder shall record these easements in the real
6 property records of Sherman County and shall file copies of the recorded easements with
7 the Sherman County Planning Director.

8 (46) The certificate holder shall remove from Special Farm Assessment the properties on which
9 it locates the facility and shall pay all property taxes due and payable after the Special Farm
10 Assessment is removed from such properties.

11 (47) During operation, the certificate holder shall avoid impact on cultivated land to the extent
12 reasonably possible when performing facility repair and maintenance activities.

3. Cultural Resource Conditions

13 (48) Before beginning construction, the certificate holder shall provide to the Department a map
14 showing the final design locations of all components of the facility and areas that would be
15 temporarily disturbed during construction and also showing the areas that Archaeological
16 Investigations Northwest, Inc. (AINW) surveyed in 2005 and 2006, as described in the site
17 certificate application and the Request for Amendment #1. If the final design of the facility
18 could result in ground disturbance at specific resource sites or within high-probability areas
19 identified by AINW in the June 2006 report, the certificate holder shall hire qualified
20 personnel to conduct the resurvey or test excavations recommended by AINW in that
21 report. In addition, the certificate holder shall hire qualified personnel to conduct field
22 investigation of all areas of permanent or temporary disturbance that AINW did not
23 previously survey. The certificate holder shall provide a written report of the surveys,
24 excavations and field investigation to the Department and to the State Historic Preservation
25 Office (SHPO). If any historic, cultural or archaeological resources are found and are
26 determined significant by the SHPO, the certificate holder shall ensure that construction and
27 operation of the facility will have no impact on the resources. The certificate holder shall
28 instruct all construction personnel to avoid the areas where the resources were found and
29 shall implement other appropriate measures to protect the resources. [Amendment #1]

30 (49) The certificate holder shall ensure that a qualified person instructs construction personnel in
31 the identification of cultural materials.

32 (50) The certificate holder shall ensure that construction personnel cease all ground-disturbing
33 activities in the immediate area if any archaeological or cultural resources are found during
34 construction of the facility until a qualified archaeologist can evaluate the significance of
35 the find. The certificate holder shall notify the Department and the State Historic
36 Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is
37 significant, the certificate holder shall make recommendations to the Council for mitigation,
38 including avoidance or data recovery, in consultation with the Department, SHPO and other
39 appropriate parties. The certificate holder shall not restart work in the affected area until the
40 certificate holder has demonstrated to the Department that it has complied with the
41 archaeological permit requirements administered by SHPO.

1 (51) The certificate holder shall ensure that construction personnel proceed carefully in the
2 vicinity of the mapped alignment of the Oregon Trail. If any intact physical evidence of the
3 trail is discovered, the certificate holder shall avoid any disturbance to the intact segments,
4 by redesign, re-engineering or restricting the area of construction activity. The certificate
5 holder shall promptly notify the Department and the State Historic Preservation Office
6 (SHPO) of the discovery. The certificate holder shall consult with the Department and with
7 SHPO to determine appropriate mitigation measures.

8 (52) To offset adverse visual effects to the setting of the Oregon Trail alignment, the
9 certificate holder shall:

10 (a) Document the pre-construction setting of the Oregon Trail alignment from the John
11 Day River canyon to Biggs through photographs and videotape; and

12 (b) Enhance the existing Oregon Trail historical marker off I-84 at Biggs with an
13 additional educational and interpretive display in cooperation with the Sherman County
14 Development League and the Sherman County Historical Society.

4. Geotechnical Conditions

15 (53) Before beginning construction, the certificate holder shall conduct a site-specific
16 geotechnical investigation and shall report its findings to the Oregon Department of
17 Geology & Mineral Industries (DOGAMI). The certificate holder shall conduct the
18 geotechnical investigation after consultation with DOGAMI and in general accordance with
19 the site-specific seismic hazard report and the engineering geologic report guidelines that
20 have been adopted by the Oregon Board of Geologist Examiners. The guidelines are
21 available through the Board and in the DOGAMI publication O-00-04 (2000).

22 (54) The certificate holder shall design and construct the facility in accordance with requirements
23 set forth by the State of Oregon's Building Code Division and any other applicable codes
24 and design procedures.

25 (55) The certificate holder shall design, engineer and construct the facility to avoid dangers to
26 human safety presented by non-seismic hazards. As used in this condition, "non-seismic
27 hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

28 (56) The certificate holder shall notify the Department within 72 hours of any accidents
29 including mechanical failures on the site associated with construction or operation of the
30 facility that may result in public health and safety concerns.

31 (57) Before beginning construction, the certificate holder shall submit a Notice of Proposed
32 Construction or Alteration to the Federal Aviation Administration (FAA) identifying the
33 proposed final locations of the turbines and related or supporting facilities. The certificate
34 holder shall notify the Department of the FAA's response as soon as it has been received.

35 (58) To protect the public from electrical hazards, the certificate holder shall enclose the facility
36 substations with appropriate fencing and locked gates.

37 (59) The certificate holder shall not locate turbine towers within 450 feet of any residence or
38 public road.

- 1 (60) The certificate holder shall construct turbine towers that are smooth steel structures with no
2 exterior ladders or access to the turbine blades and shall install locked access doors
3 accessible only to authorized personnel.
- 4 (61) The certificate holder shall follow manufacturers' recommended handling instructions and
5 procedures to prevent damage to towers or blades that could lead to failure.
- 6 (62) The certificate holder shall have an operational safety monitoring program and shall inspect
7 turbine blades on a regular basis for signs of wear. The certificate holder shall repair turbine
8 blades as necessary to protect public safety.
- 9 (63) The certificate holder shall install and maintain self-monitoring devices on each turbine,
10 connected to a fault annunciation panel or supervisory, control and data acquisition
11 (SCADA) system at the operations and maintenance building, to alert operators to
12 potentially dangerous conditions, and the certificate holder shall immediately remedy any
13 dangerous conditions. The certificate holder shall maintain automatic equipment protection
14 features in each turbine that would shut down the turbine and reduce the chance of a
15 mechanical problem causing a fire.
- 16 (64) The certificate holder shall install generator step-up transformers at the base of each tower
17 in locked cabinets designed to protect the public from electrical hazards and to avoid
18 creation of artificial habitat for raptor prey.
- 19 (65) The certificate holder shall construct turbines on concrete foundations and shall cover the
20 ground within a minimum 10-foot radius with non-flammable material. The certificate
21 holder shall maintain the non-flammable pad area covering during operation of the facility.
- 22 (66) During construction and operation of the facility, the certificate holder shall develop and
23 implement fire management plans in consultation with local fire control authorities to
24 minimize the risk of fire and to respond appropriately to any fires that occur on the facility
25 site. In developing the fire management plans, the certificate holder should take into
26 account the dry nature of the region and should address risks on a seasonal basis.
- 27 (67) During construction and operation of the facility, the certificate holder shall ensure that
28 service vehicles are equipped with a shovel and portable fire extinguisher of a 4A5OBC or
29 equivalent rating.
- 30 (68) During construction, the certificate holder shall ensure that construction vehicles and
31 equipment are operated on graveled areas to the extent possible and that open flames, such
32 as cutting torches, are kept away from dry grass areas.
- 33 (69) Upon the beginning of operation of the facility, the certificate holder shall provide to the
34 North Sherman County Rural Fire Protection District and to the Moro Rural Fire Protection
35 District copies of the approved site plan indicating the identification number assigned to
36 each turbine and the location of all facility structures. During operation of the facility, the
37 certificate holder shall provide to the North Sherman County Rural Fire Protection District
38 and to the Moro Rural Fire Protection District the names and telephone numbers of facility
39 personnel available to respond on a 24-hour basis in case of an emergency on the facility
40 site.
- 41 (70) During operation, the certificate holder shall ensure that all on-site employees receive
42 annual fire prevention and response training by qualified instructors or members of the

1 local fire department and that all employees are instructed to keep vehicles on roads and off
2 dry grassland, except when off-road operation is required for emergency purposes.

3 (71) During construction, the certificate holder shall require that all on-site construction
4 contractors develop and implement a site health and safety plan that informs workers and
5 others on-site what to do in case of an emergency and that includes the locations of fire
6 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.

7 (72) During operation, the certificate holder shall develop and implement a site health and safety
8 plan that informs employees and others on-site what to do in case of an emergency and that
9 includes the locations of fire extinguishers and nearby hospitals, important telephone
10 numbers and first aid techniques.

11 (73) The certificate holder shall use hazardous materials in a manner that protects public health,
12 safety and the environment and shall comply with all applicable local, state and federal
13 environmental laws and regulations.

14 (74) If a spill or release of hazardous materials occurs during construction or operation of the
15 facility, the certificate holder shall notify the Department within 72 hours and shall clean up
16 the spill or release and dispose of any contaminated soil or other materials according to
17 applicable regulations. The certificate holder shall make sure that spill kits containing items
18 such as absorbent pads are located on equipment and storage facilities to respond to
19 accidental spills and shall instruct employees handling hazardous materials in the proper
20 handling, storage and cleanup of these materials.

21 (75) Before beginning construction, the certificate holder shall cooperate with the Oregon
22 Department of Transportation to implement public safety improvements to the shoulders of
23 State Highway 206 by bearing the cost of constructing two viewpoint turn-offs (one on each
24 side of the highway) within the highway right-of-way in suitable locations from where the
25 public may safely view the wind turbines without entering private property or interfering
26 with facility operations.

6. Water, Soils, Streams & Wetlands Conditions

27 (76) The certificate holder shall conduct all construction work in compliance with an Erosion and
28 Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental
29 Quality and as required under the National Pollutant Discharge Elimination System
30 (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder shall
31 include in the ESCP any procedures necessary to meet local erosion and sediment control
32 requirements and storm water management requirements.

33 (77) During construction, the certificate holder shall limit truck traffic to designated existing and
34 improved road surfaces to avoid soil compaction, to the extent possible.

35 (78) The certificate holder shall cover turbine pad areas with gravel or other non-erosive material
36 immediately following exposure during construction and shall maintain the pad area
37 covering during operation of the facility.

38 (79) During construction, the certificate holder shall avoid impacts to waters of the state in the
39 following manner:

1 (a) The certificate holder shall bore under the intermittent drainage channel identified in
2 Appendix J-1 of the site certificate application in any location where the underground
3 collector system would cross the channel.

4 (b) The certificate holder shall locate transmission line support structures outside of the
5 drainage channel and the wetland identified in Appendix J-1 of the site certificate
6 application in any location where an aboveground transmission line crosses over the
7 channel or the wetland area.

8 (c) After the final turbine design locations have been identified, if construction would
9 occur in any locations not previously investigated as described in Appendix J-1 of the
10 application, the certificate holder shall conduct a pre-construction investigation to
11 determine whether any jurisdictional waters of the state exist in those locations. The
12 certificate holder shall submit a written report on the pre-construction investigation to the
13 Department of Energy and to the Department of State Lands for approval before beginning
14 construction and shall ensure that construction of the facility would have no impact on any
15 jurisdictional water identified in the pre-construction investigation.

16 (80) During construction, the certificate holder shall ensure that the wash down of concrete
17 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
18 such wash down occurs at tower foundation locations, then the certificate holder shall
19 ensure that wash down wastewater does not run off the construction site into otherwise
20 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
21 underground with the backfill over the tower foundation.

22 (81) The certificate holder shall restore areas that are temporarily disturbed during construction
23 according to the methods, monitoring procedures and success criteria described in the
24 Revegetation Plan that is incorporated in the Final Order on the Application as Attachment
25 B and as amended from time to time. During operation, the certificate holder shall restore
26 areas that are temporarily disturbed during facility maintenance or repairs according to the
27 same methods and monitoring procedures.

28 (82) During facility operation, the certificate holder shall routinely inspect and maintain all
29 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
30 measures.

31 (83) During operation, the certificate holder shall not use any water or chemicals for
32 washing turbine blades unless the certificate holder demonstrates to the satisfaction of the
33 Department before any blade-washing begins that:

34 (a) Oregon Department of Environmental Quality (DEQ) regulations do not require a
35 permit for the proposed blade-washing activity or, if a permit is required, that the proposed
36 blade-washing activity is authorized under a general permit issued by DEQ; and

37 (b) In conducting blade-washing activities, the certificate will use water only from its
38 approved on-site well and that the use of water will not exceed 5,000 gallons per day.

7. Transmission Line & EMF Conditions

39 (84) The certificate holder shall install the 34.5-kV collector system underground to the extent
40 practical. Where geotechnical conditions or other engineering considerations require, the
41 certificate holder may install segments of the collector system aboveground in developed or
42 agricultural areas that are Category 6 habitat, but the total length of aboveground segments

1 must not exceed 12 miles. The certificate holder shall construct aboveground segments of
2 the collector system using single or double circuit monopole design as described in the site
3 certificate application and shall not locate any aboveground segments within 200 feet of any
4 existing residence. [Amendment #1]

5 (85) At least 30 days before beginning preparation of detailed design and specifications for the
6 electrical transmission lines, the certificate holder shall consult with the Oregon Public
7 Utility Commission staff to ensure that transmission line designs and specifications are
8 consistent with applicable codes and standards.

9 (86) Before beginning construction, the certificate holder shall obtain a permit, substantially in
10 the form of the draft permit incorporated in the Final Order on the Application as
11 Attachment D, from the Oregon Department of Transportation authorizing the location,
12 installation, construction, maintenance and use of buried cables within the right-of-way of
13 State Highway 206.

14 (87) To protect public safety, the certificate holder shall design and maintain the
15 transmission lines so that:

16 (a) Alternating current electric fields during operation do not exceed 9 kV per meter at
17 one meter above the ground surface in areas accessible to the public.

18 (b) Induced voltages during operation are as low as reasonably achievable.

19 (88) The certificate holder shall take reasonable steps to reduce or manage human exposure to
20 electromagnetic fields, including but not limited to:

21 (a) Constructing aboveground segments of the 34.5-kV transmission line to ensure that
22 conductors have a minimum clearance of 25 feet from the ground at mid-span under
23 maximum sag conditions.

24 (b) Constructing underground segments of the 34.5-kV transmission line at least 36-
25 inches below the surface of the ground.

26 (c) Providing to landowners a map of underground and overhead transmission lines on their
27 property and advising landowners of possible health risks.

28 [Amendment #1]

8. Plants, Wildlife & Habitat Protection Conditions

29 (89) During construction and operation of the facility, the certificate holder shall implement a
30 plan to control the introduction and spread of noxious weeds. The certificate shall develop
31 the weed control plan in consultation with the Sherman County Weed Control Manager.

32 (90) The certificate holder shall design all aboveground transmission line support structures
33 following the practices suggested by the Avian Powerline Interaction Committee (APLIC
34 1996, referenced in the site certificate application, p. P-33) and shall install anti-perching
35 devices on transmission pole tops and cross arms where the poles are located within ½ mile
36 of turbines.

37 (91) If construction begins after 2006, the certificate holder shall review the ONHIC and
38 USFWS databases and consult with Frank Isaacs, Oregon State University Cooperative
39 Wildlife Unit (or other expert designated by ODFW) on an annual basis before beginning
40 construction to determine whether bald eagles or peregrine falcons have been observed in or
41 near the site of the facility. The certificate holder shall report the results of the database

1 review and consultation to the Department and to ODFW and, if there have been new
2 observations of bald eagles or peregrine falcons in the area, the certificate holder shall
3 implement appropriate measures to protect the species from adverse impact, as approved by
4 the Department and ODFW.

5 (92) The certificate holder may construct turbines and other facility components within 900-foot
6 corridors having centerlines defined by the endpoints shown on Table 1 of the Final Order
7 on Amendment #1, subject to the following requirements addressing potential habitat impact
8 and subject to the requirements of Condition 102:

9 (a) The certificate holder shall not construct any facility components within areas of
10 Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

11 (b) The certificate holder shall design and construct facility components that are the
12 minimum size needed for safe operation of the energy facility.

13 (c) To the extent possible, the certificate holder shall construct facility components in the
14 locations shown on Figure C-2 of the site certificate application.

15 (d) If the certificate holder must change the layout of facility components from what is
16 shown on Figure C-2 due to micrositing considerations, the certificate holder shall, to the
17 extent possible, construct facility components within 300-foot corridors having centerlines
18 defined by the endpoints shown on Table 1 of the Final Order on Amendment #1.

19 (e) The certificate holder may construct facility components outside the 300-foot
20 corridors if necessary due to micrositing considerations, except that the certificate holder
21 shall not construct any facility components outside 900-foot corridors having centerlines
22 defined by the endpoints shown on Table 1 of the Final Order on Amendment #1 or cause
23 any temporary disturbance outside those 900-foot corridors.

24 [Amendment #1]

25 (93) The certificate holder shall implement measures to mitigate impacts to sensitive wildlife
26 habitat during construction including, but not limited to, the following:

27 (a) Preparing maps to show sensitive areas, such as nesting or denning areas for sensitive
28 wildlife species, that are off limits to construction personnel.

29 (b) Ensuring that a qualified person instructs construction personnel to be aware of
30 wildlife in the area and to take precautions to avoid injuring or destroying wildlife or
31 significant wildlife habitat.

32 (c) Avoiding unnecessary road construction, temporary disturbance and vehicle use.

33 (94) During construction, the certificate holder shall protect the area within a 1300-foot buffer
34 around active nests of the following species during the sensitive period, as provided in this
35 condition:

Species	Sensitive Period	Early Release Date
Swainson's hawk	April 1 to August 15	May 31
Golden eagle	February 1 to August 31	May 31
Ferruginous hawk	March 15 to August 15	May 31
Burrowing owl	April 1 to August 15	July 15

36 During the year in which construction occurs, the certificate holder shall use a protocol
37 approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether
38 there are any active nests of these species within a half-mile of any areas that would be
39 disturbed during construction. If a nest is occupied by any of these species after the
40 beginning of the sensitive period, the certificate holder shall not engage in high-impact

1 construction activities (activities that involve blasting, grading or other major ground
2 disturbance) or allow high levels of construction traffic within 1300 feet of the nest site. In
3 addition, the certificate holder will flag the boundaries of the 1300-foot buffer area and
4 shall instruct construction personnel to avoid any unnecessary activity within the buffer
5 area. The certificate holder shall hire an independent biological monitor to observe the
6 active nest sites during the sensitive period for signs of disturbance and to notify the
7 Department of any non-compliance with this condition. If the monitor observes nest site
8 abandonment or other adverse impact to nesting activity, the certificate holder shall
9 implement appropriate mitigation, in consultation with ODFW and subject to the approval
10 of the Department, unless the adverse impact is clearly shown to have a cause other than
11 construction activity. The certificate holder may begin or resume high-impact construction
12 activities before the ending day of the sensitive period if any known nest site is not
13 occupied by the early release date. If a nest site is occupied, then the certificate holder may
14 begin or resume high-impact construction before the ending day of the sensitive period
15 with the approval of ODFW, after the young are fledged. The certificate holder shall use a
16 protocol approved by ODFW to determine when the young are fledged (the young are
17 independent of the core nest site).

18 (95) The certificate holder shall conduct wildlife monitoring as described in the Wildlife
19 Monitoring and Mitigation Plan that is incorporated in the Final Order on the Application as
20 Attachment A and as amended from time to time.

21 (96) To mitigate for potential adverse impacts to bat species, the certificate holder shall
22 contribute \$10,000 per year for three years, beginning in the first year of operation, to fund
23 research toward better understanding wind facility impacts to bats and to develop mitigation
24 solutions. In consultation with the Oregon Department of Energy and the Oregon
25 Department of Fish and Wildlife, the certificate holder shall select an appropriate bat
26 conservation organization to receive this funding.

27 (97) Before beginning construction of the facility, the certificate holder shall acquire the legal
28 right to create, maintain and protect a habitat mitigation area for the life of the facility by
29 means of an outright purchase, conservation easement or similar conveyance and shall
30 provide a copy of the documentation to the Department. Within the habitat mitigation area,
31 the certificate holder shall improve the habitat quality as described in the Habitat Mitigation
32 Plan that is incorporated in the Final Order on the Application as Attachment C and as
33 amended from time to time.

9. Visual Effects Conditions

34 (98) To reduce the visual impact of the facility, the certificate holder shall:

35 (a) Mount nacelles on smooth, hollow steel towers, approximately 20 feet in diameter at
36 the base.

37 (b) Paint all towers uniformly in a neutral white or light gray color.

38 (c) Paint the substation buildings in a neutral color to blend with the surrounding
39 landscape.

40 (d) Not allow any advertising to be used on any part of the facility or on any signs posted
41 at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles.

1 (e) Use only those signs required for facility safety or required by law, except that the
2 certificate holder may erect a sign near the operations and maintenance building to identify
3 the wind energy facility.

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

5 (99) The certificate holder shall design and construct the operation and maintenance building to
6 be generally consistent with the character of similar buildings used by commercial farmers
7 or ranchers in the area and shall paint the building in a neutral color to blend with the
8 surrounding landscape.

9 (100) The certificate holder shall not use exterior nighttime lighting except:

10 (a) The minimum turbine tower lighting required by the Federal Aviation Administration.

11 (b) Security lighting at the operations and maintenance building and at the substations,
12 provided that such lighting is shielded or downward-directed to reduce glare.

13 (c) Minimum lighting necessary for repairs or emergencies.

10. Noise Control Conditions

14 (101) To reduce noise impacts at nearby residential areas, the certificate holder shall:

15 (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.

16 (b) Require contractors to install and maintain exhaust mufflers on all combustion engine-
17 powered equipment; and

18 (c) Establish a complaint response system at the construction manager's office to address
19 noise complaints.

20 (102) Before beginning construction, the certificate holder shall present information
21 demonstrating to the satisfaction of the Department that the requirements of (a), (b) or (c)
22 have been met at property R5 (as shown on the Noise Buffer and Receptor Locations map
23 in the Application Supplement, Tab X, Item vi):

24 (a) The certificate holder has obtained a legally effective easement or real covenant
25 pursuant to which the owner of the property authorizes the certificate holder's operation of
26 the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at
27 the appropriate measurement point. A legally effective easement or real covenant shall:
28 include a legal description of the burdened property (the noise sensitive property); be
29 recorded in the real property records of the county; expressly benefit the certificate holder;
30 expressly run with the land and bind all future owners, lessees or holders of any interest in
31 the burdened property; and not be subject to revocation without the certificate holder's
32 written approval.

33 (b) If the certificate holder has not obtained a legally effective easement or real covenant
34 as described in (a) and has not met the requirements of (c), the certificate holder shall not
35 construct turbines F-05, F-06, F-07, F-08 and J-01 as shown on Figure B-1 described in the
36 Final Order on Amendment #1, shall construct turbines F-01, F-02, F-03 and F-04 within
37 the approved micro-siting corridor at least 7,990 feet away from R5 and shall construct
38 turbines J-02 through J-13 in the locations specified in Table 7 of the Final Order on
39 Amendment #1.

40 (c) If the certificate holder has not obtained a legally effective easement or real covenant
41 as described in (a), the certificate holder may, instead of meeting the requirements of (b),
42 identify the final design locations of all turbines to be built in the F and J strings and
43 perform a noise analysis, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV),

1 demonstrating that the total noise generated by the facility would meet the ambient
2 degradation test at the appropriate measurement point when all turbines are placed in their
3 final design locations. The certificate holder shall perform the noise analysis using the
4 Sound Propagation Model for Outdoor Noise Sources (SPM 9613, Version 2) and shall
5 assume the following input parameters:

6 (i) The maximum sound power level guaranteed by the manufacturer.

7 (ii) Temperature of 52° F (11° C).

8 (iii) Relative humidity of 70 percent.

9 (iv) No ground effect.

10 (v) No barrier effects.

11 [Amendment #1]

11. Waste Management Conditions

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

15 (104) During operation, the certificate holder shall discharge sanitary wastewater generated at
16 the O&M building to a licensed on-site septic system in compliance with county permit
17 requirements. The certificate holder shall design the septic system design with a capacity
18 that is less than 2,500 gallons per day.

19 (105) The certificate holder shall implement a waste management plan during
20 construction that includes but is not limited to the following measures:

21 (a) Training employees to minimize and recycle solid waste.

22 (b) Minimizing the generation of wastes from construction through detailed estimating of
23 materials needs and through efficient construction practices.

24 (c) Recycling steel and other metal scrap.

25 (d) Recycling wood waste.

26 (e) Recycling packaging wastes such as paper and cardboard.

27 (f) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.

28 (g) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
29 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
30 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
31 wastes.

32 (106) The certificate holder may dispose of waste concrete on site with the permission of the
33 landowner and in accordance with OAR 340-093-0080 and other applicable regulations.
34 The certificate holder shall dispose of waste concrete on site by placing the material in an
35 excavated hole, covering it with at least three feet of topsoil and grading the area to match
36 existing contours. If the waste concrete is not disposed of on site, the certificate holder shall
37 arrange for proper disposal in a landfill.

38 (107) The certificate holder shall implement a waste management plan during operation that
39 includes but is not limited to the following measures:

40 (a) Training employees to minimize and recycle solid waste.

41 (b) Recycling paper products, metals, glass and plastics.

42 (c) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.

1 (d) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
2 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
3 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
4 wastes.

VI. SUCCESSORS AND ASSIGNS

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

VII. SEVERABILITY AND CONSTRUCTION

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

VIII. GOVERNING LAW AND FORUM

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

IX. EXECUTION

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

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

ENERGY FACILITY SITING COUNCIL

KLONDIKE WIND POWER III LLC

By: _____

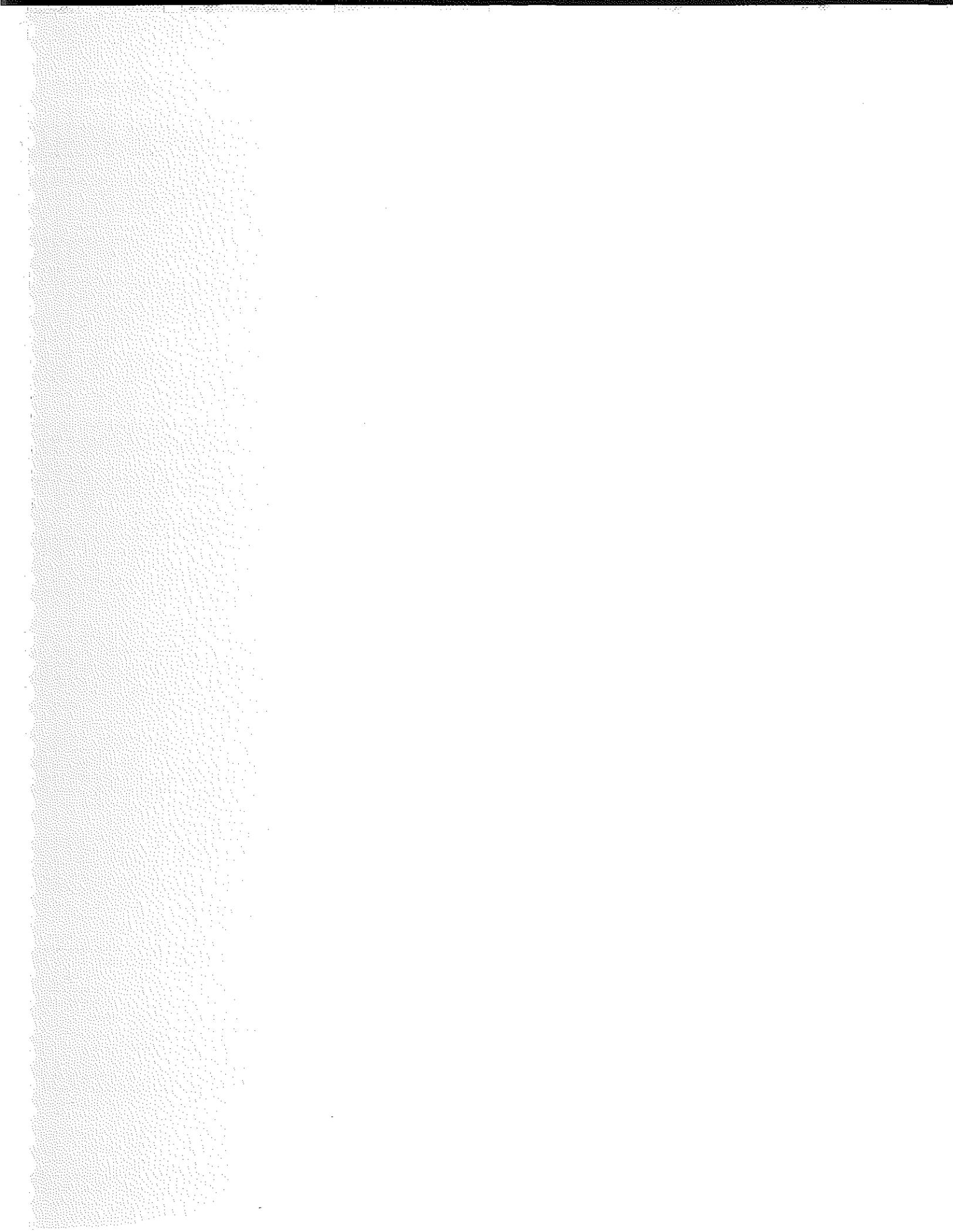
By: _____

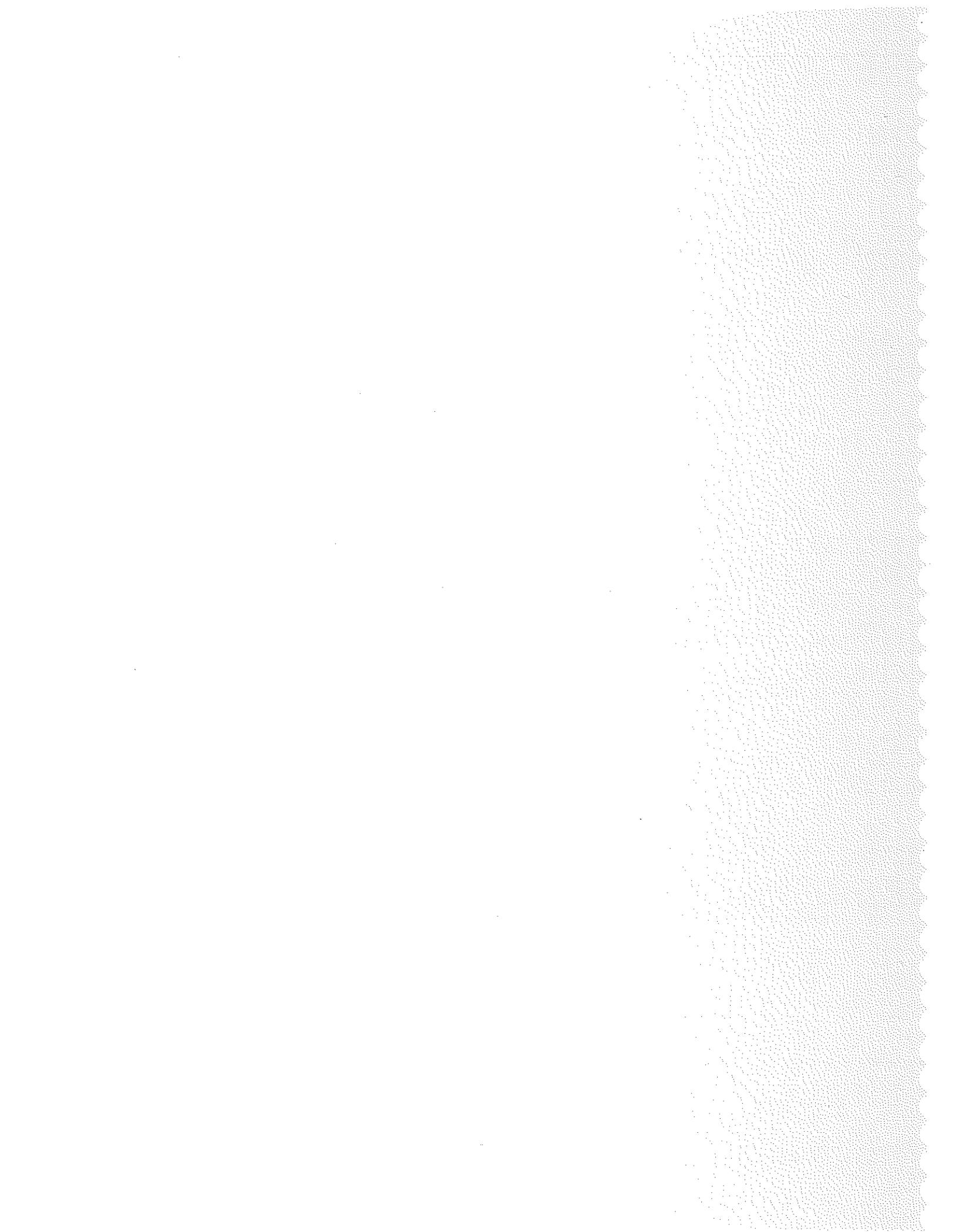
David Ripma, Chair
Oregon Energy Facility Siting Council

Print:

Date:

Date:





ATTACHMENT 2

COMPLIANCE WITH APPLICABLE STANDARDS

This attachment provides an analysis of compliance with ORS 469, applicable Council rules, and applicable state and local laws, rules, and ordinances.

Division 22 Standards

1) OAR 345-022-0000, GENERAL STANDARD OF REVIEW

This standard requires that to amend a site certificate, the Council must determine that the preponderance of evidence on record supports compliance with requirements in ORS 469, standards adopted by the Council applicable to the amended project, and other applicable Oregon statutes and administrative rules.

Response: This Attachment 2 analyzes compliance with applicable Council rules and applicable state and local laws, rules, and ordinances. Further, Attachment 3 includes exhibits specific to those siting standards that are at issue with this Second Amendment Request. Based on the information provided below and in Attachment 3, and the information provided in the original ASC and First Request for Amendment, the Council should find that the amended project satisfies OAR 345-022-0000.

2) OAR 345-022-0010, ORGANIZATIONAL EXPERTISE

This standard has four paragraphs. The first two provisions (-0010(1) and (2)) relate to applicant qualifications and capability, and the final two provisions (-0010(3) and (4)) relate to third-party permits.

Response: The information regarding the Certificate Holder's organizational expertise remains the same. Since the Council determined that the Certificate Holder has the operational expertise to operate the permitted project, and since the construction and operational requirements of the project as amended are the same as the currently permitted project, the Council can find that the Certificate Holder has the operational expertise to construct and operate the amended facility.

The Certificate Holder does not have a certified ISO 9000 or ISO 14000 program.

The Certificate Holder will not rely on any additional third party permits . . .to obtain any of the necessary permits or approvals to site or operate the facility, as amended.

3) OAR 345-022-0020, STRUCTURAL STANDARD

This standard requires the Council to find:

“(a) The applicant, through appropriate site-specific study, has adequately characterized the site as to seismic zone and expected ground motion and ground failure, taking into

account amplification, during the maximum credible and maximum probable seismic events;

“(b) The applicant can design, engineer, and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule ‘seismic hazard’ includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement, and subsidence;

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

“(d) The applicant can design, engineer, and construct the facility to avoid dangers to human safety presented by the hazards identified in subsection (c).”

Response: The ASC Exhibit H described the site-specific study completed for this project, including the entire leasehold area of the Certificate Holder and the surrounding areas. Although the Certificate Holder is requesting a change in the site boundary, the amended site boundary remains within the analysis area of Exhibit H of the ASC. The Council concluded that the structural standard was met, and included mitigation requirements in the conditions of the Site Certificate. The Certificate Holder is not requesting a change to these conditions. Therefore, the Council can rely on its previous findings to determine that the amended project is in compliance with this structural standard.

4) OAR 345-022-0022, SOIL PROTECTION

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

Response: Although the Certificate Holder is requesting a change to the site boundary, it remains within the analysis area of Exhibit I of the ASC. An amended application for a 1200-C permit is included with this Second Request for Amendment (see Exhibit I, Attachment 3), and it demonstrates compliance with DEQ erosion control standards in areas outside of the permitted site boundary that will be disturbed as a result of this project amendment.

The Certificate Holder intends to utilize the same erosion control measures, best management practices, and follow the requirements in the currently issued 1200-C permit in areas outside the permitted site boundary that will be disturbed. Therefore, the Council can rely on the Site Certificate findings with regard to soil for the amended project.

5) OAR 345-022-0030, LAND USE

This standard requires that the facility be in compliance with “the statewide planning goals adopted by the Land Conservation and Development Commission.” OAR 345-022-0030(1). A facility may show compliance either by securing necessary local approvals or demonstrating to the Council that the proposal can meet all applicable land use criteria.

Response: The Certificate Holder elected to demonstrate to the Council that the proposed facility can meet all applicable land use criteria. The Council identified all aspects of facility construction, operation, and retirement that would implicate local or statewide land use review requirements and then found that the proposed facility would meet all applicable criteria. The amended project, as requested in this Second Request for Amendment, also meets all applicable land use criteria. Although the Certificate Holder is requesting a change in the site boundary (an addition of approximately 18.5 acres in agricultural land), of which approximately 2.5 acres would be temporarily or permanently disturbed, the amended site boundary does not trigger new land use concerns or issues that were not previously analyzed in Exhibit K of the ASC and First Request for Amendment. The Council concluded that the land use standard was met, and included mitigation requirements in the conditions of the Site Certificate. The Certificate Holder is not requesting a change to these conditions. Therefore, the Council can rely on its earlier findings, as well as the discussion set forth in Exhibit K, Attachment 3, to determine that the amended project is in compliance with the land use standard.

6) OAR 345-022-0040, PROTECTED AREAS

This standard prohibits the siting of an energy facility in any of the listed protected areas. OAR 345-022-0040(1). The standard permits the siting of a facility outside the listed protected areas so long as the Council finds, “taking into account mitigation, the design, construction, and operation of the facility are not likely to result in significant adverse impact” to any of the listed protected areas.

Response: The proposed relocated turbine location occurs within the amended site boundary and does not lie within a protected area as defined in OAR 345-022-0040(1)(a) through (p). The ASC Exhibit L described the potential impacts to protected areas within 10 miles of the permitted site boundary. Based on the visual analysis performed for Exhibit R, Attachment 3 of this Amendment 2, placing a turbine in the additional micro-siting area will not result in changes to visual impacts to protected areas. The Council previously concluded that the protected area standard was met, and included mitigation requirements in the conditions of the Site Certificate. The certificate holder is not requesting a change to these conditions. Therefore, the Council can rely on its earlier findings to determine that the amended project is in compliance with the standard for protected areas.

Sections (2) and (3) of OAR 345-022-0040 do not apply.

7) OAR 345-022-0050, RETIREMENT AND FINANCIAL ASSURANCE

OAR 345-022-0050 requires the Council to find that “the site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility,” and that “the applicant has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition.”

Response: Based on Exhibit W of the ASC, the Council found that the permitted site could be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility. The requested amendment does not seek to change the type of land to be restored or facilities to be removed. It does not propose to operate in a different manner or use hazardous materials or generate hazardous waste not considered by the Council for the permitted project. Therefore, the Council may rely on its findings and determination of compliance with the standard for retirement.

Pursuant to the analysis contained in Exhibit W, Attachment 3, the Certificate Holder has determined that the retirement costs of the amended project will remain less than the retirement costs of the project as currently authorized. The Certificate Holder nevertheless intends to rely on its existing Financial Assurance Letter, and the Council can find that the Certificate Holder is in compliance with the retirement and financial assurances standard for purposes of this Second Amendment Request.

8) OAR 345-022-0060, FISH AND WILDLIFE HABITAT

For this standard, the Council must find that “the design, construction, operation, and retirement of the facility, taking into account mitigation, are consistent with the fish and wildlife mitigation goals and standards of OAR 635-415-0025 in effect as of September 1, 2000.” OAR 345-022-0060. As revised, OAR 635-415-0025 describes six categories of habitat, in order of their value. The rule then establishes mitigation goals and corresponding implementation standards for each habitat category.

Response: The amended project includes an 18.5 acre expansion of the project boundary within agricultural land. An analysis of the amended project’s compliance with the fish and wildlife habitat standard is included in Exhibit P, Attachment 3. Based on the analysis, the Council can determine that the amended project meets the fish and wildlife habitat standard.

9) OAR 345-022-0070, THREATENED AND ENDANGERED SPECIES

This standard requires that the Council find that the design, construction, operation, and retirement of the proposed facility, taking into account mitigation, are consistent with any applicable conservation program adopted by Oregon Department of Agriculture (“ODA”) for plant species pursuant to ORS 564.105(3). If ODA has not adopted a protection and conservation program, then the Council must find that the design, construction, operation, and retirement of the proposed facility are not likely to cause a significant reduction in the likelihood of survival or recovery of the plant species. For wildlife species listed as

threatened or endangered under ORS 496.172(2), the Council must determine that the design, construction, operation, and retirement of the proposed facility “taking into account mitigation, are not likely to cause a significant reduction in the likelihood or survival or recovery of the species.”

Response: The amended project includes an expansion of the project boundary within agricultural land. An analysis of the amended project’s compliance with the threatened and endangered species standard is included in Exhibit Q, Attachment 3. Based on the analysis, the Council can determine that the amended project meets the threatened and endangered species standard.

10) OAR 345-022-0080, SCENIC AND AESTHETIC VALUES

This standard requires that the Council find that “the design, construction, operation, and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic and aesthetic values identified as significant or important in the applicable federal land management plans or in local land use plans in the analysis area described in the project order.”

Response: The amended project includes a additional micro-siting area, within which a turbine would be installed. An analysis of the amended project’s compliance with the scenic and aesthetic values standard assumes the worst-case turbine (2.4 MW) will be located in this area; the analysis is included in Exhibit R, Attachment 3. Based on the analysis, the Council can determine that the amended project meets the scenic and aesthetic values standard.

11) OAR 345-022-0090, HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES

This standard requires that the Council find that:

“The construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:

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

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

“(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).”

While the Council may issue a site certificate for a facility that would produce power from wind, solar, or geothermal energy without making the findings described above, the Council may apply the above requirements to impose conditions on a site certificate issued for such a facility.

Response: The amended project includes an expansion of the project boundary, installation of a single turbine, road and collector system, as well as up to 2.5 acres of temporary impact. An analysis of the amended project's compliance with the historic, cultural, and archaeological resources standard is included in Exhibit S, Attachment 3. Based on the analysis, the Council can determine that the amended project meets the historic, cultural, and archaeological resources standard.

12) OAR 345-022-0100, RECREATION

This standard requires that the Council find that “the design, construction, and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area.”

Response: The Certificate Holder is requesting a change in the site boundary on which a single turbine would be located, which could affect visual quality of recreational opportunities. The analysis presented in Exhibit R shows that the turbine, assuming the tallest authorized turbine would be located here, will not affect recreation areas. The Council concluded that the recreation standard was met, and included mitigation requirements in the conditions of the Site Certificate. The Certificate Holder is not requesting a change to these conditions. Therefore, the Council can rely on its earlier findings to determine that the amended project is in compliance with the standard for recreation.

The relocated turbine is not within an area used for recreation area.

Sections (2) and (3) of OAR 345-022-0100 do not apply.

13) OAR 345-022-0110, PUBLIC SERVICES

This standard requires the Council to find that “the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.”

While the Council may issue a site certificate for a facility that would produce power from wind, solar, or geothermal energy without making the findings described above, the Council may apply these requirements to impose conditions on a site certificate issued for such a facility.

Response: The ASC Exhibit U describes the potential impacts to public services within 30 miles of the permitted site boundary. Although the Certificate Holder is requesting a change in the site boundary, the amended site boundary remains within the analysis area of Exhibit U. The amendment does not propose any change that would increase the number of construction or operation employees, and proposes no change in the quantity or method of disposal of solid waste, wastewater, or storm water. No change to traffic levels will result from this Second Amendment Request, and no new methods of fire control or emergency response are proposed.

Based on the information in ASC Exhibit U and First Request for Amendment, the Council concluded that the public services standard was met, and included mitigation requirements in the conditions of the Site Certificate. The Certificate Holder is not requesting a change to these conditions. Therefore, the Council can rely on its earlier findings to determine that the amended project is in compliance with the standard for public services.

14) OAR 345-022-00120, WASTE MINIMIZATION

This standard requires the Council to find that to the extent reasonably practicable:

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

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

While the Council may issue a site certificate for a facility that would produce power from wind, solar, or geothermal energy without making the above findings, the Council may apply the above requirements to impose conditions on a site certificate issued for such a facility.

Response: The requested amendment does not affect the Certificate Holder’s plans to minimize, manage, recycle, or reuse solid waste or waste water. The Certificate Holder is not requesting a change to any condition related to waste management. Therefore, the Council can rely on its earlier findings to determine that the amended project is in compliance with the standard for waste minimization.

Division 23 Standards

None of the standards contained in OAR chapter 345, division 23 are applicable or relevant to the Klondike III Wind Project.

Division 24 Standards

The only standards contained in OAR chapter 345, division 24 applicable to the Klondike III Wind Project are as follows:

1) OAR 345-024-0010, PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES

This standard requires the Council to find that applicants for wind energy facilities:

“(a) Can design, construct, and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment;

“(b) Can design, construct, and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.”

Response: Although the Certificate Holder is requesting a change in the site boundary, the requested change does not affect the Certificate Holder’s plans to exclude the public from close proximity to the turbine blades and electrical equipment or to take steps to preclude structural failure of the towers of blades to that could endanger public safety. Further, the amendment does not alter the safety procedures intended to protect public safety. The Certificate Holder is not requesting any change to the conditions in the Site Certificate addressing these matters. Therefore, the Council can rely on its earlier findings and the Site Certificate conditions regarding public safety to determine that the amended project is in compliance with this standard.

2) OAR 345-024-0015, SITING STANDARDS FOR WIND ENERGY FACILITIES

This standard requires the Council to find that applicants for wind energy facilities can reduce visual impacts with regard to advertising, lighting, and signage; can design the facility to restrict public access to the towers; and can reduce cumulative adverse environmental impacts by using existing roads to the extent practicable, combining transmission lines and points of connection to local distribution lines, connecting to existing substations or minimizing the number of new substations, and avoiding to the extent practicable artificial habitat for raptors.

Response: Although the Certificate Holder is requesting a change in the site boundary and placement of a single turbine within this area, the requested changes do not affect the Certificate Holder’s plans to reduce visual impacts or restrict public access to towers. The amended project should not effect existing visual impacts (see also Exhibit R, Attachment 3 of this Second Amendment request), or public access.

As for efforts to reduce cumulative adverse environmental impacts, the amended project would relocate one turbine and require construction of one access road and underground collector line. Overall the permanent agricultural impact would be about 0.71 acres. The Certificate Holder has taken steps to minimize the acres of additional permanent impact, all of which will occur in agricultural areas. In making these changes, the Certificate Holder is using existing roads to the extent practicable. The ASC analyzed all of these potential impacts, and the Certificate Holder is not requesting changes to the Site Certificate conditions addressing these potential impacts. The existing conditions would be applicable to these expanded areas and facilities as well. Therefore, the Council can rely on its earlier findings and the original Site Certificate conditions regarding these matters to determine that the amended project is in compliance with OAR 345-024-0015.

Division 27 Standards

OAR 345-027-0060(1)(f) requires an analysis of whether the facility, with the proposed change, would comply with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances if the Council amends the

site certificate, as requested. For the purpose of this rule, a law, rule, or ordinance is “applicable” if the Council would apply or consider the law, rule, or ordinance under OAR 345-027-0070(9).

The discussion above demonstrates compliance with the applicable Council rules and local land use criteria (see also Exhibit K, Attachment 3). The discussion below demonstrates compliance with all other applicable state laws and rules.

1) OAR 340-035-0035, NOISE

The Council applies and enforces the Department of Environmental Quality’s (DEQ) noise standards for energy facilities under its jurisdiction.

Response: The amended project includes an expansion of the project boundary, relocation of a single turbine, and construction of an access road from Gossen Lane to the proposed turbine pad. An analysis of the amended project’s compliance with the noise standard is included in Exhibit X, Attachment 3 of this Second Amendment request. Based on the analysis, the Council can determine that the amended project meets the noise standard.

2) ORS 196.800-.990, WETLANDS

Pursuant to OAR 345-022-0000, the Council must determine compliance with applicable statutes, ORS 196.800-.990, and applicable Division of State Lands (DSL) regulations, OAR 141-085-0005, *et seq.*, relating to fill and other operations taking place within wetlands. These regulations require persons to obtain a fill-removal permit if more than 50 cubic yards of material will be removed or altered within “waters of the state.” The overall standard to be considered in granting a fill-removal permit is whether the proposed activity would not “unreasonably interfere with the paramount policy of this state to preserve the use of its waters for navigation, fishing, and public recreation.” ORS 196.825(2).

Response: The Second Request for Amendment does not propose any fill in jurisdictional waters. A wetland determination was conducted, as described in Exhibit J, that shows that there are no wetlands in the expanded site boundary. Therefore, the Council may rely on its initial findings and the existing conditions in the Site Certificate to determine that the amended project is in compliance with applicable Oregon statutes and regulations regarding wetlands.

3) ORS 469.401(2), PUBLIC HEALTH AND SAFETY

The Council is required to impose conditions in the site certificate for the protection of public health and safety.

Response: The current Site Certificate has several conditions relating to public health and safety, including measures to provide protection from electric and magnetic fields; none of these conditions are affected by this Second Request to Amend the Site Certificate. The amended project will not impact public health and safety and will not affect the project’s compliance with the public health and safety standards. Therefore, the

Council may rely on its initial findings and the existing conditions in the Site Certificate to determine that the amended project is in compliance with applicable public health and safety requirements.



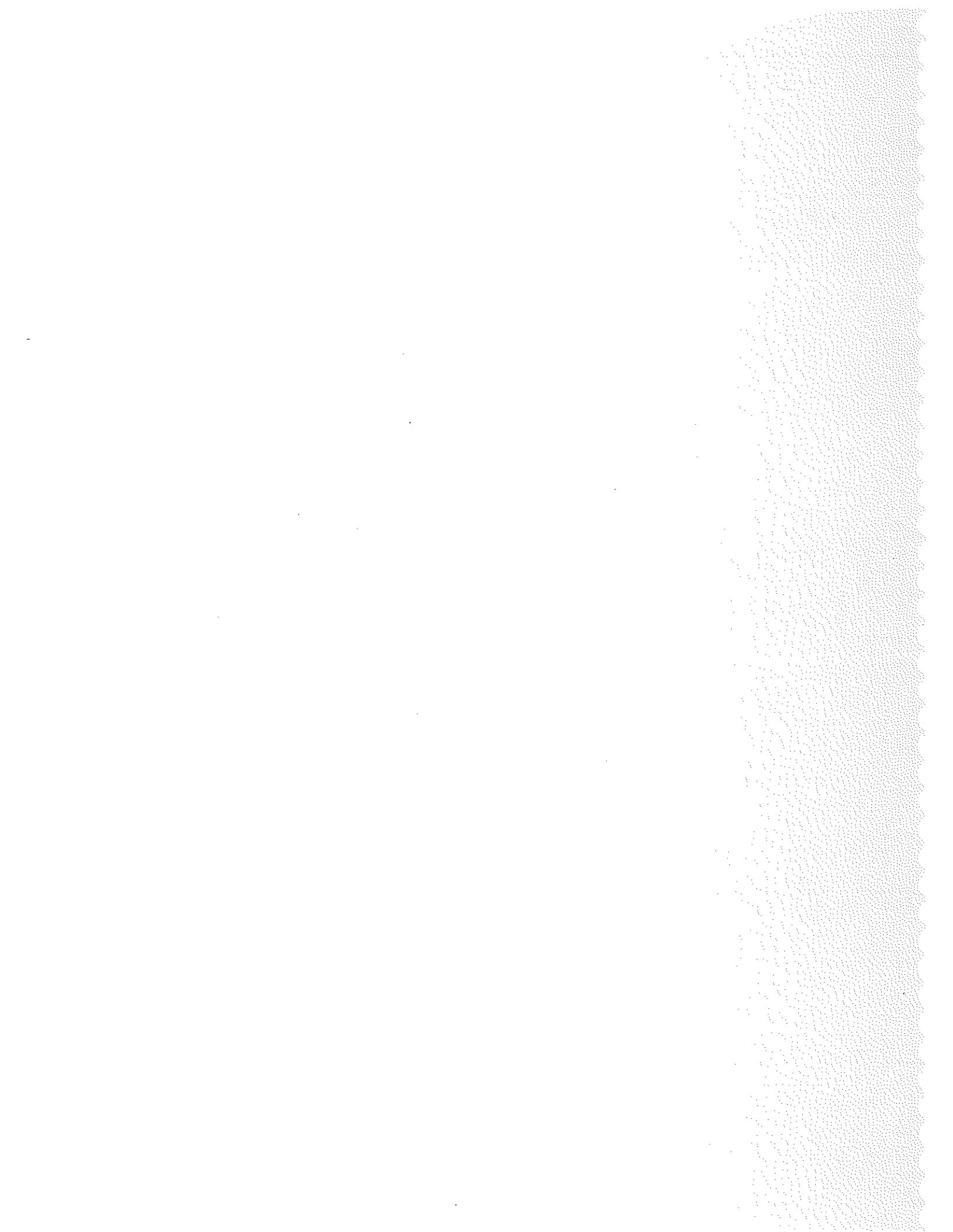


EXHIBIT I

SOILS

OAR 345-021-0010(1)(i)

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APPENDIX

I-1 AMENDED 1200-C PERMIT APPLICATION

I.1 INTRODUCTION

OAR 345-021-0010(1)(i) *Information from reasonably available sources regarding soil conditions and uses of the site and vicinity, providing evidence to support findings by the Council as required by OAR 345-022-0022, including:*

Response: The evidence below demonstrates that facility construction and operation in the expanded site boundary will not result in significant adverse impacts to soils. The potential for erosion during facility construction will be minimized by adhering to an erosion control plan and NPDES 1200-C construction permit for the expanded area. As described in the ASC, all areas of temporary soil disturbance and vegetation removal will be reclaimed through reseeded of native vegetation or crops to protect against loss of soil to erosion.

I.2 IDENTIFICATION AND DESCRIPTION OF SOIL TYPES

OAR-345-021-0010(1)(i)(A) *Identification and description of the major soil types at the site and its vicinity;*

Response: Soil types in the expanded site boundary are the same as those identified in the ASC.

I.3 IDENTIFICATION AND DESCRIPTION OF LAND USES

OAR-345-021-0010(1)(i)(B) *Identification and description of any land uses on the proposed site and its vicinity, such as growing crops, that require or depend on productive soils;*

Response: Within the expanded site boundary, land uses consist of private agricultural land generally used for dryland wheat production. Permanent project facilities in the expanded area will occupy approximately 0.71 acres of agricultural land. Temporary impacts from construction in the expanded area will disturb an additional 2.5 acre.

I.4 IDENTIFICATION AND ASSESSMENT OF IMPACTS TO SOILS

OAR 345-021-0010(1)(i)(C) *Identification and assessment of significant potential adverse impact to soils from construction, operation, and retirement of the facility, including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills;*

Response: Unavoidable impacts to soils within the expanded site boundary will result from placement of permanent project facilities on approximately 0.71 acres. Additionally, facility construction will temporarily disturb 2.5 acres. These soil impacts will be limited according to the same methods identified in the ASC.

I.5 DESCRIPTION OF PROPOSED MITIGATION MEASURES

OAR 345-021-0010(1)(i)(D) *A description of any measures the applicant proposes to avoid or mitigate adverse impact to soils; and*

Response: Direct permanent impacts to soil within the expanded area due to construction of an access road will be unavoidable. Construction of all features of the project will be in compliance with an amended NPDES 1200-C construction permit (See Exhibit I-1 for the Application). Measures outlined in the existing Erosion Control Plan submitted with the ASC will be implemented to minimize soil impacts and erosion.

I.6 MONITORING PROGRAM

OAR 345-021-0010(1)(i)(E) *The applicant's proposed monitoring program, if any, for impact to soils.*

Response: Monitoring of construction and soils disturbing activities in the expanded site boundary will be the same as for the permitted site.

I.7 CONCLUSION

The information provided in this exhibit describes soils on the site and potential impacts in detail. The applicant will minimize impacts to soils by using existing roads and restoring temporarily disturbed areas. These preventive measures and erosion control measures described in the amended NPDES 1200-C permit application will ensure the impacts to soils are insignificant. Therefore, the applicant has met this standard, and the Council may find that the standard contained in OAR 345-022-0022 is satisfied.

Appendix I-1
Amended 1200-C Permit Application



NPDES #1200-C Permit Application Form

Oregon Department of Environmental Quality
APPLICATION FOR NEW NPDES GENERAL PERMIT #1200-C
For stormwater discharges to surface waters from construction activities disturbing 1 acre or more.

Please answer all questions. No line may be left blank. An incomplete application will not be processed and will be returned. If the information requested is not applicable or not yet available, please indicate as such.

A. PROJECT INFORMATION

<p>1. <u>Klondike Wind Power III LLC (Klondike III)</u> Applicant (Owner, Developer, or General Contractor)</p> <p><u>Jesse Gronner</u> Contact Name</p> <p><u>1125 NW Couch, Suite 700</u> Address</p> <p><u>Portland</u> <u>Oregon</u> <u>97209</u> City State Zip</p> <p><u>(503) 796-7045</u> Telephone</p> <p>_____ E-Mail Address</p>	<p>2. If fee invoicing is different than Applicant, provide contact info:</p> <p>_____ Invoice Name</p> <p><u>c/o PPM Energy, Inc., 1125 NW Couch, Suite700</u> Address</p> <p><u>Portland</u> <u>Oregon</u> <u>97209</u> City State Zip</p> <p><u>(503) 796-7045</u> Telephone</p> <p>_____ E-Mail Address</p>
<p>3. <u>David Evans and Associates, Inc</u> Architect/Engineering Firm (Erosion & Sediment Control Plan)</p> <p><u>Dana Siegfried</u> Project Manager</p> <p><u>(503) 499-0369</u> <u>dns@deainc.com</u> Telephone E-Mail Address</p>	<p>4. <u>the inspector will be selected by the contractor</u> Applicant's Designated Erosion and Sediment Control Inspector</p> <p>_____ Contact Name</p> <p>_____ Telephone</p> <p>_____ E-Mail Address</p>
<p>5. <u>Klondike III Wind Project</u> Name of Project</p> <p>_____ Address or Cross Street</p> <p><u>4 miles east of Wasco</u> City State Zip</p> <p><u>Sherman County</u> County</p>	<p>6. Nature of the Construction Activity</p> <p><input type="checkbox"/> Single Family (SIC Code 1521)</p> <p><input type="checkbox"/> Multi-Family Residential (SIC Code 1522)</p> <p><input type="checkbox"/> Commercial (SIC Code 1542)</p> <p><input checked="" type="checkbox"/> Industrial (SIC Code 1541)</p> <p><input type="checkbox"/> Highway (SIC Code 1611)</p> <p><input type="checkbox"/> Utilities (SIC Code 1623): _____</p> <p><input type="checkbox"/> Other: _____</p>
<p>7. Site Location by Latitude and Longitude:</p> <p>Latitude: <u>45</u> / <u>35</u> / <u>0.98N</u> Degrees Minutes Seconds</p> <p>Longitude: <u>120</u> / <u>33</u> / <u>1.46W</u> Degrees Minutes Seconds</p>	<p>8. Project Size:</p> <p>Total Site Acreage (acres): <u>approximately 14500</u></p> <p>Total Construction Area (acres): _____</p> <p>Disturbed Area for this phase, if multiple phases: <u>254 acres</u></p> <p>Total Number of Lots: _____</p>

DEQ USE ONLY

App #: _____ File #: _____ LLID #: _____ River Mile: _____
 Date Received: _____ Amount: _____ Check Name: _____ Check #: _____
 Deposit #: _____ Receipt #: _____ Legal Name Confirmed:

A. PROJECT INFORMATION *Continued*

9. Runoff from proposed construction activities goes to:

- Creek/Stream: _____ Ditch: _____
 Municipal Storm Sewer or Drainage System Other: _____
 Infiltration device

10. Proposed site runoff discharges directly to, or into a storm sewer or drainage system that discharges to, a Total Maximum Daily Load (TMDL) or 303(d) listed water body for turbidity or sedimentation (*if applicable*).

B. LAND USE COMPATIBILITY STATEMENT

Attach the *original* and complete Land Use Compatibility Statement (LUCS) signed by the local land use authority. The application will not be processed unless the local land use authority approves it and it meets statewide planning goals. (See Attachment C for the LUCS statement)

C. SIGNATURE OF LEGALLY AUTHORIZED REPRESENTATIVE

The legally authorized representative *must* sign the application. The following are authorized to sign the document:

- ◆ **Corporation** — president, secretary, treasurer, vice-president, or any person who performs principal business functions; or a manager of one or more facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million that is assigned or delegated in accordance to corporate procedure to sign such documents
- ◆ **Partnership** — General partner
- ◆ **Sole Proprietorship** — Owner. If more than one person is the sole proprietor, each person must sign the form.
- ◆ **City, County, State, Federal, or other Public Facility** — Principal executive officer or ranking elected official
- ◆ **Limited Liability Company** — Member
- ◆ **Trusts** — Acting trustee

Please see 40 CFR 122.22 for more detail, if needed.

I hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. In addition, I agree to pay all permit fees required by Oregon Administrative Rules 340-045. This includes a renewal application fee to renew the permit and a compliance determination fee invoiced annually by DEQ to maintain the permit.

Allan E. Query

Vice President

Name of Legally Authorized Representative (Type or Print)

Title

Allan E. Query

April 11, 2007

Signature of Legally Authorized Representative

Date

In order to authorize permit registration, the following must be completed and submitted to DEQ office listed below or to a DEQ Agent (see Attachment A for list of Agents):

- Signed Application form.
- Land Use Compatibility Statement with signature of the local land use authority
- Stormwater Erosion and Sediment Control Plan Narrative
- Stormwater Erosion and Sediment Control Plan Drawings
- \$670 fee to the appropriate DEQ regional office and make the check payable to DEQ of Environmental Quality. If you are sending your application to a DEQ Agent, check with the DEQ Agent for the appropriate fees and make check payable to the DEQ Agent.

DEQ Northwest Region
 2020 SW 4th Ave., Suite 400
 Portland, OR 97201-4987
 503-229-5263 or 1-800-452-4011

DEQ Western Region
 750 Front St. NE, Suite 120
 Salem, OR 97301-1039
 503-378-8240 or 1-800-349-7677

DEQ Eastern Region
 700 SE Emigrant, Suite 330
 Pendleton, OR 97801
 541-276-4063 or 1-800-452-4011

DEQ AGENT

(Note: See Table A-2 for appropriate local Agent contact information.)

**Klondike III Wind Project
Amendment 2
Figure 1
Additional Turbine Location**

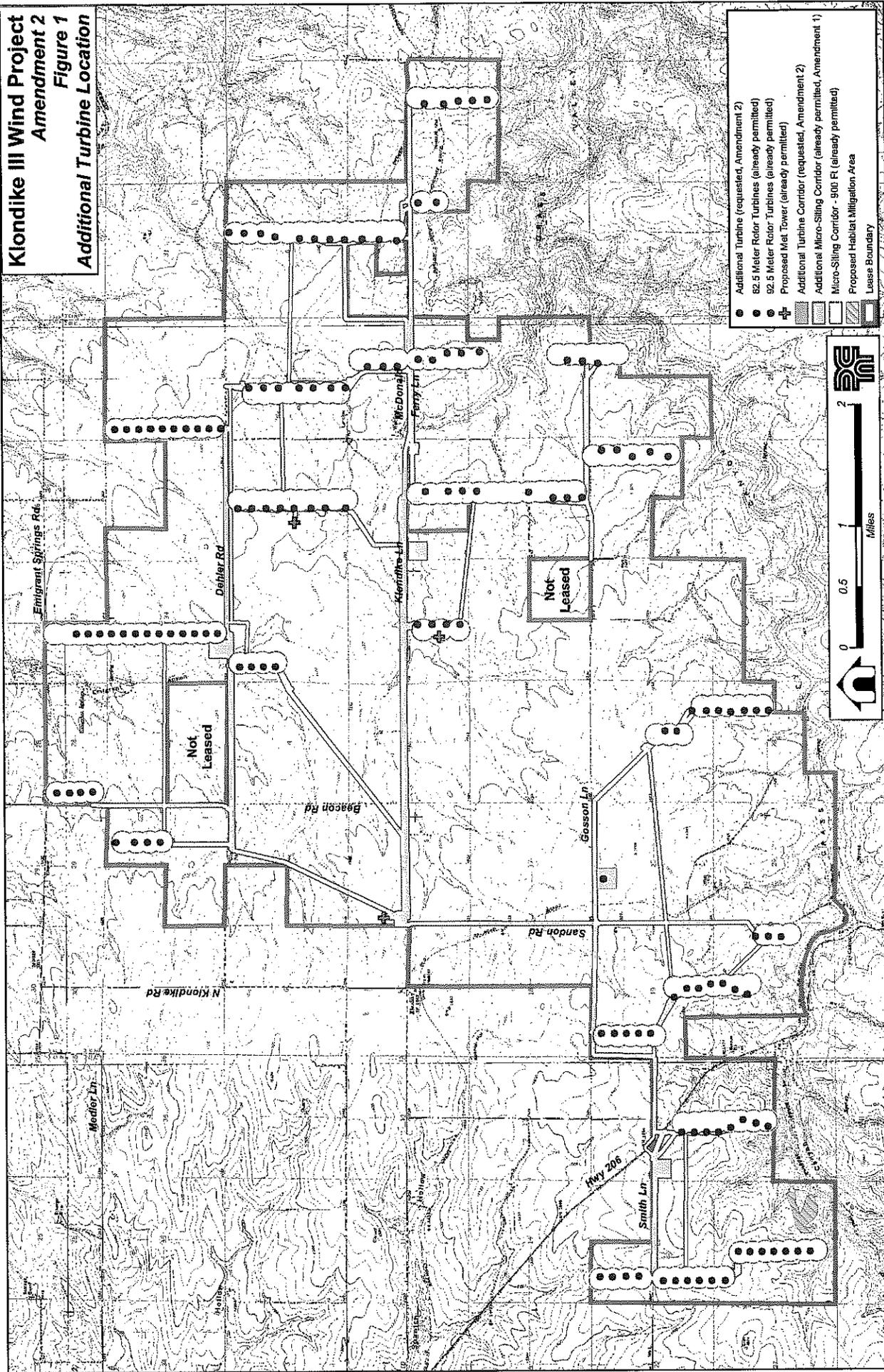


EXHIBIT J

WETLANDS

OAR 345-021-0010(1)(j)

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APPENDIX

J-1 WETLAND DETERMINATION DATA FORM

J.1 INTRODUCTION

OAR 345-021-0010(1)(j) *Information based on literature and field study, as appropriate, about significant potential impacts of the proposed facility on wetlands that are within state jurisdiction under ORS Chapter 196, including:*

Response: A wetland determination (Appendix J-1) was conducted within the expanded site boundary according to methods outlined in the ASC. Results of this analysis are provided below.

J.2 EFFECT ON WATERS OF THE STATE AND WETLANDS DELINEATION REPORT

OAR-345-021-0010(1)(j)(A) *A determination, as defined in OAR 141-090-0020, of whether construction or operation of the proposed facility would affect any waters of the state, including wetlands, and, if so, a wetland delineation report, as defined in OAR 141-090-0020, describing how those waters would be affected;*

Response: Based on the amended project design and wetland determination results, the expanded site boundary area does not contain any wetlands or regulated waterways.

J.3 MAP OF WETLANDS UNDER STATE JURISDICTION

OAR-345-021-0010 (1)(j)(B) *A wetland map, as defined in OAR 141-090-0020, showing the location of any wetlands under state jurisdiction on or near the site and the source of the water for the wetlands, including any wetlands identified in the Statewide Wetland Inventory of the Division of State Lands;*

Response: A wetland determination was conducted for the expanded site boundary and is provided in Appendix J-1. No additional wetlands or waters were identified.

J.4 DESCRIPTION OF EACH WETLAND IDENTIFIED

OAR 345-021-0010(1)(j)(C) *A description of each wetland identified in (A);*

Response: No new wetlands or waters of the state were identified within the expanded site boundary.

J.5 SIGNIFICANT POTENTIAL IMPACTS TO WETLANDS

OAR 345-021-0010(1)(j)(D) *A description of significant potential impact to each wetland, if any, including the nature and amount of material the applicant would remove from or place in each wetland and the specific locations where the applicant would remove or fill that material;*

Response: No temporary or permanent impacts will result from project activities within the expanded site boundary. Wetlands and waterways will be avoided.

J.6 EVIDENCE THAT FILL AND REMOVAL PERMITS CAN BE ISSUED

OAR 345-021-0010(1)(j)(E) *Evidence that all required fill and removal permits of the Oregon Division of State Lands can be issued to the proposed facility in compliance with ORS 196.800 et seq., including:*

(i) *A discussion and evaluation of the factors listed in ORS 196.825 and OAR chapter 141 division 85; and*

Response: The project will not impact wetlands or regulated waterways; therefore, a Removal Fill permit is not required.

(ii) *A description of the steps the applicant proposes to mitigate impacts to wetlands;*

Response: Since no impacts will occur, mitigation is not required.

J.7 MONITORING PROGRAM, IF ANY, FOR IMPACTS TO WETLANDS

OAR 345-021-0010(1)(j)(F) *The applicant's proposed monitoring program, if any, for impacts to wetlands.*

Response: Monitoring is not warranted or proposed because no wetland or waterway impacts will occur.

APPENDIX J-1

Wetland Determination Data Form

DEPARTMENT OF STATE LANDS WETLAND DETERMINATION DATA FORM—Quick Method

County: Sherman
 Project/Contact: Klondike III LLC
 Plant Community: _____
 Plot location: 4 g field
 Recent Weather: overcast
 Do normal environ. conditions exist? Y N If No, explain: _____
 Has Vegetation Soil Hydrology been significantly disturbed?
 Explain: _____

City: Wasco

Date: Feb/15/2007

File # _____
 Det. by: PRR
 Plot # 1

VEGETATION

Tree Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
 Status Raw % Cover

1. _____
2. _____
3. _____

Sapling/Shrub Stratum

Total Plot Cover: ___% 50%: ___% 20%: ___%
 Status Raw % Cover

1. _____
2. _____
3. _____
4. _____
5. _____

Herb Stratum

Total Plot Cover: 60% 50%: 30% 20%: 12%
 Status Raw % Cover

1. Triticum aestivum Ni 100
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

Percent of Dominant Species that are OBL, FACW, FAC (not FAC-): 0%
 Other Hydrophytic Vegetation Indicators: _____

Criteria Met? YES NO Comments: _____

SOILS

Map Unit Name: Mikkalo 2-7%

Drainage Class: _____

On Hydric Soils List? Y N

Has hydric inclusions? Y N

Depth Range of Horizon	Matrix Color	Redox Concentrations* * abund./size/contrast/color/location (matrix or pores/peds)	Redox Depletions*	Texture
1-12	10YR3/3	none	none	silt loam

Hydric Soil Indicators:

- | | |
|---|--|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions/Nodules (w/in 3"; > 2mm) |
| <input type="checkbox"/> Histic Epipedon | <input type="checkbox"/> High organic content in surface (in Sandy Soils) |
| <input type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic streaking (in Sandy Soils) |
| <input type="checkbox"/> Reducing Conditions (tests positive) | <input type="checkbox"/> Organic pan (in Sandy Soils) |
| <input type="checkbox"/> Gleyed or low chroma colors | <input type="checkbox"/> Listed on Hydric Soils List (and soil profile matches) |
| <input type="checkbox"/> Redox features within 10" (e.g., concentrations) | <input type="checkbox"/> Meets hydric soil criteria 3 or 4 (ponded or flooded for long duration) |
| | <input type="checkbox"/> Supplemental indicator (e.g., NRCS field indicator): _____ |

Criteria Met? YES NO Comments: _____

HYDROLOGY

Recorded Data

Recorded Data Available Aerial Photos Stream gauge Other No Recorded Data Available

Field Data

Depth of inundation: 0 Depth to Saturation: none Depth to free water: > 12 inche

Primary Hydrology Indicators:

- Inundated
- Saturated in upper 12 inches
- Water Marks
- Drift Lines
- Sediment Deposits
- Drainage Patterns

Secondary Hydrology Indicators (2 or more required):

- Oxidized Root Channels (upper 12")
- Water-stained Leaves
- Local Soil Survey Data
- FAC-Neutral Test
- Other: _____

Criteria Met? YES NO Comments: _____

DETERMINATION

WETLAND? YES NO Comments: not adjacent to or near a drainage or wetland.

EXHIBIT K

LAND USE

OAR 345-021-0010(1)(k)

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APPENDIX

K-1 LAND USE ANALYSIS AREA

K.1 INTRODUCTION AND LAND USE REVIEW PATH

OAR 345-021-0010(1)(k) *Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Notwithstanding OAR 345-021-0090(2), once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected (sic) local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility.*

Response: To issue a site certificate, the Oregon Energy Facility Siting Council (Council) must find that the proposed facility complies with the statewide land use planning goals (goals) adopted by the Land Conservation and Development Commission (LCDC). The Certificate Holder elected to seek a Council determination of compliance with the Council's land use standard under ORS 469.504(1)(b) when it sought issuance and was granted a Site Certificate for the original project and First Request for Amendment to the original application. The Certificate Holder seeks a similar Council determination for this Second Request for Amendment. Under ORS 469.504(1)(b)(A)-(C), the application complies with the Council's land use standard if the Council determines that:

- A. *The proposed facility complies with applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);*
- B. *For an energy facility or a related or supporting facility that must be evaluated against the applicable substantive criteria pursuant to subsection (5) of this section, that the proposed facility does not comply with one or more of the applicable substantive criteria but does otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section; or*
- C. *For a facility that the council elects to evaluate against the statewide planning goals pursuant to subsection (5) of this section, that the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section.*

Pursuant to ORS 469.504(1)(b)(A) above, this Exhibit K demonstrates that the amended facility complies with the applicable substantive criteria from the Sherman County (County) acknowledged comprehensive plan and land use ordinances, with applicable

LCDC administrative rules and goals, and with any land use statutes directly applicable to the amended facility. Pursuant to ORS 469.504(1)(b)(B) above, this Exhibit K also demonstrates that an exception to statewide planning goal 3, agriculture, for purposes of this amendment request, is justified under ORS 469.504(2).

K.2 LAND USE ANALYSIS AREA AND MAP

OAR 345-021-0010(1)(k)(A) *Include a map showing the comprehensive plan designations and land use zones of the facility site, all areas that may be temporarily disturbed by any activity related to the design, construction and operation of the proposed facility and property adjacent to the site.*

Response: Figure K-1 shows the facility’s location, the Sherman County Comprehensive Plan (“SCCP” or “Comprehensive Plan”) designations and County land use zone of the facility site, all areas of the site that may be temporarily disturbed during the design, construction or operation of the proposed facility, property adjacent to the site, and a 900-foot by 900-foot study boundary around all of the proposed facilities.

K.3 ENERGY FACILITY AND RELATED OR SUPPORTING FACILITIES

With this Second Amendment Request, the Klondike III Project would be amended to add approximately 18.5 acres of micro-siting area south of Gosson Lane, on which a single turbine would be located. Temporary disturbance from construction would affect approximately 2.5 acres. The turbine located in this additional micro-siting area would be connected to the existing underground collector system located along the south side of Gossen Road. The project site consists of relatively level privately owned agricultural land, primarily in dry land wheat production. Farming operations will continue directly adjacent to the turbine and new access road. The amended project will preclude farming on approximately 0.71 acres of farmland. The following table shows the loss of agricultural land during the life of the amended project caused by each project component:

Turbines/turbine towers/turbine pads (acres):	0.02
Underground collector lines not in roads (3'+ deep) (acres):	0.0
New access roads and upgrades/associated underground collector lines (acres):	0.69
TOTAL acres:	0.71

The amended project components are described in more detail in Section 1.c of the Amendment Request.

K.4 COUNCIL DETERMINATION ON LAND USE

OAR 345-021-0010(1)(k)(C) *If the applicant elects to obtain a Council determination on land use:*

- a. *Identify the affected local government(s);*

Response: The amended facility is entirely within the existing Klondike III lease area located solely in Sherman County, which is the affected local government.

- b. *Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;*

Response: The amended facility and all related or supporting facilities will be located within the Exclusive Farm Use (F-1) base zone (EFU zone). See Figure K-1. The Natural Hazards Combining District (Combining District) associated with Grass Canyon extends slightly into an area south of Webfoot. The amended project would not be built on any identified hazard area so the Combining District does not apply. The amended facility complies with the applicable review criteria set forth in the SCCP and in the County Zoning Ordinance (SCZO or Zoning Ordinance) in the manner described below.

- c. *Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.*

Response: The acknowledged Comprehensive Plan and Zoning Ordinance incorporate all of the LCDC administrative rules, goals and statutes that are applicable to the project.

- d. *If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.*

Response: As is described below, the amended project complies with all of the applicable substantive criteria and, thus, the application does not directly apply the statewide planning goals to the project.

- e. *If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).*

Response: The amended project complies with all of the applicable substantive criteria and applicable statewide planning goals. The turbine and access road will occupy approximately 0.71 acres of non-high value farm land, which is less than the 20 acres threshold for requiring an exception to statewide land use goal 3. Nevertheless, Klondike III provides evidence herein why this amendment justifies construction on non-high value farmland. This evidence is the same evidence that the Council relied on in approving the original project and First Request for Amendment, which were in compliance with the land use standard.

K.5 ZONING ORDINANCE CRITERIA

1. SCZO Section 3.1.3—Conditional Uses Permitted in County EFU Zone

SCZO Section 3.1.3(e) and (f), respectively, allow commercial utility facilities and transportation improvements to be developed in the EFU zone as conditional uses. Specifically, these sections provide as follows:

2. *Conditional Uses Permitted. In an F-1 zone the following uses are permitted when authorized in accordance with the requirements of Article 5 of this Ordinance and this Section:*

** * **

(e) Operations conducted for the following uses:

** * **

17) Commercial utility facilities.

** * **

(f) Transportation Improvement.

*1) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. * * **

A. The project is designed to be compatible with existing land use and social patterns including noise generation, safety, and zoning.

B. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

C. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

D. The project includes provision for bicycle and pedestrian circulations as consistent with the comprehensive plan and other requirements of this ordinance.

** * **

Response:

A. Commercial Utility Facilities. With this Second Amendment Request, the Klondike III Project would be amended to add 18.5 acres of additional micro-siting area south of Gossen Lane. The turbine would be connected to the existing underground collector system located along the south side of Gossen Road. For the same reasons that the Council already determined that the Project and the related and supporting facilities as previously proposed were conditionally permitted by the County as “commercial utility facilities,” the amended project facilities are also conditionally permitted. See ASC, Exhibit K.

B. Transportation Improvements. Zoning Ordinance 3.1.3(f) allows the “construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are (1) not improvements designated in the Transportation System Plan; or (2) not designated and constructed as part of a subdivision or planned development subject to site plan and/or condition use review” Transportation projects must comply with the Transportation System Plan (TSP) and applicable standards and must address four criteria: (i) the project’s compatibility with existing land use and social patterns including noise generation, safety and zoning; (ii) the project’s design must minimize unavoidable environmental impacts to wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities; (iii) the project must preserve or improve the safety and function of the facility through access management, traffic calming, or other design features; and (iv) the inclusion of bicycle and pedestrian circulations as consistent with the Comprehensive Plan and other requirements of the Zoning Ordinance.

The proposed access road is not an improvement designated in the TSP, and is not being constructed as part of a subdivision or planned development. The amended project continues to be compatible with existing land uses and social patterns including with respect to its level of noise generation, its safety and its zoning. This amendment will have no impact to wetlands, wildlife habitat, water quality, cultural resources, and will have minimal impact to scenic qualities of the area. The construction anticipated in this amendment will use existing roads. No bicycle or pedestrian circulations are appropriate for the project area roads and, therefore, none are proposed.

2. Provisions Applicable to All Permitted and Conditionally Permitted Uses (All Facility Components)

The SCZO contains provisions that are applicable to all development proposals. The amended Facility complies with these provisions as provided below.

A. *SCZO § 3.1.4(c)—Dimensional Standards/Setback Requirements*

In an F-1 (EFU) Zone, the minimum setback requirements shall be as follows:

1) *The front and rear setbacks from the property line shall be 30 feet, except that the front yard setback from the right-of-way of an arterial or major collector or road shall be 50 feet unless approved otherwise by the Planning Commission.*

2) *Each side yard setback from a property line shall be a minimum of 25 feet, and for parcels or lots involving a non-farm residential use with side yard(s) adjacent to farm lands, said adjacent side yards shall be a minimum of 50 feet unless approved otherwise by the Planning Commission.*

Response: No new lots will be created by the amended facility. Consistent with the Council's prior Final Order and the current Site Certificate, all facility structures will comply with applicable setback requirements set forth in SCZO 3.1.4(c).

B. SCZO § 4.9(1) – Compliance with State and Federal Agency Rules and Regulations

Approval of any use or development proposal pursuant to the provisions of this Ordinance shall require compliance with and consideration of all applicable State and Federal agency rules and regulations.

Response: The Council's rules governing this amendment request are designed to identify all applicable permits, approvals and regulations needed for construction of the amended facility. In particular, the ASC Exhibit E identifies all of the federal, state and local permits and approvals needed to construct the facility. ASC Exhibit E provides evidence demonstrating that the construction and operation of the facility will comply with all state and local statutes, rules and standards applicable to the permit. ASC Exhibit E also provides evidence that for federal permits, the relevant federal agencies have received or will receive the information needed to allow the facility to comply with all applicable federal rules and regulations. This amendment request does not trigger any additional permitting or approval process not already described in the ASC Exhibit E. Note that as described in Exhibit I, Attachment 3, the Certificate Holder is pursuing an amended 1200-C permit.

C. SCZO § 4.13 Additional Conditions to Development Proposals

The County may require additional conditions for development proposals

1) *The proposed use shall not reduce the level of service (LOS) below a D rating for the public transportation system. For developments that are likely to generate more than a V/C ratio of .75 or greater, the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.*

2) *The determination of the scope, area, and content of the traffic impact study shall be coordinated with the provider of the affected transportation facility, i.e., city, county, state.*

3) *Dedication of land for roads, transit facilities, sidewalks, bikeways, paths or accessways shall be required where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.*

4) *Construction of improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths or roads that serve the proposed use where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.*

Response: The Certificate Holder will comply with all conditions of approval imposed by the Council should the Council approve this amendment request. Klondike III addresses the transportation and access provisions under the applicable review criteria set forth below. The amended project will not reduce the level of service for public transportation below a D rating, or generate a volume-to-capacity (V/C) ratio of .75 or greater. It is not necessary for Klondike III to dedicate any land for transportation facilities, nor for any road mitigation improvements other than the reconstruction of existing roads proposed in the original application.

D. SCZO § 11.1 Design & Improvement Standards and Requirements, Compliance Required

Any land division or development and the improvements required, whether by subdivision, partitioning, creation of a street or other right of way, zoning approval, or other land development requiring approval pursuant to the provisions of this Ordinance, shall be in compliance with the design and improvement standards and requirements set forth in this Article, in any other applicable provisions of this Ordinance, in any other provisions of any other applicable County or affected City ordinance, and in any applicable provision of State statutes or administrative rules.

Response: The Council's rules governing the amendment process are designed to identify all applicable design and improvement standards, permits, approvals, and regulations needed for construction of the amended facility. In particular, ASC Exhibit E identifies all of the federal, state, and local permits and approvals needed to construct the facility, and elsewhere in this Exhibit K all of the applicable County design standards are identified. No land division, subdivision, or partition approval or creation of a public street is required in order to site the amended project. For the reasons described in this Exhibit K and elsewhere in this amendment request, the amended facility complies with this provision.

E. SCZO § 11.2 Design & Improvement Standards and Requirements, Zoning or Other Land Development Permit or Approval

Prior to the construction, alteration, reconstruction, expansion or change of use of any structure, lot or parcel for which a permit or other land development approval is required by this Ordinance, a permit or approval shall be obtained from the County or the designated official.

Response: The Council has exclusive jurisdiction to issue site certificates for energy facilities that are under its jurisdiction, such as the proposed facility. Klondike III elected to seek a Council determination of compliance with the Council's land use standard for purposes of the original ASC and for purposes of this amendment request. This Exhibit K demonstrates compliance with that standard for this amendment request. Upon the Council's approval of an amended Site Certificate for the facility and prior to any development activities authorized by the amendment, the Council will direct the County to issue all necessary land use permits approved by the Council. *See* ORS 469.401(3). No construction, alteration, reconstruction, expansion or change of use of any structure, lot or parcel as authorized by an Amended Site Certificate will occur until the County issues the required permits.

3. SCZO Section 5.2 General Conditional Use Provisions (Energy Facility, Access Roads, and Associated Equipment)

In determining whether or not a Conditional Use proposal shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.

- 1) The proposal is compatible with the applicable provisions of the County Comprehensive Plan and applicable Policies.*
- 2) The proposal is in compliance with the requirements set forth by the applicable primary zone, by any other applicable combining zone, and other provisions of this Ordinance that are determined applicable to the subject use.*
- 3) That, for a proposal requiring approval or permits from other local, state and/or federal agencies, evidence of such approval or permit compliance is established or can be assured prior to final approval.*
- 4) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in this Article and other specific relative standards required by this or other County Ordinance.*
- 5) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities, or for any use which is found to not be in compliance with air, water, land, and solid waste or noise pollution standards.*

6) *That no approval be granted for any use violation of this Ordinance.*

Response: Each criterion is addressed separately below.

K.6 COMPLIANCE WITH APPLICABLE COMPREHENSIVE PLAN PROVISIONS

1. SCZO § 5.2.1. Compliance with Applicable Comprehensive-Plan Goals and Policies

The proposal is compatible with the applicable provisions of the County Comprehensive Plan and applicable policies.

Response: The amended facility complies with all relevant provisions of the Comprehensive Plan as set forth below.

A. SCCP § VIII Planning Process and Citizen Involvement

Finding I. This Plan was drafted to conform with the State-wide planning goals relating to citizen involvement (goal 1) and land use planning (goal 2).

Response: The Council's process for considering and approving a request to amend a site certificate provides significant opportunity for citizen involvement that comply with statewide goals 1 and 2.

Goal II. To provide the opportunity for all citizens and effected [sic] agencies to participate in the planning process.

Policy I. All land use planning meetings shall be advertised in a general circulation newspaper and be open to the public.

Policy II. All effected [sic] agencies and effected [sic] landowners shall be notified by written notice of any proposed site specific land use change.

Response: Because the Certificate Holder has elected to seek a Council determination of compliance with the land use standard for purposes of this amendment request, the Council's procedures (rather than the County's specific procedures at SCZO § 5.6) will apply to the land use determination. The Council's process includes opportunities for interested persons and governmental agencies to comment on the amendment request.

B. SCCP § XI Physical Characteristics

Goal V. Improve or maintain the existing quality of the physical environment within the County.

Policy I. The County Court recognizes the Policy Advisory Committee and the Agricultural Sub-Committee recommendations for a state-wide non-point source pollution control program as the appropriate

implementation technique to achieve the intent of Public Law 95.217.

Policy II. Erosion control provisions shall be incorporated into the subdivision ordinance. These shall require that the best practical methods be used to control erosion from road and building construction sites as well as other changes in land use which may degrade the quality of the land, air and water.

Response: The amended facility will maintain the existing quality of the physical environment within the County. Construction of the amended facility will not create a pollution source. The majority of the amended project site consists of agricultural fields where bare soils are often exposed to wind and water. The amended project will not significantly increase the amount of exposed soils in the project area. See ASC Exhibit I; Exhibit I, Attachment 3.

Temporary impacts to land within the project area will occur with the creation of the staging areas and excavation for the underground collector line. To minimize soil exposure during installation of the collector line, the Council has already imposed conditions on the Certificate Holder, and those conditions are equally applicable to the additional site boundary area requested in the Amendment 2. See Exhibit I, Attachment 3.

The proposed 250-foot by 250-foot laydown area will involve stripping and temporarily stockpiling topsoil before placing gravel on the laydown area. Because stockpiling will occur during the time of year when rainfall is lowest, very little erosion will result from precipitation. Construction of the amended facility will be conducted pursuant to a NPDES General Construction Stormwater (1200-C) Permit issued by the DEQ. The NPDES permit will require the use of best management practices to minimize the potential for erosion.

As with the currently authorized project, best management practices will be used to minimize the impacts of wind erosion to the expanded area. In actively farmed areas, the wheat crop will protect the stockpiles from wind erosion. In other areas, hay bales or other similar containment features will be used during construction of the project. As needed, water from water trucks will be sprayed on disturbed areas to keep wind borne erosion losses to a minimum. After the need for the staging area ends, the staging area will be brought back to their original contours, topsoil will be spread in these areas, and they will be revegetated or prepared for planting of wheat or barley, or for use as range land.

Impacts associated with washdown are discussed in ASC Exhibit V and are addressed in existing conditions. No additional impacts are anticipated from this Second Request to Amend the Site Certificate.

Goal VI. To protect life and property from natural disasters and hazards.

Response: The amended project site involves no designated hazard areas.

Goal VII. Provide for the rational development and conservation of the aggregate resources within the County.

Response: No known aggregate resource sites are located within or immediately adjacent to the amended project site.

Goal VIII. To provide a detailed investigation of the County's groundwater resources.

Response: The proposed changes to the project will not require any new groundwater wells. Construction will require some groundwater from existing sources for concrete mixing, equipment washdown, and dust control. No permanent impact groundwater resources will occur.

Goal IX. To maintain the multiple use management concept on Bureau of Land Management Lands within Sherman County.

Response: The amended project site does not include any BLM lands.

Goal X. Preserve the integrity of the Sherman County Landscape.

Policy I. Trees should be considered an important feature of the landscape and therefore the County Court shall encourage the retention of this resource when practical.

Response: The amended facility site, including the expanded site boundary area, occurs in a largely treeless landscape. The facility changes proposed in this Amendment 2 are not expected to impact trees. Upland trees were located near Emigrant Springs, Webfoot, and scattered residences throughout the study area, but do not exist within footprint of the amended project. See ASC Exhibit P; Exhibit P, Attachment III.

Goal XI. To maintain all species of fish and wildlife at optimum levels and prevent the serious depletion of any indigenous species.

Policy I. Fish and Wildlife management policies should be implemented to enhance the public enjoyment of wildlife and fish in a manner that is compatible with the primary uses of the lands and waters.

Response: The Energy Facility Siting process requires the Certificate Holder to consider and comply with the ODFW Fish and Wildlife Habitat Mitigation Policy as set forth in OAR 635-415-0000 through -0025 in seeking this amendment. As part of the process, the Certificate identified and categorized all fish and wildlife habitats within the habitat analysis area for the expanded analysis area. The additional site boundary area requested in this Amendment 2 is entirely Category 6 habitat, with no mitigation requirement. Moreover, based on field reviews and the fish and wildlife habitat analysis, there are no anticipated impacts to threatened and endangered species from the construction, operation, and

retirement of the amended project, as set forth in Attachment 2, Division 22 Standards (9) OAR 345-022-0070, Threatened and Endangered Species and Exhibit Q, Attachment 3.

Policy III. Fence rows, ditch banks and brush patches should be considered for retention of wildlife use.

Response: No fence rows, ditch banks or brush patches would be affected by the amended project as the amended project site is primarily in large-scale wheat crop production.

Policy IV. The existing habitat plantings and water developments constructed for wildlife use shall be maintained by the Oregon Department of Fish and Wildlife. Additional planting and guzzler developments will be encouraged. Long-term agreements between landowners and the Department of Fish and Wildlife for the maintenance of such sites shall be encouraged.

Policy V. The County Extension agent shall encourage the use of pesticides, which have a low toxicity to wildlife, fish and people.

Response: As described in Exhibit P, Attachment 3, the expanded site boundary area does not provide wildlife habitat. Therefore, the amended project is not expected to have a significant impact on wildlife populations.

Goal XII. Provide for the rational use of all resources within the designated Deschutes and John Day Oregon State Scenic Waterways.

Response: ASC Exhibit T evaluates impacts to recreation resources. The amended project site is not located in or near either the Deschutes or John Day scenic waterway. Primary traffic routes for construction will continue to originate near the I-84/US 97 Biggs Junction. Increased construction traffic would likely result in short-term traffic delays on these roads, particularly on hill climbs on US 97, but would not be detrimental to recreational opportunities near the Deschutes or the John Day scenic waterway. Long-term detrimental impacts (i.e., increased traffic as a result of operation) are not anticipated, and the expanded site boundary should not affect the prior traffic analysis in any manner.

Goal XIII. Attempt to maintain the diversity of plan[t] and animal species within the County.

Policy I. The following sites or areas shall be considered as critical habitat, unique vegetative and/or natural areas: Department of Fish and Wildlife plantings and guzzlers; and areas containing plant species listed on either the Provisional List of Endangered or Threatened Plant Species or the listing of Endangered and Threatened Plant Species in the United States.

*Policy II. The County Court shall encourage the preservation of these critical habitats, unique vegetative and/or natural areas. Landowners will be encouraged to provide long term protection to these areas. * * **

Response: As described in Exhibit P and Q of Attachment 3 of this Second Request for Amendment, the amended facility is not expected to affect any listed endangered or threatened species or adversely affect fish and wildlife species or habitat. As described in Exhibit Q, Attachment 3, there are no direct project-related impacts to any federal or state listed species, and there is no habitat in the amended project area to support such species.

C. SCCP § XII Social Characteristics

Goal XIV. To improve or maintain the current level of social services available within the County and to assure the provision of public facilities consistent with the intensity of land use.

Policy I. The County Court shall encourage the location of industries, businesses and commercial service agricultural developments within the County consistent with the desired population growth and other goals and policies herein contained.

* * *

Policy XIX. The continuing loss of economic opportunities for residents of the County is of great concern to the citizenry. The reduction of need for agricultural based jobs due to improved farming technology and practices, the inability to keep families employed or offer employment opportunities to attract new citizens or the children of existing residents results in a stagnant or declining population. It is therefore a matter of great urgency that the County Court make every effort to streamline its land use approval and amendment process. It is likewise a matter of great urgency that the Court give increased consideration to land use applications which will increase economic diversity and employment opportunities. This increased consideration shall not be made to the detriment of existing residential structures. This consideration should focus on long term job creation and should not be used as a means to allow residential and commercial uses to locate outside urban growth and rural service center (communities) boundaries.

Response: The project change proposed in this Second Amendment will not affect number or type of full or part time, permanent or temporary employment compared with the currently approved project. The amended project should have no effect on the prior ASC Exhibit U or Amendment 1 analysis.

[Goal XIV] Policy IV. The County will support and assist efforts to secure adequate hospital or emergency clinic facilities to serve the needs of the local residents.

* * *

Policy VI. The County Court shall continue to cooperate with the school districts within the County to assure the provision of educational facilities in an efficient manner consistent with the demands of the Sherman County populace.

* * *

Policy VIII. Sanitary landfills shall continue to be provided for the use of the County citizenry. The County will continue to provide the leadership in the location and development of such sites.

Response: The amended facility will not have any adverse impacts on the availability of social services, such as hospital or emergency service facilities, educational facilities or sanitary landfills. The very minor proposed expansion of the facility site boundary should not affect the prior analysis in any meaningful way.

[Goal XIV] Policy X. The County road system shall be maintained and improved consistent with the needs of the Sherman County citizenry.

Policy XII. The construction of new public roads and highways shall be located whenever possible to avoid dividing existing farming units.

Response: No new public roads or highways will be constructed as part of the amended project. The design for the private access road to the proposed turbine location has been developed by the Certificate Holder. Existing roads that will be used to access the project location have already been approved under the Site Certificate and approval for the First Request for Amendment. There are no additional effects to the public road system as a result of the Second Request for Amendment.

[Goal XIV] Policy XX. Transportation Planning Policies (Ord No. 21-05-2003

- A. The Transportation System Plan and Land Use Review Policies.*
- 2. All development proposals, plan amendments, or zone changes shall conform with the adopted Transportation System Plan.*

3. *Operation, maintenance, repair, and preservation of existing transportation facilities shall be allowed without land use review, except where specifically regulated.*

* * *

Response: No new public roads are proposed with this amendment request and, thus, no roads that would not conform with the County's Transportation System Plan. The currently approved project, absent this amendment, will result in upgrades to existing public and private roads, which either meet or exceed the road classification standards for the roads that have a classification. This outcome is unchanged by the amendment request.

* * *

B. *Local-State Coordination Policies*

2. *The County shall provide notice to ODOT of land use applications and development permits for properties that have direct frontage or direct access onto a state highway. Information that should be conveyed to reviewers includes project location, proposed land use action, and location of project access points.*

* * *

C. *Protection of Transportation Facilities Policies*

* * *

2. *The County shall include a consideration of a proposal's impact on existing or planned transportation facilities in all land use decisions.*
3. *The County shall protect the function of existing or planned roadways or roadway corridors through the application of appropriate land use regulations.*

Response: This amendment does not propose any additional direct access onto any state highway and will not alter frontage or access impacts that were previously analyzed in the ASC or Amendment 1.

All ground disturbing activities associated with this amendment will be conducted in compliance with the amended project's erosion control plan as part of the facility's NPDES Construction Stormwater (1200-C) Permit. The erosion control plan includes "best management practices" for erosion control during and after construction, and permanent drainage and erosion control facilities as necessary to allow stormwater passage without damage to local roads or to adjacent areas and without increasing

sedimentation to any intermittent streams in the vicinity of the project. See Exhibit I, Attachment 3 of this Second Amendment to the Klondike III Wind Project.

Constructing the access road will require sand and gravel. The Certificate Holder will contract with one or more construction companies to construct the new access road. The construction contractor will be responsible for locating and providing aggregate for construction.

Goal XV. To protect historical, cultural and archeological resources from encroachment by incompatible land uses and vandalism.

Policy I. The following areas and structures shall be considered historically, archaeologically or culturally significant: all archeological sites; the Sherman County Courthouse; portions of the Old Oregon Trail which are visible and pass over rangeland; and the old Union Pacific Railroad bed through DeMoss Park.

Policy II. The County Court shall encourage the preservation of these archaeologically or culturally significant areas. Landowners will be encouraged to provide long term protection to these areas.

Response: Exhibit S in Attachment 3 sets forth the results of the cultural resources survey conducted for the expanded project area. Based on the survey and the amended project developments, the Certificate Holder will avoid any newly identified sites. Therefore, the Certificate Holder is proposing no additional impact and no additional mitigation measures. The survey results and approach satisfies the applicable Goal and Policy requirements as well.

D. SCCP § XIII Housing

Goal XVI. To encourage the provision of sound affordable housing units for the citizenry of the County.

Response: As described in ASC Exhibit U and First Amendment request, the facility is not expected to affect long-term housing availability in the County. The amended facility will not require any more workers than the currently permitted facility; therefore, no impact to housing availability would occur.

E. SCCP § XIV Economics

Goal XVII. Diversify the economic base of the County and maintain the viability of the agricultural sector.

* * *

Policy II. Appropriate provisions shall be incorporated into the zoning, subdivision and other necessary ordinances to assure conservation and retention of agricultural lands in agricultural uses. At a

minimum, agricultural lands shall be zoned as exclusive farm use and taxed accordingly.

Response: The amended project will not alter previous analyses of the Project's contribution to the diversification of the County's economic base, because it proposes only relocation of a previously authorized turbine, not a new turbine. Allowing the development of the amended project is consistent with the purposes of the EFU zone, which allows for the development of commercial utility facilities as a conditional use. The minimal loss of farm income based on the limited amount of land that the amended project proposes to withdraw from farm production will be more than offset by revenue to local farmers from wind turbine leases. The analyses used in the ASC Exhibit K and First Amendment request are also applicable to the proposed amended facility.

F. SCCP § XV Energy

Goal XVIII. Conserve energy resources.

Policy I. Cooperate with public agencies and private individuals in the use and development of renewable resources.

Policy III. New high voltage electrical transmission lines with nominal voltage in excess of 230 kV and gas transmission line shall be constructed within or adjacent to the existing electrical and gas transmission line right-of-way, respectively. Upon approval of the County Court, the General Standards for Issuance of Site Certificates, Energy Facility Siting Council (OAR 345-80-010 through OAR 345-80-051) may be utilized for proposals deviating from the existing rights-of-way will be considered a plan amendment and subject to the approval of the Sherman County Court.

Response: The amended project is a renewable wind resource project. The County has recognized that it has "solar and wind resources which have not been utilized since widespread use of electricity was introduced." Comprehensive Plan § XV Finding III. This amendment request represents a further opportunity to develop these resources.

Wind power is a clean and renewable source of energy. Wind facilities do not emit greenhouse gases or particulates, do not produce hazardous wastes, and do not deplete other natural resources. The construction of the amended project represents an implementation of Policy I.

This amendment request does not propose a high voltage electrical transmission line as that term is defined at ORS 469.300(11)(a)(C).

G. SCCP § XVI Land Use

Goal XLX. To provide an orderly and efficient use of the lands within Sherman County.

* * *

Policy IV. Commercial businesses, except those related to agricultural uses, should be located within the incorporated cities or within areas served by the Biggs or Kent special service districts.

Response: The County's EFU zone expressly permits the amended project as a conditional use. The amended project is locationally dependent and, accordingly, cannot be located within any of the area's incorporated cities. Furthermore, the amended facility will not have a large impact on services in the County. Its co-location and compatibility with existing and ongoing agricultural activities provides an example of orderly and efficient land use.

H. Section XVII Comprehensive Land Use Plan Map

Cropland. Cropland is the "prime agricultural" lands within the County. Lands so designated shall be preserved for exclusive farm use. All uses, which are not directly or indirectly related to farm use shall be limited to those, which provide public service and could not be provided for within other lands.

Response: As noted above, the County's EFU zone expressly permits the amended project as a conditional use in the EFU zone. The amended facility is dependent on optimal wind resources and proximity to transmission facilities. Accordingly, it cannot be located within any of the nearby cities. The amended project will be co-located and compatible with existing and ongoing agricultural activities and other wind energy generating facilities.

K.7 COMPLIANCE WITH ADDITIONAL ZONING ORDINANCE PROVISIONS

- 1. SCZO § 5.2.2 Compliance with Applicable Zoning Ordinance Provisions**
The proposal is in compliance with the requirements set forth by the applicable primary zone, by any other applicable combining zone, and other provisions of this Ordinance that are determined applicable to the subject use.

Response: The following criteria are applicable to the facility as described below.

A. SCZO § 3.1.3(f)(1)—Transportation Standards (Access Roads)

*1) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. * * **

- a. The project is designed to be compatible with existing land use and social patterns including noise generation, safety, and zoning.*

Response: The amendment request proposes to construct one access road from Gossen Lane to the proposed turbine pad within the existing and expanded site boundary. The proposed private access road is a conditionally permitted use in the EFU zone and will be compatible with the existing agricultural uses in the project area. This road will be 20 feet wide. During construction, an additional 10 feet on either side of the 20-foot road section will be temporarily disturbed in order to construct the private access road, but will be returned to its prior condition upon completion of road construction. To the extent reasonably possible, this road will be located adjacent to the turbine tower to minimize the road's length. The private access road will not increase traffic in the area because it will terminate at the turbine pad. The analysis in the ASC Exhibit K is equally applicable for the amended facility and construction of the access road.

- b. The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.*

Response: Construction of the proposed road will not have any impact to CRP, grasslands or shrub-steppe habitat and will not have an adverse affect on wildlife. See Exhibit P, Attachment 3 of the Second Request for Amendment. Based on the wetland assessment, no impacts to wetlands and other waters of the state are anticipated as a result of the amended project. As demonstrated in Exhibit Q, Attachment 3, there is no suitable habitat for federal or state listed species. An updated cultural resource survey was conducted, and results are described in Exhibit S, Attachment 3. There will be no substantial adverse impacts on air quality from the construction or operation of the amended project. The construction activities for the amended project will create dust but this would not be significant in a rural area where farming also creates dust. Standard best management practices to control dust and wind erosion will be used, such as spraying areas of the site with water periodically. See Exhibit I, Attachment 3.

- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.*

Response: Several local roadways will be improved or completely reconstructed to accommodate project construction vehicles as part of the original Site Certificate, and the amendment request does not alter the planned improvements. Many of the existing local roads are in poor condition, so the planned improvements to existing roads will have a long-term beneficial effect for all of those who use these roads. There is little traffic on roads in the area, so access management, traffic calming or other such features designed to reduce traffic conflicts are not necessary.

- d. The project includes provision for bicycle and pedestrian circulations as consistent with the comprehensive plan and other requirements of this ordinance.*

Response: No bicycle or pedestrian facilities are required by the County to permit the amended project and none are appropriate for the project area. The access roads will be

located in a rural agricultural area where pedestrian and bicycle facilities are not appropriate, safe, or required by the County's ordinances or plans.

B. SCZO § 4.13 Additional Conditions to Development Proposals (Access Roads)

The County may require additional conditions for development proposals.

1) The proposed use shall not reduce the level of service (LOS) below a D rating for the public transportation system. For developments that are likely to generate more than a V/C ratio of 75 or greater, the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.

2) The determination of the scope, area, and content of the traffic impact study shall be coordinated with the provider of the affected transportation facility, i.e., city, county, state.

3) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths or accessways shall be required where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.

4) Construction of improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths or roads that serve the proposed use where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.

Response: The Certificate Holder will comply with all conditions of approval necessary to achieve compliance with the Zoning Ordinance and the Council's land use standard for purposes of this amendment request. Once completed, the amended project will not generate a significant number of trips. Traffic levels on area roads are low and will not increase beyond the network capacity with the addition of amended project traffic. Thus, the amended project will not reduce the LOS in the area, will not generate V/C ratios of .75 or greater, and will not require the dedication of land for transportation facilities or the construction of mitigation improvements. According to the County, no traffic analysis was required due to the small expected impact on the transportation system of the original ASC, and this conclusion does not change with the changes requested in the Second Request for Amendment of the Site Certificate.

C. SCZO § 4.14 Access Management (Access Roads)

Response: The access management provisions of the Zoning Ordinance do not apply to the amended project.

D. SCZO § 11.8 Design & Improvement Standards and Requirements, Streets and Other Public Facilities (Access Roads)

Response: The Council's rules governing the application are designed to identify all applicable design and improvement standards, permits, approvals and regulations needed for construction of the facility. ASC Exhibit E identifies all of the federal, state and local permits and approvals needed to construct the facility, and elsewhere in this Exhibit K all of the applicable County design standards are identified. No land division, subdivision or partition approval, or zone change is required in order to site the amended project. For the reasons described in this Exhibit K and in the application, the amended facility complies with this provision.

E. SCZO § 5.2.3 Other Permits

That, for a proposal requiring approval or permits from other local, state and/or federal agencies, evidence of such approval or permit compliance is established or can be assured prior to final approval.

Response: The Council's rules governing the application are designed to identify all applicable permits, approvals and regulations needed for construction of the facility. In particular, ASC Exhibit E identifies all of the federal, state and local permits and approvals needed to construct the project. ASC Exhibit E also provides evidence that for federal permits, approvals and regulations, the responsible agency has received that permit information. The amendment request does not result in additional permits not already described in ASC Exhibit E.

The Certificate Holder will send the following required notice to the FAA:

1. **Federal Aviation Administration Notice.** Prior to beginning construction of the project, Klondike III will send the FAA a Notice of Proposed Construction or Alteration to the FAA with the proposed relocation of the turbine and related or supporting facilities.

The Certificate Holder is likely to receive the following state and local approvals for construction of the amended project:

1. **Oregon Department of Environmental Quality.** Klondike III- will apply for an amended NPDES General Construction Stormwater (1200-C) Permit before beginning construction under the amendment that is not already authorized by the current Site Certificate and the existing 1200-C Permit.

F. SCZO § 5.2.3 Compliance with Specific Standards

The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in this Article and other specific relative standards required by this or other County Ordinance.

Response: The facility complies with this criterion as described below.

2. SCZO § 5.8(14)—Specific Requirements for Nonfarm Uses in F-1 Zone, Public Facilities and Services (Energy Facility, Access Roads)

- (a) *Public facilities including, but not limited to, utility substations, * * * electrical generation and transmission devices * * * shall be located so as to best serve the County or area with minimum impact on neighborhoods, and with consideration for natural or aesthetic values.*
- (b) *Structures shall be designed to be as unobtrusive as possible. Wherever feasible, all utility components shall be placed underground.*
- (c) *Public facilities and services proposed within a wetland or riparian area shall provide findings that: Such location is required and a public need exists; and Dredge, fill and adverse impacts are avoided or minimized.*

Response: No public facilities or services, and no project elements proposed in this Second Request for Amendment will be located within a wetland or riparian area.

3. SCZO § 5.8(16)—Specific Requirements for Nonfarm Uses in F-1 Zone, Nonfarm Uses (Energy Facility, Access Roads and associated construction areas)

*Nonfarm uses * * * may be approved upon a findings [sic] that each such use:*

- (a) *Is compatible with farm uses described in ORS 215.203(2);*

Response: SCZO section 5.8(16) provides criteria for conditional uses.

As previously noted, the amended facility is consistent with the purposes of the EFU zone, which allows for the development of commercial utility facilities as a conditional use.

Based on interviews with the farm owners and operators of parcels directly impacted by the project, the project would not be incompatible with farm uses. A technical memorandum included as ASC Appendix K-1 identifies adjacent agricultural crops, practices, impacts and mitigation measures. The current farm use is dry land wheat and barley farming. The expanded boundary and the additional impacts involve the same owners and operators, and the prior findings are directly applicable to the expanded boundary and additional impact. The amended project adds a maximum of 0.71 acres of permanent impact to agricultural lands currently used to grow dry land wheat. Farmers will be compensated for loss of crops from any temporary impacts from construction, which is expected to be minimal because only one turbine and one 20 foot wide access road will be constructed.

Due to the minimal amount of land being permanently disturbed and the mitigation measures taken by the Certificate Holder, the amended project is compatible with the farm uses of the property just as the project as currently authorized is compatible.

(b) Does not interfere seriously with accepted farming practices on adjacent lands devoted to farm use;

Response: Adjacent EFU lands contain primarily dry land wheat and barley crop farming. The amended project will not seriously interfere with accepted farming practices on adjacent lands. “Accepted farming practices” is defined at ORS 215.203(2)(c) as “a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.” Farm practices for farming wheat and barley in the area are described in the technical memorandum at ASC Appendix K-1. For the same reasons that the Council determined the original project did not interfere seriously with accepted farming practices on adjacent lands devoted to farm use, the Council can make this same determination for the expanded areas. See ASC Exhibit K.

(c) Does not materially alter the overall land use pattern of the area;

Response: The overall land use pattern of the area consists of wheat or barley crops with some rangeland. The analysis area for the amended project is described above. Beyond the analysis area, and except for incorporated towns and rural nodes, the topography consists of similar rolling hills and drainages with wheat farming as the main use, and was previously analyzed as part of the ASC. There are no non-farm dwellings in the expanded area. Thus, the amended project will not materially alter the overall land use pattern in the area. The project will require approximately 0.71 acres of land to be permanently removed from farm use while one acre of farmland will be affected temporarily (by and underground collectors). Approximately 11,000 acres are farmed in the immediate area by the initial survey respondents, so the amount removed from production is about 0.006 percent of that total, a very small amount of agricultural land. Any financial impacts on the affected farmers resulting from removal of lands from farm production will be offset by the lease payments they will receive for use of their land to site the project, as demonstrated in the technical memorandum supporting the original ASC Exhibit K (ASC Appendix K-2) and elsewhere in the original ASC.

The amended project will not materially alter the stability of the existing land use pattern that prevails over this area and much of the County. Local farmers will be able to maneuver around the turbine and across the gravel access road, although minor changes in sowing and harvesting patterns in the immediate vicinity of the turbine will be necessary. Since the farming in the area is dry land farming, no irrigation patterns will be affected. The average size of farms in Sherman County is over 2,000 acres, although several in the area are significantly smaller. The small amount of land required for the turbine and access road will not have a significant impact on the landowner’s use of the property.

The amended project will not materially alter the stability of the existing land use pattern because the amended facility and all of the related or supporting facilities are compatible with farming when they are limited to a reasonably small percentage of the area farmed. Land uses may be induced to change by altering factors that affect value, either lowering or raising it. In this case, some of the optimum sites for the wind energy generation will

be taken by this amended project and will maximize the value of this land for energy generation. The land lease provides an additional source of private income without creating major obstacles to farming. The stability of this lease income will help stabilize the inherent volatility associated with farming.

(d) Is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract, and the availability of necessary support resources for agriculture;

Response: The road, turbine, and underground collector line as set forth in this amendment request are proposed on land that is currently being farmed for wheat and barley. The soils in the area, absent sufficient rainfall or irrigation, would not support any other crops except perhaps hay. Soils that support the wheat and barley farming are not top quality soils; they are Class IIc soils. The chief positive characteristics of these soils are their depth and that they are well drained. These soils, however, do not support a diversity of crops, nor crops that are high value. They also do not generally support livestock in the County. The price of wheat has dropped steadily over the last 10 years, and there is increasing evidence that maintaining production of wheat and barley on such lands is becoming uneconomic. The wind turbines displace minor amounts of land on parcels that vary in size, but are generally large enough to accommodate both farm and wind energy uses. As a result the displacement impacts are minor and are offset by the lease allowances, which create stability in the economy of each farmer and compensate for the volatility of crop production and prices. Thus, the Certificate Holder submits that the amended project would be sited on property that is “generally unsuitable” for the production of farm crops and livestock. In the alternative, the Certificate Holder has submitted a proposal for a goal 3 exception to allow the amended project to be located on additional EFU land in the County.

(e) Complies with other applicable significant resource provisions; and

Response: There are no known other significant resource provisions applicable to the amended facility.

(f) Complies with such other conditions as deemed necessary.

Response: The Certificate Holder will comply with all conditions of approval imposed by the Council in granting this Second Request for Amendment of the Site Certificate.

4. SCZO § 5.2.5. Resource Carrying Capacities

That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities, or for any use which is found to no be in compliance with air, water, land, and solid waste or noise pollution standards.

Response: As described above, the amended project will not exceed resource or public facility carrying capacities, and the Certificate Holder will comply with all applicable air,

water, land, solid waste or noise pollution standards. See ASC Exhibit E (listing permits needed for construction and operation), Exhibit I, Attachment 3 (soils), ASC Exhibit J (wetlands and other waters), ASC Exhibit O (water resources), Exhibit P, Attachment 3 (fish and wildlife habitat); Exhibit Q, Attachment 3 (threatened and endangered species), ASC Exhibit V (waste minimization), and Exhibit X, Attachment 3 (noise).

5. SCZO § 5.2.6. Violation of Ordinance

That no approval be granted for any use violation of this Ordinance.

Response: There are no use violations related to the amended project.

K.8 DIRECTLY APPLICABLE STATUTES, GOALS AND LCDC RULES

1. ORS 215.283(g)(2) and 215.296 – Development on EFU Land

Response: ORS 215.283(2)(g) conditionally permits commercial utility facilities for the purpose of generating power for public use by sale, subject to ORS 215.296. Similarly, the conditional use criteria in ORS 215.296 are also applicable to the access roads as required by ORS 215.283(3)(b) and OAR 660-012-0065 which are discussed below.

A. Energy Facility. ORS 215.296(1) requires a use allowed under ORS 215.283(2), such as the proposed project, to be approved if it does not: (i) force a significant change in accepted farm or forest practices on “surrounding lands” devoted to farm or forest use, or (ii) significantly increase the cost of accepted farm or forest practices on “surrounding lands” devoted to farm or forest use. A logical boundary for the project’s “surrounding lands” is Oregon Highways 97 and 206 and Dehman Road on the west, Baseline Road and Grass Valley Canyon on the south, Canyon Road on the north, and the John Day River on the east. Within this area, land that is devoted to farm use is used to grow wheat or barley. There is no forest use within this area. Very little land in this area is irrigated, rainfall is low, and soils and terrain are consistent in type. Accepted farm practices include soil preparation in the spring and fall, sowing, fertilizing, pest and weed management, and harvesting.

The development and operation of the proposed amended facility has the potential to minimally and temporarily affect these practices. The development of the amended project may cause small changes in harvest patterns, access to farm fields, processes for delivering and applying fertilizers and other products to crops, and the harvesting of crops. Development of the amended facility will also displace up to approximately 0.71 acres of land from agricultural use during the life of the proposed facility. Ground disturbance during construction can encourage weeds that temporarily interfere with crop yields until eradicated. The development of the access road and turbine tower pad creates margins in the wheat fields that may also temporarily cause the spread of weeds. In conjunction with the Sherman County Weed District, the Certificate Holder will develop and implement a weed control management plan within the project boundary to minimize the growth of weed species in the areas in which the facility will be built, pursuant to the conditions in the current Site Certificate.

Construction of the amended facility will take approximately 1 month to complete. During construction, there will be a temporary disturbance of approximately 2.5 acres of wheat field. Once the amended facility is completed, it will preclude approximately 0.71 acres of agricultural land from being used for farming during the life of the project. The Certificate Holder also notes that the size of the area taken for facility use is small in comparison to the amount of land in the project area that will otherwise be available for continued farming uses.

Upon completion of construction of the amended project, the staging area used to construct the energy facility will be rehabilitated and made available for agricultural use. The Certificate Holder will undertake measures to avoid or mitigate impacts to soil, such as employing dust-control and erosion-control measures. The Certificate Holder will also consult with the landowner during construction and operation of the facility to minimize or avoid any adverse impacts to surrounding agricultural practices. The Certificate Holder will use existing access roads to minimize the project's impact to resource land. One new access road up to 800 feet long, however, is necessary from Gossen Lane to the proposed turbine, pursuant to this request for amendment. This road will not significantly adversely impact farming practices or increase farming costs, either during the construction or use of this road. During operation of the facility this road will be used infrequently by facility employees, thus producing minimal, if any, impact on surrounding farming practices or costs.

The Certificate Holder submits that the development and operation of the amended facility will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.

The amended facility will also not significantly increase the cost of accepted farm practices on surrounding farmland. The Certificate Holder surveyed area farmers to determine the impact of the facility on the cost of farming as part of the ASC. The survey results showed that, while development and operation of the project would cause some minor change to harvesting patterns or various farming practices associated with the application of fertilizers and other products, representing some slight loss of efficiency in some cases, the changes would not significantly increase the cost of farming in the surrounding area. In fact, any slight cost increase to area farmers associated with these minor changes in farming practices would be more than offset by compensatory lease payments paid to farmers in the area by the Certificate Holder in order to develop the project. The survey results are equally applicable to the expanded project boundary and amended facility.

The Certificate Holder intends to mitigate any impacts to area farmers, including coordination with farmers concerning timely and adequate access during construction of the amended project, weed management during construction and operation of the amended facility, restoration of disturbed areas during construction and after construction is completed, and lease payments to lessor-farmers.

B. Access Roads Compliance with ORS 215.283(3).

ORS 215.283(3) authorizes the proposed access roads as a conditional use. The Zoning Ordinance does not expressly incorporate ORS 215.283(3). Accordingly, under ORS 197.646(3), ORS 215.283(3) applies to the application directly.

ORS 215.283(3) provides in pertinent part:

(3) Roads, highways and other transportation facilities and improvements not allowed under subsections (1) and (2) of this section may be established, . . . in areas zoned for exclusive farm use subject to:

(a) Adoption of an exception to the goal related to agricultural lands and to any other applicable goal with which the facility or improvement does not comply;

(b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development Commission as provided in section 3, chapter 529, Oregon laws 1993.

Response: LCDC rules OAR 660-033-0120 and 660-033-0130(13) identify as allowed uses “transportation improvements on rural lands allowed by OAR 660-012-0065.” OAR 660-012-0065(1) identifies transportation facilities, services and improvements that may be permitted on rural lands without a goal 3, 4, 11 or 14 exception. OAR 660-012-0065(3)(o) permits transportation facilities, services and improvements “that serve local travel needs” on rural lands without a goal 3, 4, 11 or 14 exception. Under that rule, the travel capacity and level of service of facilities and improvements serving local travel needs are limited to “that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.” OAR 660-012-0065(5) requires that when such facilities or improvements are within an EFU zone, as is the case with the proposed project, the facilities or improvements must: (a) comply with ORS 215.296; (b) identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost; (c) assess the effects of the identified alternatives on farm and forest practices, movement of farm and forest vehicles and equipment, and effects on access to farm and forest parcels; and (d) select the alternative that will have the least impact on farm or forest lands in the immediate vicinity.

Wind energy is a rural land use identified in the Comprehensive Plan at Section XV, Finding III. The proposed access road would serve the local travel needs of the project and farmers who operate in the project area. ORS 215.296(1) requires a use allowed under ORS 215.283(3) to be approved if it does not: (i) force a significant change in accepted farm or forest practices on “surrounding lands” devoted to farm or forest use, or (ii) significantly increase the cost of accepted farm or forest practices on “surrounding lands” devoted to farm or forest use. A logical boundary for the project’s “surrounding lands” is Oregon Highways 97 and 206 and Dehman Road on the west, Baseline Road and Grass Valley Canyon on the south, Canyon Road on the north, and the John Day River on the east. Within this area, land that is devoted to farm use is used to grow wheat or barley.

There is no forest use within this area. Very little land in this area is irrigated, rainfall is low, and soils and terrain are consistent in type. Accepted farm practices include soil preparation in the spring and fall, sowing, fertilizing, pest and weed management, and harvesting.

The Certificate Holder will use existing roads to minimize the amended project's impact to resource land. One new access road is necessary from Gossen Lane to the turbine pad pursuant to the amendment request. This road will not significantly adversely affect farming practices or increase farming costs, either during the construction or use of this road. During operation of the amended facility the new road will be used infrequently by facility employees, thus producing minimal, if any, impact on surrounding farming practices or costs. The Certificate Holder submits that the development and use of the proposed road will not force a significant change in accepted farm practices on surrounding lands devoted to farm use.

The proposed access road also will not significantly increase the cost of accepted farm practices on surrounding farm land. The Certificate Holder surveyed area farmers to determine the impact of the project, including the proposed road, on the cost of farming as part of the ASC. The survey results show that while development and operation of the project would cause some minor change to harvesting patterns or various farming practices associated with the application of fertilizers and other products, representing some slight loss of efficiency in some cases, the changes would not significantly increase the cost of farming in the surrounding area. In fact, any slight cost increase to area farmers associated with these minor changes in farming practices would be more than offset by compensatory lease payments paid to farmers in the area by the Certificate Holder in order to develop the project. (See ASC Appendix K-1). The survey results are equally applicable to the expanded project boundary and amended facility.

The Certificate Holder considered alternative locations for the proposed wind turbine and related or supporting facilities, but determined that the proposed site plan would maximize the efficiency of the project and have the least possible impact on adjacent farm practices, including the movement of farm vehicles and equipment, and on access to farm parcels. Klondike III thus submits that pursuant to ORS 215.283(3), 215.296 and OAR 660-0120-0065, the proposed new private road may be built without taking an exception to goal 3. In the alternative, Klondike III proposes that the realigned roads be allowed under a goal 3 exception.

C. Compliance with OAR 660-012-0065—Transportation Improvements on Rural Lands (Access Roads)

In pertinent part, OAR 660-012-0065 provides:

(3) The following transportation improvements are consistent with goals 3, 4, 11, and 14 subject to the requirements of this rule:

“* * *”

(o) *Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.*

* * *

(5) *For transportation uses or improvements listed in subsection (3)(d) to (g) and (o) of this rule within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of ORS 215.296:*

(a) *Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. Until adoption of a local TSP pursuant to the requirements of OAR 660-012-0035, the jurisdiction shall consider design and operations alternatives within the project area that would not result in a substantial reduction in peak hour travel time for projects in the urban fringe that would significantly reduce peak hour travel time. A determination that a project will significantly reduce peak hour travel time is based on OAR 660-012-0035(10). The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer.*

(b) *Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and*

(c) *Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.*

Response: No new public road alignments are proposed as part of this amendment request, and no changes to road capacity would result from the amendment request. The proposed new private access road is intended to serve local travel needs of project personnel and local farmers. In view of the location of the wind resource and of the existing public road system, there are no reasonable build design alternatives for the proposed road. The proposed road will have no impact on peak or non-peak travel time. Any alternative road alignments would not reduce the anticipated minor impacts, if any, to farm lands,

structures and facilities, or on the movement of farm vehicles and equipment and still facilitate the construction and operation of the amended project. The Certificate Holder considered the possible locations of the new roads and has proposed them in those locations that would have the least impact to adjacent farm and other existing land uses.

K.9 GOAL 3 EXCEPTION

State law permits “commercial utility facilities for the purpose of generating power for public use by sale” that preclude 20 acres or less of non-high-value-farmland from commercial agricultural enterprise. OAR 660-033-0130(22). If such a facility exceeds this limit, the provision permits the use of an exception to goal 3 to allow the siting of the project. The Zoning Ordinance does not contain a similar criterion. Under ORS 197.646(3), the administrative rule criteria directly apply to the proposed project.

ORS 469.504(2) provides that the Council may find goal compliance for a facility that does not otherwise comply with one or more of the statewide planning goals by taking an exception to the applicable goal. Notwithstanding the requirements of ORS 197.732, the statewide planning goal pertaining to the exception process or any rules of LCDC pertaining to an exception process goal, the Council may take an exception to a goal. In pertinent part, ORS 469.504(2)(c)(A)-(C) provides that the Council may take a “reasons” exception if the Council finds:

- (A) Reasons justify why the state policy embodied in the applicable goal should not apply;
- (B) The significant environmental, economic, social and energy consequences anticipated as a result of the proposed facility have been identified and adverse impacts will be mitigated in accordance with the rules of the council applicable to the siting of the proposed facility; and
- (C) The proposed facility is compatible with other adjacent uses or will be made compatible through measures designed to reduce adverse impacts.

A. Exception for Energy Facility and Related or Supporting Facilities.

The general state policy embodied in Goal 3 is “[t]o preserve and maintain agricultural lands.” As discussed above, the amended facility will not have significant adverse effects on accepted farm or forest practices and demonstrates why the policy contained in the 20-acre limitations should not apply to the amended project. As is explained above, the amended project will preclude 0.71 acres of EFU land from use as a commercial agricultural enterprise. While this is less than the 20 acre minimum to require a goal exception, the justification for why this Second Request for Amendment would not have significant adverse effects on accepted farm or forest practices is described below.

1. Reasons that Justify the Exception. The Certificate Holder has chosen the overall project site because it offers an optimal wind energy resource to produce the desired energy production. Extensive evaluation of wind resources in various areas

within Sherman County indicates that the project site has among the best wind resources for the development of wind energy generating facilities. This conclusion is further supported by the successful operation of the nearby Klondike I project. Klondike III and other energy development companies have collected substantial information about wind energy resources, and have determined that the Klondike area possesses among the most optimal, accessible wind energy resources in the area.

In addition, area farmers are willing to enter into land leases to allow the amended project to be built and control properties of a sufficient size and appropriate configuration to accommodate the amended project. Further, any alternative site in the County would involve the leasing of EFU land, because the areas of the County with the best wind resources are all located on EFU land.

The site is also located to take advantage of BPA's upgraded Klondike Schoolhouse substation and new 230kV transmission line which are being built by BPA as general system upgrades. BPA's facilities are also being built on EFU land. The new BPA substation and transmission line will be the only transmission facilities in Sherman County with the capacity to carry the project's power, and the only point of interconnection to the energy grid available to Klondike III. The proposed collector lines, substations, staging areas and operation and maintenance facility are all necessary to operate the project, and must be located in the project area. The collector lines between the turbines will be built next to the access roads to minimize EFU land disturbance.

The amended project will minimize impacts from constructing new access roads by using existing roads where possible and designing the new roads for the minimum size possible that can provide safe and adequate access to the turbine string sites.

The only non-EFU land in the area is located in the cities of Moro, Wasco, Rufus and Biggs Junction. None of these locations has the necessary wind resource, adequate parcels of land, or proximate transmission system necessary to build the project. Hence, the amended facility must be sited on EFU land in order to provide the service.

The topography and remote location of the amended project site will minimize visual impacts to the surrounding community. Further, the agricultural value of the site is generally marginal, and the project will not displace highly productive agricultural activity.

As described in the Certificate Holder's responses to the applicable criteria above, the amended project encourages the efficient siting of land uses. The facility will facilitate the multiple use of land. The project will allow access to farmland on those acres occupied by turbine facilities.

The overall project will benefit the local economy through employment opportunities, particularly during construction, and contributions to the local tax base. This amendment does not change the anticipated employment or taxes.

The affected landowners will also benefit. In return for granting leases and easements over small amounts of their farmland, the landowners will receive significant financial compensation.

In sum, the Certificate Holder is proposing the Second Request to Amend the Site Certificate to maximize the benefits of the site and available wind resources while also considering impacts to the site. An exception in this instance is justified given the very minor incremental impacts.

2. ESEE Consequences Favor the Exception.

Environmental. The project's environmental consequences are discussed primarily in ASC Exhibits J (Wetlands), L (Protected Areas), P, Attachment 3 (Fish and Wildlife), and Q, Attachment 3 (Threatened and Endangered Species), and the First Request for Amendment of the Site Certificate. These exhibits demonstrate that the amended facility will not cause significant adverse environmental consequences. Indeed, by and large, the amended facility will avoid impacts to such resources altogether. The amended project will mitigate for any unforeseen impacts to wildlife habitat based on habitat categorization, as is required under ODFW policy (discussed above), and for any unforeseen impacts to the visual setting in which the Oregon Trail alignment occurs (discussed in Exhibit R, Attachment 3). In short, the Certificate Holder does not anticipate any unmitigated adverse impacts to soils, wetlands, protected areas, water resources, threatened and endangered species, scenic and aesthetic resources, historic and cultural and archaeological resources (other than the Oregon Trail alignment, which has already been authorized as part of the existing Site Certificate), or public services.

Socioeconomic. The amended project's socioeconomic consequences will not be adverse because it proposes only to place one previously-authorized turbine in the additional micro-siting area. The amended facility will not have significant adverse impacts on scenic, cultural, historical, archeological, or recreational resources.

Although some farming will be displaced within the expanded site boundary, the amended project will be compatible with area farming, as is true with the Klondike I project adjacent to the project.

Energy. The additional micro-siting area has no energy consequences, because no additional turbines or generating capacity is proposed. As stated in the ASC and First Amendment request, the facility will utilize existing electric energy capacity from the Wasco Electric Cooperative to operate the new or alternate O& M building. The energy produced by the project will be clean energy that will help Oregon and the northwest region meet increasing energy demands.

3. The Facility Is Compatible with Other Adjacent Uses. As discussed in detail above, the amended facility is compatible with adjacent land uses. The

amended project will not significantly alter the farming land use pattern or practices in the area, nor will it significantly increase farming costs.

In sum, there are compelling reasons that justify siting the amended facility at the proposed location with the expanded boundary, and doing so will not create any significant adverse economic, social, environmental or energy consequences. The facility will be compatible with adjacent land uses, as is the existing adjacent wind energy facility (Klondike I). The Certificate Holder therefore requests approval of a goal 3 exception for the energy generating facility and all related or supporting facilities, including the new (realigned) roads, to the extent such an exception is necessary for the amendment request.

K.10 FEDERAL LAND MANAGEMENT PLANS

OAR 345-021-0010(1)(k)(D) *If the proposed facility will be located on federal land:*

1. *Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;*

Explain any differences between state or local land use requirements and federal land management requirements;

Describe how the proposed facility complies with the applicable federal land management plan;

Describe any federal land use approvals required for the proposed facility and the status of application for each required federal land use approval;

Provide an estimate of time for issuance of federal land use approvals; and

If federal law or the land management plan conflicts with any applicable state or local land use requirements, explain the differences in the conflicting requirements, state whether the applicant requests Council waiver of the land use standard described under paragraph (B) or (C) of this subsection and explain the basis for the waiver.

Response: These provisions are not applicable to the amended project. No portion of the amended project will be located on federal land.

K.11 REFERENCES

Allan, S., Buckley, A., and Meacham, J. 2001. Atlas of Oregon. Second Edition. William Loy, Ed. University of Oregon Press.

Renewable Northwest Project. 2004. Windfall from the Wind Farm, Sherman County, Oregon. Ouderkirk, B. and Pedden, M. August 2004 (Revised December 2004).

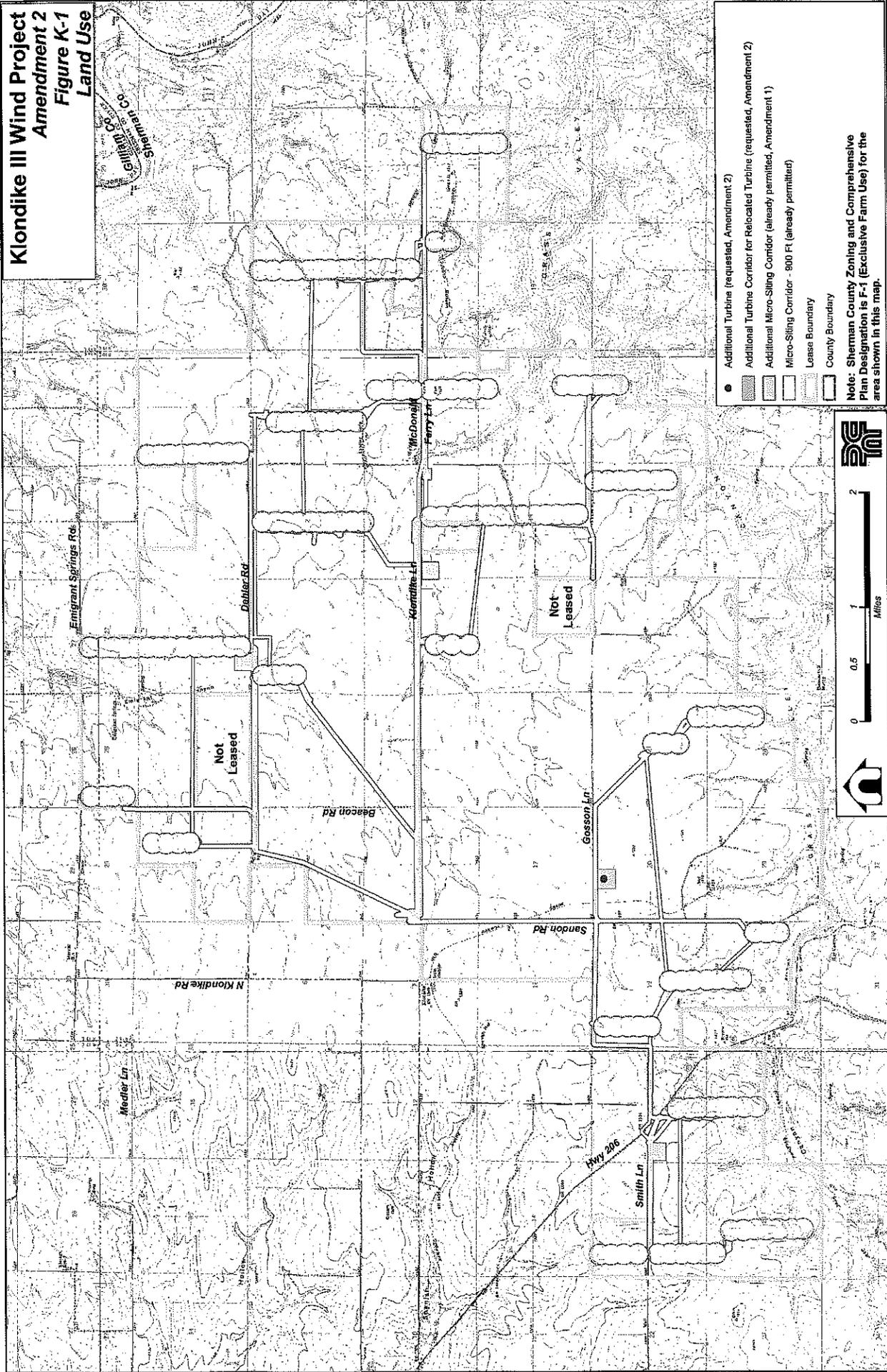
Soil Conservation Service. 1964. Soil Survey of Sherman County, Oregon.

USDA National Agricultural Statistics Service . 2002. Census of Agriculture. <http://www.nass.usda.gov/census/census02/volume1/or/index2.htm>

Appendix K-1

Land Use Analysis Area – Map

Klondike III Wind Project Amendment 2 Figure K-1 Land Use



- Additional Turbine (requested, Amendment 2)
- ▨ Additional Turbine Corridor for Relocated Turbine (requested, Amendment 2)
- ▨ Additional Micro-Siting Corridor (already permitted, Amendment 1)
- ▨ Micro-Siting Corridor - 900 FT (already permitted)
- ▨ Lease Boundary
- ▨ County Boundary

Note: Sherman County Zoning and Comprehensive Plan Designation is F-1 (Exclusive Farm Use) for the area shown in this map.

EXHIBIT P

FISH AND WILDLIFE HABITATS AND SPECIES
OAR 345-021-0010(1)(p)

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P-1 DISTRIBUTION OF HABITAT TYPES AND CATEGORIES WITHIN THE EXPANDED SITE BOUNDARY – MAP	
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P.1 INTRODUCTION

OAR 345-021-0010(1)(p) *Information about the fish and wildlife habitats and the fish and wildlife species, other than the species addressed in subsection (q) that may be affected by the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0060.*

Response: The fish and wildlife habitat standard states that “to issue a site certificate, the Council must find that the design, construction, operation, and retirement of the facility, taking into account mitigation, are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025.”

P.2 IDENTIFICATION AND DESCRIPTION OF FISH AND WILDLIFE HABITATS IN THE ANALYSIS AREA

OAR 345-021-0010(1)(p)(A) *Identification and description of all habitat within the analysis area, classified by the habitat categories as set forth in OAR 635-415-0030;*

Response: The habitat type impacted by this amendment request is agricultural, as shown on Figure P-2, Map Tile A.

P.3 DESCRIPTION OF BIOLOGICAL AND BOTANICAL SURVEYS PERFORMED

OAR 345-021-0010(1)(p)(B) *A description of biological and botanical surveys performed that support the information in this exhibit, including a discussion of the timing and scope of each survey;*

Response: Protocols for the biological surveys, habitat typing, and habitat categorization were approved by ODFW during review of the ASC. Methods for surveying the additional area within the expanded site boundary are the same.

P.3.1 Vegetation

Vegetation mapping for the expanded site boundary shows the area is agricultural. There are no intermittent channels or other water features in this area.

P.3.2 Wildlife

According to approved wildlife protocols, transects are not required in agricultural lands. Field, avian, and raptor surveys that cover the expanded site boundary were completed in spring 2005, and were provided to the Department.

P.4 MAP OF HABITAT LOCATION

OAR 345-021-0010(1)(p)(C) *A map showing the locations of habitat identified in (A);*

Response: The habitat type and category within the expanded site boundary, as described in Section P.3 above, are illustrated in Figure P-2 (Map Tile A) in Appendix P-1.

P.5 DESCRIPTION OF SIGNIFICANT POTENTIAL IMPACTS ON IDENTIFIED HABITATS

OAR 345-021-0010(1)(p)(D) *A description of the nature, extent, and duration of significant potential impacts on the habitat identified in (A) that may result from construction, operation, and retirement of the proposed facility;*

Response: This section describes potential significant impacts of the changes to the project to habitats and associated wildlife during construction, operation, and retirement.

P.5.1 Impacts to Wildlife Habitat

Potential impacts to wildlife habitat include temporary and permanent loss of agricultural land during construction and operation. No mitigation is required for Category 6 habitat impacts. After facility retirement, a site restoration plan will ensure conversion of the expanded site boundary to its pre-construction condition. Table P-1 summarizes the temporary and permanent impacts to wildlife habitat as a result of the amended project.

Table P- 1. Habitat Types and Categories in the Klondike III Wind Project Expanded Site Boundary with Area of Impact

	IMPACTS (in acres)	
	Temporary	Permanent
Category 1	0.0	0.0
Category 2		
Grassland	0.0	0.0
Shrub-steppe	0.0	0.0
Category 3		
CRP	0.0	0.0
Grassland	0.0	0.0
Shrub-steppe	0.0	0.0
Intermittent streams	0.0	0.0
Upland trees	0.0	0.0
Category 4		
Grassland	0.0	0.0
Category 5	0.0	0.0
Category 6		
Developed	0.0	0.0
Agricultural	2.5	0.71
TOTAL	2.5	0.71

There are no temporary or permanent impacts in any habitat category except Category 6. Approximately 0.71 acres of permanent impact and 2.5 acres of temporary impact will occur in Category 6 agricultural land. Because of the low quality of the habitat to be

disturbed, impacts to wildlife habitat will not be significant, which were surveyed and described in the ASC. The only permanent impacts would be the existence of roads and the alternate O&M facility on agricultural lands.

P.5.2 Impacts to Special Status/Sensitive Species

P.5.2.1 Plants

No plant surveys are required in Category 6 habitat because no special status/sensitive plant species could exist there. Therefore, no direct construction, operation, or retirement-related impacts would be anticipated to these plants or their suitable habitat.

P.5.2.2 Mammals and Other Special Status/Sensitive Wildlife Species

The expanded site boundary area is anticipated to provide no suitable habitat for target species, and surveys for these species are not required in Category 6 agricultural lands.

P.5.2.3 Bats

Neither bats nor their suitable habitat occur in agricultural lands; therefore, no impact to bats is expected as a result of this amendment.

P.5.2.4 Birds

Potential impact to bird species within the expanded site boundary will be similar to that described for agricultural lands in the ASC. Impacts could occur as a result of potential fatalities from construction equipment, and disturbance/displacement effects from construction activities.

All temporary and permanent impacts due to this amendment would occur within Category 6 agricultural lands. The scale of these additional impacts due to the expanded area is minor in comparison to the available habitat in the vicinity, and no measurable effect on impacts to avian species is anticipated.

Potential mortality from construction equipment and turbine operation is expected to be very low, and is the same as described in the ASC and Amendment 1, because the same equipment will be used in the expanded site boundary.

No new turbines are proposed as part of this amendment, so impacts to avian species are comparable to those described in the ASC.

P.6 MITIGATION MEASURES

OAR 345-021-0010(1)(p)(E) *A description of any measures the applicant proposes to avoid, reduce or mitigate potential adverse impacts;*

Response: Only agricultural land will be temporarily or permanently impacted by this amendment. No additional mitigation, beyond that required in the Site Certificate as

amended, is required for Agricultural Category 6 habitat, and none is proposed as part of this amendment.

P.6.1 Mitigation for Habitat Impacts

No previously unevaluated permanent impacts will occur within the expanded site boundary, except in Category 6 agricultural lands. Therefore, no compensatory mitigation, or enhancement of habitat is required or proposed as a result of this amendment.

P.6.2 Mitigation for Impacts to Special Status/Sensitive Species

Mitigation requirements were established as conditions of approval of the Site Certificate as amended. The amended project will result in no permanent impacts other than in Category 6 agricultural lands. There are no anticipated impacts to special status/sensitive plants or animal species; therefore, no additional mitigation is required or proposed as part of this amendment.

P.7 EVIDENCE THAT THE PROPOSED FACILITY COMPLIES WITH ODFW FISH AND WILDLIFE HABITAT MITIGATION GOALS

OAR 345-021-0010(1)(p)(F) *Evidence that the proposed facility, including any proposed mitigation, complies with the fish and wildlife habitat mitigation goals and standards in OAR 345-415-0030; and*

Response: Impacts to Category 6 lands need not be mitigated under ODFW mitigation goals. Therefore, the amended project complies with the goals.

P.8 MONITORING PROGRAM

OAR 345-021-0010(1)(p)(G) *The applicant's proposed monitoring program, if any, for impacts to such fish and wildlife species and their habitats.*

Response: A monitoring program has been developed and approved as a condition of the existing Site Certificate. No change to the monitoring plan is proposed, except that mortality monitoring will take into account the additional micro-siting area proposed by this amendment.

P.9 CONCLUSION

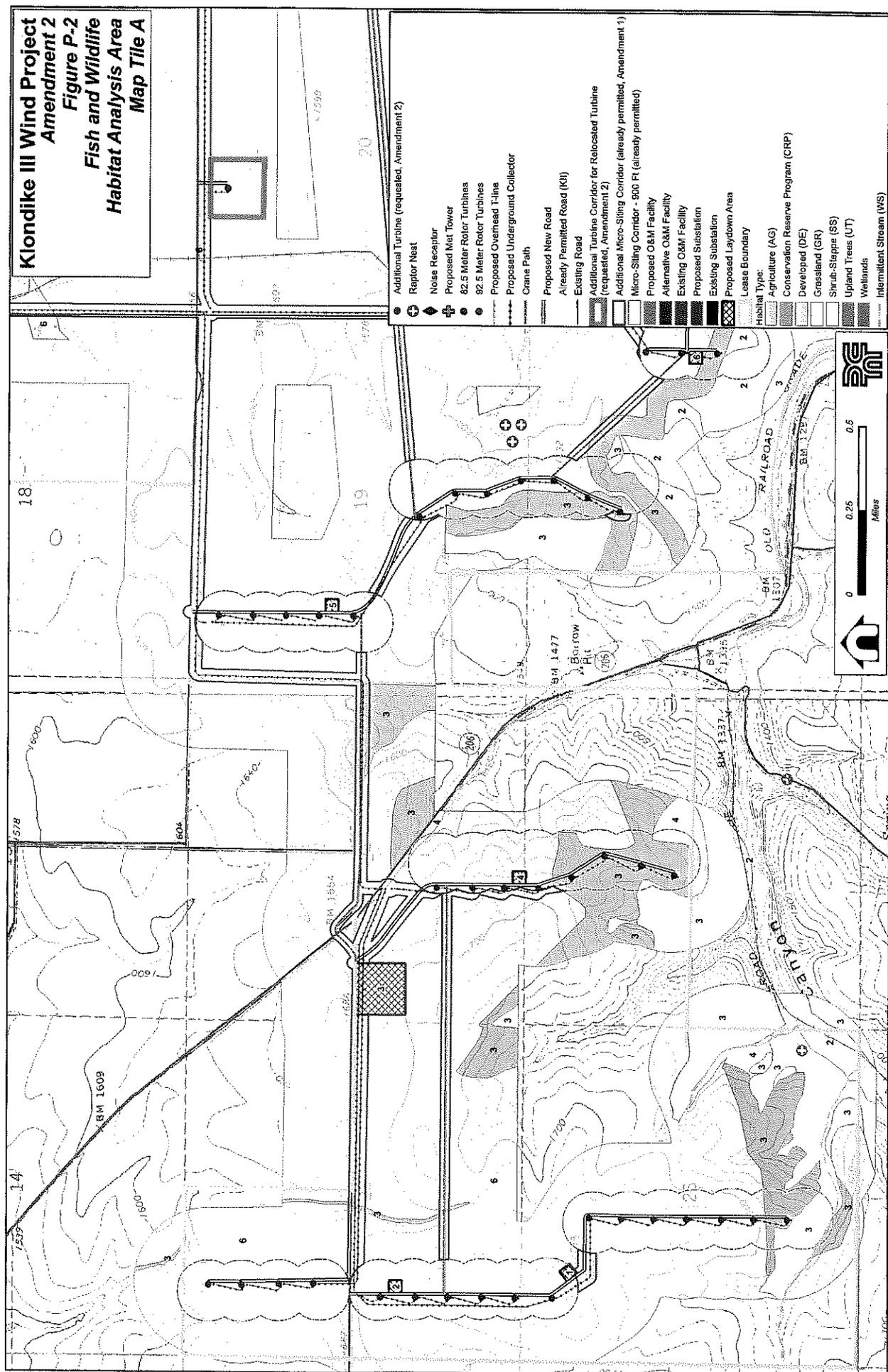
The amended project has considered and complied with the ODFW Fish and Wildlife Habitat Mitigation Policy as set forth in OAR 635-415-0000 through -0025. The fish and wildlife habitats within the expanded site boundary were identified and categorized according to the ODFW Policy. Temporary and permanent impacts will occur only in agricultural lands. Temporary impacts will be restored. There are no anticipated impacts to special status/sensitive plants and wildlife species within the expanded boundary.

Based on the above information, the Certificate Holder satisfies the requirements in OAR 345-021-0010(1)(p), and the Council may find that the design, construction, operation, and retirement, taking into account mitigation, will be consistent with fish and wildlife habitat mitigation goals and standards pursuant to OAR 345-022-0060.

APPENDIX P-1

Figure P- 2, Map Tile A Distribution of Habitat Types and Categories within the Expanded Project Analysis Area

**Klondike III Wind Project
Amendment 2
Figure P-2
Fish and Wildlife
Habitat Analysis Area
Map Tile A**



- Additional Turbine (requested, Amendment 2)
- Raptor Nest
- Noise Receptor
- Proposed Met Tower
- 82.5 Meter Rotor Turbines
- 92.5 Meter Rotor Turbines
- Proposed Overhead T-line
- Proposed Underground Collector
- Crane Path
- Proposed New Road
- Already Permitted Road (KI)
- Existing Road
- Additional Turbine Corridor for Relocated Turbine (requested, Amendment 2)
- Micro-Siting Corridor (already permitted, Amendment 1)
- Micro-Siting Corridor - 800 Ft (already permitted)
- Proposed O&M Facility
- Alternative O&M Facility
- Existing O&M Facility
- Proposed Substation
- Existing Substation
- Proposed Laydown Area
- Lease Boundary
- Habitat Type:
 - Agriculture (AG)
 - Conservation Reserve Program (CRP)
 - Developed (DE)
 - Grassland (GR)
 - Shrub-Steppe (SS)
 - Upland Trees (UT)
 - Wetlands
 - Intermittent Stream (WS)

0 0.25 0.5 Miles

EXHIBIT Q

THREATENED AND ENDANGERED SPECIES

OAR 345-021-0010(1)(q) and OAR 345-022-0070

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Q.1 INTRODUCTION

OAR 345-021-0010(1)(q) *Information about threatened and endangered plant and animal species that may be affected by the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0070. The applicant shall include:*

Response: Because the database searches covered a 5-mile area, the listed, candidate and proposed species within the expanded site boundary are the same as for the permitted project. The expanded site boundary consists of approximately 18.5 acres of agricultural land. In this area, a single turbine will be placed, and an access road and underground collector line will be constructed. No additional turbines or increase in generating capacity are associated with this amended site boundary.

The ground disturbance resulting from this amendment will occur only in existing agricultural areas. No impacts will occur to native habitats.

Based on the above description of project revisions and site characteristics, the project activities proposed in this amendment are not anticipated to result in a change of findings over the original site application, with respect to federal and state listed, candidate, and proposed plant, fish, and wildlife species.

Q.2 ANALYSIS AREA

This section describes the analysis area with regard to threatened and endangered species in the expanded site boundary. The project vicinity of the expanded area is the same as for the permitted project.

Because impacts from this amendment will be only in agricultural lands, no rare plant surveys or target animal species surveys were required.

Q.3 METHODOLOGY

OAR 345-021-0010(q)(A) *Based on appropriate literature and field study, identification of all threatened or endangered species listed under ORS 496.172(2), ORS 564.105(2) or 16 USC § 1533 that may be affected by the proposed facility;*

Response: Because impacts from this amendment will be only in agricultural lands, no rare plant surveys or target animal species surveys were required

Q.3.1 Wildlife

Two raptor nesting surveys were conducted in 2005. These surveys gathered information on nesting species visible from the air and covered the amended area, and no nests were found. Raptor nest surveys will be conducted again prior to construction.

Q.3.2 Plants

No rare plant species surveys are required for agricultural areas.

Q.4 EXISTING CONDITIONS AND POTENTIAL IMPACTS TO STATE AND FEDERAL LISTED, CANDIDATE AND PROPOSED SPECIES

OAR 345-021-0010(1)(q)(B) *For each species identified under (A), a description of the nature, extent, locations and timing of its occurrence in the analysis area and how the facility might adversely affect it;*

Response: No state or federal listed, candidate or proposed species are expected to occur in or depend on the expanded site boundary area.

Q.4.1 Potential Impacts to Wildlife

A site visit to verify the vegetation type and habitat category did not locate any individuals or their supporting habitats. The new micro-siting location just south of Gosson Lane is surrounded by agriculture lands within at least one mile. No additional turbines are proposed and no supporting habitat will be impacted as a result of this amendment. Therefore, no direct project-related impacts would be anticipated to any listed, threatened, proposed, or candidate wildlife species.

Q.4.2 Potential Impacts to Plants

Because no listed, proposed or candidate plants exist in agricultural lands, no direct project-related impacts would be anticipated to any listed, threatened, proposed, or candidate plant species.

Q.5 DESCRIPTION OF MEASURES PROPOSED TO AVOID OR REDUCE ADVERSE IMPACTS TO SPECIES

OAR 345-021-0010(1)(q)(C) *For each species identified under (A), a description of measures proposed by the applicant, if any, to avoid or reduce adverse impact;*

Response: The following section complies with OAR 345-021-0010 by discussing the possible means by which project activities in the expanded site boundary may have adverse impacts to state and federal listed species from the proposed project can be avoided or minimized.

Q.5.1 Wildlife

No direct project-related impacts are anticipated within the expanded site boundary to any listed, threatened, proposed, or candidate wildlife species as a result of amended activities. Therefore, no additional mitigation is required.

Q.5.2 Plants

Because no direct project-related impacts to any federal or state endangered, threatened, sensitive, proposed, or candidate plant species are anticipated, no species-specific mitigation measures are proposed.

Q.6 FINDINGS THAT THE PROPOSED FACILITY WILL NOT LIKELY CAUSE A SIGNIFICANT REDUCTION IN THE LIKELIHOOD OF SURVIVAL OR RECOVERY OF THE PLANT SPECIES IDENTIFIED

OAR 345-021-0010(1)(q)(D) *For each plant species identified under (A), a description of how the proposed facility, including any mitigation measures, complies with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3);*

Q.6.1 Identified Plant Species with an ODA protection and conservation program

Response: No impacts to these species would result from project activities within the expanded area, because they do not occur there.

Q.6.2 Identified Plant Species without an ODA protection and conservation program

OAR 345-021-0010(1)(q)(E) *For each plant species identified under (A), if the Oregon Department of Agriculture has not adopted a protection and conservation program under ORS 564.105(3), a description of significant potential impacts of the proposed facility on the continued existence of the species and on the critical habitat of such species and evidence that the proposed facility, including any mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or recovery of the species;*

Response: Because there were no anticipated occurrences of state or federal listed species within the expanded analysis area, the construction and operation of the expanded area are not likely to cause a significant reduction in the likelihood of survival or recovery of these species.

Q.7 FINDINGS THAT THE PROPOSED FACILITY WILL NOT LIKELY CAUSE A SIGNIFICANT REDUCTION IN THE LIKELIHOOD OF SURVIVAL OR RECOVERY OF THE FISH AND WILDLIFE SPECIES IDENTIFIED

OAR 345-021-0010(1)(q)(F) *For each animal species identified under (A), a description of significant potential impacts of the proposed facility on the continued existence of such species and on the critical habitat of such species and evidence that the proposed facility, including any mitigation measures, is not likely to cause a significant reduction in the likelihood of survival or recovery of the species;*

Response: No direct project-related impacts would be anticipated to any listed, threatened, proposed, or candidate wildlife species as a result of amended activities. Therefore, the amended activities will not cause a significant reduction in the likelihood of survival or recovery of the species.

Q.8 MONITORING PROGRAM

OAR 345-021-0010(1)(q)(G) *The applicant's proposed monitoring program, if any, for impacts to threatened and endangered species;*

Response: Any programs to monitor the potential impacts to the individual listed species, if required, will be extended to cover appropriate areas within the expanded site boundary. Such programs will be developed in coordination with the ODFW for fish and wildlife species and with ODA for plant species.

Q.9 CONCLUSION

The amendment will have not affect on federal and state listed and candidate plant and wildlife species that have the potential to exist within the expanded analysis area.

Based upon the above information, the Certificate Holder has satisfied the requirements in OAR 345-021-0010(1)(q), and the Council should be able to find compliance with OAR 345-022-0070.

EXHIBIT R

SCENIC AND AESTHETIC VALUES

OAR 345-021-0010(1)(r)

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APPENDIX

R-1 VISUAL ANALYSIS FOR AMENDMENT 2

R.1 INTRODUCTION

This Exhibit addresses impacts placement of a single turbine within the additional micro-siting area would have on Scenic and Aesthetic Values in the analysis area. The analysis assumed the turbine has a hub height of approximately 263 feet and overall height, including blades, of 414 feet (i.e. tallest authorized turbine). The exhibit responds to the requirements of OAR 345-021-0010(1)(r), as follows:

OAR 345-021-0010(1)(r) *An analysis of significant potential impacts of the proposed facility, if any, on scenic and aesthetic values identified as significant or important in applicable federal land management plans or in local land use plans for the analysis area, providing evidence to support a finding by the Council as required by OAR 345-022-0080, including;*

R.2 APPLICABLE FEDERAL LAND MANAGEMENT PLANS AND LOCAL LAND USE PLANS

OAR 345-021-0010(1)(r)(A) *Identification of the applicable federal land management plans and local land use plans:*

Response: The analysis area is the same as in the ASC. Applicable federal land management plans and local land use plans have not changed from the ASC.

R.3 IDENTIFICATION AND DESCRIPTION OF SCENIC AND AESTHETIC VALUES IDENTIFIED AS SIGNIFICANT OR IMPORTANT

OAR 345-021-0010(1)(r)(B) *Identification and description of the scenic and aesthetic values identified as significant or important in the applicable plans;*

Response: Significant or important scenic and aesthetic values are the same as identified in the ASC.

R.4 SIGNIFICANT POTENTIAL ADVERSE IMPACTS TO SCENIC AND AESTHETIC VALUES

OAR 345-021-0010(1)(r)(C) *A description of significant potential adverse impacts to the scenic and aesthetic values identified in (B), including, but not limited to, potential impacts such as:*

- (i) *Loss of vegetation or alteration of the landscape as a result of construction or operation;*

Response: Impacts of a turbine within the additional micro-siting area on the landscape are minor, and are generally the same as described in the ASC and First Amendment request. Proposed change will result in additional temporary impacts of up to approximately 2.5 acres and permanent impacts of up to approximately 0.71 acres (Figure 1 of Second Request for Amendment). Temporary impacts would be restored to their existing condition. Permanent impacts would affect

only dry land winter wheat. There would be no impacts to trees or rock outcroppings. Therefore, there will be no significant adverse impacts to vegetation or alteration of the landscape.

- (ii) *Visual impacts of facility structures, including cooling tower or other plumes, if any; and*

Response: DEA used the same means and methods to determine potential changes in impacts from siting a worst-case turbine within the additional micro-siting area as used in the ASC (i.e., Revised Exhibit R, September 16, 2005).

Considering the large viewing distances, the proposed turbine location would result in negligible changes, if any, in impacts to Columbia River Gorge National Scenic Area (CRGNSA). Considering the proposed turbine location occurs within the existing lease boundary and is surrounded by other permitted turbines, the proposed turbine location would result in negligible changes, if any, in impacts to the Journey Through Time Scenic Byway. The Proposed turbine location would not affect impacts to the Oregon National Historic Trail (i.e., Fourmile Canyon, Biggs Junction, Deschutes River Crossing, The Dalles Complex, and McDonald Ferry), Lower Deschutes River Canyon, and Lower Klickitat River Canyon because the changes would not be seen.

Given the proximity and presence of scenic and visual resources in the John Day River corridor, DEA mapped the visibility of the tallest potential turbine within the additional micro-siting corridor (Amendment 2 Figure R-3). A turbine at the proposed location would also not be visible from the John Day River.

- (iii) *Visual impacts from air emissions resulting from facility construction or operation, including, but not limited to, impacts on Class 1 visual resources as described in OAR 340-031-0120 [renumbered to 340-204-0050].*

Response: Impacts are the same as described in the ASC, Revised Exhibit R. Any potential impacts are anticipated to be temporary and negligible. Facility operation will not create air emissions, so there will be no impact. There are no Class 1 visual resources in the analysis area.

R.5 OPPORTUNITY FOR MITIGATION

OAR 345-021-0010(1)(r)(D) *The measures the applicant proposes to avoid, reduce or otherwise mitigate any significant adverse impacts;*

Response: Locating a turbine in the additional micro-siting area will not have visual impacts to the John Day River scenic corridor and at the bottom of the John Day River canyon. Therefore, no additional mitigation, over and above that required by the Site Certificate as amended, is proposed or necessary.

R.6 MAP

OAR 345-021-0010(1)(r)(E) *A map or maps showing the location of the visible scenic and aesthetic values analyzed under (B); and*

Response: See Figures R-1 and R-2 of the attached Appendix R.

R.7 MONITORING

OAR 345-021-0010(1)(r)(F) *The applicant's proposed monitoring program, if any, for impacts to scenic and aesthetic values.*

Response: Because the proposed project change would not result in significant adverse impacts to scenic and aesthetic values, the Applicant does not propose any monitoring program specific to the relocation of this turbine.

R.8 CONCLUSION

The project will comply with all applicable regulatory guidelines concerning scenic and aesthetic resources as discussed in the responses above to the criteria contained in OAR 345-021-0010(1)(r)(A), (B), (C), (D), (E) and (F). Based on the above information, the Applicant has satisfied the requirements in OAR 345-021-0010(1)(r), and the Council may find that the standards contained in OAR 345-022-0080 are satisfied.

APPENDIX R-1

VISUAL ANALYSIS FOR AMENDMENT 2



DAVID EVANS
AND ASSOCIATES INC.

DATE: March 26, 2007
TO: Jesse Gronner, PPM Energy
FROM: Sean Sullivan, L.A.
SUBJECT: **Amendment 2 Visual Resource Analysis**
PROJECT: Klondike III Wind Project
PROJECT NO: PPME0000-0001
COPIES: file



Klondike Wind Power III LLC (Applicant) proposes to add micro-siting area on which it would place a single turbine. For the purposes of this visual resource analysis, it was assumed that the tallest currently authorized turbine would be located in this area.

Potential Changes in Impacts

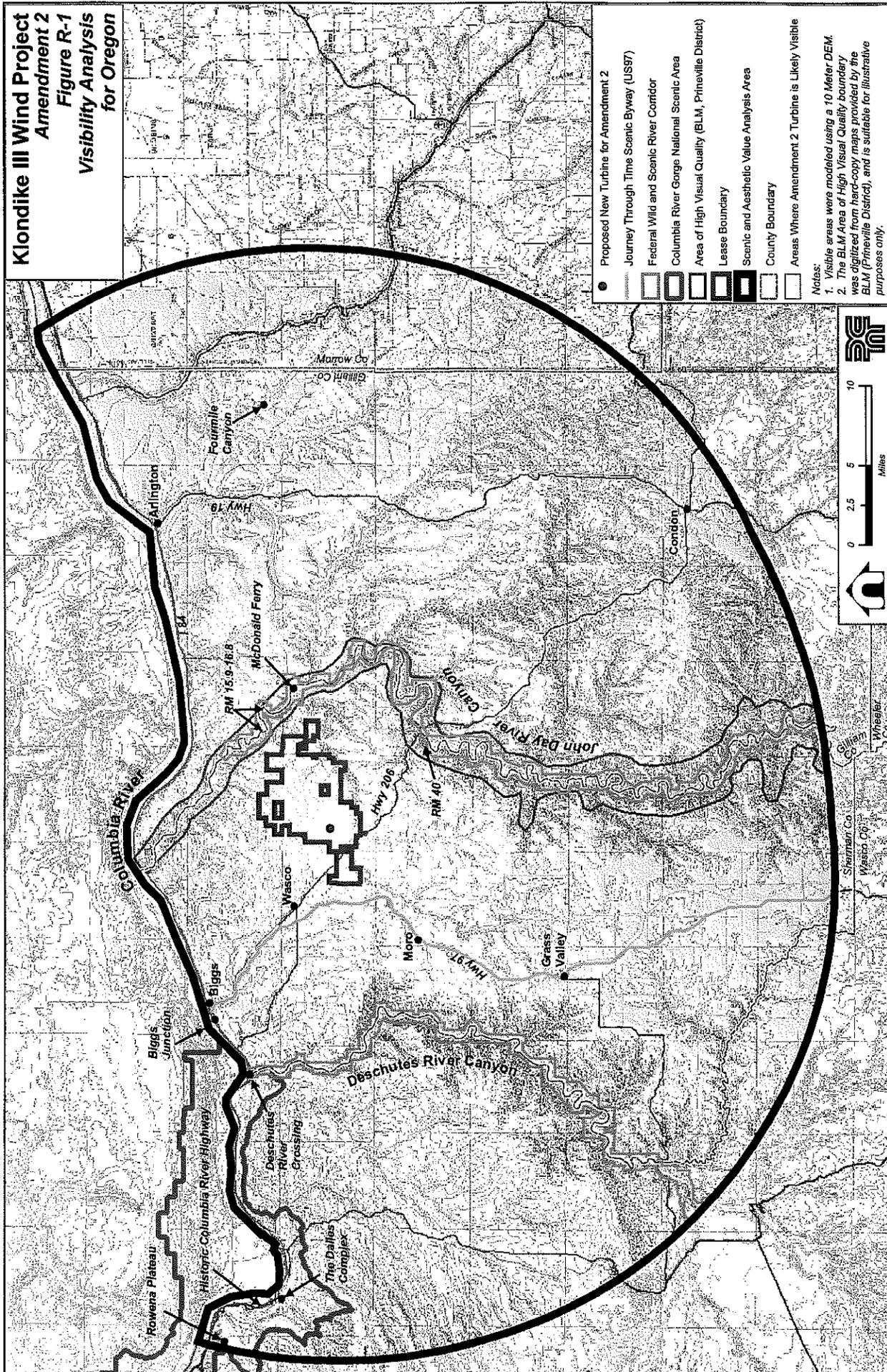
DEA used the same means and methods to determine potential changes in impacts to significant or important scenic and aesthetic values as previously relied upon by the Council to approve the Site Certificate and Amendment 1. A visibility analysis was conducted for the proposed turbine location, the results of which are shown in attached Figures R-1 and R-2 for Oregon and Washington, respectively.

Considering the large viewing distances the proposed turbine location would result in negligible changes, if any, in impacts to Columbia River Gorge National Scenic Area (CRGNSA). Considering the proposed turbine location occurs within the existing lease boundary and is surrounded by other permitted turbines, the proposed turbine location would result in negligible changes, if any, in impacts to the Journey Through Time Scenic Byway. The Proposed turbine location would not affect impacts to the Oregon National Historic Trail (i.e., Fourmile Canyon, Biggs Junction, Deschutes River Crossing, The Dalles Complex, and McDonald Ferry), Lower Deschutes River Canyon, and Lower Klickitat River Canyon because the changes would not be seen.

Given the proximity and presence of scenic and visual resources in the John Day River corridor, DEA mapped the change in visibility caused by siting the tallest turbine within the additional micro-siting area (Amendment 2 Figure R-3). The visibility analysis indicates that the proposed location would be less visible from the corridor than the tallest turbine's current location. The proposed location would also not be visible from the John Day River. Therefore, the proposed turbine location would have a smaller impact on the John Day River corridor.

Given these considerations, the design, construction, operation, and retirement of the proposed facility would not significantly affect the scenic and aesthetic resources in the analysis area.

Klondike III Wind Project Amendment 2 Figure R-1 Visibility Analysis for Oregon

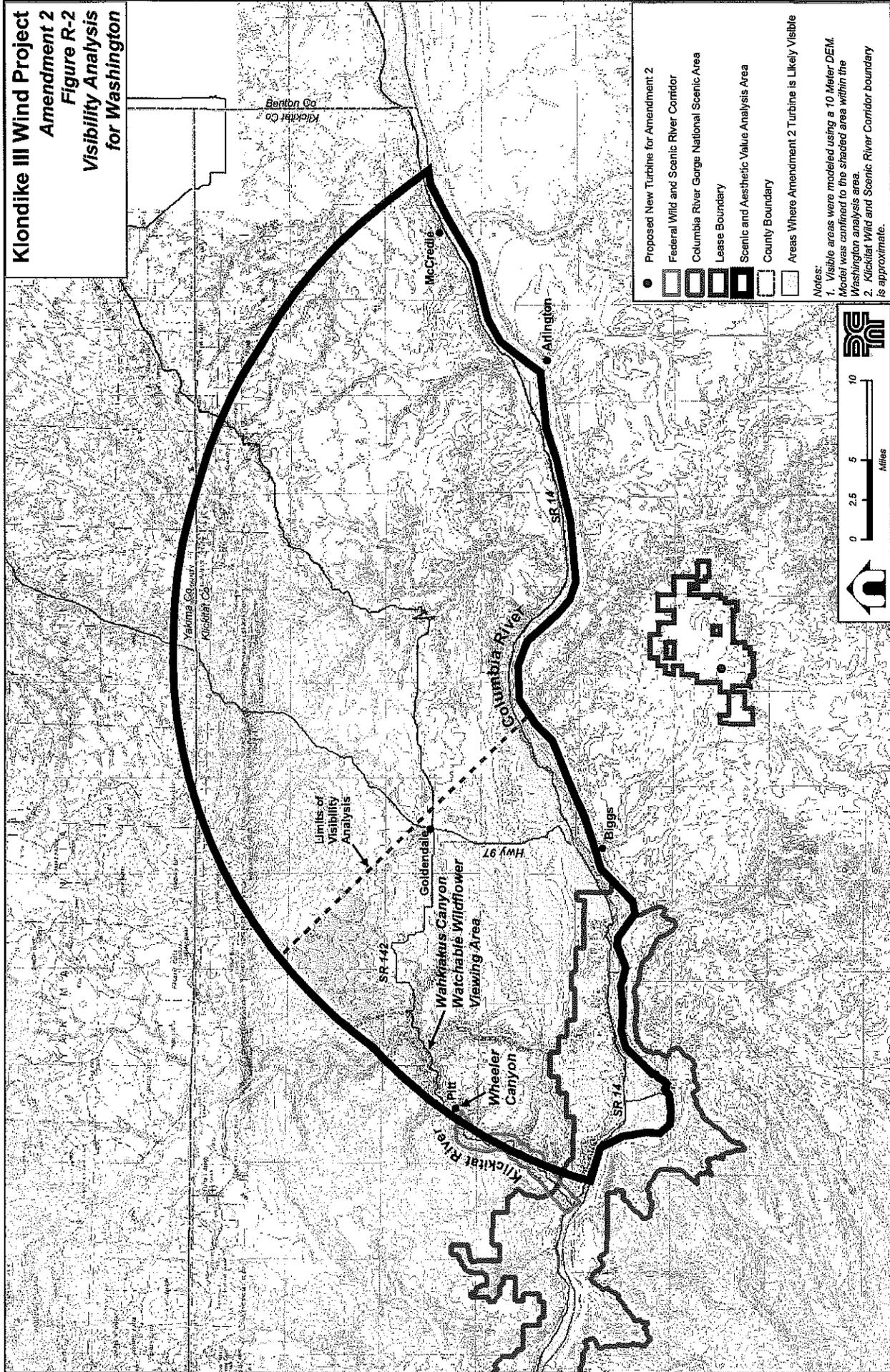


- Proposed New Turbine for Amendment 2
- Journey Through Time Scenic Byway (US97)
- ▭ Federal Wild and Scenic River Corridor
- ▭ Columbia River Gorge National Scenic Area
- ▭ Area of High Visual Quality (BLM, Prineville District)
- ▭ Lease Boundary
- ▭ Scenic and Aesthetic Value Analysis Area
- ▭ County Boundary
- ▭ Areas Where Amendment 2 Turbine is Likely Visible

Notes:
 1. Visible areas were modeled using a 10 Meter DEM
 2. The BLM Area of High Visual Quality boundary was digitized from hard-copy maps provided by the BLM (Prineville District), and is suitable for illustrative purposes only.

Sherman Co
 Wasco Co
 Wheeler Co

**Klondike III Wind Project
Amendment 2
Figure R-2
Visibility Analysis
for Washington**



- Proposed New Turbine for Amendment 2
- ▭ Federal Wild and Scenic River Corridor
- ▭ Columbia River Gorge National Scenic Area
- ▭ Lease Boundary
- ▭ Scenic and Aesthetic Value Analysis Area
- ▭ County Boundary
- ▭ Areas Where Amendment 2 Turbine is Likely Visible

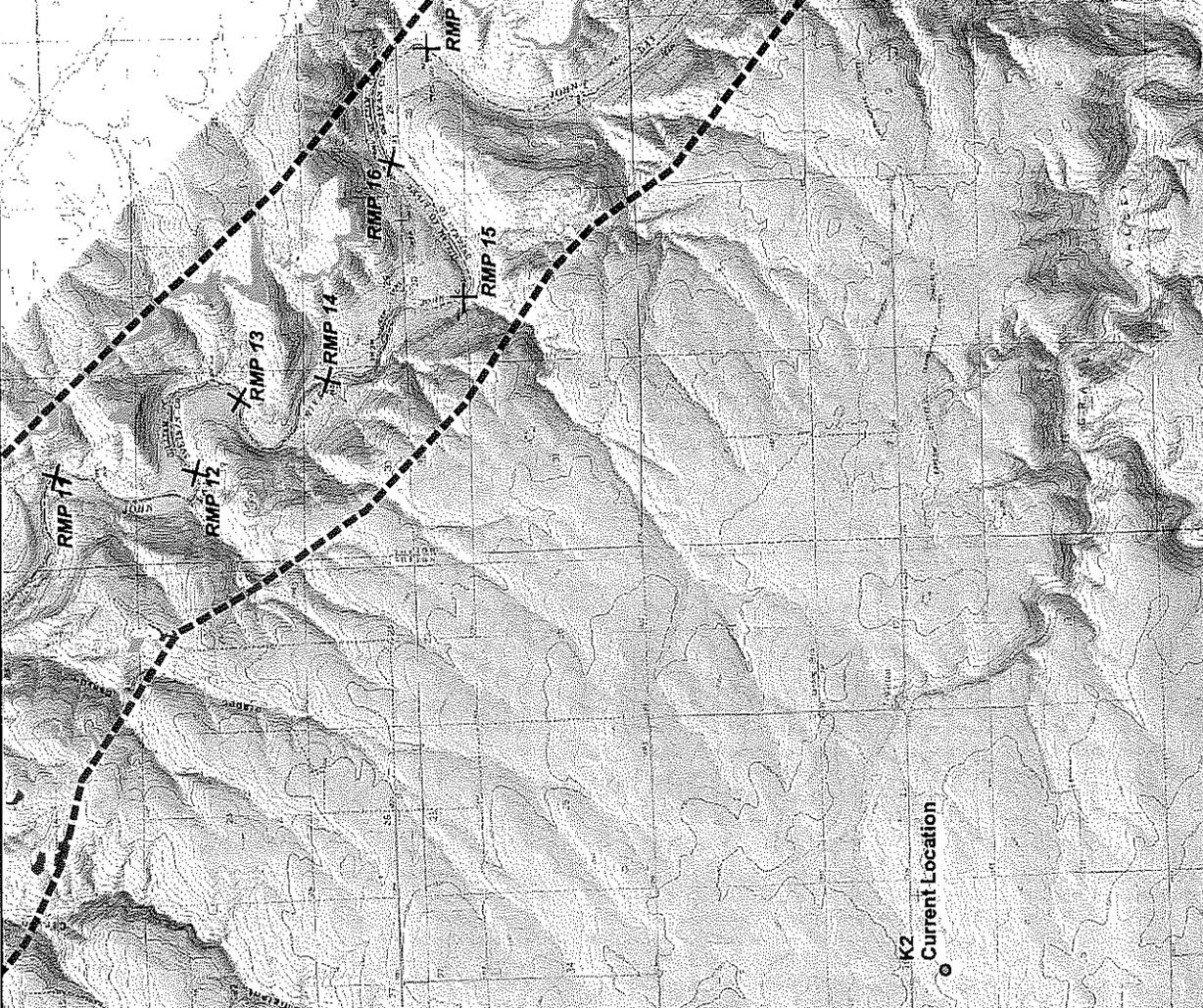
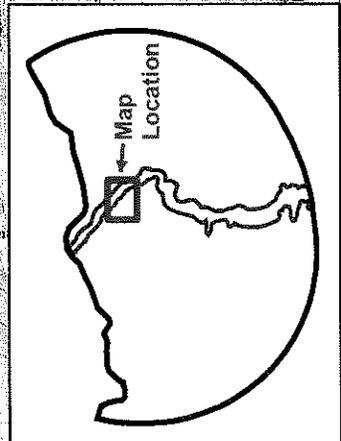
Notes:
 1. Visible areas were modeled using a 10 Meter DEM. Model was confined to the shaded area within the Washington analysis area.
 2. Klickitat Wild and Scenic River Corridor boundary is approximate.

0 2.5 5 10 Miles

**Klondike III Wind Project
Amendment 2
Figure R-3
Visibility Comparison
John Day Corridor**

- Turbine K2 (removed in Amendment 2)
- Proposed New Turbine for Amendment 2
- ▨ Turbine K2 Visible
- ▩ Amendment 2 Turbine Visible
- ▧ Both Turbines Visible
- ▦ Areas of High Visual Quality (BLM, Prineville Dist.)

Note:
Visible areas were modeled using a 10 Meter DEM.

**Amendment 2
Proposed Turbine Location**

EXHIBIT S

HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES

OAR 345-021-0010(1)(s)

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S.4 ARCHAEOLOGICAL OBJECTS AND SITES ON PUBLIC LANDS.....	2
S.5 IMPACTS OF PROPOSED PROJECT ON HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES.....	2
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APPENDIX

S-1 CULTURAL RESOURCES ANALYSIS REPORT

S.1 INTRODUCTION

OAR 345-021-0010(1)(s) *Information about historic, cultural and archaeological resources providing evidence to support a finding by the Council as required by OAR 345-022-0090, including:*

Response: OAR 345-022-0090 states in full:

- (1) *Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:*
 - (a) *Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;*
 - (b) *For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and*
 - (c) *For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c)*
- (2) *The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*
- (3) *The Council may issue a site certificate for a special criteria facility under OAR 345-015-0310 without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.*

This Exhibit provides information about historic, cultural, and archaeological resources within the expanded site boundary that will support a finding by the Council as set forth above. The methods used in the historic, cultural, and archaeological investigation performed for this amendment are the same as those used for the permitted site boundary; detail is provided in the technical report prepared for the project, which is included as Appendix S-1.

S.2 RESOURCES LISTED OR ELIGIBLE FOR LISTING UNDER NATIONAL REGISTER OF HISTORIC PLACES

OAR 345-021-0010(1)(s)(A) *Historic and cultural resources within the analysis area that have been listed, or would likely be eligible for listing, on the National Register of Historic Places;*

Response: The survey of the additional area within the expanded site boundary did not result in the identification of archaeological resources or aboveground resources.

S.3 ARCHAEOLOGICAL OBJECTS AND SITES ON PRIVATE LANDS

OAR 345-021-0010(1)(s)(B) *For private lands, archaeological objects, as defined in ORS 358.905(1)(a), and archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area;*

Response: Additional surveys or testing were not recommended by the consulting archaeologist at the expanded boundary, as documented in the attached Appendix S-1.

S.4 ARCHAEOLOGICAL OBJECTS AND SITES ON PUBLIC LANDS

OAR 345-021-0010(1)(s)(C) *For public lands, archaeological sites, as defined in ORS 358.905(1)(c), within the analysis area;*

Response: The expanded site boundary is located entirely on private lands; therefore, an investigation of public lands was not conducted.

S.5 IMPACTS OF PROPOSED PROJECT ON HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES

OAR 345-021-0010(1)(s)(D) *The significant potential impacts, if any, of the construction, operation and retirement of the proposed facility on the resources described in paragraphs (A), (B) and (C) and a plan for protection of those resources that includes at least the following:*

- (i) *A description of any discovery measures, such as surveys, inventories, and limited subsurface testing work, recommended by the State Historic Preservation Officer and the National Park Service of the U.S. Department of Interior for the purpose of locating, identifying and assessing the significance of resources listed in OAR paragraphs (A), (B), and (C);*
- (ii) *The results of surveys, inventories, and subsurface testing work recommended by the state and federal agencies listed in subparagraph (i), together with an explanation by the applicant of any variations from the survey, inventory, or testing recommended;*
- (iii) *A list of measures to prevent destruction of the resources identified during surveys, inventories and subsurface testing referred to in subparagraph (i) or discovered during construction; and*
- (iv) *A completed copy of any permit applications submitted pursuant to ORS 358.920. Notwithstanding OAR 345-021-0000(4), the applicant shall include copies of the permit applications as part of the site certificate application. If the same information required by subparagraphs (i) through (iii) above is contained in the*

permit applications, then the applicant may provide cross-references to the relevant sections of the permit applications in substitution; and

Response: No State of Oregon Archaeological Permit was required for the pedestrian field study within the expanded site boundary, as no subsurface probes were excavated, either in an identified archaeological site or as exploratory probes. The survey of the additional area within the expanded site boundary did not result in the identification of archaeological resources or aboveground resources, and no further work is recommended.

S.6 PROPOSED MONITORING PROGRAM

OAR 345-021-0010(1)(s)(E) *The applicant's proposed monitoring program, if any, for impacts to historic, cultural and archaeological resources during construction, operation and retirement of the proposed facility;*

Response: Survey results have shown that there are not significant cultural resources within the expanded site boundary. Therefore, no formal monitoring plan is proposed in this additional area. However, if unanticipated archaeological or historical resources are encountered during project construction, ground-disturbing activity in the vicinity of the find will be halted, in accordance with Oregon State law (ORS 97.745 and 358.920). The Oregon SHPO will be promptly notified to assure compliance with relevant state and federal laws and regulations, and a qualified archaeologist would be consulted.

S.7 CONCLUSION

As demonstrated in this Exhibit, the facility is not likely to result in significant adverse impacts to archaeological resources, because none were found in the expanded site boundary area. The expanded project is not likely to have direct effects on the Oregon Trail, because no intact sections remain within the site boundary.

Based on above information, the applicant has satisfied the requirements in OAR 345-0021-0010(1)(s), and the Council may find that the requirements in OAR 345-022-0090 are satisfied.

S.8 REFERENCES

Archaeological Investigations Northwest, Inc. 2007. Cultural Resource Survey for the Proposed Klondike III Wind Project Sherman County Oregon: Relocation Turbine location on Gosson Lane, Sherman County, Oregon.

APPENDIX S-1

Cultural Resources Analysis Report

Findings: -
County: Sherman
Township/Range/Section: 1 North, 18 East, Section 20
Quadrangle: Klondike, Oreg., 7.5', 1971
Project Acreage: ca. 17 acres
Project Type: Survey
Location of Field Notes: AINW
Permit No.: N/A

CULTURAL RESOURCE SURVEY
FOR THE PROPOSED KLONDIKE III WIND PROJECT
SHERMAN COUNTY, OREGON:
ADDITIONAL MICROSITING AREA ON THE NORTH SIDE
OF GOSSON LANE

Prepared for
David Evans and Associates, Inc.
Portland, Oregon

April 12, 2007

REPORT NO. 1896

Archaeological Investigations Northwest, Inc.

CULTURAL RESOURCE SURVEY
FOR THE PROPOSED KLONDIKE III WIND PROJECT
SHERMAN COUNTY, OREGON:
ADDITIONAL MICROSITING AREA ON THE NORTH SIDE
OF GOSSON LANE

By
Mini Sharma, M.S., R.P.A.
and
David V. Ellis, M.P.A.

Prepared for
David Evans and Associates, Inc.
Portland, Oregon

April 12, 2007

Archaeological Investigations Northwest, Inc. Report No. 1896

EXHIBIT W

FACILITY RETIREMENT AND SITE RESTORATION

OAR 345-021-0010(1)(w)

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W.5 PROPOSED MONITORING PLAN FOR HAZARDOUS MATERIALS	2
W.6 CONCLUSION	2

W.1 INTRODUCTION

OAR 345-021-0010(1)(w) *Information about facility retirement and site restoration, providing evidence to support a finding by the Council as required by OAR 345-022-0050(1). The applicant shall include:*

Response: The requested change in the project will have no effect on restoring the site to a useful, non-hazardous condition that allows continued use for agriculture, because it does not increase the number of turbines, merely adds micro-siting area within which to place a turbine. The construction and operation of the facility involve minimal amounts of hazardous material and solid waste and have not changed since approval of the Site Certificate and Amendment 1. Restoring the site to a useful, non-hazardous condition would require simple removal of all project features to below grade and subsequent soil restoration and revegetation as previously proposed and approved.

W.2 USEFUL LIFE

OAR 345-021-0010(1)(w)(A) *The estimated useful life of the proposed facility;*

Response: No change to the estimated useful life of the facility will result from the requested change. It is anticipated to have a useful life of 25 to 30 years.

W.3 RETIREMENT AND SITE RESTORATION

OAR 345-021-0010(1)(w)(B) *The actions that the applicant proposes for retirement of the facility and restoration of the site to a useful, non-hazardous condition;*

Response: There is no change in the type of actions the certificate holder would have to take to retire the facility and reclaim the site to useful condition as a result of the requested change.

W.4 ESTIMATED COST OF RETIREMENT

OAR 345-021-0010(1)(w)(C) *The estimated costs to retire the facility and restore the site to a useful, non-hazardous condition and a discussion of the methods and assumptions used to estimate retirement and restoration costs; and*

Response:

The Certificate Holder has provided a letter of credit in the amount of \$2,254,000, as required by the Site Certificate and Amendment 1. The proposed project change resulting from this Second Amendment request does not increase the generating power, or increase the number of turbines authorized. It would add approximately 1000 feet of additional access road and a single junction box. The gross cost to remove and restore this minimal amount of additional area is more than adequately covered by the Future Developments Contingency of \$336,000 assumed in the existing calculation.

W.5 PROPOSED MONITORING PLAN FOR HAZARDOUS MATERIALS

OAR 345-021-0010(1)(w)(D) *For facilities that might produce site contamination by hazardous materials, any proposed monitoring plan, such as periodic environmental site assessment and reporting, or an explanation why a monitoring plan is unnecessary.*

Response: A monitoring plan, such as periodic environmental site assessment and reporting would be unnecessary at this site because the facility will not produce any site contamination by hazardous materials.

W.6 CONCLUSION

Based on the above information, the applicant has satisfied the required OAR 345-021-0010(1)(w), and the Council may find the standard contained in OAR 345-022-0050 is satisfied.

EXHIBIT X

NOISE

OAR 345-021-0010(1)(x)

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APPENDIX

- X-1 NOISE ANALYSIS REPORT FOR THE AMENDED KLONDIKE III WIND PROJECT

X.1 INTRODUCTION

OAR 345-021-0010(1)(x) *Information about noise generated by construction and operation of the proposed facility, providing evidence to support a finding by the Council that the proposed facility complies with the Oregon Department of Environmental Quality's noise control standards in OAR 340-035-0035. The applicant shall include:*

Response: This amendment seeks to add micro-siting corridor in which to locate a currently authorized turbine. For the purposes of this noise analysis, it was assumed that the turbine to be located here has a maximum sound power level of 108+/-2 dBA and hub height of 80 meters. This noise analysis and turbine layout configuration for this change is provided in Appendix X-1.

OAR-345-021-0010(1)(x)(A) *A baseline noise assessment for the proposed site and vicinity;*

Response: As with the ASC and First Request for Amendment, the assumed background level of 26 dBA was used as the baseline to represent existing noise conditions.

X.2 PREDICTED NOISE LEVELS

OAR-345-021-0010(1)(x)(B) *Predicted noise levels resulting from construction and operation of the proposed facility;*

X.2.1 Construction Noise

Response: Construction noise during construction is not anticipated to change as a result of the project changes, because the same types of equipment will be used.

X.2.2 Operations Noise

Response: The turbine that was evaluated will generate 2.4 MW of power and have a maximum sound power level of 108 +/- 2 dBA. The turbine will be located within the 900-foot micro-siting corridor shown in appendix X-1 of this Second Request for Amendment.

X.3 COMPLIANCE WITH OAR 340-035-0035

OAR 345-021-0010(1)(x)(C) *An assessment of the proposed facility's compliance with the applicable noise regulations in OAR 340-035-0035;*

Response: The applicable noise regulations have not changed since submittal of the ASC and are the standards against which the amended project is compared. The amended facility will comply with noise regulations because the noise waiver for R2 (enclosed as Appendix X-1) was obtained from the affected property owner.

X.4 DESCRIPTION OF PROPOSED MITIGATION MEASURES

OAR 345-021-0010(1)(x)(D) *Any measures the applicant proposes to reduce noise levels or noise impacts;*

Response: At the single affected sensitive noise receptor (R2), the location of a single turbine will result in a noise level predicted at 37 dBA, which exceeds the 10 dBA increase criteria. A waiver has been obtained from the affected property owner.

X.5 ASSUMPTIONS AND METHODS

OAR 345-021-0010(1)(x)(E) *The assumptions and methods used in the noise analysis; and*

Response: The assumptions and modeling methods used to analyze the effects of the amended project are the same as described in the ASC and First Request for Amendment.

X.6 MONITORING PROGRAM

OAR 345-021-0010(1)(x)(F) *The applicant's proposed monitoring program, if any, for noise generated by construction and operation of the facility.*

Response: Because no significant noise impacts are predicted, no monitoring program is proposed.

X.7 CONCLUSION

The noise levels anticipated to be generated by the facility do not exceed specific regulatory levels and are not expected to be significant. To the extent that the project will increase the L₁₀ or L₅₀ by 10 dBA or more at R2, the Certificate Holder has obtained a noise waiver.

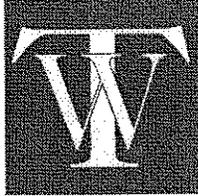
X.8 REFERENCES

TW Environmental, Inc. (TWE). 2007. Unpublished Memorandum. Amendment 2 to Klondike III Noise Analysis – Analysis for additional turbine near R2.

APPENDIX X-1

TW Environmental, Inc.

**Amendment 2 to Klondike III Noise Analysis –
Analysis for Additional Turbine near R2**



TW Environmental, Inc.

136 NE 28th Avenue, Portland, OR 97232-3146

503-235-9194 ■ Fax: 503-239-7998

To: Dana Siegfried
David Evans and Associates, Inc.

From: Francesca Sims, P.E.

Subject: Amendment 2 to Klondike III Noise Analysis – Analysis of Tower near R2

Project #: 242

Date: April 4, 2007

Background

A reanalysis of the noise level at receiver R2 was conducted to include one turbine (turbine 0), located within the additional micro-siting area, with a sound power level of 110 dBA. The location of turbine 0 is shown in Attachment 1. For the analysis, the tower location was moved closer to R2 within its potential 900-foot corridor in order to predict the worst-case noise level. Due to its relative distance to other receivers, only noise levels at R2 will be affected by the addition of tower 0. Noise levels at R3 were checked and found to vary by 0.1 dBA with no change to levels when rounded to an integer basis.

Results

The previous worst-case analysis showed a noise level of 36 dBA at R2. With the relocation of the turbine, the sound level at R2 was predicted to be 37 dBA. DEQ noise impact criteria allow for a level of no more than 36 dBA at noise sensitive properties. An easement has been obtained from the owner of R2.

Attachment 2 contains the output file of the SPM9613 model for R2 with the addition of tower 0.

Memorandum

Input Data Summary For:

N:\Projects\242\February 2007 Amendment 2\SPM 9613 Model Files\R2\R2.prj

Project Description:

Receiver 2 - All towers at worst-case locations and 106 dBA except for Tower 0 at 110 dBA
User Defined Observer Positions will be calculated with the following options:

Line and 3-D sources will have 6 points per source
Sort on A-weighted sound levels (maximum to minimum)
Include ISO 9613 Ground Effects with a 10 dB Cap, re Hard ground
Barriers are NOT included in the calculation
Reflectors are NOT included in the calculation
Industrial Sites and Foliage are NOT included in the calculation

Temperature, in degrees C: 11
Relative Humidity, in percent: 70

Source Files:

n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\D-07.src // D-07
n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\D-08.src // D-08
n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\D-09.src // D-09
n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\D-10.src // D-10
n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\D-11.src // D-11
n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\D-12.src // D-12
n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\D-13.src // D-13
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\E-01.src // E-01
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\E-02.src // E-02
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\E-03.src // E-03
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\G-01.src // G-01
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\G-02.src // G-02
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\T-40.src // T-40
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\T-41.src // T-41
N:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\T-42.src // T-42
N:\Projects\242\February 2007 Amendment 2\SPM 9613 Model Files\R2\0.src // 0

Page Number: 2

Observer File:

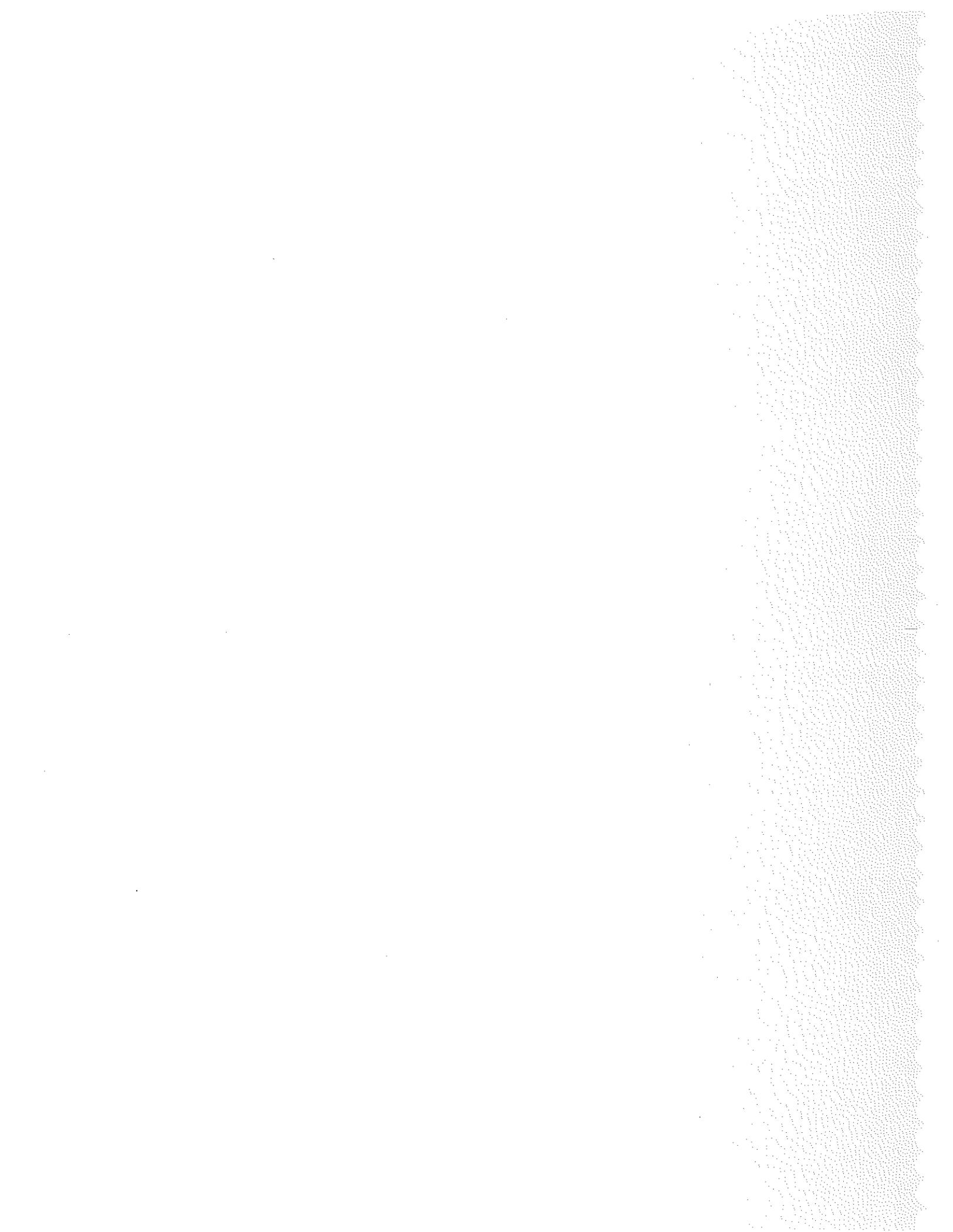
n:\Projects\242\SPM 9613 Model Files\August 2006 Worst Case Analysis\R2\Receiver 2.obs // R2

Output Data Summary

x = 2754.9 y = 9239.3 z = 1.5 (in meters)

<u>Source Component</u>	Octave Band Center Frequency, Hz										<u>dB(A)</u>	<u>dB(C)</u>
	<u>16</u>	<u>31.5</u>	<u>63</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>1000</u>	<u>2000</u>	<u>4000</u>	<u>8000</u>		
Total of Sources	0.0	48.0	54.0	44.1	38.1	34.5	31.8	19.9	0.0	0.0	37.2	54.4
0	0.0	48.0	46.4	36.7	33.4	29.6	25.2	14.2	0.0	0.0	31.3	48.8
E-01	0.0	0.0	44.0	34.2	27.4	24.3	22.8	12.4	0.0	0.0	27.4	43.9
E-02	0.0	0.0	43.1	33.2	26.4	23.2	21.4	10.3	0.0	0.0	26.3	42.9
E-03	0.0	0.0	42.2	32.2	25.3	22.0	20.1	8.2	0.0	0.0	25.1	42.0
D-10	0.0	0.0	41.7	31.7	24.8	21.4	19.3	7.0	0.0	0.0	24.5	41.5
D-11	0.0	0.0	41.5	31.6	24.6	21.2	19.0	6.5	0.0	0.0	24.2	41.4
D-09	0.0	0.0	41.4	31.4	24.5	21.1	18.9	6.3	0.0	0.0	24.1	41.3
D-08	0.0	0.0	41.4	31.4	24.5	21.0	18.9	6.2	0.0	0.0	24.1	41.3
G-02	0.0	0.0	41.0	31.0	24.0	20.5	18.2	5.1	0.0	0.0	23.5	40.8
G-01	0.0	0.0	40.9	30.9	23.9	20.4	18.0	4.9	0.0	0.0	23.4	40.7
D-12	0.0	0.0	40.8	30.8	23.8	20.3	17.9	4.7	0.0	0.0	23.3	40.7
D-07	0.0	0.0	40.7	30.7	23.6	20.1	17.7	4.3	0.0	0.0	23.1	40.5
T-42	0.0	0.0	40.5	30.5	23.4	19.9	17.4	3.9	0.0	0.0	22.9	40.4
D-13	0.0	0.0	40.2	30.2	23.1	19.4	16.9	3.0	0.0	0.0	22.5	40.0
T-41	0.0	0.0	40.0	29.9	22.8	19.1	16.5	2.4	0.0	0.0	22.2	39.8
T-40	0.0	0.0	39.5	29.4	22.2	18.5	15.7	1.0	0.0	0.0	21.5	39.3





ATTACHMENT 4

KLONDIKE III
Involved Landowners with Tax Lots Turbines

Owner	Address	Tenant Farmer	Farmer Address	Turbines	Tax Lot #	Map #
Nancy M. Famer, Trustee and Richard G. Harber and Gerry H. Harber, Trustee	Nancy Famer 23860 Long Valley Rd Hidden Hills, CA 91302	Jesse Stutzman	PO Box 116 98508 Emigrant Springs Lane Wasco, OR 97067	90-94	600	
Rodney M. Welk and Lynette K. Welk, Trustees	Rodney Welk 31530 Sodaville Rd Lebanon, OR 97355	Nick Welk	91916 Highway 206 Wasco, OR 97065	85-89	500	
James Weir Memorial Fund - Bigelow District	c/o J. Thomas Coats 113 "A" E. Second Street The Dalles, OR 97058	Kent Thomas	PO Box 7 Wasco, OR 97058	72-75	800	
Richard E. Jones and Robert C. Jones, Jr. and Mary Alice Jones, Trustees	Robert C. Jones 1928 S. Century Lane Spokane Valley, Wa. 99037-8351	Jesse Stutzman	PO Box 116 98508 Emigrant Springs Lane Wasco, OR 97067	50-53, 54-57	7100, 8400	
Roland and Sharon Simantel	Roland & Sharon Simantel PO Box 364 Wasco, OR 97065	n/a	n/a	126-162	2400, 2500, 2700, 2800	
Stevens Family Farms	c/o Arthur Stevens PO Box 257 Husum, WA 98623	Roland Simantel	PO Box 364 Wasco, OR 97065	41-49; 76-84; 103-125	3700; 9300, 9400; 800, 900, 1000, 1100, 1200, 1600, 1900	
Vernon and Virginia Melzer	Vernon & Virginia Melzer PO Box 41 Wasco, OR 97065	Daryl Melzer	PO Box 51 Wasco, OR 97065	95-102	300	
Frank and Deanna Zaniker	Frank & Deanna Zaniker 901 Richmond St The Dalles, OR 97058	n/a	n/a	58-71	6700, 8700	
Nancy Lewis	Nancy Lewis 964A Kiely Blvd Santa Clara, CA 95051	Weedman Ranches	PO Box 386 Wasco, OR 97065	26-27	3400	
Dan Thomas	Dan Thomas 3564 East 2nd #61 The Dalles, OR 97058	Weedman Ranches	PO Box 386 Wasco, OR 97065	28-40	3600	
U.S. Bank-Trustee - J.R. Morgan Trust, on behalf of Owners, and Marilyn Clark and Judy Probstfeld	JR Morgan Trust (P&C) US Bank c/o Scott Robar SO- WA-TTTR 428 Riverside Ave Spokane, WA 99201	Chris and Ernie Moore	Star Route, Box 99 Moro, OR 97039	1-25	5400, 5500	
Lee and Terry Kaseberg	Lee & Terry Kaseberg 70031 Van Gilder Rd Wasco, OR 97065	n/a	n/a	163-165	2000	

