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THIRD AMENDED SITE CERTIFICATE
FOR THE
GOLDEN HILLS WIND PROJECT

Issued by

Oregon Energy Facility Siting Council
550 Capitol Street NE
Salem, OR 97301-3737

PHONE: 503-378-4040
FAX: 503-373-7806

Amending the
Site Certificate for the Golden Hills Wind Project
as issued February 11, 2015

February 24, 2017

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1 **THIRD AMENDED SITE CERTIFICATE**
2 **FOR THE**
3 **GOLDEN HILLS WIND PROJECT**

4 **I. INTRODUCTION**

5 This site certificate for the Golden Hills Wind Project (“Golden Hills”) is issued and executed in
6 the manner provided by ORS Chapter 469, by and between the State of Oregon (the “State”),
7 acting by and through its Energy Facility Siting Council (the “Council”), and Golden Hills Wind
8 Farm LLC (“GHWF” or the “certificate holder”).

9 The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of
10 this site certificate are set forth in the Council’s Final Order in the Matter of the Application for
11 a Site Certificate for the Golden Hills Wind Project (the “Final Order on the Application” or
12 “Final Order”) issued on May 15, 2009, the Council’s Final Order in the Matter of the Request
13 for Amendment #1 of the Site Certificate for the Golden Hills Wind Project (“Final Order on
14 Amendment #1”) issued May 11, 2012, the Council’s Final Order in the Matter of the Request
15 for Amendment #2 of the Site Certificate for the Golden Hills Wind Project (“Final Order on
16 Amendment #2”), issued January 30, 2015, and the Council’s Final Order in the Matter of the
17 Request for Amendment #3 of the Site Certificate for the Golden Hills Wind Project (“Final
18 Order on Amendment #3”), issued February 24, 2017, and incorporated herein by this
19 reference. In interpreting the amended site certificate, any ambiguity shall be clarified by
20 reference to the following, in order of priority: (1) this amended site certificate; (2) the Final
21 Order on Amendment #3; (3) the Final Order on Amendment #2; (4) the Final Order on
22 Amendment #1; (5) the Final Order on the Application; and (6) the record of the proceedings
23 that led to all the Final Orders.

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

26 **II. SITE CERTIFICATION**

- 27 1. To the extent authorized by State law and subject to the conditions set forth herein, the
28 State approves and authorizes the certificate holder to construct, operate and retire a wind
29 energy facility, together with certain related or supporting facilities, at the site in Sherman
30 County, Oregon, as described in Section III of this site certificate. ORS 469.401(1).
- 31 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
32 effect on the date that termination is sought, or until the site certificate is revoked under
33 ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that
34 revocation is ordered. ORS 469.401(1).
- 35 3. This site certificate does not address, and is not binding with respect to, matters that were
36 not addressed in the Council’s Final Order on the Application for the facility or any of the
37 subsequent Final Orders on Amendment Requests. Such matters include, but are not

1 limited to: (1) building code compliance; wage, hour and other labor regulations; local
2 government fees and charges; and other design or operational issues that do not relate to
3 siting the facility (ORS 469.401(4)); and (2) permits issued under statutes and rules for which
4 the decision on compliance has been delegated by the federal government to a State
5 agency other than the Council. ORS 469.503(3).

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

11 5. For a permit, license, or other approval addressed in and governed by this site certificate,
12 the certificate holder shall comply with applicable State and federal laws adopted in the
13 future to the extent that such compliance is required under the respective State agency
14 statutes and rules. ORS 469.401(2).

15 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities
16 and political subdivisions in Oregon as to the approval of the site and the construction,
17 operation and retirement of the facility as to matters that are addressed in and governed by
18 this site certificate. ORS 469.401(3).

19 7. Each affected State agency, county, city and political subdivision in Oregon with authority to
20 issue a permit, license or other approval addressed in or governed by this site certificate
21 shall, upon submission of the proper application and payment of the proper fees, but
22 without hearings or other proceedings, issue such permit, license or other approval subject
23 only to conditions set forth in this site certificate. ORS 469.401(3).

24 8. After issuance of this site certificate, each State agency or local government agency that
25 issues a permit, license or other approval for the facility shall continue to exercise
26 enforcement authority over such permit, license or other approval. ORS 469.401(3).

27 9. After issuance of this site certificate, the Council shall have continuing authority over the
28 site and may inspect, or direct the Oregon Department of Energy (“ODOE” or the
29 “Department”) to inspect, or request another State agency or local government to inspect,
30 the site at any time in order to ensure that the facility is being operated consistently with
31 the terms and conditions of this site certificate. ORS 469.430.

32 **III. DESCRIPTION**

33 **A. THE FACILITY**

34 **1. The Energy Facility**

35 ORS 469.300(11)(a)(J) defines the “energy facility” in this case as an electric power generating
36 plant with an average electric generating capacity of 35 megawatts or more if the power is

1 produced from ... wind energy at a single energy facility.” The proposed “electric power
2 generating plant” would consist of up to 125 wind turbine locations, each consisting of a
3 turbine tower and foundation, turbine pad area, nacelle, rotor and blade assembly, and step-up
4 transformer. Wind turbines would be placed in micrositing survey corridors as shown in the
5 Application for a Site Certificate. A map of the site boundary, including micrositing corridors, is
6 included as Attachment A to this site certificate. Golden Hills would have a peak electric
7 generating capacity of up to 400 MW and an average electric generating capacity of about
8 133 MW.

9 GHWF has not yet selected the wind turbine model or models that would be installed in the
10 facility. GHWF requested a site certificate that would allow the installation of up to
11 125 turbines with turbine towers measuring up to 95 meters (312 feet) at the rotor hub, the
12 diameter of the rotor-swept area measuring up to 126 meters (413 feet), and the total
13 maximum turbine height measuring up to 158 meters (518 feet).

14 A wind turbine features a nacelle mounted on a tubular steel tower. The nacelle houses the
15 generator and gearbox and supports the rotor and blades at the hub. The turbine tower
16 supports and provides access to the nacelle. Each turbine unit sits on a concrete pad that
17 accommodates the turbine pedestal, a step-up transformer and a turnout area for service
18 vehicles. The purpose of the step-up transformer is to increase the output voltage of the wind
19 turbine to the voltage of the power collection system. Underlying the pad would be a deep
20 concrete turbine foundation with a surface area dependent upon the type and size of wind
21 turbine selected.

22 **2. Related or Supporting Facilities**

23 GHWF proposes to construct the following related or supporting facilities:

- 24 • Power collection system
- 25 • Substation
- 26 • 230 kV transmission line
- 27 • Meteorological towers
- 28 • Supervisory Control and Data Acquisition (“SCADA”) System
- 29 • O&M facility
- 30 • Access roads
- 31 • Temporary laydown areas

32 **Power Collection System.** About 55 miles of power collection system, operating at 34.5 kV,
33 would transport the power from the wind turbines to the substation. Some portion of the
34 power collection system may be installed above ground to avoid impacts or to accommodate
35 unforeseen geotechnical conditions.

36 **Substation.** The facility would include one substation, located near the center of the Golden
37 Hills site. The substation would occupy a graveled and fenced area about 5 acres in size to
38 facilitate transformers, switching equipment and a parking area.

1 **230-kV Transmission Line.** An approximately 5-mile, 230 kV transmission line would
2 interconnect the substation to the existing Hay Canyon 230 kV transmission line. From there,
3 electricity would be transmitted using the existing Hay Canyon 230 kV line to the northernmost
4 transmission pole structure near the existing Klondike Substation where up to approximately
5 700 feet of new 230 kV transmission line would be constructed along with associated structures
6 and equipment necessary to interconnect the facility to Bonneville Power Administration's
7 (BPA's) transmission structure located approximately 300 feet north of the Klondike Substation.

8 **Meteorological Towers.** GHWF proposes to install up to six permanent meteorological towers
9 ("met towers"). The met towers would be unguaged tubular structures about 95 meters
10 (312 feet) tall and set in concrete foundations.

11 **SCADA System.** A fiber optic communications network would link the wind turbines to a central
12 computer at the O&M facility. The SCADA system would collect operating and performance
13 data from each wind turbine and Golden Hills as a whole and provide for remote operation of
14 the wind turbines.

15 **O&M Facility.** A 5,000-square-foot operations and maintenance ("O&M") building would be
16 constructed at one or the other of two locations proposed by GHWF. The O&M building would
17 house office and workshop areas, a control room for the SCADA system, and a kitchen,
18 bathroom and shower. The 5-acre O&M facility site would include parking for vehicles.
19 Domestic water use would not exceed 5,000 gallons per day, and domestic water would be
20 obtained from an on-site well. Domestic wastewater would be drained into an on-site septic
21 system.

22 **Access Roads.** Approximately 41 miles of new roads would be constructed to provide access to
23 the turbine strings and other facility components. Access roads would connect to graveled
24 turbine pad areas at the base of each wind turbine. The roads would be 20 feet wide and
25 constructed with crushed gravel. In addition, GHWF would improve and widen some existing
26 county and farm roads.

27 **Temporary Laydown Areas.** Up to seven principal, temporary laydown areas would be used to
28 stage construction and store supplies and equipment during construction. In addition,
29 temporary laydown areas would be required at the base of each wind turbine. The laydown
30 areas would be covered with gravel, and the gravel would be removed and the areas would be
31 restored to their preconstruction conditions following completion of construction.

32 The certificate holder shall satisfy the following administrative condition:

33 (III.A.1) The certificate holder shall construct a facility substantially as described in the
34 site certificate and may select up to 125 turbines, subject to the following
35 restrictions and compliance with other site certificate conditions. Before
36 beginning construction, the certificate holder shall provide to the Department a
37 description of the turbine types selected for the facility demonstrating
38 compliance with this condition.

- 1 (a) The total number of turbines at the facility must not exceed 125 turbines.
- 2 (b) The combined peak generating capacity of the facility must not exceed
- 3 400 megawatts.
- 4 (c) The turbine hub height must not exceed 95 meters and the maximum
- 5 blade tip height must not exceed 158 meters.
- 6 (d) The minimum blade tip clearance must be 19.8 meters above ground.
- 7 (e) The maximum combined weight of metals in the tower (including ladders
- 8 and platforms) and nacelle must not exceed 336 U.S. tons per turbine.

9 **B. LOCATION OF THE FACILITY**

10 The facility will occupy about 29,500 acres and be located near Wasco in Sherman County,
11 Oregon. More particularly, the site would occupy portions of Sections 1-17, Township 1 South,
12 Range 17 East, Sections 6-7, Township 1 South, Range 18 East, Sections 29-31, Township 1
13 North, Range 18 East, Sections 5-9, 14-23, and 25-36, Township 1 North, Range 17 East,
14 Sections 1-3, 12-14, 23-26, and 35-36, Township 1 North, Range 16 East, Sections 29-32,
15 Township 2 North, Range 17 East, Sections 25-27 and 34-36, Township 2 North, Range 16 East.
16 Attachment A of this site certificate contains a map of the site boundary.

17 **C. THE SITE AND SITE BOUNDARY**

18 The certificate holder shall satisfy the following administrative condition:

- 19 (III.C.1) Before beginning construction, but not more than two years before beginning
- 20 construction, and after considering all micrositing factors, the certificate holder
- 21 shall provide to the Department, the Oregon Department of Fish and Wildlife
- 22 (“ODFW”) and the Planning Director of Sherman County detailed maps of the
- 23 facility site, showing the final locations where the certificate holder proposes to
- 24 build facility components and a table showing the acres of temporary and
- 25 permanent habitat impact by habitat category and subtype. The maps shall
- 26 include the locations of temporary laydown areas and areas of temporary
- 27 ground disturbance associated with the construction of all facility components.
- 28 The detailed maps of the final facility layout shall indicate the habitat categories
- 29 of all areas that would be affected during construction. In classifying the affected
- 30 habitat into habitat categories, the certificate holder shall consult with ODFW.
- 31 The certificate holder shall not begin ground disturbance in an affected area until
- 32 the habitat assessment has been approved by the Department. The Department
- 33 may employ a qualified contractor to confirm the habitat assessment by on-site
- 34 inspection.

1 **D. CONSTRUCTION DEADLINES**

2 The certificate holder shall satisfy the following administrative conditions:

3 (III.D.1) The certificate holder shall begin construction of the facility within by June 18,
4 2018. Under OAR 345-015-0085(9), an amended site certificate is effective upon
5 execution by the Council Chair and the certificate holder. The Council may grant
6 an extension of the deadline to begin construction in accordance with OAR
7 345-027-0030 or any successor rule in effect at the time the request for
8 extension is submitted. [Final Order on Amendment No. 3]

9 (III.D.2) The certificate holder shall complete construction of the facility by June 18,
10 2021. Construction is complete when (1) the facility is substantially complete as
11 defined by the certificate holder’s construction contract documents;
12 (2) acceptance testing has been satisfactorily completed; and (3) the energy
13 facility is ready to begin continuous operation consistent with the site certificate.
14 The certificate holder shall promptly notify the Department of the date of
15 completion of construction. The Council may grant an extension of the deadline
16 for completing construction in accordance with OAR 345-027-0030 or any
17 successor rule in effect at the time the request for extension is submitted.
18 [Final Order on Amendment No. 3]

19
20 (III.D.3) Before beginning construction, the certificate holder shall notify the Department
21 in advance of any work on the site that does not meet the definition of
22 “construction” in ORS 469.300(6), excluding surveying, exploration or other
23 activities to define or characterize the site, and shall provide to the Department
24 a description of the work and evidence that its value is less than \$250,000.

25 **IV. SPECIFIC FACILITY CONDITIONS**

26 The conditions listed in this section include conditions based on representations in the
27 Application for a Site Certificate, Requests for Amendments 1, 2, and 3, and all supporting
28 records. These conditions are required under OAR 345-027-0020(10). The certificate holder
29 must comply with these conditions in addition to the conditions listed in Sections III, V, VI and
30 VII. This section includes other specific facility conditions the Council finds necessary to ensure
31 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect
32 the public health and safety. For conditions that require subsequent review and approval of a
33 future action, ORS 469.402 authorizes the Council to delegate the future review and approval
34 to the Department if, in the Council’s discretion, the delegation is warranted under the
35 circumstances of the case.

1 **A. [PLACEHOLDER]**

2 **B. ORGANIZATIONAL EXPERTISE**

3 (IV.B.1) The certificate holder shall report promptly to the Department any change in its
4 corporate relationship with Orion Renewable Energy Group LLC. The certificate
5 holder shall report promptly to the Department any change in its access to the
6 resources, expertise and personnel of Orion Renewable Energy Group LLC.

7 (IV.B.2) Before beginning construction, the certificate holder shall notify the Department
8 of the identity and qualifications of the major design, engineering and
9 construction contractor(s) for the facility. The certificate holder shall select
10 contractors that have substantial experience in the design, engineering and
11 construction of similar facilities. The certificate holder shall report to the
12 Department any change of major contractors.

13 (IV.B.3) If the certificate holder chooses a third-party contractor to operate the facility,
14 the certificate holder shall submit to the Council the identity of the contractor so
15 the Council may review the qualifications and capability of the contractor to
16 meet the standards of OAR 345-022-0010. If the Council finds that a new
17 contractor meets these standards, the Council shall not require an amendment
18 to the site certificate for the certificate holder to hire the contractor.

19 (IV.B.4) Any matter of noncompliance under the site certificate shall be the responsibility
20 of the certificate holder. Any notice of violation issued under the site certificate
21 shall be issued to the certificate holder. Any civil penalties assessed under the
22 site certificate shall be levied on the certificate holder.

23 (IV.B.5) The certificate holder shall contractually require the engineering and
24 procurement contractor and all independent contractors and subcontractors
25 involved in the construction and operation of the facility to comply with all
26 applicable laws and regulations and with the terms and conditions of the site
27 certificate. Such contractual provision shall not operate to relieve the certificate
28 holder of responsibility under the site certificate.

29 (IV.B.6) The certificate holder shall obtain, or shall ensure that its contractors obtain,
30 necessary federal, State and local permits or approvals required for the
31 construction, operation and retirement of the facility. The certificate holder shall
32 work with local and State fire officials to ensure compliance with all fire code
33 regulations regarding public buildings.

34 (IV.B.7) During construction, the certificate holder shall have an on-site assistant
35 construction manager who is qualified in environmental compliance to ensure
36 compliance with all construction-related site certificate conditions. During
37 operation, the certificate holder shall have a facility manager who is qualified in

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

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

8 **C. RETIREMENT AND FINANCIAL ASSURANCE**

9 (IV.C.1) The certificate holder shall retire the facility if the certificate holder permanently
10 ceases construction or operation of the facility. The certificate holder shall retire
11 the facility according to a final retirement plan approved by the Council, as
12 described in OAR 345-027-0110, and prepared pursuant to Condition (IV.C.2).

13 (IV.C.2) Two years before closure of the energy facility, the certificate holder shall submit
14 to the Department a proposed final retirement plan for the facility and site,
15 pursuant to OAR 345-027-0110, including:

- 16 (a) A plan for retirement that provides for completion of retirement within
17 two years after permanent cessation of operation of the energy facility
18 and that protects the public health and safety and the environment;
- 19 (b) A description of actions the certificate holder proposes to take to
20 restore the site to a useful, non-hazardous condition suitable for
21 agricultural use; and
- 22 (c) A detailed cost estimate, a comparison of that estimate with the dollar
23 amount secured by a bond or letter of credit and any amount contained
24 in a retirement fund, and a plan for assuring the availability of adequate
25 funds for completion of retirement.

26 (IV.C.3) The certificate holder shall prevent the development of any conditions on the
27 site that would preclude restoration of the site to a useful, non-hazardous
28 condition to the extent that prevention of such site conditions is within the
29 control of the certificate holder.

30 (IV.C.4) Before beginning construction, the certificate holder shall submit to the State
31 through the Council a bond or letter of credit in the amount described herein
32 naming the State, acting by and through the Council, as beneficiary or payee. If
33 the certificate holder elects to build the facility in a single phase, the initial bond
34 or letter of credit amount is \$14,425,000 (in 2008 dollars), adjusted to the date
35 of issuance as described in (b), or the amount determined as described in (a). If
36 the certificate holder elects to build the facility in more than one phase, the
37 amount of the initial bond or letter of credit for each phase of construction shall
38 be the amount determined as described in (a). The certificate holder shall adjust

1 the amount of each bond or letter of credit on an annual basis thereafter as
2 described in (b).

3 (a) The certificate holder may adjust the amount of each bond or letter of
4 credit based on the final design configuration of the facility by applying
5 the unit costs and general costs illustrated in Table IV.C.1 of the Final
6 Order on the Application to the final design and calculating the financial
7 assurance amount as described in that order, adjusted to the date of
8 issuance as described in (b) and subject to approval by the Department.

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

12 (i) Adjust the subtotal component of the bond or letter of credit
13 amount (expressed in 2008 dollars) to present value, using the
14 U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight,
15 as published in the Oregon Department of Administrative
16 Services' "Oregon Economic and Revenue Forecast" or by any
17 successor agency (the "Index") and using the annual average
18 index value for 2008 dollars and the quarterly index value for the
19 date of issuance of the new bond or letter of credit. If at any time
20 the Index is no longer published, the Council shall select a
21 comparable calculation to adjust 2008 dollars to present value.

22 (ii) Calculate the adjusted performance bond amount as 1 percent of
23 the new subtotal (i).

24 (iii) Add the subtotal (i) to the adjusted performance bond amount
25 (ii) for the adjusted gross cost.

26 (iv) Calculate the adjusted administration and project management
27 costs as 10 percent of the adjusted gross cost (iii).

28 (v) Calculate the adjusted future developments contingency as
29 10 percent of the adjusted gross cost (iii).

30 (vi) Add the adjusted gross cost (iii) to the sum of adjusted
31 administration and project management costs (iv) and the
32 adjusted future developments contingency (v) and round the
33 resulting total to the nearest \$1,000 to determine the adjusted
34 financial assurance amount.

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

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

1 (e) The certificate holder shall describe the status of the bond or letter of
2 credit in the annual report submitted to the Council under Condition
3 (VII.21.a.ii).

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

6 (IV.C.5) If the certificate holder elects to use a bond to meet the requirements of
7 Condition (IV.C.4), the certificate holder shall ensure that the surety is obligated
8 to comply with the requirements of applicable statutes, Council rules and this
9 site certificate when the surety exercises any legal or contractual right it may
10 have to assume construction, operation or retirement of the energy facility. The
11 certificate holder shall also ensure that the surety is obligated to notify the
12 Council that it is exercising such rights and to obtain any Council approvals
13 required by applicable statutes, Council rules and this site certificate before the
14 surety commences any activity to complete construction, operate or retire the
15 energy facility.

16 (IV.C.6) The certificate holder shall report to the Department any release of hazardous
17 substances, pursuant to Oregon Department of Environmental Quality (“DEQ”)
18 regulations, within one working day after the discovery of such release. This
19 obligation shall be in addition to any other reporting requirements applicable to
20 such a release.

21 (IV.C.7) If the certificate holder has not remedied a release consistent with applicable
22 Oregon DEQ standards within six months after the date of the release, the
23 certificate holder shall submit to the Council for its approval an independently
24 prepared estimate of the additional cost of remediation or correction within
25 such six-month period.

26 (a) Upon approval of an estimate by the Council, the certificate holder shall
27 increase the amount of its bond or letter of credit by the amount of the
28 estimate.

29 (b) In no event, however, shall the certificate holder be relieved of its
30 obligation to exercise all due diligence in remedying a release of
31 hazardous substances.

32 (IV.C.8) All funds received by the certificate holder from the salvage of equipment and
33 buildings shall be committed to the restoration of the energy facility site to the
34 extent necessary to fund the approved site restoration and remediation.

35 (IV.C.9) The certificate holder shall pay the actual cost to restore the site to a useful,
36 non-hazardous condition at the time of retirement, notwithstanding the
37 Council’s approval in the site certificate of an estimated amount required to
38 restore the site.

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

24 **D. LAND USE**

- 25 (IV.D.1) The certificate holder shall construct the public road improvements described in
26 the Application for a Site Certificate to meet or exceed road standards for the
27 road classifications in the County's Transportation System Plan and Zoning
28 Ordinance because roads will require a more substantial section to bear the
29 weight of the vehicles and turbine components than would usually be
30 constructed by the County.
- 31 (IV.D.2) The certificate holder shall ensure that no equipment or machinery is parked or
32 stored on any county road except while in use.
- 33 (IV.D.3) The site certificate holder shall, in consultation with affected landowners, design
34 and construct private access roads to minimize the division of existing farm units.
- 35 (IV.D.4) The certificate holder shall not locate any aboveground facility structure
36 (including wind turbines, O&M building, substation and met towers, but not
37 including aboveground power collection and transmission lines and poles and

- 1 junction boxes) within 50 feet from any property line or within 50 feet from the
2 right of way of any arterial or major collector road.
- 3 (IV.D.5) Aboveground transmission line structures shall not occupy areas that show gross
4 indicators of landslide activity or marginal stability.
- 5 (IV.D.6) Collector lines in the Natural Hazards Combining Zone (“NH zone”) shall be
6 placed under ground except in instances where it is more practical to install
7 aboveground power collection lines and provided that the aboveground power
8 collection lines will be designed to minimize slope stability and other NH zone
9 hazards. The site-specific geotechnical investigation required prior to
10 construction shall address native soil and bedrock stability concerns at cuts, fills
11 and culvert crossings, and shall include design and construction
12 recommendations to minimize the potential for destabilizing marginally stable
13 slopes and the potential for stream erosion.
- 14 (IV.D.7) Prior to start of construction, the certificate holder shall submit for Sherman
15 County Planning Department concurrence the plans and profiles described at
16 SCZO 3.7.5(e).
- 17 (IV.D.8) Construction staging areas shall be limited to areas outside the Natural Hazards
18 Combining Zone.
- 19 (IV.D.9) Roads or streets in the Natural Hazards Combining Zone shall be stabilized by
20 planking, gravel or pavement as deemed necessary, and roadways shall be built
21 without installation of excessive fill, diversion of water or excessive cuts unless
22 the site investigation determines that such conditions will not be detrimental to
23 the area or create unwarranted maintenance problems or additional hazards.
- 24 (IV.D.10) The certificate holder shall locate access roads and temporary construction
25 laydown and staging areas, including those associated with construction of
26 transmission lines or placement of conductors on third-party transmission lines,
27 to minimize disturbance with farming practices and, wherever feasible, as
28 determined in consultation with affected landowners, shall place turbines and
29 transmission interconnection lines along the margins of cultivated areas to
30 reduce the potential for conflict with farm operations. The certificate holder
31 shall place aboveground transmission and collector lines and poles and junction
32 boxes along property lines and public road rights-of-way to the extent
33 practicable.
- 34 (IV.D.11) During operation of the facility, the certificate holder, in cooperation with
35 landowners, shall avoid impact on cultivated land to the extent reasonably
36 possible when performing facility repair and maintenance activities.

- 1 (IV.D.12) Where necessary and feasible, the certificate holder shall provide access across
2 construction trenches to fields within the facility site and otherwise provide
3 adequate and timely access to properties during critical periods in the farming
4 cycle, such as harvest.
- 5 (IV.D.13) Before beginning construction of the facility, the certificate holder shall record a
6 Farm Management Easement covering the properties on which the certificate
7 holder locates wind power generation facilities. The certificate holder shall
8 record the easements in the real property records of Sherman County and shall
9 file a copy of the recorded easement with the Sherman County Planning
10 Director.
- 11 (IV.D.14) The certificate holder shall remove from Special Farm Assessment the portions
12 of parcels on which facilities are located and shall pay all property taxes due and
13 payable after the Special Farm Assessment is removed from such properties.
- 14 (IV.D.15) Within 90 days after beginning operation, the certificate holder shall provide to
15 the Department and to the Sherman County Planning Director the actual latitude
16 and longitude location or Stateplane NAD 83(91) coordinates of each turbine
17 tower, connecting lines and transmission lines. In addition, the certificate holder
18 shall provide to the Department and to the Sherman County Planning Director, a
19 summary of as-built changes in the facility compared to the original plan, if any.
- 20 (IV.D.16) The certificate holder shall work with the Sherman County Weed Control
21 manager to take appropriate measures to prevent the invasion, during and after
22 the facility's construction, of any weeds on the Sherman County noxious weed
23 list.
- 24 (IV.D.17) The certificate holder shall cooperate with the Sherman County Road
25 Department to ensure that any unusual damage or wear caused by the use of
26 the county's roads by the developer during the construction of the facility will be
27 the responsibility of the developer. The Road Department will provide an
28 assessment of road conditions in the facility area prior to the start of
29 construction of the facility and an evaluation of the roads following completion
30 of the facility to determine any significant change in condition. In addition, no
31 equipment or machinery of the developers shall be parked or stored on any
32 county road except while in use.
- 33 (IV.D.18) Prior to start of construction, the certificate holder shall, in consultation with
34 Sherman County, assign a 9-1-1 5-digit rural address to every tower road that
35 intersects a State or county road. The county will provide and install the signage
36 for these addresses.

- 1 (IV.D.19) Prior to beginning construction, the certificate holder will:
- 2 (a) Designate a route or routes for the transport of wind turbine
3 construction material (including water, aggregate, concrete, machinery
4 and tower pieces), with the intention of minimizing damage to non-
5 designated roads, and provide these designations to the County Road
6 Master;
- 7 (b) Provide to the County Road Master a written summary of possible
8 anticipated road damage to the designated route or routes, and an
9 estimate of the cost of repair to the designated route or routes;
- 10 (c) Establish and maintain an escrow account for so long as construction is
11 ongoing, funded in an amount equal to the estimated cost to repair the
12 designated route or routes consistent with the estimate provided in (b);
13 and
- 14 (d) Conduct an inspection of the roads along the designated route or routes
15 before and after construction with a representative of the Sherman
16 County Road Department and an independent third party with the
17 required expertise to inspect and evaluate paved and graveled roads. In
18 the event a dispute arises, the third party shall be the final arbiter. The
19 cost of the hiring of the third party shall be borne by the applicant.

20 (IV.D.20) Before beginning construction of facility access roads, the certificate holder shall
21 confer with the Sherman County Road Master regarding any utility permits
22 needed for county road right-of-ways and obtain permits for construction of all
23 approach roads onto county roads, all in accordance with Sherman County
24 Ordinance No. 35-2007.

25 (IV.D.21) The certificate holder shall comply with Sherman County Zoning Ordinance
26 Section 4.14.4, Access Connection and Driveway Design, in connection with
27 construction of the O&M facility and substations.

28 (IV.D.22) Prior to construction, Certificate Holder shall demonstrate that the final location
29 of turbines within the micrositing corridors approved by the Council will satisfy
30 setback requirements prescribed by Section 4 of the Sherman County Wind
31 Setback Ordinance (Ordinance No. 39-2007) unless the Council or Oregon
32 Department of Energy has approved a variance to such setback for the turbine or
33 the Certificate Holder has negotiated a setback agreement with the affected
34 adjacent property owner or wind project developer. [Amendment #1]

35 **E. SOIL PROTECTION**

36 (IV.E.1) The certificate holder shall conduct all construction work in compliance with an
37 Erosion and Sediment Control Plan (the "ESCP") satisfactory to the Oregon DEQ
38 and as required under the National Pollutant Discharge Elimination System

1 Storm Water Discharge General Permit #1200-C. The certificate holder shall
2 include in the ESCP any procedures necessary to meet local erosion and
3 sediment control requirements or storm water management requirements.

4 (IV.E.2) Where temporary impacts will occur in cultivated areas, the certificate holder
5 shall salvage approximately three feet of topsoil and stockpile this topsoil in
6 windrows. The certificate holder shall protect the windrows with plastic sheeting
7 or mulch. Upon removal of the temporary features, the certificate holder shall
8 cultivate the subsoil to a depth of at least 12 inches (except where bedrock
9 prohibits achieving this depth) and then redistribute the salvaged topsoil to
10 match adjacent grades.

11 (IV.E.3) During facility operation, the certificate holder shall routinely inspect and
12 maintain all roads, pads and trenched areas and, as necessary, maintain or repair
13 erosion control measures. The certificate holder shall restore areas that are
14 temporarily disturbed during facility maintenance or repair activities to
15 predisturbance condition or better.

16 (IV.E.4) Prior to construction, the certificate holder shall develop a plan to control the
17 introduction and spread of noxious weeds during facility construction and
18 operation. The plan shall be developed in consultation with the Department, the
19 Sherman County Weed Control manager, and ODFW. The plan shall be approved
20 by the Department prior to construction. The plan shall focus on weed species
21 listed on the Sherman County noxious weed list, but shall also include
22 preventative measures to combat noxious weeds of concern in the area. [Final
23 Order on Amendment No. 3]

24 (IV.E.5) During construction, the certificate holder shall ensure that the wash down of
25 concrete trucks occurs only at a contractor-owned batch plant or at tower
26 foundation locations. If such wash down occurs at tower foundation locations,
27 then the certificate holder shall ensure that wash down wastewater does not run
28 off the construction site into otherwise undisturbed areas and that the
29 wastewater is disposed of on backfill piles and buried underground with the
30 backfill over the tower foundation.

31 (IV.E.6) During facility operation, if blade-washing becomes necessary, the certificate
32 holder shall ensure that there is no runoff of wash water from the site or
33 discharges to surface waters, storm sewers or dry wells. The certificate holder
34 shall not use acids, bases or metal brighteners with the wash water. The
35 certificate holder may use biodegradable, phosphate-free cleaners sparingly.

36 **F. PROTECTED AREAS**

37 [No conditions]

1 **G. SCENIC RESOURCES**

- 2 (IV.G.1) To reduce the visual impact of the facility, the certificate holder shall:
- 3 (a) Mount nacelles on smooth steel structures painted uniformly in a
 - 4 neutral color to blend with the surrounding landscape;
 - 5 (b) Paint substation structures in a neutral color to blend with the
 - 6 surrounding landscape;
 - 7 (c) Not allow any advertising to be used on any part of the facility;
 - 8 (d) Use only those signs required for facility safety or required by law,
 - 9 except that the certificate holder may erect a sign to identify the
 - 10 facility; and
 - 11 (e) Maintain any signs allowed under this condition in good repair.

12 (IV.G.2) The certificate holder shall design and construct the O&M facility to be generally
13 consistent with the character of similar buildings used by commercial farmers or
14 ranchers in the area and shall paint the building in a neutral color to blend with
15 the surrounding landscape.

- 16 (IV.G.3) During operation of the facility, the certificate holder shall not use exterior
17 nighttime lighting except:
- 18 (a) The minimum turbine tower lighting required or recommended by the
 - 19 Federal Aviation Administration (the “FAA”);
 - 20 (b) Security lighting at the O&M facility and substations, provided that such
 - 21 lighting is shielded or directed downward to reduce glare;
 - 22 (c) Minimum lighting necessary for repairs or emergencies; and
 - 23 (d) As otherwise required by federal, State or local law.

24 **H. RECREATION**

25 [No conditions]

26 **I. PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES**

27 (IV.I.1) The certificate holder shall follow manufacturer’s recommended handling
28 instructions and procedures to prevent damage to turbine or turbine tower
29 components that could lead to failure.

30 (IV.1.2) The certificate holder shall install and maintain self-monitoring devices on each
31 turbine, connected to a fault annunciation panel or SCADA system at the O&M
32 facility to alert operators to potentially dangerous conditions. The certificate
33 holder shall equip each turbine with vibration-sensing equipment that will shut
34 down the turbine in the event of abnormal levels of vibration.

- 1 (IV.1.3) The certificate holder shall construct turbine towers with no exterior ladders or
2 access to the turbine blades and shall install locked tower access doors. The
3 certificate holder shall keep tower access doors locked at all times except when
4 authorized personnel are present.
- 5 (IV.1.4) The certificate holder shall have an operational safety-monitoring program and
6 shall inspect all turbines and turbine tower components on a regular basis. The
7 certificate holder shall maintain or repair turbine and turbine tower components
8 as necessary to protect public safety.
- 9 (IV.1.5) For turbine types having pad-mounted step-up transformers, the certificate
10 holder shall install the transformers at the base of each tower in locked cabinets
11 designed to protect the public from electrical hazards and to avoid creation of
12 artificial habitat for raptor prey.
- 13 (IV.1.6) To protect the public from electrical hazards, the certificate holder shall enclose
14 the facility substations with appropriate fencing and locked gates.
- 15 (IV.1.7) Before beginning construction, the certificate holder shall submit to the FAA and
16 the Oregon Department of Aviation (“ODA”) a Notice of Proposed Construction
17 or Alteration identifying the proposed final locations of the turbines and related
18 or supporting facilities and shall provide a copy of this notice to the Department.
19 The certificate holder shall notify the Department of the FAA’s and ODA’s
20 responses as soon as they have been received.
- 21 (IV.1.8) The certificate holder shall construct all facility components in compliance with
22 the following setback requirements:
- 23 (a) The certificate holder shall maintain a minimum distance of 110 percent
24 of maximum blade tip height, measured from the centerline of the
25 turbine tower to the nearest edge of any public road right-of-way. The
26 certificate holder shall assume a minimum right-of-way width of 60 feet.
- 27 (b) The certificate holder shall maintain a minimum distance of 1,320 feet,
28 measured from the centerline of the turbine tower to the center of the
29 nearest residence existing at the time of tower construction.
- 30 (c) The certificate holder shall maintain a minimum distance of 110 percent
31 of maximum blade tip height, measured from the centerline of the
32 turbine tower to the nearest boundary of the certificate holder’s lease
33 area.

34 **J. CUMULATIVE EFFECTS STANDARDS FOR WIND ENERGY FACILITIES**

35 [No conditions]

1 **K. SITING STANDARDS FOR TRANSMISSION LINES**

2 (IV.K.1) The certificate holder shall install the underground segments of the 34.5-kV
3 collector system at a minimum depth of three feet.

4 **L. THREATENED AND ENDANGERED SPECIES**

5 (IV.L.1) The certificate holder shall report the results of the database review and
6 consultation to the Department and to ODFW and, if there have been new
7 documentations of nesting bald eagles or peregrine falcons within 2 miles of the
8 facility, the certificate holder shall implement appropriate measures to protect
9 the species from adverse impact, as approved by the Department and ODFW.

10 (IV.L.2) The certificate holder shall implement measures to mitigate impacts to sensitive
11 wildlife habitat during construction including, but not limited to, the following:

- 12 (a) Preparing maps to show sensitive areas, such as nesting or denning areas
13 for sensitive wildlife species, that are off limits to construction personnel;
- 14 (b) Ensuring that a qualified person instructs construction personnel to be
15 aware of wildlife in the area and to take precautions to avoid injuring or
16 destroying wildlife or significant wildlife habitat; and
- 17 (c) Avoiding unnecessary road construction, temporary disturbance and
18 vehicle use.

19 (IV.L.3) Prior to the beginning of construction but no more than two years prior to the
20 beginning of construction of the facility the certificate holder shall perform new
21 field surveys for threatened and endangered species following the survey
22 protocol set forth in the Application for Site Certificate. The certificate holder
23 shall report the results of the field surveys to the Department, ODFW, and the
24 Oregon Department of Agriculture. If the surveys identify the presence of
25 threatened or endangered species within the site boundary, the certificate
26 holder shall implement appropriate measures to avoid a significant reduction in
27 the likelihood of survival or recovery of the species, as approved by the
28 Department, ODFW, and the Oregon Department of Agriculture. [Final Order on
29 Amendment No. 3]

30 **M. FISH AND WILDLIFE HABITAT**

31 (IV.M.1) Prior to construction, the certificate holder shall finalize and implement the
32 Habitat Mitigation and Revegetation Plan (HMRP), included as Attachment E to
33 the *Final Order on Amendment No. 3*, as approved by the Department in
34 consultation with ODFW and as amended from time to time. Such amendments
35 may be made without amendment of the site certificate. The Council authorizes
36 the Department to agree to amendments, and the Council retains the authority

1 to approve, reject, or modify any amendments of the HMRP agreed to by the
2 Department. [Final Order on Amendment No. 3]

3 The finalized HMRP shall incorporate the maps, habitat classifications, and
4 anticipated temporary and permanent habitat impact assessment completed as
5 per site certificate Condition III.C.1. Prior to start of construction, the certificate
6 holder shall acquire the legal right to create, enhance, maintain and protect a
7 habitat mitigation area so long as the site certificate is in effect by means of
8 outright purchase, conservation easement or similar conveyance and shall
9 provide a copy of the documentation to the Department. The nominal lease term
10 shall be at least 30 years, with an option to extend if the facility continues
11 operations past year 30. The mitigation area shall be as shown in figures 1, 2 and
12 3 of Attachment B to the Final Order. Any different mitigation area shall require
13 prior approval of the Department in consultation with ODFW.

14 If, prior to the achievement of success criteria for revegetation and
15 restoration of temporarily impacted areas as provided in the final HMRP,
16 any area temporarily disturbed during facility construction is converted
17 for some other use such that the Department, in consultation with
18 ODFW, determines the success criteria cannot be achieved, or the
19 Department otherwise determines, in consultation with ODFW, that the
20 success criteria cannot be achieved, the Department shall amend the
21 HMRP using the process described above to require additional mitigation
22 consistent with the habitat classifications and mitigation requirements
23 for other areas permanently impacted by the facility.
24 [Final Order on Amendment No. 3]

25
26 (IV.M.2) The certificate holder shall restore areas outside the permanent footprint that
27 are disturbed during construction according to the methods and monitoring
28 procedures described in the revegetation plan included in the Final Order as
29 Attachment B and as amended from time to time. Mitigation and restoration
30 requirements in the plan shall apply to all laydown areas and other areas of
31 temporary disturbance, including those associated with construction of
32 transmission lines.

33 (IV.M.3) Permanent met towers shall not have guy wires.

34 (IV.M.4) The certificate holder shall survey the status of known raptor nests within 0.5
35 miles before ground-disturbing activities begin. If an active nest is found, and
36 ground-disturbing activities are scheduled to begin before the end of the
37 sensitive nesting and breeding season (mid-April to mid-August), the certificate
38 holder will not engage in ground-disturbing activities within a 0.25-mile buffer
39 around the nest until the nest fledges young or the nest fails, unless ODFW
40 approves an alternative plan. If ground-disturbing construction activities

1 continue into the sensitive nesting and breeding season for the following year,
 2 the certificate holder will not engage in ground-disturbing activities within the
 3 0.25-mile buffer if the nest site is found to be active until the nest fledges young
 4 or the nest fails, unless ODFW approves an alternate plan.

5 (IV.M.5) The certificate holder will survey the status of known loggerhead shrikes nests
 6 and visit sites where non-nesting loggerhead shrikes were observed in order to
 7 determine old and new nest sites. Ground-disturbing activities will be sequenced
 8 with active raptor nests, using a 150-meter buffer.

9 (IV.M.6) Trees in Category 3 upland tree habitat shall not be physically harmed or
 10 removed.

11 (IV.M.7) The certificate holder shall conduct wildlife monitoring as described in the
 12 Wildlife Monitoring and Mitigation Plan that is included as Attachment A to the
 13 Final Order and as amended from time to time.

14 (IV.M.8) The certificate holder shall design and construct all aboveground transmission
 15 line support structures following the practices suggested by the Avian Powerline
 16 Interaction Committee (APLIC 1996, referenced in the Application for a Site
 17 Certificate, at P-33) and shall install anti-perching devices on transmission pole
 18 tops and cross arms where the poles are within the site or are located within
 19 one-quarter mile of any wind turbine.

20 (IV.M.9) The certificate holder may construct turbines and other facility components
 21 within the 900-foot corridors shown on Figures P-1 through P-10 of the
 22 Application for a Site Certificate and August 2008 supplement. The certificate
 23 holder shall not construct any facility components within areas of Category 1 or
 24 Category 2 habitat and shall avoid temporary disturbance of Category 1 or
 25 Category 2 habitat, except for those acreages allowed in Table 1 in the Final
 26 Order for RFA No. 3. [Final Order on Amendment No. 3]

27 (IV.M.10) During construction, the certificate holder shall protect the area within a 1300-
 28 foot buffer around any active nests of the following species during the sensitive
 29 period, as provided in this 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

30 The 1300-foot buffer may be reduced, with Department approval, if there is an
 31 adequate physical barrier between the nest site and the construction impacts
 32 such that a 1300-foot buffer proves to be excessive.

1 During the year in which construction of any phase occurs, the certificate holder
2 shall use a protocol approved by ODFW to determine whether there are any
3 active nests of these species within a half-mile of any areas that would be
4 disturbed during construction. If a nest is occupied by any of these species after
5 the beginning of the sensitive period, the certificate holder shall not engage in
6 high-impact construction activities (activities that involve blasting, grading or
7 other major ground disturbance) or allow high levels of construction traffic
8 within 1300 feet of the nest site, or such lesser distance as may be approved by
9 the Department in the event there is an adequate physical barrier between the
10 nest site and the construction impacts.

11 In addition, the certificate holder shall flag the boundaries of the 1300-foot
12 buffer area, or such lesser distance as may be approved by the Department in
13 the event there is an adequate physical barrier between the nest site and the
14 construction impacts, and shall instruct construction personnel to avoid any
15 unnecessary activity within the buffer area. The certificate holder shall direct a
16 qualified independent third-party biological monitor, as approved by the
17 Department, to observe the active nest sites during the sensitive period for signs
18 of disturbance and to notify the Department of any noncompliance with this
19 condition. If the monitor observes nest site abandonment or other adverse
20 impact to nesting activity, the certificate holder shall implement appropriate
21 mitigation, in consultation with ODFW and subject to the approval of the
22 Department, unless the adverse impact is clearly shown to have a cause other
23 than construction activity. The certificate holder may begin or resume high-
24 impact construction activities before the ending day of the sensitive period if any
25 known nest site is not occupied by the early release date. If a nest site is
26 occupied, then the certificate holder may begin or resume high-impact
27 construction before the ending day of the sensitive period with the approval of
28 ODFW, but after the young are fledged. The certificate holder shall use a
29 protocol approved by ODFW to determine when the young are fledged (meaning
30 the young are independent of the core nest site).

31 (IV.M.11) The certificate holder shall conduct two (2) years of raptor nest surveys with at
32 least one (1) year of the surveys occurring prior to the beginning of construction.
33 The raptor nest surveys shall be conducted following the instructions set forth in
34 the Raptor Nest Survey Protocol for Golden Hills Wind Project included as
35 Attachment C to the Second Amended Site Certificate. The certificate holder
36 shall provide a written report on the raptor nest surveys to the Department and
37 ODFW. If the surveys identify the presence of raptor nests within the survey
38 area, the certificate holder shall implement appropriate measures, consistent
39 with the Habitat Mitigation and Revegetation Plan, and as approved by the
40 Department in consultation with ODFW, to assure that design, construction, and
41 operation of the facility are consistent with the Fish and Wildlife Habitat
42 standard. [Final Order on Amendment No. 3]

1 **V. STANDARDS NOT APPLICABLE TO SITE CERTIFICATE ELIGIBILITY**

2 Under ORS 469.501(4), the Council may issue a site certificate without making the findings
3 required by the standards discussed in this section (Structural Standard; Historic, Cultural and
4 Archaeological Resources Standard; Public Services Standard; and Waste Minimization
5 Standard). Nevertheless, the Council may impose site certificate conditions based on the
6 requirements of these standards.

7 **A. STRUCTURAL STANDARD**

8 (V.A.1) The certificate holder shall submit a site-specific geotechnical investigation
9 report to the Oregon Department of Geology & Mineral Industries (“DOGAMI”).
10 The investigation and report shall conform to the Oregon State Board of
11 Geologist Examiners guidelines titled “Guidelines for Engineering Geologic
12 Reports” and “Guidelines for Site-Specific Seismic Hazard Reports for Essential
13 and Hazardous Facilities and Major and Special-Occupancy Structures in
14 Oregon.” The certificate holder shall provide the Department with the report
15 and with evidence of concurrence by DOGAMI prior to start of construction.

16 (V.A.2) The certificate holder shall instruct the consulting geologist and engineer to
17 study slope stability issues and include conclusions and recommendations about
18 slope stability in the site-specific geotechnical report.

19 (V.A.3) The certificate holder shall design and construct the facility in accordance with
20 requirements set forth by the State’s Building Code Division and any other
21 applicable codes and design procedures.

22 (V.A.4) The certificate holder shall design, engineer and construct the facility to avoid
23 dangers to human safety presented by non-seismic hazards. As used in this
24 condition, “non-seismic hazards” include settlement, landslides, flooding and
25 erosion.

26 (V.A.5) The certificate holder shall ensure that wind turbine corridors and major
27 structures are constructed with sufficient setbacks from all steeper slopes to
28 minimize the potential for creating unstable or marginally stable conditions.

29 **B. HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES STANDARD**

30 (V.B.1) The certificate holder shall design the facility to avoid impacts to sites 35SH217,
31 35SH220, GH site 6 (above ground resource), 35SH219 and GH Isolate 6.

32 (V.B.2) For sites 35SH215, 35SH216 and 35SH221, the certificate holder shall avoid
33 impacts to these sites during construction and subsequent operations. The
34 certificate holder shall develop a Cultural Resource Management Plan (the
35 “CRMP”) that includes a 30-meter buffer area around these listed sites
36 designated as a “no-work zone” for all ground-disturbing activities. The

1 certificate holder shall submit the CRMP to the State Historic Preservation Office
2 (the "SHPO") for concurrence and shall provide to the Department
3 documentation confirming SHPO concurrence prior to start of construction.

4 (V.B.3) The certificate holder shall consult with the SHPO regarding the development of
5 a CRMP that will address the protection of aboveground historic resources and
6 belowground archeological resources. The CRMP shall include established
7 protocol and procedures for unanticipated discoveries, such as the discovery of
8 new archeological sites or Native American human remains during ground-
9 disturbing activities, and shall document how these protocols will follow State
10 laws and rules at ORS 358.905-961, ORS 390.235, OAR 736-051-0090 and
11 ORS 97.740-760 as in effect on the date of this site certificate.

12 (V.B.4) Before beginning construction of any phase of the facility, the certificate holder
13 shall provide to the Department a map showing the final design locations of all
14 components of that phase of the facility and areas that would be temporarily
15 disturbed during construction, and also showing the areas surveyed by Tetra Tech
16 in preparing the Archeological Inventory for Golden Hills Wind Energy
17 Development included in the Application for a Site Certificate as Attachment S-1. If
18 there are any additional areas where ground-disturbing activities will occur that
19 were not part of the original facility area, the certificate holder shall contact the
20 SHPO to determine whether there will be additional impacts to cultural resources.

21 (V.B.5) The certificate holder shall ensure that a qualified archaeologist instructs
22 construction personnel on the identification of cultural resources

23 (V.B.6) If any cultural resources are discovered during construction activities, all work at
24 that location shall cease immediately and the certificate holder shall contact the
25 SHPO to determine whether it is necessary to have an archeologist travel to the
26 worksite and assess the discovery or monitor construction activities.

27 (V.B.7) "No access" buffers shall be identified on construction plans and temporarily
28 demarcated in the field before and during construction. The facility
29 Environmental Inspector shall monitor flagged "no access" buffers around
30 archeological sites during construction to prevent accidental damage to cultural
31 resources. These flags or markers shall not be moved or removed during
32 construction activities, and construction personnel shall be advised of these
33 restrictions.

34 (V.B.8) The certificate holder shall ensure that construction personnel cease all ground-
35 disturbing activities in the immediate area if any archaeological or cultural
36 resources are found during construction of the facility until a qualified
37 archaeologist can evaluate the significance of the find. No construction
38 personnel will be allowed in the discovery area except for facility management in
39 consultation with the SHPO. The certificate holder shall notify the Department

1 and the SHPO of the find. If the SHPO determines that the resource is significant,
2 the certificate holder shall make recommendations to the Council for mitigation,
3 including avoidance or data recovery, in consultation with the Department, the
4 SHPO, the appropriate Oregon tribes and other appropriate parties. The
5 certificate holder shall not restart work in the affected area until the certificate
6 holder has demonstrated to the Department that it has complied with State
7 archaeological protection and archaeological permit laws in coordination with
8 the SHPO.

9 (V.B.9) The certificate holder shall ensure that construction personnel proceed carefully
10 in the vicinity of the mapped alignment of the Oregon Trail. If any intact physical
11 evidence of the trail is discovered, the certificate holder shall avoid any
12 disturbance to the intact segments by redesign, reengineering or restricting the
13 area of construction activity. The certificate holder shall promptly notify the
14 Department and the SHPO of the discovery. The certificate holder shall consult
15 with the Department and with the SHPO to determine appropriate mitigation
16 measures.

17 (V.B.10) Upon completion of construction, the certificate holder shall consult with the
18 Oregon Historic Trails Advisory Council regarding the appropriate content of an
19 interpretive sign. After such consultation, the certificate holder shall place in a
20 publicly accessible location a sign giving notice of the historic background of the
21 facility site and surrounding areas.

22 **C. PUBLIC SERVICES STANDARD**

23 (V.C.1) During operation of the facility, the certificate holder shall obtain water for on-
24 site use from one well located at the O&M facility, subject to compliance with
25 applicable permit requirements. During operation of the facility, the certificate
26 holder shall not use more than 5,000 gallons of water per day from the on-site
27 well.

28 (V.C.2) During construction and operation of the facility, the certificate holder shall
29 install on-site security and shall require on-site security personnel to establish a
30 line of communication with the Sherman County Sheriff’s Office to regularly
31 report on the status of on-site security operations.

32 (V.C.3) Before beginning construction the certificate holder shall develop and implement
33 a fire safety and response plan for both construction and operation phases in
34 consultation with the Oregon State Fire Marshal, the Sherman County Emergency
35 Services, North Sherman Fire and Rescue, Moro Rural Fire Protection District and
36 other first-response agencies the facility will rely upon for fire protection services.
37 A copy of the plan must be provided to the Department at least 30 days before
38 beginning construction. The plan must be updated at least annually by the
39 agencies identified in (a) below and a copy provided to the agencies identified in

- 1 (a), (b), and (c) and to the Department within 30 days of the update. The fire
2 safety and response plan shall address, at a minimum, the following:
- 3 (a) Identification of agencies that participated in developing the plan;
 - 4 (b) Identification of agencies that are designated as first response agencies
5 or are included in any mutual aid agreements with the facility;
 - 6 (c) A list of any other mutual aid agreements or fire protection associations
7 in the vicinity of the facility;
 - 8 (d) Complete contact information for each agency listed in (a), (b), and
9 (c) above, including at least two facility contacts available on a 24-hour
10 basis;
 - 11 (e) Communication protocols for both routine and emergency events and
12 the incident command system to be used in the event a fire response by
13 multiple agencies is needed at the facility;
 - 14 (f) Access and fire response at the facility site during construction and
15 operations. Fire response plans during construction shall address regular
16 and frequent communication amongst the agencies regarding the
17 number and location of construction sites within the site boundary,
18 access roads that are completed and those still under construction,
19 location of water receptacles, and a temporary signage system until
20 permanent addresses and signs are in place;
 - 21 (g) The minimum designated time period of the fire season (i.e., May 1
22 through October 15) and the criteria to modify the designated fire season
23 to respond to changing conditions;
 - 24 (h) The number, size, and location of onsite water receptacles to be staged
25 around the facility site for firefighting purposes during the fire season;
26 and
 - 27 (i) Training needs (both for facility personnel and for first responders).
 - 28 (j) Copies of mutual aid, fire protection association, or other agreements
29 entered into concerning fire protection at the facility site.
- 30 (V.C.4) During construction of the facility, the certificate holder shall ensure that
31 construction vehicles and equipment are operated on graveled areas to the
32 extent possible and that open flames, such as cutting torches, are kept away
33 from grassy areas.
- 34 (V.C.5) During construction and operation of the facility, the certificate holder shall
35 ensure that the O&M facility and all service vehicles are equipped with shovels
36 and portable fire extinguishers of a 4A50BC or equivalent rating.
- 37 (V.C.6) During construction of the facility, the certificate holder shall maintain a water
38 truck on site to respond to potential fire incidents.

- 1 (V.C.7) The certificate holder shall construct turbines on concrete pads with a minimum
2 of 10 feet of nonflammable and non-erosive ground cover on all sides. The
3 certificate holder shall cover turbine pad areas with nonflammable, non-erosive
4 material immediately following exposure during construction and shall maintain
5 the pad area covering during operation of the facility.
- 6 (V.C.8) During operation of the facility, the certificate holder shall ensure that all on-site
7 employees receive annual fire prevention and response training, including tower
8 rescue training, from qualified instructors or members of local fire districts and
9 shall ensure that all employees are instructed to keep vehicles on roads and off
10 dry grassland, except when off-road operation is required for emergency
11 purposes.
- 12 (V.C.9) Upon beginning operation of the facility, the certificate holder shall provide to
13 North Sherman Fire Protection District and Moro Rural Fire Protection District a
14 site plan indicating the identification number assigned to each turbine and the
15 location of all facility structures. During operation of the facility, the certificate
16 holder shall ensure that appropriate district personnel have an up-to-date list of
17 the names and telephone numbers of facility personnel available to respond on a
18 24-hour basis in case of an emergency on the facility site.
- 19 (V.C.10) Before and during beginning construction of the facility, the certificate holder
20 shall develop and implement a construction-phase traffic management plan with
21 all affected local jurisdictions.
- 22 (V.C.11) During construction of the facility, the certificate holder shall implement
23 measures to reduce traffic impacts, including:
- 24 (a) Providing notice to all affected local jurisdictions in advance of deliveries;
25 (b) Providing notice to adjacent landowners and residents of Biggs Junction
26 in advance of deliveries; and
27 (c) Requiring flaggers to be at appropriate locations at appropriate times
28 during construction to direct traffic and reduce accident risks.
- 29 (V.C.12) Prior to start of construction, the certificate holder shall obtain from the
30 Sherman County Road Department an assessment of road conditions in the
31 facility area prior to the start of construction of the facility. The certificate holder
32 shall also obtain from the county road department an evaluation of the roads
33 following completion of the facility to determine any significant change in
34 condition. The certificate shall cooperate with the Sherman County Road
35 Department to ensure that any unusual damage or wear caused by the use of
36 the county's roads by the developer during the construction of the facility will be
37 the responsibility of the developer. In addition, no equipment or machinery of
38 the developers shall be parked or stored on any county road except while in use.

- 1 (V.C.13) Prior to beginning construction, the certificate holder will
- 2 (a) Designate a route or routes for the transport of wind turbine
- 3 construction material (including water, aggregate, concrete, machinery
- 4 and tower pieces), with the intention of minimizing damage to non-
- 5 designated roads, and provide these designations to the County Road
- 6 Master;
- 7 (b) Provide to the County Road Master a written summary of possible
- 8 anticipated road damage to the designated route or routes, and an
- 9 estimate of the cost of repair to the designated route or routes;
- 10 (c) Establish and maintain an escrow account for so long as construction is
- 11 ongoing funded in an amount equal to the estimated cost to repair the
- 12 designated route or routes consistent with the estimate provided in (b);
- 13 and
- 14 (d) Conduct an inspection of the roads along the designated route or routes
- 15 before and after construction with a representative of the Sherman County
- 16 Road Department and an independent third party with the required
- 17 expertise to inspect and evaluate paved and graveled roads. In the event a
- 18 dispute arises, the third party shall be the final arbiter. The cost of the
- 19 hiring of the third party shall be borne by the certificate holder.
- 20 (V.C.14) The certificate holder shall work with Sherman County Emergency Manager to
- 21 assign a 9-1-1 5-digit rural address to every tower road that intersects a State or
- 22 county road. The county will provide and install the signage for these addresses.

23 **D. WASTE MINIMIZATION STANDARD**

- 24 (V.D.1) During construction, the certificate holder shall implement a waste management
- 25 plan that includes, but is not limited to, the following measures:
- 26 (a) Recycling steel and other metal scrap;
- 27 (b) Recycling wood waste;
- 28 (c) Recycling packaging wastes, such as paper and cardboard;
- 29 (d) Collecting non-recyclable waste for transport to a landfill; and
- 30 (e) Segregating all hazardous wastes, such as used oil, oily rags and oil-
- 31 absorbent materials, lubricant and cleaning solution containers, mercury-
- 32 containing lights, and lead-acid and nickel-cadmium batteries, for
- 33 disposal by a licensed firm specializing in the proper recycling or disposal
- 34 of hazardous wastes.
- 35 (V.D.2) During operation, the certificate holder shall implement a waste management
- 36 plan that includes, but is not limited to, the following measures:
- 37 (a) Training employees to minimize and recycle solid waste;

- 1 (b) Recycling paper products, metals, glass and plastics;
- 2 (c) Recycling used oil and hydraulic fluid;
- 3 (d) Collecting non-recyclable waste for transport to a landfill; and
- 4 (e) Segregating all hazardous wastes, such as used oil, oily rags and oil-
- 5 absorbent materials, oil and cleaning solution containers, mercury-
- 6 containing lights, and lead-acid and nickel-cadmium batteries, for
- 7 disposal by a licensed firm specializing in the proper recycling or disposal
- 8 of hazardous wastes.

9 (V.D.3) During construction, the certificate holder shall provide portable toilets for on-

10 site sewage handling and shall ensure that they are pumped and cleaned

11 regularly by a licensed contractor.

12 (V.D.4) During operation, the certificate holder shall discharge sanitary wastewater

13 generated at the O&M facility to a licensed on-site septic system in compliance

14 with county permit requirements. The certificate holder shall design the septic

15 system with a discharge capacity of less than 5,000 gallons per day.

16 VI. OTHER APPLICABLE REGULATORY REQUIREMENTS

17 A. REQUIREMENTS UNDER COUNCIL JURISDICTION

18 1. NOISE CONTROL REGULATIONS

19 (VI.A.1.1) To reduce noise impacts at nearby residential areas, the certificate holder shall:

- 20 (a) Confine the noisiest operation of heavy construction equipment to the
- 21 daylight hours;
- 22 (b) Require contractors to install and maintain exhaust mufflers on all
- 23 combustion engine-powered equipment; and
- 24 (c) Establish a complaint response system at the construction manager's
- 25 office to address noise complaints.

26 (VI.A.1.2) The certificate holder shall submit, for Department approval prior to

27 construction, a complete new noise analysis for the facility based on the final

28 design layout and generate a new table listing each noise-sensitive property, as

29 defined in OAR 340-035-0015(38), and the predicted maximum hourly L_{50} noise

30 level at each noise-sensitive property. In addition, the certificate holder shall

31 provide the predicted sound levels contributed by each turbine at each noise-

32 sensitive property that does not provide a waiver of the ambient noise rule. The

33 certificate holder shall perform the analysis using the CADNA/A by DataKustik

34 GmbH of Munich, Germany, and shall base the analysis on the final facility design

35 including final choice of turbine and location of all facility components. The

1 analysis shall demonstrate to the satisfaction of the Department that each of the
2 following requirements have been met:

3 (a) For any noise-sensitive property, the certificate holder shall identify the
4 final design locations of all turbines to be built and perform a noise
5 analysis demonstrating, in accordance with OAR
6 340-035-0035(1)(b)(B)(iii)(IV), that the total hourly L_{50} noise level
7 generated by the facility would not exceed 50 dBA at the appropriate
8 measurement point. The certificate holder shall assume the following
9 input parameters:

- 10 • The maximum sound power level warranted by the manufacturer or
11 confirmed by other means acceptable to the Department;
- 12 • The exact locations of the proposed turbines;
- 13 • Attenuation of sound due to absorption to be calculated using a
14 methodology satisfactory to the Department;
- 15 • The use of 50° F temperature and 70 percent relative humidity in the
16 analysis;
- 17 • A 2dB safety margin shall be added to turbine sound power levels;
- 18 • No credit for shielding of any residence by terrain; and
- 19 • All receptors treated as simultaneously downwind of all turbines.

20 (b) If the hourly L_{50} noise levels caused by the facility at any noise-sensitive
21 property would increase the ambient noise level at any noise-sensitive
22 property over the full set of wind conditions ranging from cut in to full
23 load by more than 10 dBA, the certificate holder shall obtain a legally
24 effective easement or real covenant from that property owner pursuant
25 to which the owner of the property authorizes the certificate holder's
26 operation of the facility to increase ambient statistical noise levels L_{50} and
27 L_{50} by more than 10 dBA at the appropriate measurement point. A legally
28 effective easement or real covenant shall (i) include a legal description of
29 the burdened property (the noise-sensitive property); (ii) be recorded in
30 the real property records of the county; (iii) expressly benefit the
31 certificate holder; (iv) expressly run with the land and bind all future
32 owners, lessees or holders of any interest in the burdened property; and
33 (v) not be subject to revocation without the certificate holder's written
34 approval.

35 (c) If, for any noise-sensitive property where the hourly L_{50} noise levels
36 caused by the facility would increase by more than 10 dBA above the
37 ambient level over the full range of wind conditions measured for that
38 property and where the certificate holder has not obtained a legally
39 effective easement or real covenant as described in (b), the certificate

holder shall identify measures to reduce noise at that property either by eliminating or moving turbines, and shall perform the noise analysis again to demonstrate, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV), that the total noise generated by the facility would meet the ambient noise degradation test at the appropriate measurement point at that noise-sensitive property. The certificate holder shall obtain Department concurrence of the new analysis prior to start of construction.

(VI.A.1.3) During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. Prior to start of commercial operation, the certificate holder shall notify, in writing, the owners of potentially affected noise-sensitive properties identified in Exhibit X of the completed Application for a Site Certificate. The notice shall inform the property owners of the procedure and contact information for filing a complaint regarding the noise level from the facility once it is operating. The certificate holder shall document the issuance of this notice and provide that documentation to the Department.

(VI.A.1.4) Prior to start of commercial operation, the certificate holder shall submit a plan for complaint-based operational noise monitoring to the Department. Commercial operation shall not commence until the Department has concurred in writing with the complaint-based noise monitoring protocol. The plan shall provide for testing at houses whose owners or occupants submit a complaint to the Council or the Department. The plan shall include a schedule for completion of required testing and a date certain by which written results shall be provided to the Council. If the owner of the property that filed the complaint refuses to grant access for the purpose of performing the noise test described in this condition after reasonable attempts are made by the certificate holder to receive permission for access, then the Department shall not require further corrective action.

2. REMOVAL FILL LAW

Removal-Fill Condition 1: Prior to construction, the certificate holder shall:

- 1) Conduct an updated wetlands and waters delineation survey of all areas to be temporarily or permanently impacted by the facility based on final layout and design.
- 2) Submit the delineation survey report to the department and Oregon Department of State Lands and receive concurrence of the report from DSL.
- 3) Confirm from the results of the delineation survey and DSL concurrence that the facility will not need a removal-fill permit.

1 4) If a removal-fill permit is necessary, file a site certificate amendment request to review
2 and process the permit request.

3 (Added for Amendment No. 3)

4 **3. WATER RIGHTS**

5 [No conditions]

6 **4. PUBLIC HEALTH AND SAFETY**

7 (VI.A.4.1) The certificate holder shall take reasonable steps to reduce or manage human
8 exposure to electric and magnetic fields, including, but not limited to:

9 (a) Constructing all aboveground transmission lines at least 200 feet from
10 any residence or other occupied structure, measured from the centerline
11 of the transmission line;

12 (b) Fencing all areas near the facility substations to ensure that substation
13 equipment is not accessible to the public;

14 (c) Providing to landowners a map of underground and overhead
15 transmission lines on their property and advising landowners of possible
16 health risks; and

17 (d) Designing and maintaining all transmission lines so that alternating
18 current electric fields do not exceed 9 kV per meter at one meter above
19 the ground surface in areas accessible to the public.

20 (VI.A.4.2) In advance of, and during, preparation of detailed design drawings and
21 specifications for 230 kV, 500 kV, and 34.5 kV transmission lines, the certificate
22 holder shall consult with the Utility Safety and Reliability Section of the Oregon
23 Public Utility Commission to ensure that the designs and specifications are
24 consistent with applicable codes and standards.

25 (VI.A.4.3) Prior to start of construction, the certificate holder shall submit to ODOE a
26 procedure for coordinating, with all affected local electric service utilities and
27 transmission service providers, crane movements under electric transmission
28 lines during construction and maintenance of the facility. The procedure shall
29 address subjects including, but not limited to, minimum advance notification
30 prior to any crane movement under an electric transmission or distribution line,
31 protocols for determining adequate line clearance and specific crane path
32 locations. With the procedure, the certificate holder shall provide evidence of
33 concurrence by each affected electric service utility or transmission service
34 provider. The certificate holder shall ensure that all employees, construction
35 contractors and subcontractors adhere to this procedure throughout
36 construction and maintenance of the facility.

1 **VII. CONDITIONS REQUIRED BY COUNCIL RULES**

2 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in Site
3 Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring
4 Conditions), and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities).
5 These conditions should be read together with the specific facility conditions listed in
6 Sections III, IV, V, and VI to ensure compliance with the siting standards of OAR Chapter 345,
7 Divisions 22 and 24, and to protect the public health and safety. In these conditions, the
8 definitions in OAR 345-001-0010 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 Sections III, IV, V, and VI is subject to the
11 provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the
12 Department and the Council will not publicly disclose information that may be exempt from
13 public disclosure if the certificate holder has clearly labeled such information and stated the
14 basis for the exemption at the time of submitting the information to the Department or the
15 Council. If the Department or the Council receives a request for the disclosure of the
16 information, the Department or the Council, as appropriate, will make a reasonable attempt to
17 notify the certificate holder and will refer the matter to the Attorney General for a
18 determination of whether the exemption is applicable, pursuant to ORS 192.450.

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

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

31 (VII.2) OAR 345-027-0020(2): The certificate holder shall submit a legal description of
32 the site to the Department of Energy within 90 days after beginning operation of
33 the facility. The legal description required by this rule means a description of
34 metes and bounds or a description of the site by reference to a map and
35 geographic data that clearly and specifically identifies the outer boundaries that
36 contain all parts of the facility.

37 (VII.3) OAR 345-027-0020(3): The certificate holder shall design, construct, operate, and
38 retire the facility:

- 1 (a) Substantially as described in the site certificate;
- 2 (b) In compliance with the requirements of ORS Chapter 469, applicable
3 Council rules, and applicable state and local laws, rules and ordinances in
4 effect at the time the site certificate is issued; and
- 5 (c) In compliance with all applicable permit requirements of other state
6 agencies.
- 7 (VII.4) OAR 345-027-0020(4): The certificate holder shall begin and complete
8 construction of the facility by the dates specified in the site certificate. [See
9 *Conditions (III.D.1) and (111.D.2).*]
- 10 (VII.5) OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise
11 allowed for wind energy facilities, transmission lines or pipelines under this
12 section, the certificate holder shall not begin construction, as defined in OAR
13 345-001-0010, or create a clearing on any part of the site until the certificate
14 holder has construction rights on all parts of the site. For the purpose of this
15 rule, "construction rights" means the legal right to engage in construction
16 activities. For wind energy facilities, transmission lines or pipelines, if the
17 certificate holder does not have construction rights on all parts of the site, the
18 certificate holder may nevertheless begin construction, as defined in OAR
19 345-001-0010, or create a clearing on a part of the site if the certificate holder
20 has construction rights on that part of the site and:
- 21 (a) The certificate holder would construct and operate part of the facility on
22 that part of the site even if a change in the planned route of the
23 transmission line or pipeline occurs during the certificate holder's
24 negotiations to acquire construction rights on another part of the site; or
- 25 (b) The certificate holder would construct and operate part of a wind energy
26 facility on that part of the site even if other parts of the facility were
27 modified by amendment of the site certificate or were not built.
- 28 (VII.6) OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative
29 finding under any standards of Division 22 or Division 24 of OAR Chapter 345, the
30 certificate holder shall consult with affected state agencies and local
31 governments designated by the Council and shall develop specific mitigation
32 plans consistent with Council findings under the relevant standards. The
33 certificate holder must submit the mitigation plans to the Office and receive
34 Office approval before beginning construction or, as appropriate, operation of
35 the facility.
- 36 (VII.7) OAR 345-027-0020(7): The certificate holder shall prevent the development of
37 any conditions on the site that would preclude restoration of the site to a useful,
38 non-hazardous condition to the extent that prevention of such site conditions is
39 within the control of the certificate holder.

- 1 (VII.8) OAR 345-027-0020(8): Before beginning construction of the facility, the
2 certificate holder shall submit to the State of Oregon, through the Council, a
3 bond or letter of credit in a form and amount satisfactory to the Council to
4 restore the site to a useful, non-hazardous condition. The certificate holder shall
5 maintain a bond or letter of credit in effect at all times until the facility has been
6 retired. The Council may specify different amounts for the bond or letter of
7 credit during construction and during operation of the facility. *[See Condition*
8 *IV.C.4.]*
- 9 (VII.9) OAR 345-027-0020(9): The certificate holder shall retire the facility if the
10 certificate holder permanently ceases construction or operation of the facility.
11 The certificate holder shall retire the facility according to a final retirement plan
12 approved by the Council, as described in OAR 345-027-0110. The certificate
13 holder shall pay the actual cost to restore the site to a useful, non-hazardous
14 condition at the time of retirement, notwithstanding the Council’s approval in
15 the site certificate of an estimated amount required to restore the site.
- 16 (VII.10) OAR 345-027-0020(10): The Council shall include as conditions in the site
17 certificate all representations in the site certificate application and supporting
18 record the Council deems to be binding commitments made by the applicant.
- 19 (VII.11) OAR 345-027-0020(11): Upon completion of construction, the certificate holder
20 shall restore vegetation to the extent practicable and shall landscape all areas
21 disturbed by construction in a manner compatible with the surroundings and
22 proposed use. Upon completion of construction, the certificate holder shall
23 remove all temporary structures not required for facility operation and dispose
24 of all timber, brush, refuse and flammable or combustible material resulting
25 from clearing of land and construction of the facility.
- 26 (VII.12) OAR 345-027-0020(12): The certificate holder shall design, engineer and
27 construct the facility to avoid dangers to human safety presented by seismic
28 hazards affecting the site that are expected to result from all maximum probable
29 seismic events. As used in this rule “seismic hazard” includes ground shaking,
30 landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement
31 and subsidence.
- 32 (VII.13) OAR 345-027-0020(13): The certificate holder shall notify the Department, the
33 State Building Codes Division and the Department of Geology and Mineral
34 Industries promptly if site investigations or trenching reveal that conditions in the
35 foundation rocks differ significantly from those described in the application for a
36 site certificate. After the Department receives the notice, the Council may require
37 the certificate holder to consult with the Department of Geology and Mineral
38 Industries and the Building Codes Division and to propose mitigation actions.

- 1 (VII.14) OAR 345-027-0020(14): The certificate holder shall notify the Department, the
2 State Building Codes Division and the Department of Geology and Mineral
3 Industries promptly if shear zones, artesian aquifers, deformations or clastic
4 dikes are found at or in the vicinity of the site.
- 5 (VII.15) OAR 345-027-0020(15): Before any transfer of ownership of the facility or
6 ownership of the site certificate holder, the certificate holder shall inform the
7 Department of the proposed new owners. The requirements of OAR
8 345-027-0100 apply to any transfer of ownership that requires a transfer of the
9 site certificate.
- 10 (VII.16) OAR 345-027-0020(16): If the Council finds that the certificate holder has
11 permanently ceased construction or operation of the facility without retiring the
12 facility according to a final retirement plan approved by the Council, as described
13 in OAR 345-027-0110, the Council shall notify the certificate holder and request
14 that the certificate holder submit a proposed final retirement plan to the Office
15 within a reasonable time not to exceed 90 days. If the certificate holder does not
16 submit a proposed final retirement plan by the specified date, the Council may
17 direct the Department to prepare a proposed a final retirement plan for the
18 Council's approval. Upon the Council's approval of the final retirement plan, the
19 Council may draw on the bond or letter of credit described in OAR
20 345-027-0020(8) to restore the site to a useful, non-hazardous condition
21 according to the final retirement plan, in addition to any penalties the Council
22 may impose under OAR Chapter 345, Division 29. If the amount of the bond or
23 letter of credit is insufficient to pay the actual cost of retirement, the certificate
24 holder shall pay any additional cost necessary to restore the site to a useful, non-
25 hazardous condition. After completion of site restoration, the Council shall issue
26 an order to terminate the site certificate if the Council finds that the facility has
27 been retired according to the approved final retirement plan.
- 28 (VII.17) OAR 345-027-0023(4): If the facility includes any transmission line under Council
29 jurisdiction:
- 30 (a) The certificate holder shall design, construct and operate the
31 transmission line in accordance with the requirements of the 2012
32 Edition of the National Electrical Safety Code approved on June 3, 2001,
33 by the American National Standards Institute; and
- 34 (b) The certificate holder shall develop and implement a program that
35 provides reasonable assurance that all fences, gates, cattle guards,
36 trailers, or other objects or structures of a permanent nature that could
37 become inadvertently charged with electricity are grounded or bonded
38 throughout the life of the line.
39 [Final Order on Amendment No. 3]

1 (VII.18) OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a
2 transmission line or has, as a related or supporting facility, a pipeline or
3 transmission line, the Council shall specify an approved corridor in the site
4 certificate and shall allow the certificate holder to construct the pipeline or
5 transmission line anywhere within the corridor, subject to the conditions of the
6 site certificate. If the applicant has analyzed more than one corridor in its
7 application for a site certificate, the Council may, subject to the Council's
8 standards, approve more than one corridor.

9 (VII.19) OAR 345-027-0028: The following general monitoring conditions apply:

10 (a) The certificate holder shall consult with affected state agencies, local
11 governments and tribes and shall develop specific monitoring programs
12 for impacts to resources protected by the standards of divisions 22 and
13 24 of OAR Chapter 345 and resources addressed by applicable statutes,
14 administrative rules and local ordinances. The certificate holder must
15 submit the monitoring programs to the Department of Energy and
16 receive Department approval before beginning construction or, as
17 appropriate, operation of the facility.

18 (b) The certificate holder shall implement the approved monitoring
19 programs described in OAR 345-027-0028(1) and monitoring programs
20 required by permitting agencies and local governments.

21 (c) For each monitoring program described in OAR 345-027-0028(1) and (2),
22 the certificate holder shall have quality assurance measures approved by
23 the Department before beginning construction or, as appropriate, before
24 beginning commercial operation.

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

29 (VII.20) OAR 345-026-0048: Following receipt of the site certificate or an amended site
30 certificate, the certificate holder shall implement a plan that verifies compliance
31 with all site certificate terms and conditions and applicable statutes and rules. As
32 a part of the compliance plan, to verify compliance with the requirement to
33 begin construction by the date specified in the site certificate, the certificate
34 holder shall report promptly to the Department of Energy when construction
35 begins. Construction is defined in OAR 345-001-0010. In reporting the beginning
36 of construction, the certificate holder shall describe all work on the site
37 performed before beginning construction, including work performed before the
38 Council issued the site certificate, and shall state the cost of that work. For the
39 purpose of this exhibit, "work on the site" means any work within a site or
40 corridor, other than surveying, exploration or other activities to define or

1 characterize the site or corridor. The certificate holder shall document the
2 compliance plan and maintain it for inspection by the Department or the Council.

3 (VII.21) OAR 345-026-0080: The certificate holder shall report according to the following
4 requirements:

- 5 (a) General reporting obligation for energy facilities under construction or
6 operating:
 - 7 (i) Within six months after beginning construction, and every six
8 months thereafter during construction of the energy facility and
9 related or supporting facilities, the certificate holder shall submit
10 a semiannual construction progress report to the Department of
11 Energy. In each construction progress report, the certificate
12 holder shall describe any significant changes to major milestones
13 for construction. The certificate holder shall include such
14 information related to construction as specified in the site
15 certificate. When the reporting date coincides, the certificate
16 holder may include the construction progress report within the
17 annual report described in OAR 345-026-0080.
 - 18 (ii) By April 30 of each year after beginning construction, the
19 certificate holder shall submit an annual report to the Department
20 addressing the subjects listed in OAR 345-026-0080. The Council
21 Secretary and the certificate holder may, by mutual agreement,
22 change the reporting date.
 - 23 (iii) To the extent that information required by OAR 345-026-0080 is
24 contained in reports the certificate holder submits to other state,
25 federal or local agencies, the certificate holder may submit
26 excerpts from such other reports to satisfy this rule. The Council
27 reserves the right to request full copies of such excerpted reports.
- 28 (b) In the annual report, the certificate holder shall include the following
29 information for the calendar year preceding the date of the report:
 - 30 (i) Facility Status: An overview of site conditions, the status of
31 facilities under construction, and a summary of the operating
32 experience of facilities that are in operation. In this section of the
33 annual report, the certificate holder shall describe any unusual
34 events, such as earthquakes, extraordinary windstorms, major
35 accidents or the like that occurred during the year and that had a
36 significant adverse impact on the facility.
 - 37 (ii) Reliability and Efficiency of Power Production: For electric power
38 plants, the plant availability and capacity factors for the reporting
39 year. The certificate holder shall describe any equipment failures
40 or plant breakdowns that had a significant impact on those factors

1 and shall describe any actions taken to prevent the recurrence of
2 such problems.

3 (iii) Fuel Use: For thermal power plants:

4 (A) The efficiency with which the power plant converts fuel
5 into electric energy. If the fuel chargeable to power heat
6 rate was evaluated when the facility was sited, the
7 certificate holder shall calculate efficiency using the same
8 formula and assumptions, but using actual data; and

9 (B) The facility's annual hours of operation by fuel type and,
10 every five years after beginning operation, a summary of
11 the annual hours of operation by fuel type as described in
12 OAR 345-024-0590(5).

13 (iv) Status of Surety Information: Documentation demonstrating that
14 bonds or letters of credit as described in the site certificate are in
15 full force and effect and will remain in full force and effect for the
16 term of the next reporting period.

17 (v) Monitoring Report: A list and description of all significant
18 monitoring and mitigation activities performed during the
19 previous year in accordance with site certificate terms and
20 conditions, a summary of the results of those activities, and a
21 discussion of any significant changes to any monitoring or
22 mitigation program, including the reason for any such changes.

23 (vi) Compliance Report: A description of all instances of
24 noncompliance with a site certificate condition. For ease of
25 review, the certificate holder shall, in this section of the report,
26 use numbered subparagraphs corresponding to the applicable
27 sections of the site certificate.

28 (vii) Facility Modification Report: A summary of changes to the facility
29 that the certificate holder has determined do not require a site
30 certificate amendment in accordance with OAR 345-027-0050.

31 (viii) Nongenerating Facility Carbon Dioxide Emissions: For
32 nongenerating facilities that emit carbon dioxide, a report of the
33 annual fuel use by fuel type and annual hours of operation of the
34 carbon dioxide emitting equipment as described in OAR
35 345-024-0630(4).

36 (VII.22) OAR 345-026-0105: The certificate holder and the Department of Energy shall
37 exchange copies of all correspondence or summaries of correspondence related
38 to compliance with statutes, rules and local ordinances on which the Council
39 determined compliance, except for material withheld from public disclosure
40 under state or federal law or under Council rules. The certificate holder may

submit abstracts of reports in place of full reports; however, the certificate holder shall provide full copies of abstracted reports and any summarized correspondence at the request of the Department.

- (VII.23) OAR 345-026-0170(1): The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:
- (a) There is an attempt by anyone to interfere with its safe operation;
 - (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment; or
 - (c) There is any fatal injury at the facility.

VIII. SUCCESSORS AND ASSIGNS

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

IX. SEVERABILITY AND CONSTRUCTION

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

X. GOVERNING LAW AND FORUM

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

XI. EXECUTION

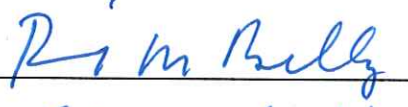
This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Council and the authorized representative of the certificate holder.

IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Golden Hills Wind Farm LLC.

ENERGY FACILITY SITING COUNCIL

GOLDEN HILLS WIND FARM LLC

By: 
Barry Beyeler, Chair
Oregon Energy Facility Siting Council

By: 
Print: Reid M. Buckley

Date: FEBRUARY 24, 2017

Date: 2-28-17

**ATTACHMENT A
SITE BOUNDARY MAP**

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