

Request for Amendment III to the Site Certificate for the **Biglow Canyon Wind Farm**



SUBMITTED TO THE

**Oregon Energy
Facility Siting Council**

SUBMITTED BY

Portland General Electric

AUGUST 2008



Portland General Electric Company
121 SW Salmon Street • Portland, Oregon 97204

August 8, 2008

John White
Oregon Department of Energy
625 Marion Street NE
Salem, OR 97301-3737

Subject: Request for Amendment III to the Site Certificate for the Biglow Canyon Wind Farm

Dear Mr. White,

Portland General Electric is pleased to submit one original and 10 copies of the Request for Amendment III to the Site Certificate for the PGE Biglow Canyon Wind Farm. PGE will coordinate distribution of additional agency copies (see attached list).

If you have any questions, please do not hesitate to contact me at 503.464.8519.

Respectfully,

A handwritten signature in blue ink that reads "Ray Hendricks". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ray Hendricks
Environmental Engineer

cc: Richard Alan
Loretta Mabinton
Jaisen Mody
Gary Hacket

attachment

Biglow Agency List

case no	List	First Name	Last Name	Organization	Address1	Address2	Address	City	State	Zip
22465	630B	Eric	Nigg	Department of Environmental Quality	Water Quality		300 SE Reed Market Road	BEND	OR	97702
20987	630B	BRETT	MCKNIGHT	Department of Environmental Quality	Hazardous Waste		300 SE Reed Market Road	BEND	OR	97702
20657	630B	JERRY	SAUTER	WATER RESOURCES DEPARTMENT			725 SUMMER STREET NE, STE A	SALEM	OR	97301-1271
30552	630B	ROSE	OWENS	Oregon Department of Fish and Wildlife			3406 Cherry Avenue NE	SALEM	OR	97303
30073	630B	Keith	Kohl	Oregon Department of Fish and Wildlife			3701 West 13th	The Dalles	OR	97058
		Chris	Carey	Oregon Department of Fish and Wildlife			61374 Parrell Dr	Bend	OR	97702
				OREGON DEPT GEOLOGY & MINERAL INDUSTRIES			800 NE OREGON ST, #28	PORTLAND	OR	97232
22278	630B	DR. VICKI	MCCONNELL	OREGON DEPT OF FORESTRY			2600 STATE STREET, BLDG D	SALEM	OR	97310
20647	630B	JOE	MISEK	OREGON PUBLIC UTILITY COMMISSION			550 CAPITOL NE	SALEM	OR	97304
					Native Plant Conservation Program	Oregon State University				
29807	630B	REBECCA	CURRIN	Oregon Department of Agriculture			Cordley 2082	CORVALLIS	OR	97331
				DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT						
29800	630B	Jon	Jinings	NORTHWEST POWER AND CONSERVATION COUNCIL			20300 Empire Avenue	BEND	OR	97701
20660	630B	JEFF	KING	OFFICE OF STATE FIRE MARSHAL			851 SW 6TH AVE. SUITE 1100	PORTLAND	OR	97204
29478	630B	STACY	WARNER	Department of State Lands			4760 PORTLAND RD NE	SALEM	OR	97305-1760
		Jess	Jordan				1645 NE Forbes Road, Suite 112	Bend	OR	97701
		Susan	White	STATE HISTORIC PRESERVATION OFFICE			725 Summer St. NE Suite C	SALEM	OR	97301-1266
20649	630B	JAN	Houck	DEPT OF PARKS & RECREATION			725 SUMMER ST NE SUITE C	SALEM	OR	97301
				ASST ATTORNEY GENERAL/DEPT OF JUSTICE			1162 COURT ST NE	SALEM	OR	97301
22527	630B	JOHN F	LARSON	PACIFIC ENERGY SYSTEMS			2225 NE Alameda	PORTLAND	OR	97212
		Bob	Long	Golder Associates Inc.			9 Monroe Parkway, Suite 270	Lake Oswego	OR	97035
30736	630B	Cassie	Strege	City of Wasco			PO Box 25	Wasco	OR	97065
30555	630B	Arla	Melzer	Sherman County Public/School Library			65912 High School Loop	Moro	OR	97039
		Teara	Farrow	Confederated Tribes of Umatilla			P.O. Box 638	Pendleton	OR	97801
30015	630B	Sally	Bird	Confederated Tribes of Warm Springs			PO Box C	Warm Springs	OR	97761
30022	630B	Mayor Karen	Kellogg	City of Wasco	City Hall		PO Box 26	Wasco	OR	97065
30037	630B	Mayor John	Waldron	City of Moro, City Hall			PO Box 231	Moro	OR	97039
30021	630B	Mayor Clifford	Jett	City of Rufus			PO Box 27	Rufus	OR	97050
30554	630B	Georgia	Macnab	Sherman County Planning Director			PO Box 381	Moro	OR	97039
30012	630B	Susie	Anderson	Gilliam County Planning Director			221 S Oregon	Condon	OR	97823
				Wasco County- Planning and Economic Development Office			2705 C 2nd St	The Dalles	OR	97058
30551	630B	Bruce	Barnett	Chair, Sherman County Court			PO Box 365	Moro	OR	97039
30556	630B	Judge Gary	Thompson	Chair, Gilliam County Court			P.O. Box 424	Condon	OR	97823
		Judge Laura	Pryor	Wasco County Court			511 Washington St, Room, Room	The Dalles	OR	97058
		Judge Dan	Ericksen							

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CERTIFICATE HOLDER'S REQUEST FOR AMENDMENT #3 TO THE SITE CERTIFICATE FOR THE BIGLOW CANYON WIND FARM

Pursuant to OAR 345-027-0050, Portland General Electric Company ("PGE"), the holder of the Second Amended Site Certificate for the Biglow Canyon Wind Farm dated May 10, 2007 (the "Site Certificate"), requests to amend the Site Certificate to modify the facility and the Site Certificate as described in Sections 1.3 and 1.4 of this request ("Amendment Request").

The Certificate Holder is requesting several changes to the Site Certificate, including approval of modified turbine corridors, access roads, collector lines and temporary crane paths. There are two primary reasons for alterations to the facility itself:

(1) PGE is purchasing Siemens turbines for Phases 2 and 3; Vestas turbines were installed in Phase 1. The Siemens turbines require some changes to collector lines due to the manufacturer's differing technical requirements for interconnection of turbines to the collection system. Additional crane paths are required to move between the corridors in Phases 2 and 3 and due to stricter limitations on the allowable grade of the crane paths.

(2) Several access roads are proposed to be relocated to more reasonable gradients and to meet the request of property owners that roads be installed in locations that minimize the division of agricultural fields and provide the most utility for farm use, consistent with also providing access to turbine corridors.

In addition, the Certificate Holder is proposing several modifications to turbine corridors to allow the optimal location of turbines. The Certificate Holder is proposing to extend Corridor 3 northward, as an alternative location for turbines in the Phase 3 buildout. No specific turbine locations within that extended corridor are being proposed at this time.

The requested modifications are:

(1) Amend the Site Certificate (Attachment 1) as follows:

(a) The Certificate Holder is proposing new access road segments, totaling 3 miles, with a net addition of 2.5 miles.

(b) The Certificate Holder is proposing approximately 7.6 miles of additional linear collectors, with a net addition of 7.2 miles, in order to accommodate the requirements of the Siemens turbines.

(c) The Certificate Holder is proposing new temporary crane paths totaling approximately 13.3 miles, with a net addition of 10.9 miles.

(d) The Certificate Holder is proposing to add a new provision to Condition 52 to allow for "minimum lighting necessary for nighttime construction." The concrete foundation base and pedestal are each placed as monolithic pours for structural integrity. The placements in late fall (after daylight savings time) may require early start (before

daylight) in order to complete the pour in the available workday. Local lighting only will be used, aimed down at the foundation rather than outward.

The turbine installation in spring and summer may be limited by the winds for safety reasons. Often the local winds die down late at night. If the installer should choose to work during this late night period, any lighting will either be directed upward from the base of the tower or be directed downward to illuminate the work area. Any night work would be scheduled with the concurrence of the property owner.

(e) The Certificate Holder is proposing a new paragraph (d) in Condition 59 to address any impacts to Category 3 or Category 4 habitat that may result from development of turbines or permanent related or supporting facilities in the northward extension of Corridor 3, which the Certificate Holder anticipates as an alternative location for turbines in Phase 3.

(f) The Certificate Holder is proposing to substitute new language in Condition 98. Condition 98 currently requires the use of portable water tanks (“water buffaloes”). The new language would require that during operation of the Biglow Canyon Wind Farm the Certificate Holder comply with any written fire protection recommendations from the Fire Chief of the applicable Rural Fire Protection District. The Certificate Holder is requesting this change because the Fire Chief of the North Sherman County Rural Fire Protection District has recommended use of water trucks rather than water buffaloes. The revised condition creates flexibility to comply with new recommendations of the Fire Chief without further revisions to the Site Certificate.

(g) The Certificate Holder is proposing to modify Conditions 102, 105, 108, 116, 119, 120 121, and 122 (“Conditions Required by Council Rules”) to be consistent with current Council rules and to include clearer cross-references to the OARs. The language proposed is consistent with the language in the recently approved Site Certificate for the Shepherds Flat Wind Farm.

(h) The Certificate Holder is proposing to eliminate Conditions 117 and 123 because they are no longer “Conditions Required by Council Rules”.

(i) The Certificate Holder is proposing to add a new Condition 128 to address setback requirements for wind turbines under Sherman County Ordinance No. 39-2007.

(j) The Certificate Holder is proposing to add a new Condition 129 to ensure protection of a potential jurisdictional water (stream channel) identified in this Amendment Request. A collector line across the stream channel will be installed by tunneling or drilling beneath the stream channel.

(k) The Certificate Holder is also proposing several changes in the wording of the Site Certificate to reflect that the O&M facility will include multiple buildings and that the buildings cumulatively would not occupy more than 17,500 square feet in building footprint. That is consistent with a change request submitted by the Certificate Holder and approved by the Oregon Department of Energy by letter dated July 21, 2008.

(2) Expand the facility site as shown on Figures 1, 2, 2a, 2b, and 2c to accommodate the following:

- (a) Approximately 3 miles of new access roads;
- (b) Approximately 7.6 miles of new permanent linear collector lines;
- (c) New temporary crane paths, totaling approximately 13.3 miles;
- (d) Lengthen the turbine corridors north of approved Corridors 1 and 20, and modify other corridors as shown on Figures 2a, 2b and 2c to accommodate turbine micro-siting locations outside the previously approved corridors; extend Corridor 3 northward to provide an alternative for siting turbines in the Phase 3 buildout.

(3) Make the following changes:

- (a) Revise the habitat impacts calculations to account for changes to the facility (new and expanded facilities); and
- (b) Revise the estimated cost of decommissioning, consistent with changes to the facility and site proposed in this amendment request, including the use of Siemens turbines.

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

OAR 345-027-0060 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.

1.1 Certificate Holder Information

Name and mailing address of the Certificate Holder:

Portland General Electric Company
121 S.W. Salmon Street
Portland, OR 97204

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

Ray Hendricks
Portland General Electric Company
121 S.W. Salmon Street
3WTC-BR03
Portland, OR 97204
503-464-8519

1.2 Description of the Facility

The proposed facility, referred to as the Biglow Canyon Wind Farm, is described in Exhibits B and C of the ASC and Section III of the Site Certificate. The Certificate Holder is proposing to alter the related or supporting facilities and the site in the manner described in this Amendment Request. Figure 3 accompanying this Amendment Request shows the facility and site as currently permitted, including 3 change requests submitted by the Certificate Holder for which the Department has confirmed that no site certificate amendment is required. Figure 1 (“Proposed Amendment Layout”) shows the Biglow Canyon Wind Farm with both approved facilities and modifications proposed in this Amendment Request. Figures 2, 2a, 2b and 2c (“Overview of Proposed Modifications”) highlight the additional or modified corridors and related or supporting facilities (access roads, collector lines, and temporary crane paths) included in this Amendment Request.

1.3 Description and Analysis of the Proposed Changes

OAR 345-027-0060(1)(c) requires that an amendment request include “a detailed description of the proposed change and certificate holder’s analysis of the proposed change under the criteria of OAR 345-027-0050(1).”

The Certificate Holder is proposing the following actions related to the facility and the Site Certificate:

(1) Expand the facility site to accommodate the following, as depicted on Figures 2, 2a, 2b and 2c (“Overview of Proposed Modifications”):

(a) Approximately 3 miles of new access roads. The primary reason for revising the access road layout is to maintain reasonable gradients for delivery vehicles and operations vehicles and to accommodate the wishes of property owners for access road alignments that reduce the division of farm fields and serve agricultural needs as well as the needs of the wind farm.

(b) Approximately 7.6 miles of permanent linear collector lines. As shown on Figures 2, 2a, 2b and 2c new segments of collector lines are being added outside of previously approved corridors. The new collector lines are needed to improve efficiencies, reduce costs and reduce impacts. Additional collector lines are also added to meet the requirements of Siemens regarding the interconnection of turbines to the collector system.

(c) Additional temporary crane paths, totaling approximately 13.3 miles. The crane paths will be used during construction in order to move cranes between turbine corridors. Additional crane paths are also needed due to the requirements of Siemens with respect to the grade of the paths.

(d) Extend and modify turbine corridors. Lengthen the turbine corridors north of approved Corridors 1, 3 and 20 and modify other corridors as shown on Figures 2, 2a, 2b and 2c to accommodate turbine micro-siting locations outside the approved corridors. The Certificate Holder is not proposing to increase the maximum number of turbines for the Biglow Canyon Wind Farm.

(2) Make the following changes:

(a) Revise the habitat impacts calculations to account for changes to the facility (new and expanded facilities). Attachment 2 provides revised calculations of temporary and permanent habitat impacts, taking into account the facility changes proposed in this Amendment Request. Permanent impacts to Category 3 and Category 4 habitat increase slightly, from 11.92 acres to 12.69 acres.

(b) Revise the estimated cost of decommissioning, consistent with changes to the facility and site proposed in this amendment request. Attachment 3 provides retirement cost estimates for Phases 1 and 2 of the Biglow Canyon Wind Farm, based on the changes to the facility and the site proposed in this Amendment Request. As discussed in Section 1.5.1(f) of this request, the Certificate Holder will submit a revised retirement cost estimate for the project as a whole, together with evidence that the Certificate Holder can obtain a letter of credit in an amount at least equal to the revised estimate.

Under OAR 345-027-0050, a site certificate amendment request is required if a site certificate holder proposes “to design, construct or operate a facility in a manner different from the description in the site certificate” and if the proposed change meets any of three criteria, discussed below. The proposed changes in this Amendment Request trigger a site certificate amendment pursuant to two of the three criteria.

1.3.1 *“Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards.”*

Response: The proposed changes include expansion of the facility site onto lands not fully surveyed previously for resources protected under Council rules, and affecting habitat protected under Council standards. Therefore, a site certificate amendment is necessary.

1.3.2 *“Could impair the certificate holder’s ability to comply with a site certificate condition; or”*

Response: For the reasons explained in this Amendment Request, the Certificate Holder does not believe that its ability to comply with the current conditions of the Site Certificate will be impaired by the changes to the facility requested by the Certificate Holder.

1.3.3 *“Could require a new condition or change to a condition in the site certificate.”*

Response: The Certificate Holder is requesting changes to several conditions of the Site Certificate, to reflect changes in the facility, create more flexibility during construction (allowing nighttime lighting under Condition 52) and operation (allowing use of water trucks under Condition 98), and amend the “Conditions Required by Council Rules” to make them consistent with current Council rules. The Certificate Holder is also proposing two new conditions, one to address Sherman County’s setback requirements for wind turbines, and one to ensure the a potential jurisdiction water is not disturbed by the construction of a collector line. An amendment to the Site Certificate is required to accomplish these changes.

1.4 Proposed Changes to Site Certificate

OAR 345-027-0060(d) requires that a request to amend a site certificate must include “the 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 Amendment Request is a “redline” version of the Site Certificate, showing the proposed changes. The substantive changes to the Site Certificate are found on pages 3, 4,8, 11-13, 16, 17, and 21-28 of the redline.

Section III.A.2.a: The Certificate Holder is proposing to increase the estimated miles of power collection lines from 99 miles to 106 miles.

Section III.A.2.d: The Certificate Holder is proposing changes to reflect multiple buildings as part of the O&M facility, and to reflect that the buildings cumulatively would not occupy more than 17,500 square feet in building footprint. That is consistent with a change request submitted by the Certificate Holder and approved by the Oregon Department of Energy by letter dated July 21, 2008. Conforming changes are also proposed in Conditions 20, 50, 51, 52(b), 75, 83.

Section III.A.2.f: The Certificate Holder is proposing to increase the estimated miles of new access roads from 41.5 miles to 44 miles.

Section III.A.2.h: The Certificate Holder is proposing to increase the total length of temporary crane paths from 5.1 miles to approximately 16 miles. This includes crane paths developed and subsequently revegetated during Phase 1, which has been completed.

Condition 52(d) (New, p. 11): The Certificate Holder is proposing to add this provision to allow for “minimum lighting necessary for nighttime construction.” As discussed above, nighttime work may be necessary during the monolithic pour of the concrete foundation base and pedestal, and during turbine installation when daytime wind conditions affect construction. Condition 52(d), as revised, would read:

Minimum lighting necessary for nighttime construction. The certificate holder may only use local lighting directed downward to illuminate the work area at the turbine base or upward from the base to illuminate the turbine tower; construction lighting shall not be directed outward. The certificate holder shall use nighttime lighting only with the approval of the owner of the property on which the work is conducted and shall provide notice of nighttime construction to occupants of all residences within one-half mile of the construction site.

Condition 59 (pp. 12-13): The Certificate Holder is proposing to add cross-references to corridors and facility components shown on Figure 7-1 of Attachment 5 of this Amendment Request. The Certificate also is proposing a new paragraph (d) in Condition 59 to address any impacts to Category 3 or Category 4 habitat that may result from development of turbines or permanent related or supporting facilities in the northward extension of Corridor 3, which the Certificate Holder anticipates as an alternative location for turbines in Phase 3:

Prior to constructing any turbines or permanent related or supporting facilities within the northward extension of Corridor 3 shown on Figure 2a of Request for Amendment #3, the certificate holder shall provide the Department with maps and calculations documenting the additional permanent impacts, if any, to Category 3 and Category 4 habitat predicted to result from the construction. The certificate holder's obligations under the Habitat Mitigation Plan that is incorporated in the Final Order on Amendment #2 as Attachment C shall include mitigation for any such additional impacts to Category 3 and Category 4 habitat.

Condition 98 (p. 21): The Certificate Holder is proposing to substitute new language in Condition 98. Condition 98 currently requires the use of portable water tanks ("water buffaloes"). The new language would require that during operation of the Biglow Canyon Wind Farm the Certificate Holder comply with any written fire protection recommendations from the Fire Chief of the applicable Rural Fire Protection District:

During operation of the facility, the certificate holder shall comply with all other written fire protection recommendations of the Fire Chief of the applicable Rural Fire Protection District and shall promptly provide the Department any correspondence from the Fire Chief altering those recommendations.

The Certificate Holder is requesting this change because the Fire Chief of the North Sherman County Rural Fire Protection District has recommended use of water trucks rather than water buffaloes. The revised condition creates flexibility to comply with new recommendations of the Fire Chief without further revisions to the Site Certificate.

Conditions 102, 105, 108, 116, 119, 120 121, and 122 (pp. 22-27): The Certificate Holder is proposing to modify these "Conditions Required by Council Rules" to be consistent with current Council rules and to include clearer cross-references to the OARs. The language proposed is consistent with the language in the recently approved Site Certificate for the Shepherds Flat Wind Farm.

Conditions 117 and 123 (pp. 24, 27): The Certificate Holder is proposing to eliminate these two conditions because they are no longer "Conditions Required by Council Rules". Elimination of these conditions is consistent with the conditions in the recently approved Site Certificate for the Shepherds Flat Wind Farm.

Condition 128 (p. 28): The Certificate Holder is proposing to add a new Condition 128 to address setback requirements under Sherman County Ordinance No. 39-2007:

128. With respect to any turbine located within a corridor approved by the Council after November 21, 2007, the certificate shall not locate such turbine within the setback prescribed by Section 4 of the Sherman County Wind Power Set Back Ordinance (Ordinance No. 39-2007) unless the Council has approved a

variance to such setback for the turbine or the certificate holder has negotiated a setback agreement with the affected adjacent property owner or wind project developer.

Condition 129 (p. 28): The Certificate Holder is proposing to add a new Condition 129 to ensure protection of a potentially jurisdictional stream channel identified in conjunction with this Amendment Request:

129. The certificate holder shall avoid any disturbance within 25 feet of the stream channel in the area identified as Crossing H in the Request for Amendment #3 and shall install any collector line through the area by tunneling or drilling beneath the stream channel.

1.5 Relevant standards

OAR 345-027-0060(1)(e) and (f) require that this Request for Amendment #3 include “a list of the Council standards relevant to the proposed change” and “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.” Below is a discussion of compliance with the relevant standards.

1.5.1 Division 22 Standards

(a) OAR 345-022-0010 Organizational Expertise

This standard has four paragraphs. The first two, OAR 345-022-0010(1) and OAR 345-022-0010(2), relate to the Certificate Holder's qualifications and capability. The proposed amendments have no impact on PGE's qualifications or capabilities, which were addressed in the request for transfer of the Site Certificate to PGE.

The second two paragraphs, OAR 345-022-0010(3) and OAR 345-022-0010(4), relate to third-party permits. The changes proposed in this Amendment Request do not involve any third-party permits.

(b) OAR 345-022-0020, Structural Standard

OAR 345-022-0020 requires the Council to find that the applicant, through appropriate site-specific study, has adequately characterized the seismic, geologic and soils hazards of the site and its vicinity and that the applicant can design, engineer and construct the facility to avoid dangers to human safety presented by such hazards. Pursuant to ORS 469.501(4), however, the Council may issue a site certificate without making the findings required by the structural standard, but the Council may impose conditions based on the structural standard. The Council imposed Conditions 66-68 based on the structural standard. Nothing in this request alters the Council's analysis of structural issues in the Final Order or affects the Certificate Holder's ability to comply with Conditions 66-68.

(c) OAR 345-022-0022, Soil Protection

OAR 345-022-0022 requires the Council to find that the design, construction, operation, and retirement of the facility, taking mitigation measures into account, 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. In the Final Order, Section IV.3(b), the Council found that the applicant met the soil protection standard, provided certain conditions (Conditions 26-35) were met. These conditions remain adequate for soil protection. For example, Condition 29 will apply to restoration of areas temporarily disturbed during construction.

This Amendment Request will not interfere with the Certificate Holder's ability to comply with Conditions 26-35.

(d) OAR 345-022-0030, Land Use

OAR 345-022-0030 requires the Council to determine whether the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission. Pursuant to ORS 469.504(1)(b), the Council found in Section IV.3(a) of the Final Order that the facility complies with OAR 345-022-0030(2)(b), with the imposition of Conditions 17-25.

The facilities and expanded site proposed in this Amendment Request are all of a nature already approved by the Council under ORS 469.504(1)(b) and OAR 345-022-0030(2)(b), and the applicable provisions of the County comprehensive plan, SCZO, and state law. With the exception of the Sherman County Wind Power Set Back Ordinance (Ordinance No. 39-2007), adopted in November 2007 (discussed below), the applicable provisions have not changed, and the proposed facilities and site expansion are all within the same zone (EFU) as the facilities and site already approved.

Exception to Goal 3 under ORS 469.504(2)

The proposed facility would occupy more than 20 acres of non-high-value farmland and more than 12 acres of high-value farmland in the EFU zone, and therefore does not comply with OAR 660-033-013(17), (22) and Goal 3. The Final Order found that the project as proposed met the standards for an exception to Goal 3 under ORS 469.504(2). The Final Order on Amendment #2 (May 10, 2007) applied the same analysis to an expansion of the site and to the development of temporary crane paths. The Amendment Request seeks to expand the facility site beyond that approved in the Final Order and the Final Order on Amendment #2. However, the exceptions analysis and findings set forth in Section IV.3(a)(C) of the Final Order also justifies the relatively small expansion of the facility site proposed in this Amendment Request. Those findings can be summarized (in bold) as follows:

Reasons Supporting the Exception

1. **The proposed facility would occupy less than one percent of the actively farmed land adjacent to the facility; and most of the land occupied by the facility would be occupied by the access roads, which would be available for use by the landowner**

in farm operations. This Amendment Request proposes extended or alternative turbine corridors, as well as collector line corridors and temporary crane paths. As was the case with the crane paths approved in the Final Order on Amendment #2, the crane paths will be restored to their original condition after construction has been completed.

2. **The facility is compatible with farm use, would not seriously interfere with accepted farm practices on adjacent land and would not materially alter the overall land use pattern of the area.** This Amendment Request does not propose any new types of related or supporting facilities.

3. **Approval of the proposed facility furthers the state policy embodied in Goal 13 (Energy Conservation).** The proposed facilities and site expansion are turbine corridors and related or supporting facilities (collector lines and temporary crane paths) that must be located in the area of the wind turbine corridors, and therefore further state policy of promoting renewable resources, including wind, “whenever possible.”

4. **It is not feasible to locate a renewable wind energy facility in Sherman County without affecting agricultural land because the best wind resources are all located on agricultural land.** The proposed facilities and site expansion are for wind turbines, or for related or supporting facilities that must be located in the area of the wind turbine corridors, which necessitates locating them on agricultural land.

5. **The farmers who own the land where the facility would be located are willing to enter into land leases to allow the project to be built. In return, the landowners would receive annual lease payments.** All proposed facilities are located on property for which the Certificate Holder has entered or will enter into appropriate agreements to compensate the owners.

6. **The project would boost the local economy by creating jobs and contributions to the local tax base.** As stated in the Final Order of June 30, 2006, the facility will result in substantial employment during construction as well as operation and will provide substantial tax revenue “with insubstantial countervailing public service demands.”

Significant environmental, economic, social and energy consequences

The facility would be in compliance with all rules of the Council applicable to the siting of the proposed facility. As demonstrated in this Amendment Request, the additional related or supporting facilities and site expansion also would comply with all applicable Council rules.

Compatibility with adjacent uses

The facility is compatible with farm use, would not seriously interfere with accepted farm practices on adjacent land and would not materially alter the overall land use pattern of the area. These findings were made in conjunction with the analysis of SCZO 5.8.16 in the Final Order of June 30, 2006. The additional facilities proposed in this Amendment Request allow farm use to continue on adjacent lands and do not seriously interfere with accepted farm practices on those lands.

Sherman County Wind Power Set Back Ordinance (Ordinance No. 39-2007)

On November 21, 2007, the County Court of Sherman County adopted Ordinance No. 39-2007, the “Sherman County Wind Power Set Back Ordinance.” A copy of the ordinance is attached as Attachment 4. The stated purpose of the ordinance is “to establish standards which shall be applied to boundaries where the developers of adjacent, separate wind projects cannot agree on set back requirements for the wind towers of their respective projects.” Because the ordinance was adopted in November 2007, it does not apply to siting of turbines in corridors approved in the Final Order of June 30, 2006 or the Final Order on Amendment #2. However, it does apply to the extension of turbine corridors beyond the site already approved, specifically the corridor changes shown on Figures 2a, 2b and 2c (referred to below as the “additional corridors”).

If a project developer has not negotiated setback agreements with owners of adjacent properties or developers of adjacent projects, then the setbacks of Sections 4 and 5 of the ordinance apply:

“Section 4. Set Back Distances

- a. Set back from property lines in all East-West upwind and downwind directional property line installation shall be no less than 7.5 times the rotor diameter and no less than 1.5 times the rotor diameter for all North-South property line delineations. These requirements shall only apply to project boundaries and will not be required for towers installed internally within the project.
- b. A variance may be issued to set back standards in cases where extraordinary topographical or geographical conditions would justify the granting of a variance. A variance may be applied for pursuant to Article 7, Variances, of the Sherman County Zoning Ordinance.

Section 5. Set Backs from Pre-Existing Wind Turbines. The minimum set back requirements from pre-existing wind turbines shall be 15 times the rotor diameter upwind and downwind for all East-West set back considerations and 3 times the rotor diameter for all North-South set back considerations.”

Turbines in the additional corridors included in this Amendment Request are not within the setbacks from pre-existing wind turbines established under Section 5 of the ordinance.

As shown on Figure 4, attached, turbine locations in two of the additional corridors would not meet the setback distances in Section 4 of the ordinance. Specifically, turbines T-235 and T-236 are within the east-west setback distance (7.5 x 93 meter rotor diameter, or 697.5 meters) from the eastern project boundary, turbines T-231 and T-232 are within the east-west setback distance from the western project boundary, and turbine T-231 is within the north-south setback distance from the north project boundary. As discussed below, the certificate holder is requesting a variance from the east-west setback for all four turbines, because it is extremely unlikely that adjoining property owners would build turbines within the specified setbacks.

In addition, the certificate holder is proposing the following new condition as part of the Third Amended Site Certificate for the Biglow Canyon Wind Farm:

“128. With respect to any turbine located within a corridor approved by the Council after November 21, 2007, the certificate shall not locate such turbine within the setback prescribed by Section 4 of the Sherman County Wind Power Set Back Ordinance (Ordinance No. 39-2007) unless the Council has approved a variance to such setback for the turbine or the certificate holder has negotiated a setback agreement with the affected adjacent property owner of wind project developer.”

Section 6 of the ordinance provides that the “minimum setback distance from an operating wind turbine to the boundary lines of any incorporated city in Sherman County shall be a distance of one (1) mile, unless a variance to such distance is obtained through the city council of an affected City, after public hearing.” The additional corridors are not within one mile of any incorporated city in Sherman County. Therefore, any turbines located in the additional corridors will comply with the minimum setback of Section 6.

Variance from East-West Setback Requirement of Sherman County Wind Power Set Back Ordinance

As discussed above, turbines T-235 and T-236 are within the east-west setback (7.5 rotor diameters) from the east project boundary, and turbines T-231 and T-232 are within the east-west setback from the west project boundary. Section 4.b allows variances from the setback requirements for “extraordinary topographical or geographical conditions.” Section 4.b references the variance standards of Article 7, Variances, of the Sherman County Zoning Ordinance. Section 7.2 of Article 7 authorizes a variance if four criteria are met. The criteria are addressed for this variance request:

“1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography or other circumstances over which the applicant has no control.” The land to the east of turbines T-235 and T-236 is extremely steep, descending more than 700 feet in elevation in an uninterrupted slope to the John Day River. That area is essentially unbuildable both due to the slope and the visual impact from the John Day River. Similarly, the land to the west of turbines T-231 and T-232 drops sharply down to Scott Canyon Road, with an even steeper incline on the west side of the road, well past the 7.5 rotor diameter setback.

“2. The variance is necessary from the preservation of property rights of the applicant substantially the same as owners of other property in the same zone or vicinity possesses.” The pattern of wind turbine development within the project and in other wind project in the vicinity is similar: turbines are placed along ridgelines. The certificate holder has entered into agreements with the owners of the project in order to fully develop the available wind resource. Development of the wind resource benefits the certificate holder and the property owners, and provides a clean, renewable energy source that benefits the state and the region.

The requested variances are necessary for the certificate holder to take optimal advantage of the topography and wind resource of the Biglow Canyon Wind Farm project site.

“3. The variance would not be materially detrimental to the purposes of this ordinance, or the property in the zone or vicinity in which the property is located or otherwise conflict with objectives of any County plan or policy.” The Sherman County Wind Power Set Back Ordinance serves to ensure that “future wind generation projects are compatible with each other.” The requested variances will not result in incompatibility between adjacent wind generation projects because the land within the setback area east of turbines T-235 and T-236 and west of turbines T-231 and T-232 are too steep to be suitable for wind energy development.

“4. The variance is the minimum variance, which would alleviate the hardship.” As discussed in response to Criterion 2, the variance requested allows the Certificate Holder to optimize the wind resource through appropriate location of turbines in relation to topography and the wind resource. A lesser variance would not result in greater utilization of the wind resource because the respective setback areas are too steep to be suitable for wind energy development.

The criteria for a variance are met.

The uses proposed in this Amendment Request, with the imposition of new Condition 128, meet the land use standard for the reasons set forth in Section IV.3(a) of the Final Order, in the Final Order on Amendment #2, and in this Amendment Request.

(e) OAR 345-022-0040, Protected Areas

OAR 345-022-0040 requires the Council to find that, taking into account mitigation, the design, construction, and operation of the facility are not likely to result in significant adverse impact to areas protected by state or federal statute.

The applicant provided information on compliance with the standard for Protected Areas in Exhibit L of the ASC. In Section IV.3(c) of the Final Order, the Council found that the energy facility would meet the protected areas standard, with one condition of approval, Condition 36:

“Without Department approval, the certificate holder shall not move any turbines within its micrositing corridors such that a worst-case visual impact beyond that stated in the ASC and ASC Supplement would occur for the John Day Wildlife Refuge, the John Day Federal Wild and Scenic River, or the John Day State Scenic Waterway (Parrish Creek to Tumwater Falls).”

The location of Protected Areas is shown on Figure 5. Only the John Day Canyon River and Canyon features are within 5 miles of the nearest turbine. In Exhibit R of the ASC Supplement (March 2006), the applicant (Orion Energy) provided visualizations of the Biglow Canyon Wind Farm from four viewpoints. The locations of the viewpoints were identified on Figure R-8 of the ASC Supplement. Viewpoint 1 was simulated on Figure R-9 of the ASC

Supplement, Viewpoint 2 on Figure R-10, Viewpoint 3 on Figure R-11, and Viewpoint 4 on Figure R-12.

Figure 6 of this Amendment Request shows the locations of the four viewpoints in relation to the Certificate Holder's mapping of turbine visibility. Simulations of turbine visibility, using the turbine locations and equipment described in this Amendment Request, are presented on Figure 6a (Viewpoint 1), Figure 6b (Viewpoint 2), Figure 6c (Viewpoint 3) and Figure 6d (Viewpoint 4). The differences between the simulations are somewhat subjective. The configuration proposed in this Amendment Request appears to be somewhat more visible from Viewpoint 1, but less visible from Viewpoint 2 and not visible at all from Viewpoint 4. From Viewpoint 3, the proposed configuration appears to result in slightly greater visibility of blade tips (11 versus 8), but slightly less visibility of turbine hubs (3 versus 4 hubs in the ASC Supplement). Overall, the visual impact does not exceed the impact stated in the ASC and ASC Supplement.

This Amendment Request will not impact any other Protected Areas, and will not interfere with the Certificate Holder's ability to comply with Condition 36.

(f) OAR 345-022-0050, Retirement and Financial Assurance

OAR 345-022-0050 requires the Council to find that the applicant has a reasonable likelihood of obtaining a bond or comparable security, satisfactory to the Council, in an amount adequate to restore the site to a useful, nonhazardous condition if the certificate holder either begins but does not complete construction of the facility or permanently closes the facility before establishing the financial mechanism or instrument described in OAR 345-027-0020(9).

The changes to the facility and site proposed in this Amendment Request would alter the potential cost of site restoration. In addition, the Certificate Holder is planning on using Siemens turbines in Phases 2 and 3; Vestas turbines were used in Phase 1. Site restoration costs for Phases 1 and 2, combined, are shown on Attachment 3 and total approximately \$9.9 million. The Council's Final Order, Section IV.2(b), found that the Financial Assurance standard could be satisfied. In conjunction with the request to transfer the Site Certificate to PGE (Amendment #1), PGE submitted evidence that it can obtain a letter of credit for up to \$10 million. PGE will supplement this Amendment Request with evidence regarding the cumulative retirement cost for Phases 1-3 and provide evidence that PGE can obtain a letter of credit sufficient to retire the facility at full buildout.

(g) OAR 345-022-0060, Fish and Wildlife Habitat

OAR 345-022-0060 requires the Council to 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 in effect as of September 1, 2000. The Council's Final Order, Section IV.4(b) addresses compliance with the Fish and Wildlife Habitat Standard and found that the Biglow Canyon Wind Farm would meet the standard, subject to Conditions 58-65.

Additional surveys and change to Habitat Mitigation Plan

Attachment 5 is a report prepared by CH2M Hill (“CH2M”), “Biglow Canyon Wind Farm – Additional Sensitive Species Surveys for Amendment III,” dated July 25, 2008. The report documents the results of sensitive species surveys to augment the surveys conducted in 2005 and 2006. The areas surveyed are shown on Figure 7-1. The only sensitive species observed was grasshopper sparrow. Several raptor nests were identified, none closer than about 0.25 mile from any existing or proposed turbine location.

Attachment 2 updates the temporary and permanent habitat impacts to account for the changes to the site and facilities, as proposed in this Amendment Request. No Category 1 or Category 2 habitat will be impacted by the proposed changes. The total permanent impact on Category 3 and Category 4 habitat will increase from about 11.92 acres to 12.69 acres, an increase of 0.67 acres.

The Habitat Mitigation Plan (Attachment C to the Final Order of May 10, 2007) reflects a permanent impact of 11.93 acres of Category 3 and Category 4 habitat, and consequently requires an 11.93 acre reseeded mitigation area. Due to the increase in permanent impact, the Certificate Holder proposes increasing the reseeded mitigation area to 12.69 acres. The Habitat Mitigation Plan can be amended without an amendment to the Site Certificate. The Council retains authority, however, to approve, reject or modify a change to the Habitat Mitigation Plan. The Certificate Holder therefore requests Council approval of this change.

This Amendment Request seeks approval for a northward extension of Corridor 3, which the Certificate Holder anticipates as an alternative location for turbines in Phase 3. The Certificate Holder does not currently have a proposed layout for facilities in the extended corridor. Therefore, the Certificate Holder is proposing a new paragraph (d) in Condition 59 to address any impacts to Category 3 or Category 4 habitat that may result from development of turbines or permanent related or supporting facilities in the northward extension of Corridor 3.

(h) OAR 345-022-0070, Threatened and Endangered Species

OAR 345-022-0070 requires the Council, after consultation with appropriate state agencies, to find that the design, construction, operation and retirement of the energy facility are consistent with any protection and conservation programs adopted by the Oregon Department of Agriculture for plant species listed as threatened or endangered under ORS 564.105(2), or if the Department of Agriculture has not adopted a protection and conservation program, that the facility is not likely to cause a significant reduction in the likelihood of survival or recovery of the species. With respect to wildlife species, the Council must find that the design, construction, operation and retirement of the facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of species listed as threatened or endangered by Oregon Fish and Wildlife Commission under ORS 496.172(2).

In Section IV.4(a) of the Final Order, the Council found that, with the imposition of the Conditions 55-57, the energy facility will not have an adverse impact on any threatened, endangered, or candidate plant species or their habitat. An additional condition (Condition 126), requiring surveys for Northern Wormwood and Henderson’s ricegrass, was adopted by the Council in the Final Order on Amendment #2.

Attachments 5 and 6 provide updated surveys for threatened and endangered animal and plant species, respectively. No federal or state listed plant or animal species were identified during the surveys. Existing Site Certificate conditions are adequate to address impacts to sensitive plant and wildlife habitat.

(i) OAR 345-022-0080, Scenic and Aesthetic Values

OAR 345-022-0080 requires the Council to 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 applicable federal land management plans or in local land use plans in the analysis area. The impact of the energy facility on scenic and aesthetic values was addressed in Section IV.3(d) of the Final Order. Nothing in this Amendment Request would affect compliance with the Scenic and Aesthetic Values Standard.

(j) OAR 345-022-0090, Historic, Cultural, and Archaeological Resources

OAR 345-022-0090 requires the Council to find that the construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places. For a facility on private land, including the Biglow Canyon Wind Farm, the Council must also find that the construction, operation and retirement of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c). Pursuant to ORS 469.501(4), however, the Council may issue a site certificate without making the findings required by this standard, but the Council may impose conditions based on the standard. The Council imposed Conditions 69-73 based on the Historic, Cultural, and Archaeological Resources standard. Nothing in this request affects the Certificate Holder's ability to comply with Conditions 69-73.

Under separate cover, the Certificate Holder is submitting a technical memorandum prepared by CH2M. The technical memorandum evaluates the potential for impacts to cultural resources in project areas not previously surveyed. The 2008 surveys by CH2M resulted in the discovery and documentation of a single historic isolated find: a wooden wagon axle. As indicated in the memorandum, isolated finds do not constitute significant cultural resources under the National Historic Preservation Act; the wagon axle is not listed, and would not likely be listed, on the National Register of Historic Places. The wagon axle also is not an "archaeological object" as defined in ORS 358.905(1)(a) or an archaeological site as defined in ORS 358.905(1)(c). It is not "part of the physical record of an indigenous or other culture" as required to be an "archaeological object," and lacks the "contextual associations" with other archeological objects or biotic or geological remains or deposits necessary to qualify as an "archaeological site."

No change to Conditions 69-73 is required in response to the CH2M technical memorandum.

(k) OAR 345-022-0100, Recreation

OAR 345-022-0100 requires the Council to 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. Impacts on recreational opportunities were addressed in Section IV.3(e) of the Final Order. This Amendment Request does not affect compliance with the Recreation Standard.

(l) OAR 345-022-0110, Public Services

OAR 345-022-0110 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 to provide sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools. Pursuant to ORS 469.501(4), however, the Council may issue a site certificate without making the findings required by the Public Services standard, but the Council may impose conditions based on the standard. The Council imposed Conditions 77-79 based on the Public Services standard. Nothing in this request alters the Council's analysis of Public Services issues in the Final Order or affects the Certificate Holder's ability to comply with Conditions 77-79.

(m) OAR 345-022-0120, Waste Minimization

OAR 345-022-0120 requires the Council to find that, to the extent reasonably practicable, 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 or wastewater is generated, to result in recycling and re-use of such wastes; and 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 impacts on surrounding and adjacent areas. Pursuant to ORS 469.501(4), however, the Council may issue a site certificate without making the findings required by the Waste Minimization standard, but the Council may impose conditions based on the standard. The Council imposed Conditions 80-88 based on the Waste Minimization standard. Nothing in this request alters the Council's analysis of waste minimization issues in the Final Order or affects the Certificate Holder's ability to comply with Conditions 80-88.

1.5.2 Division 23 Standards

The Division 23 standards apply only to non-generating facilities and are inapplicable to the Biglow Canyon Wind Farm.

1.5.3 Division 24 Standards

The Division 24 standards applicable to the Biglow Canyon Wind Farm are set forth in OAR 345-024-0010, OAR 345-024-0015 and 345-024-0090.

OAR 345-024-0010(2) requires that in order to approve a site certificate for a wind energy facility, the Council must make findings that the applicant can design, construct and

operate the facility: (1) to exclude members of the public from close proximity to the turbine blades and electrical equipment; and (2) 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 consequence of such failure. These standards were addressed in Section IV.3(f) of the Final Order, and the Council imposed Conditions 37-47 of the Site Certificate to ensure compliance. This Amendment Request does not affect compliance with the standards in OAR 345-024-0010 or the Certificate Holder's ability to comply with Conditions 37-47.

OAR 345-024-0015 requires that in order to approve a site certificate for a wind energy facility, the Council must make findings regarding the applicant's ability to design and construct the facility to reduce visual impacts, restrict public access, and to reduce cumulative adverse environmental impacts in the vicinity. These standards were addressed in Section IV.3(g) of the Final Order, and the Council imposed Conditions 48-52 of the Site Certificate to ensure compliance. This Amendment Request does not affect compliance with the standards in OAR 345-024-0015 or the Certificate Holder's ability to comply with Conditions 48-52 of the Site Certificate.

OAR 345-024-0090 requires that for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant can meet standards regarding electric fields and induced currents from the transmission line. Compliance with those standards was addressed in Section IV.3(h) of the Final Order, and the Council imposed Conditions 53 and 54 of the Site Certificate to ensure compliance. This Amendment Request does not affect compliance with the standards in OAR 345-024-0090 or the certificate holder's ability to comply with Conditions 53 and 54 of the Site Certificate.

1.6 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 request 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(10).”

1.6.1 Applicable substantive criteria.

OAR 345-027-0070(10) 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.”

(a) Land Use Standard

OAR 345-022-0030, which is addressed in Section 1.5.1(d), above, sets forth the Council’s land use standard. For the reasons described in Section 1.5.1(d), together with the Council’s land use findings in Section IV.3(a) of the Final Order of June 30, 2006, the facility, with the proposed changes, complies with applicable local and state land use requirements.

(b) Other State Statutes, Administrative Rules and Local Government Ordinances

Pursuant to ORS 469.503(1)(b), the Council must determine that the proposed facility complies with all other Oregon statutes and administrative rules identified in the Project Order, as amended, as applicable to the issuance of a site certificate. The statutes and administrative rules addressed under this standard in the Site Certificate are DEQ’s noise control regulations, the Oregon Removal-Fill Law, the Ground Water Act and the Council’s statutory authority to consider protection of the public health and safety.

(i) DEQ Noise Regulations

DEQ noise regulations for industrial and commercial noise sources, OAR 340-035-0035, apply to the energy facility. More specifically, OAR 340-035-0035(1)(b)(B)(iii) establishes the noise standards for noise levels generated by a wind energy facility. In Section V.1(a) of the Final Order, the Council found that the energy facility would meet the DEQ noise standards applicable to the facility, subject to conditions of approval (Conditions 89-91).

The Certificate Holder has submitted to the Department a memorandum dated June 5, 2008 from CH2M (“Biglow Canyon Wind Farm Final Noise Analysis – Phase 1 & Phase 2”), Attachment 7, conforming to the requirements of the Site Certificate and demonstrating compliance with the DEQ noise regulations for the combined buildout of Phases 1 and 2 (and incorporating information regarding the Siemens 2.3 MW turbines). Final Phase 3 turbine locations will be subject to the same analysis. Nothing in this Amendment Request affects the Certificate Holder’s ability to comply with Conditions 89-91 and the applicable DEQ noise regulations.

(ii) Removal/Fill Law

In Section V.1(b) of the Final Order, the Council concluded that a Removal-Fill Permit is not required for the energy facility because the applicant would avoid impacts to “waters of the state.” Attachment 6 to this Amendment Request is a technical memorandum from CH2M (“Biglow Canyon Wind Farm – Supplemental Wetlands and Waters Determination and Rare Plant Habitat Survey for Amendment III) dated June 3, 2008, describing the results of a survey conducted to determine the presence of wetlands or other jurisdictional waters of the United States or the State.

The memorandum indicates that no wetlands were identified within the study area, but the study identified three potential jurisdictional waters (study areas G, H and I, as shown on Figure 1 of the memorandum). The Certificate Holder has rerouted related or supporting facilities to avoid crossing the stream channels in study areas “G” and “I”. A collector line will cross the stream channel in study area “H”. The Certificate Holder will avoid impacts to the stream channel by tunneling or drilling beneath the stream channel to install the collector line. The Certificate Holder is proposing new Condition 129 to ensure the protection of the stream channel.

(iii) Ground Water Act

In Section V.1(c) of the Final Order, the Council found that the applicant’s proposed use of ground water would be consistent with the Ground Water Act of 1955, ORS 537.505 to 537.796, subject to the conditions adopted under the Public Services standard regarding water use. This Amendment Request does not propose any alteration in water use or water sources, and therefore does not affect the Council’s findings under the Ground Water Act or the Certificate Holder’s ability to comply with the conditions regarding water use.

(iv) Public Health and Safety

Under ORS 469.310, the Council must ensure that the “siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety” The state siting statute also provides that “the site certificate shall contain conditions for the protection of the public health and safety” In Section V.1(d) of the Final Order, the Council imposed conditions of approval to address public health and safety issues with respect to fire protection (Conditions 92-98), electric and magnetic fields (Condition 99) and coordination with the PUC on design and specifications for transmission lines (Condition 100). This Amendment Request does not affect the Certificate Holder’s ability to comply with Conditions 92-100 and does not require any changes to those conditions.

1.6.2 *Considerations for amending Site Certificate: OAR 345-027-0070(10).*

(a) Amendments to enlarge the site: OAR 345-027-0070(10)(a)

OAR 345-027-0070(10)(a) requires that, for an amendment that enlarges the site, “the Council shall consider, within the area added to the site by the amendment, whether the facility complies with all Council standards.” This Amendment Request proposes to locate turbines and related or supporting facilities in areas where such facilities have not been authorized by the Council’s prior orders. Section 1.5 and 1.6 of this Amendment Request address how the areas that would be added to the facility site comply with all applicable Council standards.

(b) Extending construction deadlines: OAR 345-027-0070(10)(b)

OAR 345-027-0070(10)(b) identifies three factors the Council must consider when considering an amendment that extends the deadlines for beginning or completing construction. The Certificate Holder is not requesting an extension of the deadlines for beginning or completing construction.

(c) Other amendments: OAR 345-027-0070(10)(c)

OAR 345-027-0070(10)(c) requires that for amendments not described in OAR 345-027-0070(10)(a) and (b), the Council “shall consider whether the amendment would affect any finding made by the Council in an earlier order.” Sections 1.5 and 1.6 of this Amendment Request address how all aspects of this request comply with the applicable Council standards for issuance of a site certificate.

1.7 Updated list of property owners

OAR 345-027-0060(1)(g) requires, for an amendment to change the site boundary or to extend the deadlines for beginning or completing construction of the facility, “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).” PGE is proposing to change the site boundary in order to accommodate additional facilities. Therefore, the updated property owner list is provided as Attachment 8.

SECTION 2 INFORMATION CONSISTENT WITH SITE CERTIFICATE APPLICATION REQUIREMENTS

OAR 345-027-0060(2) requires:

“In a request to amend a site certificate, the certificate holder shall provide the information described in applicable subsections of OAR 345-021-0010(1) in effect as of the date of the request. The certificate holder may incorporate by reference relevant information that was previously submitted to the Office of Energy in the site certificate application or that is otherwise included in the Office of Energy’s administrative record on the facility.”

All exhibits of the ASC and prior amendment requests referenced above are incorporated herein by reference.