

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

In the Matter of the Request for Transfer of )  
the Wheatridge Wind Energy Facility Site Certificate )  
\_\_\_\_\_ )

FINAL ORDER ON  
REQUEST FOR TRANSFER

Issued by

Oregon Department of Energy  
550 Capitol Street NE  
Salem, Oregon 97301-3742

July 27, 2017

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## ATTACHMENTS

Attachment A: Amended Site Certificate

1 **I. INTRODUCTION**

2

3 The Energy Facility Siting Council (Council) issues this order in accordance with Oregon Revised  
4 Statute (ORS) 469.405 and Oregon Administrative Rule (OAR) 345-027-0100 for the Request for  
5 Transfer of the Wheatridge Wind Energy Facility Site Certificate. This order addresses a change  
6 in the ownership of the certificate holder. Specifically, this order addresses a request to transfer  
7 the ownership of the Wheatridge Wind Energy, LLC site certificate holder from the current  
8 parent company, Swaggart Wind Power, LLC (Swaggart), to NextEra Energy Resources, LLC  
9 (NextEra), a new parent company.

10

11 Pursuant to OAR 345-027-0100(1), “a transfer of ownership requires a transfer of the site  
12 certificate when the person who will have the legal right to possession and control of the site or  
13 the facility does not have authority under the site certificate to construct, operate or retire the  
14 facility.” A “transferee” refers to the person who will become the new site certificate holder.

15

16 For the Wheatridge Wind Energy Facility site certificate, the certificate holder relied upon the  
17 organizational expertise and financial assurance of its parent company, Swaggart Wind Power,  
18 LLC to demonstrate compliance with the Council’s Organizational Expertise standard and  
19 Retirement and Financial Assurance standard. Similarly, for the transfer request, Wheatridge  
20 Wind Energy, LLC relies upon the organizational expertise and financial assurance of its new  
21 parent company, NextEra, to demonstrate compliance with the applicable Council standards.  
22 Therefore, while the transfer request does not change the certificate holder, Wheatridge Wind  
23 Energy, LLC, ownership of the certificate holder is changing and the organizational expertise  
24 and financial assurance of the certificate holder owner was relied upon in the Request for  
25 Transfer. For this analysis, “transferee” refers to both the certificate holder and the owner or  
26 parent company of the certificate holder.

27

28 **I.A. Name and Address of Current Certificate Holder**

29

30 Andrew O’Connell  
31 Wheatridge Wind Energy, LLC  
32 P.O. Box 133  
33 245 W. Main Street, Suite 200  
34 Ione, Oregon 97843

35

36 *Current Parent Company of the Certificate Holder*

37

38 Swaggart Wind Power, LLC  
39 P.O. Box 133  
40 245 W. Main Street, Suite 200  
41 Ione, Oregon 97843

42

1 I.B. Name and Address of Transferee

2

3 Melissa Hochmuth  
4 Wheatridge Wind Energy, LLC  
5 700 Universe Blvd., Attn: Corp. Gov.  
6 Juno Beach, FL 33408

7

8 *Parent Company*

9

10 John DiDonato  
11 NextEra Energy Resources, LLC  
12 FEW/JB  
13 700 Universe Blvd  
14 Juno Beach, FL 33408

15

16 I.C. Description of the Approved Facility

17

18 The Wheatridge Wind Energy Facility is an approved but not yet constructed wind energy  
19 generation facility to be located in Morrow and Umatilla counties, with a peak generating  
20 capacity of up to 500 megawatts (MW) of electricity. The facility would consist of up to 292  
21 wind turbines divided into two groups: Wheatridge West and Wheatridge East; and an  
22 “interconnection” transmission line consisting of up to 32 miles of up to two parallel overhead  
23 230-kilovolt (kV) transmission lines connecting Wheatridge West and Wheatridge East.  
24 Additional related and supporting facilities to the energy facility would include an electrical  
25 collection system; collector substations; meteorological towers; communication and  
26 supervisory control and data acquisition systems; operations and maintenance buildings; new  
27 or improved access roads; and, temporary construction areas.

28

29 The site certificate for the energy facility was fully executed and became effective on May 24,  
30 2017.

31

32 I.D. Description of Approved Facility Site Location

33

34 The facility site is located on approximately 13,097 acres of private land, within Morrow and  
35 Umatilla counties. As described above, the energy facility would be divided into two groups,  
36 Wheatridge West and Wheatridge East. Wheatridge West would be located entirely within  
37 Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of  
38 Lexington and approximately 7 miles northwest of Heppner. Wheatridge East would be located  
39 approximately 16 miles northeast of Heppner and includes land in both Morrow and Umatilla  
40 counties. Wheatridge West and Wheatridge East would be connected via 230 kV transmission  
41 line or “intraconnection” transmission line, a related and supporting facility to the energy  
42 facility. The site boundary for the intraconnection transmission line includes a 1,000 foot wide,  
43 up to 32-mile long corridor.

1 **II. THE TRANSFER PROCESS**

2

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

4

5 In the Request for Transfer, the transferee requests a site certificate transfer to reflect the  
6 change in ownership of the certificate holder from Swaggart Wind Power, LLC to NextEra. The  
7 transfer request also explains that through the change in ownership of the certificate holder,  
8 ownership of all membership interests in Wheatridge Wind Energy, LLC were sold to  
9 Wheatridge Wind Holdings, LLC, an indirect subsidiary of NextEra. Neither the certificate holder  
10 nor the transferee requested approval for any other facility modifications or changes to the  
11 terms and conditions of the site certificate.

12

13 **II.B. Procedural History**

14

15 On May 17, 2017, the certificate holder provided notice, pursuant to OAR 345-027-0100(2), to  
16 the Department of a transfer of ownership of the certificate holder.<sup>1</sup> On June 14, 2017, the  
17 certificate holder filed its Request for Transfer of the Wheatridge Wind Energy Facility Site  
18 Certificate.

19

20 On June 28, 2017, the Department issued notice of the transfer request to all persons on the  
21 Council's general mailing list, to the special list established for the facility, to an updated list of  
22 property owners supplied by the certificate holder, and to a list of reviewing agencies as  
23 defined in OAR 345-001-0010(52).<sup>2</sup> The notice included a request for public comments and  
24 established a comment deadline of July 27, 2017. The notice also included the date and time of  
25 the Informational Hearing, as required for site certificate transfers pursuant to OAR 345-027-  
26 0100(7), to be conducted during the July 27, 2017 Council meeting in Hood River, Oregon. The  
27 Department also provided notice of the Informational Hearing in its July 27-28, 2017 Council  
28 agenda issued on July 17, 2017. In addition to issuing the notice, the Department posted the  
29 public notice, date and time of the Informational Hearing, and transfer request materials on the  
30 agency website.

31

32 During its July 27, 2017 Council meeting in Hood River, Oregon the Council conducted an  
33 Informational Hearing on the Request for Transfer for the Wheatridge Wind Energy Facility Site  
34 Certificate. At the same meeting, the Council received a staff presentation on the draft Final

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<sup>1</sup> Mandatory Condition 10 (Site Certificate Condition GEN-GS-11) requires that the certificate holder, prior to any transfer of ownership of the facility or ownership of the certificate holder, inform the Department of the proposed new owners.

<sup>2</sup> As explained in a response to the Department's information request, the transferee requested and obtained current property owner information for property owners located within 500 feet of the site boundary in Morrow and Umatilla counties. The property owner information was obtained from Morrow County on June 23, 2017, and Umatilla County on June 20, 2017. WRWAMD1Doc14 2017-07-12

1 Order on the Request for Transfer and approved the Final Order on the Request for Transfer  
2 and issued an amended site certificate.

3 **II.C. Comments on Request for Transfer**  
4

5 During the comment period on the transfer request, which extended from June 28<sup>th</sup> through  
6 the close of the Informational Hearing on July 27<sup>th</sup>, 2017, the Department received seven  
7 comments. Four of the comments are addressed in this section. One comment, from the  
8 Confederated Tribes of the Umatilla Indian Reservation, stated that it had no comments or  
9 concerns regarding the transfer.<sup>3</sup> ODFW also commented that it had no comments on the  
10 transfer.<sup>4</sup> The remaining comment, submitted by Umatilla Electric Cooperative, is addressed in  
11 Section III.A.

12  
13 In comments received on the transfer request, the Umatilla Board of County Commissioners  
14 (appointed in November 2012, during Council's review of the application for site certificate, as  
15 the Special Advisory Group for the facility) expressed support for the existing site certificate  
16 conditions related to land use, public services, scenic resources, and organizational expertise.<sup>5</sup>  
17 The comment letter also requested assurance that the transferee would not support  
18 condemnation of land related to siting the grid-interconnection transmission line. This request  
19 for assurance is not related to the Organizational Expertise standard or Retirement and  
20 Financial Assurance standard and is therefore not within the scope of the transfer request. For  
21 these reasons, this comment is not within the Council's jurisdiction and is therefore not  
22 addressed further in this order.

23  
24 In comments provided during the July 27, 2017 Informational Hearing, as an individual and on  
25 behalf of Friends of the Grande Ronde Valley, Ms. Gilbert raised a concern over the legality of  
26 the existing site certificate based on the fact that the appeal period for the Council's decision  
27 on the Final Order on the ASC for the Wheatridge Wind Energy Facility has not run, and  
28 therefore whether the site certificate could be transferred. Ms. Gilbert also raised concerns  
29 over issues related to the contested case proceeding on the ASC. Those issues are not related to  
30 the transfer request.<sup>6</sup>

31  
32 Council Member Billings requested confirmation from Council's Counsel, Department of Justice  
33 Attorney Jesse Ratcliffe, of whether there are procedural limitations on the Council's review of  
34 a site certificate transfer request during an appeal period. Mr. Ratcliffe verified that the  
35 Council's April 2017 approval of the Final Order on the ASC and issuance of a site certificate is  
36 valid, and would remain valid and in effect even if appealed, unless the Supreme Court were to  
37 issue a stay on the Council's decision. ORS 469.403(4)-(5). Mr. Ratcliffe noted that no appeal  
38 has been filed and that the deadline for appeal of the site certificate and final order to the

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<sup>3</sup> WRWAMD1Doc14 Special Advisory Group Comments CTUIR 2017-07-20

<sup>4</sup> WRWAMD1Doc13 Reviewing Agency Comments ODFW 2017-07-19

<sup>5</sup> WRWAMD1Doc15 Special Advisory Group Comments Umatilla Board of County Commissioners 2017-07-27

<sup>6</sup> Ms. Gilbert July 27, 2017 EFSC Meeting/Information Hearing Oral Comments 2017-07-27

1 Supreme Court is 30 days after Ms. Gilbert’s request for rehearing was deemed denied, which  
2 occurred on July 24, 2017.

3  
4 In comments provided during the July 27, 2017 Informational Hearing, Mr. Terry Casey inquired  
5 about where the power generated by the Wheatridge Wind Energy Facility would be  
6 transmitted and questioned the need for another wind generating facility.<sup>7</sup> The Council does  
7 not have a need standard for wind energy facilities, and therefore the Council does not take  
8 into consideration where power generated by EFSC-jurisdictional facilities would be transmitted  
9 when determining whether or not to issue a site certificate or approve a site certificate transfer  
10 request for a facility. However, the certificate holder represented in its ASC Exhibit B that it  
11 anticipates connecting the facility to the Bonneville Power Administration (BPA) transmission  
12 system via the Gen-tie Line[s] to be owned by either UEC or UEC in partnership with the  
13 Columbia Basin Electric Cooperative, but operated by BPA. BPA sells and transmits wholesale  
14 electricity in eight western states, including Oregon. This comment is not related to an  
15 applicable Council standard and therefore is not addressed further.

16  
17 In comments received on the transfer request, four individuals including Mr. Todd Jones, Mr.  
18 Jim McClelland, Mr. Bob Levy, and Mr. Bill Frisbie, referred to as “local landowners,” requested  
19 that the Council impose a condition in the site certificate acknowledging Governor Brown’s  
20 notice to the Department of Land Conservation and Development requesting assistance in the  
21 development of a temporary rule, and that the condition direct the transferee to participate in  
22 and ensure compliance with the full build out of an energy corridor plan to be adopted by  
23 Morrow County. The comments reference impacts to local landowners from the “power  
24 generation intertie line.”<sup>8</sup>

25  
26 It is unclear if the comments relate to the 230-kV intraconnection transmission line that has  
27 been approved as a related and supporting facility to the energy facility, or the grid-  
28 interconnection transmission line that was not proposed by the certificate holder or included as  
29 a related and supporting facility to the energy facility. To the extent the comments are related  
30 to the 230-kV intraconnection transmission line that would interconnect turbines located in the  
31 eastern portion of the site boundary to turbines located in the western portion of the site  
32 boundary, the comments do not identify a standard for which the condition is necessary to  
33 satisfy or identify why the existing site certificate conditions are not adequate for ensuring  
34 compliance with applicable Council standards, rules and statutes. Therefore, the Council does  
35 not consider imposing the requesting condition appropriate or necessary to satisfy the  
36 requirements of an applicable standard. Comments related to the grid-interconnection  
37 transmission line are not within Council’s jurisdiction, as this structure would be owned and  
38 operated by a third-party and is not a related and supporting facility to the energy facility.

39

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<sup>7</sup> Mr. Casey July 27, 2017 EFSC Meeting/Information Hearing Oral Comments 2017-07-27

<sup>8</sup> WRWAMD1Doc17 Public Comment Local Landowners 2017-07-27

1 To the extent the comments on the transfer request relate to compliance with an applicable  
2 Council standard, the comments are evaluated in the findings related to those Council  
3 standards as presented in Section III of this order.

4

### 5 **III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS**

6

7 Under OAR 345-027-0100(8), the Council may approve a transfer of the site certificate if the  
8 Council finds that:

9 a) The transferee complies with the standards described in OAR 345-022-0010  
10 (Organizational Expertise standard), 345-022-0050 (Retirement and Financial Assurance  
11 standard) and if applicable, 345-024-0710(1) (related to compliance with the Carbon  
12 Dioxide standard); and

13 b) The transferee is or will be lawfully entitled to possession or control of the site of the  
14 facility described in the site certificate.

15

#### 16 *Possession and Control of the Site Certificate [OAR 345-027-0100(8)(b)]*

17 To approve the transfer of the site certificate, the Council must find that the transferee is  
18 lawfully entitled to possession or control of the site or the facility described in the site  
19 certificate.

20

21 Attachment M-1 of the transfer request is an updated legal opinion letter dated June 16, 2017,  
22 illustrating the legal opinion that “subject to the Certificate Holder’s meeting all the  
23 requirements of any applicable federal, state and local laws (including all the rules and  
24 regulations promulgated thereunder), the Certificate Holder has the legal authority to construct  
25 and operate the Wheatridge Project without violating the Documents.”<sup>9</sup> Based on these  
26 representations, the Council finds that NextEra is lawfully entitled to possession or control of  
27 the Wheatridge Wind Energy Facility site and approved facility as described in the site  
28 certificate.

29

#### 30 *Compliance with the Site Certificate [OAR 345-027-0100(9)]*

31 To approve the transfer of the site certificate, the Council must find that the transferee,  
32 including the certificate holder and new parent company of the certificate holder, agrees to  
33 abide by all the terms and conditions of the site certificate to be transferred.

34

35 The transferee, in the Request for Transfer, certified that it agrees to abide by all the terms and  
36 conditions of the site certificate currently in effect and all terms and conditions that will result  
37 from this [transfer] request.<sup>10</sup> Based on this statement, the Council finds that the transferee

---

<sup>9</sup> Letter to the Department, signed by Squire Patton Boggs (US) LLP. WRWAMD1Doc4 2017-06-20

<sup>10</sup> Request for Transfer, Section 2. WRWAMD1Doc2 2017-06-14

1 agrees to abide by all the terms and conditions of the site certificate for the Wheatridge Wind  
2 Energy Facility.

3  
4 **III.A. Organizational Expertise [OAR 345-022-0010]**

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

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

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

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

1 **Findings of Fact**

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

9

10 *Construction, Operation and Retirement of the Facility*

11

12 The transferee relies upon the expertise of its parent company, NextEra, to demonstrate  
13 compliance with the Council’s Organizational Expertise standard, as presented in Exhibit D of  
14 the Request for Transfer of the Site Certificate. Exhibit D states that NextEra, as a regionally  
15 diversified renewable energy company, produces approximately 19,882 MW from 175 facilities  
16 located in 29 states and Canada. NextEra’s wind facilities generate more than 13,851 MW  
17 which contribute to the companies estimated 95 percent power generation from clean or  
18 renewable generation sources. NextEra also operates 2,100 MW of solar energy, 2,700 MW of  
19 nuclear power, and 420 MW from natural gas facilities. The transferee referenced the Stateline  
20 Wind Project, which is an EFSC approved wind energy facility in Umatilla County, as evidence in  
21 experience in the construction and operation of wind facilities within Oregon. The Stateline  
22 Wind Project was constructed, and is owned and operated by FPL Vansycle, LLC and FPL Energy,  
23 direct subsidiaries of NextEra. In the *Final Order on Amendment #4 for the Stateline Wind*  
24 *Project*, Council found that NextEra (acting as the parent company of both owners of the  
25 Stateline Wind Project Site Certificate) had adequate organizational expertise to construct,  
26 operate and retire the facility.<sup>11</sup>

27

28 In the transfer request, the transferee described that the culmination of experience and  
29 qualifications of NextEra’s team of professionals will benefit the facility under new ownership.  
30 NextEra, having a workforce of more than 5,000 professionals, working in numerous  
31 departments including but not limited to operations and maintenance, development,  
32 environmental services, construction, engineering, and legal services, will maintain continued  
33 compliance with the Organizational Expertise standard throughout the life of the facility. The  
34 relationships with communities that NextEra currently operates wind energy projects in, and  
35 their expansive history of understanding local economic development, permitting, and  
36 environmental concerns, will support the ongoing compliance with the terms and conditions of  
37 the site certificate.

38

39 The transferee describes that specific contractors or turbine manufactures have not yet been  
40 selected for the facility. The transferee explains that NextEra will rely on its portfolio of

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<sup>11</sup> *Final Order on Amendment #4 for the Stateline Wind Project* (March 27, 2009), p.14.

1 renewable energy projects in North America, and the input of external consultants specializing  
2 in wind energy facilities in the Pacific Northwest, to select qualified and experienced  
3 contractors, engineers, and manufactures.  
4

5 NextEra states that neither Wheatridge nor its managers have been in violation of any rules or  
6 regulations in previous pre-construction activities. In response to the Department’s Information  
7 Request, NextEra evaluated their past performance and confirmed that there have been no  
8 regulatory citations issued for the Stateline Wind Project during the preconstruction,  
9 construction and operation.<sup>12</sup>  
10

11 Because the organizational expertise of NextEra is relied upon to satisfy the requirements of  
12 the standard, the Council imposes the following condition to ensure that Wheatridge Wind  
13 Energy, LLC notifies the Department of any changes in the corporate structure of NextEra:  
14

15 **Organizational Expertise Condition 9 (New Condition):** During facility construction and  
16 operation, the certificate holder shall report to the Department, within 7 days, any  
17 change in the corporate structure of the parent company, NextEra Energy Resources,  
18 LLC. The certificate holder shall report promptly to the Department any change in its  
19 access to the resources, expertise, and personnel of NextEra Energy Resources, LLC.  
20 [Amendment #1 Condition Number: GEN-OE-03]  
21

22 In the transfer request, the transferee describes the mitigation experience of its management  
23 team, and explained the current conservation mitigation project associated with the approved  
24 facility. The certificate holder acquired a 200 acre conservation easement within a 320-acre  
25 parcel in Gilliam County, and has the ability to expand the mitigation parcel if needed. The  
26 transferee explained that members of the management team have substantial experience in  
27 designing habitat mitigation projects. The transferee will rely on the experience and expertise  
28 of its staff and hired consultants (such as Northwest Wildlife Consultants, Inc. (NWC)) to  
29 successfully complete the mitigation requirements for the facility. The transfer request explains  
30 that NWC has completed some or all aspects of the mitigation process, including components  
31 associated with county Conditional Use Permits and EFSC Projects: Stateline 2, Stateline 3,

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<sup>12</sup> Further clarification of the transferee’s RAI 2 response was requested by the Department in an email dated July 12, 2017. The transferee provided a supplemental response to the Department’s request on July 13, 2017, explaining that no regulatory citations had been received by NextEra during preconstruction, construction or operation of any of their wind facilities in California and Oregon within the last 10 years. The Department established a “preliminary scope” of review for NextEra to include any and all regulatory citations issued to their wind facilities in California and Oregon over the past 10 years. The transferee’s preliminary examination confirmed that no citations had been received for their wind facilities in California and Oregon over the past 10 years. Included in their response, the transferee states that “due to time constraints and the size of NEER’s nationwide fleet of 9,365 turbines this review is preliminary and [NEER] will notify ODOE if [their] research identifies any citations that may have occurred at any of [their] wind facilities in the US during this period.” WRWAMD1Doc18 2017-07-13

1 Klondike III, Leaning Juniper I, Leaning Juniper II, Pebble Springs, Willow, Star Point, Rattlesnake  
2 Road, and Wheatfield.

3  
4 To ensure that the design, construction and operation of the facility is conducted in a manner  
5 that protects public health and safety in accordance with the Organizational Expertise standard,  
6 Council previously imposed the following six conditions in the site certificate:

7  
8 **Existing Organizational Expertise Condition 1:** Before beginning construction, the  
9 certificate holder shall notify the department of the identity and qualifications of the  
10 major design, engineering and construction contractor(s) for the facility. The certificate  
11 holder shall select contractors that have substantial experience in the design,  
12 engineering and construction of similar facilities. The certificate holder shall report to  
13 the department any changes of major contractors. [Site Certificate Condition PRE-OE-  
14 01]

15  
16 **Organizational Expertise Condition 2:** Before beginning construction, the certificate  
17 holder shall notify the department of the identity and qualifications of the construction  
18 manager to demonstrate that the construction manager is qualified in environmental  
19 compliance and has the capability to ensure compliance with all site certificate  
20 conditions. [Site Certificate Condition PRE-OE-02]

21  
22 **Organizational Expertise Condition 3:** Prior to construction, the certificate holder shall  
23 contractually require all construction contractors and subcontractors involved in the  
24 construction of the facility to comply with all applicable laws and regulations and with  
25 the terms and conditions of the site certificate. Such contractual provisions shall not  
26 operate to relieve the certificate holder of responsibility under the site certificate. [Site  
27 Certificate Condition PRE-OE-03]

28  
29 **Organizational Expertise Condition 4:** Before beginning construction, the certificate  
30 holder shall notify the department before conducting any work on the site that does not  
31 qualify as surveying, exploration, or other activities to define or characterize the site. The  
32 notice must include a description of the work and evidence that its value is less than  
33 \$250,000 or evidence that the certificate holder has satisfied all conditions that are  
34 required prior to beginning construction. [Site Certificate Condition PRE-OE-04]

35  
36 **Existing Organizational Expertise Condition 5:** Any matter of non-compliance under the  
37 site certificate is the responsibility of the certificate holder. Any notice of violation  
38 issued under the site certificate will be issued to the certificate holder. Any civil  
39 penalties under the site certificate will be levied on the certificate holder. [Site  
40 Certificate Condition GEN-OE-01]

41  
42 **Existing Organizational Expertise Condition 6:** In addition to the requirements of OAR  
43 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate

1 the terms or conditions of the site certificate, the certificate holder must report the  
2 conditions or circumstances to the department. [Site Certificate Condition GEN-OE-02]

3  
4 Because the transferee is subject to the same conditions and has certified that it would abide  
5 by all requirements of the site certificate, the Council finds that, subject to the existing site  
6 certificate conditions referenced above, the certificate holder and new owner of the certificate  
7 holder (transferee) have the ability to design, construct, and operate the facility in a manner  
8 that protects public health and safety.

9  
10 *ISO 9000 or ISO 14000 Certified Program*

11  
12 OAR 345-022-0010(2) is not applicable because the transferee is not proposing to design,  
13 construct or operate the facility according to an ISO 9000 or ISO 14000 certified program.

14  
15 *Third-Party Permits*

16  
17 OAR 345-022-0010(3) addresses the requirements for potential third party permits. In the ASC,  
18 the certificate holder indicated that it may rely on construction contractors to obtain permits  
19 for temporary concrete batch plants including a NPDES 1200-A, Air Contaminant Discharge  
20 Permit, and Conditional Use Permits within Morrow and Umatilla counties. These third-party  
21 permits for use of temporary concrete batch plants during facility construction are federally  
22 delegated and/or would not ordinarily be reviewed by the Council to determine compliance.  
23 During the ASC phase, the certificate holder also described that the transmission line that  
24 would interconnect the facility to the grid would be built, owned and operated by a third-party  
25 entity, either Umatilla Electric Cooperation (UEC) or UEC in partnership with Columbia Basis  
26 Electric Cooperative. Based on these representations, to ensure that the certificate holder  
27 provided evidence of access to the resources or services provided by the third-party permits,  
28 the Council previously imposed the following condition:

29  
30 **Existing Organizational Expertise Condition 8:** Before beginning construction on any  
31 phase of the facility, the certificate holder must provide evidence to the department  
32 and Morrow and Umatilla counties that the third party that will construct, own and  
33 operate the interconnection transmission line has obtained all necessary approvals and  
34 permits for that interconnection transmission line and that the certificate holder has a  
35 contract with the third party for use of the transmission line. [Site Certificate Condition  
36 PRE-OE-06]

37  
38 In comments received on the transfer request, UEC confirmed continued support and a working  
39 relationship with the transferee related to the interconnection transmission line, but noted that  
40 UEC and the transferee have not yet reached a definitive agreement for the design, permitting,

1 and construction of the interconnection transmission line. The comment letter also confirmed  
2 that UEC would own and operate the interconnection transmission line.<sup>13</sup>

3  
4 As presented above, existing Organizational Expertise Condition 8 requires, prior to  
5 construction, that the certificate holder to provide evidence of a contract with the third-party  
6 for access to the interconnection transmission line and evidence that all necessary permits have  
7 been obtained for the line. In addition, existing General Standard Condition 1 establishes a  
8 requirement for construction of the wind energy generation facility to commence within three  
9 years after the effective date of the site certificate, or by May 24, 2020.

10  
11 While UEC's comments identify that a definitive agreement has not yet been reached for the  
12 design, permitting and construction of the interconnection transmission line, UEC also  
13 expresses ongoing support for the project. Moreover, the transferee is subject to the  
14 requirements of the above-described condition and is required to demonstrate compliance  
15 with the condition prior to construction, or by May 24, 2020. Therefore, the Council does not  
16 consider a definitive agreement necessary during its review of the transfer request to  
17 determine compliance with the Organizational Expertise standard and finds that compliance  
18 with Organizational Expertise Condition 8 ensures that the transferee has a reasonable  
19 likelihood of obtaining access to the interconnection transmission line.

20  
21 Because the transferee is subject to the requirements of the above-described condition, and  
22 based upon compliance with the existing condition, the Council finds that the certificate holder  
23 and new owner of the certificate holder (transferee) have the ability to access resources or  
24 services provided by the third-party permit.

### 25 26 **Conclusions of Law**

27  
28 Based on the foregoing findings of fact, and based upon compliance with the existing and new  
29 site certificate conditions, the Council finds that the transfer of ownership of the site certificate  
30 holder from Swaggart Wind Energy, LLC to NextEra Energy Resources, LLC will continue to  
31 comply with the Council's Organizational Expertise standard.

### 32 33 **III.B. Retirement and Financial Assurance [OAR 345-022-0050]**

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

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

40  

---

<sup>13</sup> WRWAMD1Doc13 Public Comment Umatilla Electric Cooperative 2017-07-27

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

4  
5   **Findings of Fact**

6   The Retirement and Financial Assurance standard requires a finding that the facility site can be  
7   restored to a useful, non-hazardous condition at the end of the facility’s useful life, should  
8   either the certificate holder stop construction or should the facility cease to operate.<sup>14</sup> In  
9   addition, it requires a demonstration that the applicant (certificate holder or transferee) can  
10  obtain a bond or letter of credit to restore the site to a useful, non-hazardous condition.

11  
12  *Restoration of the Site Following Cessation of Construction or Operation*

13  
14  OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a  
15  useful non-hazardous condition at the end of the facility’s useful life. The approved but not yet  
16  constructed facility would be located entirely on exclusive farm use (EFU) zoned land.  
17  Therefore, to satisfy this standard, the transferee must show that the site can be restored to a  
18  non-hazardous condition suitable for EFU-zoned lands. In the ASC, the certificate holder  
19  estimated that the facility’s useful life was 50 years.<sup>15</sup>

20  
21  Restoring the site to a useful, non-hazardous condition upon cessation of construction or  
22  operations (or upon retirement) would involve removal of all turbine components,<sup>16</sup>  
23  meteorological towers, aboveground electrical components, transformers and other substation  
24  equipment. In the ASC, the certificate holder stated that O&M buildings would be demolished  
25  and disposed of at an appropriate facility, or converted to agricultural buildings for use by the  
26  landowners. As explained in ASC Exhibit W, concrete foundations would be removed to a  
27  minimum depth of three feet below grade. Underground cables that are at least three feet  
28  below grade would be left in place. Gravel surfacing material would be removed, the impacted  
29  area would be decompacted as needed, the area regraded to appropriate contours and topsoil  
30  replaced, and the area would be revegetated unless the landowner indicates a desire to leave  
31  the new or expanded roads in place.<sup>17</sup>

32  
33  The Council previously imposed several mandatory site certificate conditions relating to the  
34  obligation of the certificate holder to prevent the development of conditions on the site that  
35  would preclude restoration of the site and requiring the certificate holder to obtain Council  
36  approval of a retirement plan in the event that the facility ceases construction or operation, as  
37  provided below:

---

<sup>14</sup> OAR 345-022-0050(1).

<sup>15</sup> ASC, Exhibit W, p.2.

<sup>16</sup> As explained in ASC Exhibit W, hazardous materials associated with the proposed facility would largely be limited to oils in turbine gearboxes and transformers; these materials would be pumped out by a specialized vehicle for recycling prior to equipment removal.

<sup>17</sup> ASC, Exhibit W, p.2.

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**Existing Retirement and Financial Assurance Condition 1:** The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Mandatory Condition OAR 345-027-0020(7)] [Site Certificate Condition GEN-RF-01]

**Existing Retirement and Financial Assurance Condition 2:** The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Mandatory Condition OAR 345-027-0020(9)] [Site Certificate Condition RET-RF-01]

**Existing Retirement and Financial Assurance Condition 3:** The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council’s approval.

Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition.

After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. [OAR 345-027-0020(16)] [Site Certificate Condition RET-RF-02]

The transferee is required to comply with the requirements of these site certificate conditions. Based upon compliance with the existing site certificate conditions, and because the Request for Transfer would not result in any changes to the facility or tasks or actions necessary for facility decommissioning, the Council finds that the previous evaluation of tasks and actions necessary for facility decommissioning continues to be adequate and representative of restoring the site to a useful, non-hazardous condition at the end of the facility’s useful life.

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*Estimated Cost of Site Restoration*

OAR 345-022-0050(2) requires the Council to find that the applicant (certificate holder or transferee) has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount necessary to restore the proposed facility site to a useful non-hazardous condition. A bond or letter of credit provides a site restoration remedy to protect the state of Oregon and its citizens if the certificate holder fails to perform its obligation to restore the site. The bond or letter of credit must remain in force until the certificate holder has fully restored the site, as required by existing Retirement and Financial Assurance Condition 4, as provided below.

In the ASC, the certificate holder used the Department’s *Cost Estimating Worksheet* to estimate that the total site restoration cost (calculated in Q1 2015 dollars) would be approximately \$18.1 million. During its review of the Final Order on the ASC, the Council concluded that the decommissioning estimate was a reasonable estimate of an amount satisfactory to restore the site to a useful, non-hazardous condition.

Based upon compliance with the existing site certificate conditions, and because the Request for Transfer would not result in any changes to the facility or tasks or actions necessary for facility decommissioning, the Council finds that the decommissioning cost estimate continues to represent a reasonable estimate of an amount satisfactory to restore the site to a useful, non-hazardous condition.

*Ability of the Transferee to Obtain a Bond or Letter of Credit*

The transferee relied upon the financial assurance and capability of NextEra to demonstrate compliance with the Council’s Retirement and Financial Assurance standard, as presented in Exhibit M of the Request for Transfer. As a supplement to the Request for Transfer, the transferee submitted a letter dated June 8, 2017, from Wells Fargo Bank, N.A. (Bank), which stated that the bank “has an ongoing relationship with NextEra and there is a reasonable likelihood that we [Wells Fargo] will provide a letter of credit for this project should it be required.”<sup>18</sup> The Bank letter also indicates their “understanding that the potential liability of the letter of credit could total an amount of up to eighteen million one hundred thousand dollars (18,100,000).”

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<sup>18</sup> To note, in the *Final Order on Amendment #4 for the Stateline Wind Project* (March 27, 2009), Council found that NextEra (acting as the parent company of both owners of the Stateline Wind Project Site Certificate) had a reasonable likelihood of obtaining a bond or letter of credit in a form and amount satisfactory to the Council to restore the Stateline Wind Project site (both Stateline 1&2 and Stateline 3). The financial assurance amount for Stateline 1&2 was \$6,160,354 (in 2009 dollars). The financial assurance amount for Stateline 3 was \$5,911,034 (in 2009 dollars).

1 The Council previously imposed the following two conditions to ensure the certificate holder  
2 could meet its financial assurance obligations and ensure the adequacy of the bond or letter of  
3 credit.

4  
5 **Existing Retirement and Financial Assurance Condition 4:** Before beginning construction of  
6 the facility, the certificate holder shall submit to the State of Oregon, through the Council, a  
7 bond or letter of credit in a form and amount satisfactory to the Council to restore the site  
8 to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter  
9 of credit in effect at all times until the facility has been retired. The Council may specify  
10 different amounts for the bond or letter of credit during construction and during operation  
11 of the facility. [Mandatory Condition OAR 345-027-0020(8)] [Site Certificate Condition PRE-  
12 RF-01]

13  
14 **Existing Retirement and Financial Assurance Condition 5:** Before beginning construction of  
15 the facility, the certificate holder shall submit to the State of Oregon, through the Council, a  
16 bond or letter of credit naming the State of Oregon, acting by and through the Council, as  
17 beneficiary or payee. The initial bond or letter of credit amount for the facility is \$18.1  
18 million dollars (Q1 2015 dollars), to be adjusted to the date of issuance, and adjusted on an  
19 annual basis thereafter, as described in sub-paragraph (b) of this condition:

20  
21 (a) The certificate holder may adjust the amount of the initial bond or letter of credit  
22 based on the final design configuration of the facility. Any revision to the restoration  
23 costs should be adjusted to the date of issuance as described in (b) and subject to  
24 review and approval by the Council.

25  
26 (b) The certificate holder shall adjust the amount of the bond or letter of credit using  
27 the following calculation:

28  
29 (1) Adjust the amount of the bond or letter of credit (expressed in Q1 2015 dollars)  
30 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator,  
31 Chain-Weight, as published in the Oregon Department of Administrative Services'  
32 "Oregon Economic and Revenue Forecast" or by any successor agency and using the  
33 first quarter 2015 index value and the quarterly index value for the date of issuance  
34 of the new bond or letter of credit. If at any time the index is no longer published,  
35 the Council shall select a comparable calculation to adjust first quarter 2015 dollars  
36 to present value.

37  
38 (2) Round the result total to the nearest \$1,000 to determine the financial assurance  
39 amount.

40  
41 (c) The certificate holder shall use an issuer of the bond or letter of credit approved by  
42 the Council.

1 (d) The certificate holder shall use a form of bond or letter of credit approved by the  
2 Council. The certificate holder shall describe the status of the bond or letter of credit in  
3 the annual report submitted to the Council under OAR 345-026-0080. The bond or letter  
4 of credit shall not be subject to revocation or reduction before retirement of the facility  
5 site. [Site Certificate Condition PRE-RF-02]  
6

7 Subject to the transferee's compliance with these conditions, and based upon the adequacy of  
8 the bank letter, the Council finds that the transferee has a reasonable likelihood of obtaining a  
9 bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a  
10 useful, non-hazardous condition.

11  
12 **Conclusions of Law**

13  
14 Based on the foregoing findings of fact, and subject to the existing site certificate conditions,  
15 the Council finds that the transferee, including the certificate holder and new owner of the  
16 certificate holder, will continue to comply with the Council's Retirement and Financial  
17 Assurance standard.

18  
19 **IV. GENERAL CONCLUSIONS**

20  
21 The Council finds that the request to transfer the ownership of the site certificate holder from  
22 its parent company, Swaggart Wind Power, LLC, to a new parent company, NextEra Energy  
23 Resources, LLC, is consistent with current Council rules and the terms and conditions of the site  
24 certificate.  
25  
26

1 **V. FINAL ORDER**

2  
3 Based on the above findings of fact, reasoning, existing and new conditions and conclusions of  
4 law in this final order, the Council approves the Request for Transfer of the Site Certificate for  
5 the Wheatridge Wind Energy Facility, transferring ownership of the certificate holder from  
6 Swaggart Wind Power, LLC to NextEra Energy Resources, LLC. The Council Chair executes the  
7 Site Certificate amendment in the form of the "First Amended Site Certificate for the  
8 Wheatridge Wind Energy Facility."

Issued this 27th day of July, 2017

The OREGON ENERGY FACILITY SITING COUNCIL

By:   
Barry Beyeler, Chair  
Oregon Energy Facility Siting Council

9

10 **ATTACHMENTS**

11 Attachment A: Amended Site Certificate

12

13

**Attachment A: Amended Site Certificate**

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

**First Amended Site  
Certificate for the  
Wheatridge Wind Energy Facility**

**ISSUE DATE**

**July 2017**

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# WHEATRIDGE WIND ENERGY FACILITY SITE CERTIFICATE

## **Attachments**

Attachment A            Facility Site Boundary Map

## **Acronyms and Abbreviations**

ASC	Application for Site Certificate
Council	Oregon Energy Facility Siting Council
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
ESCP	Erosion and Sediment Control Plan
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute
NRHP	National Register of Historic Places
WGS	Washington Ground Squirrel

## 1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Wheatridge Wind Energy, LLC (certificate holder), which is a wholly-owned subsidiary of NextEra Energy Resources, LLC (NextEra or parent company). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing certificate holder to construct, operate and retire the Wheatridge Wind Energy Facility (facility) at the below described site within Morrow and Umatilla counties, subject to the conditions set forth herein.

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on the Application for Site Certificate for the Wheatridge Wind Energy Facility* issued on April 28, 2017 (hereafter, *Final Order on the Application*); and (b) the *Final Order on Request for Transfer* issued on July 27, 2017. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this First Amended Site Certificate, (2) the *Final Order on the Application*, and (3) the record of the proceedings that led to the *Final Order on the Application*. This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS

469.401(2)).

The certificate holder must construct, operate and retire the facility in accordance with all applicable rules as provided for in Oregon Administrative Rule (OAR) Chapter 345, Division 26. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate (ORS 469.430).

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0010 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

## 2.0 Facility Location

The energy facility and its related and supporting facilities are located within Morrow and Umatilla counties. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 13,097 acres of private land and includes the perimeter of the energy facility site, its related and supporting facilities, all temporary laydown and staging areas and all transmission corridors and micro-siting corridors proposed by the certificate holder, as approved by the Council.

The energy facility is divided into two groups, Wheatridge West and Wheatridge East. Wheatridge West is located entirely within Morrow County, bisected by Oregon Highway 207, approximately 5 miles northeast of Lexington and approximately 7 miles northwest of Heppner. Wheatridge East is located approximately 16 miles northeast of Heppner and includes land in both Morrow and Umatilla counties. Wheatridge West and Wheatridge East are connected via a 230 kV transmission line or “intraconnection” transmission line (see facility site boundary map provided in Attachment A).

### 2.1 Site Boundary

The site boundary encompasses a total of 13,097 acres of privately owned land: 2,956 acres in Wheatridge East, 8,515 acres in Wheatridge West, and 1,626 acres in the intraconnection transmission line corridor. Table 1 identifies the Public Land Survey System sections in which the site boundary is located.

**Table 1. Location of Site Boundary by Township, Range and Section**

Township	Range	Section(s)
<b>Wheatridge East</b>		
1N	28E	4, 5, 8, 9, 16, 17, 21
2N	28E	2, 3, 9, 10, 11, 14, 15, 16, 21, 22, 27, 28, 29, 32, 33
<b>Wheatridge West</b>		
2N	25E	25, 26, 27, 34, 35, 36
1N	25E	1, 2, 11, 12, 13, 14, 15, 22, 23, 24
1N	26E	4, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 32, 33
1S	25E	1, 12
1S	26E	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 34, 35, 36
2S	26E	1, 12
<b>Intraconnection Corridor</b>		
1S	27E	7, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24
1S	28E	3, 4, 7, 8, 9, 16, 17, 18
1N	28E	28, 33

For this facility, the certificate holder requested that the site boundary represent the “micrositing corridor” for the placement of facility components to allow some flexibility in specific component locations and design in response to site-specific conditions and engineering requirements to be determined prior to construction. The Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire corridor and location of facility components anywhere within the corridor.

## **2.2      Micrositing Corridor**

The certificate holder requested flexibility to locate components of the energy facility and its related and supporting facilities within a micrositing corridor to allow adjustment of the specific location of components, while establishing outer boundaries of potential construction for purposes of evaluating potential impacts. As described above, for this facility, the site boundary represents the micrositing corridor, and is a minimum of approximately 660 feet in width around turbines, and wider in some locations. The site boundary width around site access roads and electrical collection lines (collector lines) is narrower, between 200 feet and 500 feet in width. The micrositing corridor is wider for the area surrounding the substations, meteorological towers (met towers), the operation and maintenance (O&M) buildings, and construction yards.

## **2.3      Intraconnection Transmission Line Corridor**

The certificate holder obtained approval of four routing options for the 230 kV intraconnection transmission line that interconnects Wheatridge West and Wheatridge East for the transmission of generated power. The intraconnection transmission line corridor is approximately 1,000-feet in width and ranges in length from 24.5 to 31.5 miles, based upon the four approved transmission line route options.

The four approved transmission line route options range in length from 24.5 to 31.5 miles and would follow the same alignment for approximately 18 miles from the Wheatridge East substation to the crossing at Sand Hollow Road. For the remainder of the route, Options 1 and 3 traverse the same alignment, with Option 1 extending 7 miles longer than Option 3; Option 2 and 4 traverse the same alignment, with Option 2 extending 3.5 miles longer than Option 4. Option 1 and 2 differ for an approximately 4 mile segment located between Sand Hollow Road and the Wheatridge West substation (primary), with Option 2 traversing from Sand Hollow Road through the alternative (2b) Wheatridge West substation to the primary (1) Wheatridge West substation. The four approved routing options and associated transmission line corridors are presented in Attachment A of the site certificate (and are clearly delineated in figures provided in ASC Exhibit C).

### 3.0 Facility Description

#### 3.1 Energy Facility

The energy facility includes individual wind turbines, each consisting of a nacelle, a three-bladed rotor, turbine tower and foundation. The nacelle houses the equipment such as the gearbox, generator, brakes, and control systems for the turbine. The total height of the turbine tower and blades (tip-height) ranges between 431 and 476 feet, depending on the turbine model selected. The total generating capacity of the facility will not exceed 500 MW, and the total number of turbines will not exceed 292.

The base of each tower foundation requires a cleared area (typically a gravel pad) up to 80 feet in diameter. The turbines are grouped in linear “strings” within the micrositing corridor and interconnect with a 34.5 kV electrical collection system (described below). Most turbine types include a generator step-up (GSU) transformer installed at the base of the tower that would be used to increase the voltage of the turbine to that of the electrical collection system. Table 2 shows the range of turbine specifications approved for use at the facility site.

**Table 2: Turbine Specifications used for Impact Evaluations**

<b>Specification</b>	<b>Maximum</b>
Turbine Generating Capacity (Individual)	2.5 MW
Blade Length	197 ft.
Hub Height	278 ft.
Rotor Diameter (Rotor Swept Height)	393 ft.
Total Height (tower height plus blade length)	476 ft.

#### 3.2 Related or Supporting Facilities

The facility includes the following related or supporting facilities described below and in greater detail in the *Final Order on the Application*, and *Final Order on Request for Transfer*:

- Electrical collection system (includes up to 88 miles of mostly underground 34.5 kV collector lines)
- Up to three collector substations
- Up to 32 miles of up to two overhead, parallel 230 kV transmission lines
- Up to 12 permanent meteorological (met) towers
- Communication and Supervisory Control and Data Acquisition (SCADA) System
- Up to two operations and maintenance (O&M) buildings
- Up to 73 miles of new or improved access roads
- Additional temporary construction areas (including staging areas and one or more temporary concrete batch plant areas)

### Electrical Collection System

The electrical collection system includes up to 88 miles of mostly underground 34.5 kV collector lines. Electrical connections are located underground or in enclosed junction boxes between the turbine and the pad-mounted GSU transformer. From the GSU transformer to the collector lines the connections are installed along and between the turbine strings to collect power generated by each wind turbine and to route the power to one of three collector substations, which step up the power from 34.5 kV to 230 kV.

The collector lines are underground, to the extent practicable, in trenches approximately three-feet wide and not less than two- to three-feet deep, generally alongside access roads, to minimize ground disturbance. Where land use and soil conditions make a buried depth of three-feet infeasible, collector lines may be buried at a depth of less than three feet, while still adhering to National Electrical Safety Code (NESC) standards.

Collector lines may be run overhead in situations where a buried cable would be infeasible or would create unnecessary impacts, such as at stream or canyon crossings. Overhead collector lines are supported by a wooden or steel pole structure. Each support pole has been buried approximately 6 feet in the ground and extends to a height of approximately 60 feet above ground, spaced 100 to 200 feet apart. Overhead collector lines are only anticipated in Wheatridge West. The facility includes up to 10.8 miles of overhead collector lines; however, the specific locations of overhead collector lines will not be known until site geotechnical work has been completed during pre-construction activities.

No more than 88 miles of collector lines would be needed for the facility.

### Collector Substations

The facility includes up to two substations within Wheatridge West and one substation within Wheatridge East. The proposed substation locations are presented in ASC Exhibit C. However, Wheatridge has requested, and Council grants, the ability to microsite the final location and number (up to three) of substations within the microsite corridor.

Prior to construction, substation sites will be cleared and graded, with a bed of crushed rock applied for a durable surface. Each collector substation is located on a two- to five-acre site, enclosed by a locked eight-foot tall wire mesh fence. Each substation consists of transformers, transmission line termination structures, a bus bar, circuit breakers and fuses, control systems, meters, and other equipment.

### 230 kV Intraconnection Transmission Line

The facility includes one or two parallel overhead 230 kV intraconnection transmission lines supported by H-frame or monopole structures constructed of either wood or steel that extends 24.5 to 31.5 miles in length, depending on the route option selected. The 230 kV overhead transmission line structures are approximately 60 to 150 feet tall and spaced approximately 400 to 800 feet apart depending on the terrain. Each transmission line route requires acquisition of an approximately 150-

foot wide right-of-way from private landowners.

The four approved transmission line routing options and associated corridors for the intraconnection transmission line are described below (see Attachment A figure and figures contained in ASC Exhibit C):

- Option 1: Two Project Substations to Longhorn
  - This option runs from Substation 3 in Wheatridge East to Substation 1 in Wheatridge West and then to the proposed UEC/CB Strawberry substation, just to the west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.5 miles (50.5 kilometers) in length.
  
- Option 2: Three Project Substations to Longhorn
  - This option runs from Substation 3 in Wheatridge East to Substation 2b in Wheatridge West, then on to Substation 2a in Wheatridge West, and then to the proposed UEC/CB Strawberry substation, just west of Wheatridge West, for interconnection to a UEC or UEC/CB operated Gen-tie Line to the proposed BPA Longhorn substation. The intraconnection line route is 31.3 miles (50.3 kilometers) in length.
  
- Option 3: Two Project Substations to Stanfield
  - This option runs from Substation 1 in Wheatridge West to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 24.5 miles (39.4 kilometers) in length.
  
- Option 4: Three Project Substations to Stanfield
  - This option runs from Substation 2a in Wheatridge West to Substation 2b in Wheatridge West, and then to Substation 3 in Wheatridge East for interconnection to a UEC operated Gen-tie Line to the proposed BPA Stanfield substation. The intraconnection line route is 27.8 miles (44.7 kilometers) in length.

### Meteorological Towers

The facility includes up to 12 permanent met towers. Up to five met towers are sited in Wheatridge East and up to seven met towers are sited in Wheatridge West for the collection of wind speed and direction data. Each met tower has a free-standing, non-guyed design and is approximately 328 feet (100 meters) in height. Installation of permanent met towers results in approximately 98-foot (30-meters) in diameter of temporary land disturbance per tower and approximately 32-foot (10-meter) in diameter of permanent land disturbance per tower. Permanent met towers are fitted with safety lighting and paint as required by the Federal Aviation Administration (FAA).

### Communication and SCADA System

The facility includes a communication system, consisting of fiber optic and copper communication lines that connect the turbines, met towers, and substations to the O&M buildings. A SCADA system is installed in the O&M buildings to enable remote operation to collect operating data for each wind turbine, and to archive wind and performance data. SCADA system wires are collocated with the collector lines both in the underground trenches and overhead, if necessary.

### O&M Buildings

The facility includes up to two O&M buildings, each located on up to 1.1 acres, one within Wheatridge East and one within Wheatridge West. Each O&M building consists of a single-story, prefabricated structure approximately 6,000 to 9,000 square feet in size, and includes an office, break room, kitchen, lavatory with shower, utility room, covered vehicle parking, storage for maintenance supplies and equipment, and SCADA system. A permanent, fenced, graveled parking and storage area for employees, visitors, and equipment is located adjacent to each O&M building. Each building is served by an on-site well and septic system and power supplied by a local service provider using overhead and/or underground lines.

### Access Roads

Primary access to the facility site is from Interstate 84 (I-84) via Bombing Range Road or Oregon Route 207 (OR-207). The certificate holder completed improvements to existing public roads to accommodate construction activities, including flattening crests or filling dips, widening sharp corners, or adding road base material; the certificate holder is required to consult with the appropriate county road master on specific improvements prior to construction. The certificate holder committed to completing upgrade to existing roads according to applicable state and county road standards and after consultation with Morrow and Umatilla County staff. The certificate holder is required to implement a road use agreement with each county to specify requirements, including that all existing public roads used to access the site would be left in as good or better condition than that which existed prior to the start of construction.

Access to the turbines, construction yards, substations, and O&M buildings is from a network of private access roads constructed or improved by the certificate holder. The certificate holder will grade and gravel all newly constructed and improved site access roads to meet load requirements for heavy construction equipment, as necessary. Following turbine construction, the certificate holder will narrow the site access roads for use during operations and maintenance. The additional disturbed width required during construction will be restored following the completion of construction by removing gravel surfacing, restoring appropriate contours with erosion and stormwater control best management practices (BMPs), decompacting as needed, and revegetating the area appropriately.

In the maximum impact scenario, the facility will require up to 73 miles of access roads.

Temporary access roads were needed for the construction of the intraconnection transmission line(s). The intraconnection transmission line(s) can be constructed and maintained using only large trucks rather than heavy construction cranes, and construction will occur during the dry time of year when the ground surface is hard enough to support those vehicles. Therefore, the interconnection

transmission lines do not include permanent access roads. The total mileage of the temporary access roads needed for constructing the intraconnection transmission line(s) depends on the intraconnection line route option chosen. The shortest route would require approximately 22.8 miles of access roads, while the longest would require approximately 25.5 miles.

*Additional Construction Yards*

The facility includes up to four temporary construction yards located within the site boundary to facilitate the delivery and assembly of material and equipment. The construction yards are used for temporary storage of diesel and gasoline fuels, which are located in an above-ground 1,000-gallon diesel and 500-gallon gasoline tank, within designated secondary containments areas.

Each construction yard occupies between 15 and 20 acres, and was graded and gravel surfaced. The certificate holder is required to restore all construction yards to pre-construction conditions unless an agreement with the landowner leads to some or all of the construction yard being retained after construction.

In addition, the certificate holder may utilize one or more temporary concrete batch plant areas, located within the construction yard area. The temporary concrete batch plants are permitted and operated by the selected contractor.

## 4.0 Site Certificate Conditions

### 4.1 Condition Format

The conditions in Sections 4.2 through 4.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.)<sup>1</sup>. The table below presents a “key” for phase of implementation:

Key	Type of Conditions/Phase of Implementation
GEN	General Conditions: Design, Construction and Operation
PRE	Pre-Construction Conditions
CON	Construction Conditions
PRO	Pre-Operational Conditions
OPR	Operational Conditions
RET	Retirement Conditions

The standards are presented using an acronym; for example, the General Standard of Review is represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1.

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<sup>1</sup> The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

## 4.2 General Conditions (GEN): Design, Construction and Operations

Condition Number	General (GEN) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
GEN-GS-01	<p>The certificate holder shall begin construction of the facility within three years after the effective date of the site certificate. Under OAR 345-015-0085(9), the site certificate is effective upon execution by the Council chair and the applicant.</p> <p>[Final Order on ASC, General Standard Condition 1]</p>
GEN-GS-02	<p>The certificate holder shall complete construction of the facility within six years after the effective date of the site certificate.</p> <p>[Final Order on ASC, General Standard Condition 2]</p>
GEN-GS-03	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ol style="list-style-type: none"> <li>a. Substantially as described in the site certificate;</li> <li>b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and</li> <li>c. In compliance with all applicable permit requirements of other state agencies.</li> </ol> <p>[Final Order on ASC, Mandatory Condition 2] [OAR 345-027-0020(3)]</p>
GEN-GS-04	<p>Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of a transmission line or pipeline occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site.</p> <p>[Final Order on ASC, Mandatory Condition 3] [OAR 345-027-0020(5)]</p>
GEN-GS-05	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the department describing the impact on the facility and any affected site certificate conditions.</p> <p>[Final Order on ASC, Mandatory Condition 4] [OAR 345-027-0020(6)]</p>
GEN-GS-06	<p>The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.</p> <p>[Final Order on ASC, Mandatory Condition 5] [OAR 345-027-0020(10)]</p>

GEN-GS-07	<p>Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p> <p>[Final Order on ASC, Mandatory Condition 6] [OAR 345-027-0020(11)]</p>
GEN-GS-08	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence.</p> <p>[Final Order on ASC, Mandatory Condition 7] [OAR 345-027-0020(12)]</p>
GEN-GS-09	<p>The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.</p> <p>[Final Order on ASC, Mandatory Condition 8] [OAR 345-027-0020(13)]</p>
GEN-GS-10	<p>The certificate holder shall notify the department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site.</p> <p>[Final Order on ASC, Mandatory Condition 9] [OAR 345-027-0020(14)]</p>
GEN-GS-11	<p>Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Final Order on ASC, Mandatory Condition 10] [OAR 345-027-0020(15)]</p>
GEN-GS-12	<p>The Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor.</p> <p><i>[The transmission line corridors approved by EFSC pursuant to this condition is described in Section 2.3 of the site certificate, and presented in the facility site map (see Attachment A of the site certificate).</i></p> <p>[Final Order on ASC, Site Specific Condition 1] [OAR 345-027-0023(5)]</p>
<b>STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]</b>	
GEN-OE-01	<p>Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.</p> <p>[Final Order on ASC, Organizational Expertise Condition 5]</p>

GEN-OE-02	<p>In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the department.</p> <p>[Final Order on ASC, Organizational Expertise Condition 6]</p>
GEN-OE-03	<p>During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of the parent company, NextEra Energy Resources, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of NextEra Energy Resources, LLC.</p> <p>[Amendment #1 , Organizational Expertise Condition 9]</p>
<b>STANDARD: STRUCTURAL (SS) [OAR 345-022-0020]</b>	
GEN-SS-01	<p>The certificate holder shall design, engineer, and construct the facility in accordance with the current versions of the latest International Building Code, Oregon Structural Specialty Code, and building codes as adopted by the State of Oregon at the time of construction.</p> <p>[Final Order on ASC, Structural Standard Condition 2]</p>

**STANDARD: LAND USE (LU) [OAR 345-022-0030]**

GEN-LU-01	<p>The certificate holder shall design the facility to comply with the following wind turbine setback distances in Morrow County:</p> <ul style="list-style-type: none"><li>a. Wind turbines shall be setback from the property line of any abutting property of any non-participant property owners a minimum of 110 percent of maximum blade tip height of the wind turbine tower.</li><li>b. Wind turbines shall be setback 100 feet from all property boundaries, including participant property boundaries within the site boundary, if practicable.</li><li>c. Wind turbine foundations shall not be located on any property boundary, including participant property boundaries within the site boundary.</li></ul> <p>[Final Order on ASC, Land Use Condition 1]</p>
GEN-LU-02	<p>During design and construction of the facility, the certificate holder shall:</p> <ul style="list-style-type: none"><li>a. Obtain an access permit for changes in access on Morrow County roads; and</li><li>b. Improve or develop private access roads impacting intersections with Morrow County roads in compliance with Morrow County access standards.</li></ul> <p>[Final Order on ASC, Land Use Condition 4]</p>
GEN-LU-03	<p>During design and construction, the certificate holder shall implement the following actions on all meteorological towers approved through the site certificate:</p> <ul style="list-style-type: none"><li>a. Paint the towers in alternating bands of white and red or aviation orange; and</li><li>b. Install aviation lighting as recommended by the Federal Aviation Administration.</li></ul> <p>[Final Order on ASC, Land Use Condition 9]</p>
GEN-LU-04	<p>The certificate holder shall design and construct the facility using the minimum land area necessary for safe construction and operation. The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance of farming practices and, wherever feasible, shall place turbines and transmission interconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations. Where possible, underground communication and electrical lines shall be buried within the area disturbed by temporary road widening.</p> <p>[Final Order on ASC, Land Use Condition 11]</p>
GEN-LU-05	<p>During design and construction of the facility, the certificate holder shall ensure that fencing and landscaping selected and used for the O&amp;M building and similar facility components sited within Morrow County blend with the nature of the surrounding area.</p> <p>[Final Order on ASC, Land Use Condition 14]</p>
GEN-LU-06	<p>During micrositing of the facility, the certificate holder shall ensure that wind turbines are sited based on a minimum setback of 110% of the overall tower-to-blade tip height from the boundary right-of-way of county roads and state and interstate highways in Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 16]</p>
GEN-LU-07	<p>During design and construction, the certificate holder must ensure that the O&amp;M building in Umatilla County is consistent with the character of similar agricultural buildings used by commercial farmers or ranchers in Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 20]</p>

GEN-LU-08	<p>During facility design and construction of new access roads and road improvements, the certificate holder shall implement best management practices after consultation with the Umatilla County Soil Water Conservation district. The new and improved road designs must be reviewed and certified by a civil engineer.</p> <p>[Final Order on ASC, Land Use Condition 22]</p>
GEN-LU-09	<p>Before beginning electrical production, the certificate hold shall provide the location of each turbine tower, electrical collecting lines, the O&amp;M building, the substation, project access roads, and portion of the intraconnection transmission line located in Umatilla County to the department and Umatilla County in a format suitable for GPS mapping.</p> <p>[Final Order on ASC, Land Use Condition 24]</p>
GEN-LU-10	<p>During construction and operation of the facility, the certificate holder shall deliver a copy of the annual report required under OAR 345-026-0080 to the Umatilla County Planning Commission on an annual basis.</p> <p>[Final Order on ASC, Land Use Condition 28]</p>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
GEN-RF-01	<p>The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 1] [Mandatory Condition OAR 345-027-0020(7)]</p>
<b>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</b>	
GEN-FW-01	<p>During construction and operation, the certificate holder shall impose a 20 mile per hour speed limit on new and improved private access roads, which have been approved as a related and supporting facility to the energy facility.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 2]</p>
GEN-FW-02	<p>The certificate holder shall construct all overhead collector and transmission intraconnection lines in accordance with the latest Avian Power Line Interaction Committee design standards, and shall only install permanent meteorological towers that are unguyed.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 6]</p>
<b>STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]</b>	
GEN-SR-01	<p>To reduce visual impacts associated with lighting facility structures, other than lighting on structures subject to the requirements of the Federal Aviation Administration or the Oregon Department of Aviation, the certificate holder shall implement the following measures:</p> <ol style="list-style-type: none"> <li>a. Outdoor night lighting at the collector substations and Operations and Maintenance Buildings must be <ol style="list-style-type: none"> <li>i. The minimum number and intensity required for safety and security;</li> <li>ii. Directed downward and inward within the facility to minimize backscatter and offsite light trespass; and</li> <li>iii. Have motion sensors and switches to keep lights turned off when not needed.</li> </ol> </li> </ol> <p>[Final Order on ASC, Scenic Resources Condition 1]</p>

GEN-SR-02	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Design and construct the O&amp;M buildings generally consistent with the character of agricultural buildings used by farmers or ranchers in the area, and the buildings shall be finished in a neutral color to blend with the surrounding landscape;</li> <li>b. Paint or otherwise finish turbine structures in a grey, white, or off-white, low reflectivity coating to minimize reflection and contrast with the sky, unless required otherwise by the local code applicable to the structure location.</li> <li>c. Design and construct support towers for the intraconnection transmission lines using either wood or steel structures and utilize finish with a low reflectivity coating;</li> <li>d. Finish substation structures utilizing neutral colors to blend with the surrounding landscape;</li> <li>e. Minimize use of lighting and design lighting to prevent offsite glare;</li> <li>f. Not display advertising or commercial signage on any part of the proposed facility;</li> <li>g. Limit vegetation clearing and ground disturbance to the minimum area necessary to safely and efficiently install the facility equipment;</li> <li>h. Water access roads and other areas of ground disturbance during construction, as needed, to avoid the generation of airborne dust; and</li> <li>i. Restore and revegetate temporary impact areas as soon as practicable following completion of construction.</li> </ol> <p>[Final Order on ASC, Scenic Resources Condition 2]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
GEN-PS-01	<p>During construction and operation, the certificate holder shall coordinate with its solid waste handler to provide the information solicited through the Oregon Department of Environmental Quality's Recycling Collector Survey to the Morrow County waste shed representative on an annual basis.</p> <p>[Final Order on ASC, Public Services Condition 5]</p>
GEN-PS-02	<p>The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The O&amp;M buildings shall be fenced. The certificate holder shall keep tower access doors and O&amp;M buildings locked at all times, except when authorized personnel are present.</p> <p>[Final Order on ASC, Public Services Condition 11]</p>

GEN-PS-03	<p>Prior to construction and operation of the facility, , the certificate holder must provide employee fire prevention and response training that includes instruction on facility fire hazards, fire safety, emergency notification procedures, use of fire safety equipment, and fire safety rules and regulations. The certificate holder shall notify the department and the first-response agencies listed in the Emergency Management Plan developed to comply with Public Services Condition 13 at least 30 days prior to the annual training to provide an opportunity to participate in the training. Equivalent training shall be provided to new employees or subcontractors working on site that are hired during the fire season. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 18]</p>
<b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b>	
GEN-WF-01	<p>During construction and operation, the certificate holder shall follow manufacturers' recommended handling instructions and procedures to prevent damage to turbine or turbine tower components.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 3]</p>
GEN-WF-02	<p>The certificate holder shall notify the department, the Morrow County Planning Department and the Umatilla County Planning Department within 72 hours of any accidents including mechanical failures on the site associated with construction or operation of the facility that may result in public health or safety concerns.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 5]</p>

### 4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
<b>STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]</b>	
PRE-OE-01	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the major design, engineering and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities. The certificate holder shall report to the department any changes of major contractors.</p> <p>[Final Order on ASC, Organizational Expertise Condition 1]</p>
PRE-OE-02	<p>Before beginning construction, the certificate holder shall notify the department of the identity and qualifications of the construction manager to demonstrate that the construction manager is qualified in environmental compliance and has the capability to ensure compliance with all site certificate conditions.</p> <p>[Final Order on ASC, Organizational Expertise Condition 2]</p>
PRE-OE-03	<p>Prior to construction, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Final Order on ASC, Organizational Expertise Condition 3]</p>
PRE-OE-04	<p>Before beginning construction, the certificate holder shall notify the department before conducting any work on the site that does not qualify as surveying, exploration, or other activities to define or characterize the site. The notice must include a description of the work and evidence that its value is less than \$250,000 or evidence that the certificate holder has satisfied all conditions that are required prior to beginning construction.</p> <p>[Final Order on ASC, Organizational Expertise Condition 4]</p>
PRE-OE-05	<p>Prior to construction, the certificate holder must provide the department and Umatilla and Morrow Counties with the name(s) and location(s) of the aggregate source and evidence of the source's county permit(s).</p> <p>[Final Order on ASC, Organizational Expertise Condition 7]</p>
PRE-OE-06	<p>Before beginning construction on any phase of the facility, the certificate holder must provide evidence to the department and Morrow and Umatilla counties that the third party that will construct, own and operate the interconnection transmission line has obtained all necessary approvals and permits for that interconnection transmission line and that the certificate holder has a contract with the third party for use of the transmission line.</p> <p>[Final Order on ASC, Organizational Expertise Condition 8]</p>

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

PRE-SS-01	<p>Before beginning construction, the certificate holder must conduct a site-specific geological and geotechnical investigation, and shall report its findings to DOGAMI and the department. The report shall be used by the certificate holder in final facility layout and design. The department shall review, in consultation with DOGAMI, and confirm that the investigation report includes an adequate assessment of the following information:</p> <ul style="list-style-type: none"><li>• Subsurface soil and geologic conditions of the site boundary</li><li>• Define and delineate geological and geotechnical hazards, and means to mitigate these hazards</li><li>• Geotechnical design criteria and data for the turbine foundations, foundations of substations, O&amp;M buildings, roads, and other related and supporting facilities</li><li>• Design data for installation of underground and overhead collector lines, and overhead transmission lines</li><li>• Investigation of specific areas with potential for slope instability and landslide hazards. Landslide hazard evaluation shall be conducted by LIDAR and field work, as recommended by DOGAMI</li><li>• Investigations of the swell and collapse potential of loess soils within the site boundary.</li></ul> <p>[Final Order on ASC, Structural Standard Condition 1]</p>
PRE-SS-02	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of all potentially active faults within the site boundary, including the fault labeled as 2438 on Figures H-1 and H-2 of ASC Exhibit H. The investigation shall include a description of the potentially active faults, their potential risk to the facility, and any additional mitigation that will be undertaken by the certificate holder to ensure safe design, construction, and operation of the facility.</p> <p>[Final Order on ASC, Structural Standard Condition 3]</p>
PRE-SS-03	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1 an investigation of specific areas with potential for slope instability and shall site turbine strings appropriate to avoid potential hazards. The landslide hazards shall be investigated and mapped before final facility layout and design. The landslide hazard evaluation shall be conducted by a combination of LIDAR and field work.</p> <p>[Final Order on ASC, Structural Standard Condition 4]</p>
PRE-SS-04	<p>Prior to construction, the certificate holder shall include as part of the geotechnical investigation required per Structural Standard Condition 1, an investigation of the swell and collapse potential of loess soil in the site boundary. Based on the results of the investigation, the certificate holder shall include mitigation measures including, as necessary, over-excavating and replacing loess soil with structural fill, wetting and compacting, deep foundations, or avoidance of specific areas.</p> <p>[Final Order on ASC, Structural Standard Condition 5]</p>

**STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]**

PRE-SP-01	<p>Prior to beginning construction, the certificate holder shall provide a copy of a DEQ-approved construction Spill Prevention Control and Countermeasures (SPCC) plan, to be implemented during facility construction. The SPCC plan shall include the measures described in Exhibit I of ASC and in the final order approving the site certificate.</p> <p>[Final Order on ASC, Soil Protection Condition 3]</p>
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PRE-SP-02	<p>Prior to construction, the certificate holder shall ensure that the final Revegetation Plan includes a program to protect and restore agricultural soils temporarily disturbed during facility construction. As described in the final order, agriculture soils shall be properly excavated, stored, and replaced by soil horizon. Topsoil shall be preserved and replaced. The Revegetation Plan shall be finalized pursuant to Fish and Wildlife Condition 11.</p> <p>[Final Order on ASC, Soil Protection Condition 4]</p>
PRE-SP-03	<p>Prior to beginning construction of the O&amp;M buildings, the certificate holder shall secure any necessary septic system permits from DEQ. Copies of the necessary permits must be provided to the department prior to beginning construction of the O&amp;M buildings.</p> <p>[Final Order on ASC, Soil Protection Condition 7]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
PRE-LU-01	<p>Before beginning construction, the certificate holder shall complete the following:</p> <ol style="list-style-type: none"> <li>a. Pay the requisite fee and obtain a Zoning Permit from Morrow County for all facility components sited in Morrow County; and</li> <li>b. Obtain all other necessary local permits, including building permits.</li> </ol> <p>[Final Order on ASC, Land Use Condition 3]</p>
PRE-LU-02	<p>Before beginning construction, the certificate holder shall pay the requisite fee and obtain a Conditional Use Permit as required under Morrow County Zoning Ordinance Article 6 Section 6.015.</p> <p>[Final Order on ASC, Land Use Condition 5]</p>
PRE-LU-03	<p>Before beginning construction, the certificate holder shall prepare a Weed Control Plan that is consistent with Morrow and Umatilla County weed control requirements to be approved by the department. The department shall consult with Morrow and Umatilla counties and ODFW. The final plan must be submitted to the department no less than 30 days prior to the beginning of construction. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>[Final Order on ASC, Land Use Condition 6]</p>
PRE-LU-04	<p>Before beginning construction, the certificate holder shall record in the real property records of Morrow County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.</p> <p>[Final Order on ASC, Land Use Condition 7]</p>
PRE-LU-05	<p>Prior to beginning construction, the certificate holder shall consult with surrounding landowners and lessees and shall consider proposed measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs during construction and operation of the facility. Prior to beginning construction, the certificate holder shall provide evidence of this consultation to the department, Morrow County, and Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 12]</p>
PRE-LU-06	<p>Before beginning construction, the certificate holder shall work with the Morrow County Road Department to identify specific construction traffic related concerns, and develop a traffic management plan that specifies necessary traffic control measures to mitigate the effects of the temporary increase in traffic. The certificate holder must provide a copy of the traffic management plan to the department and Morrow County, and must implement the traffic management plan during construction.</p> <p>[Final Order on ASC, Land Use Condition 13]</p>

PRE-LU-07	<p>Before beginning construction, the certificate holder must pay the requisite fee(s) and obtain a Zoning Permit(s) from Umatilla County for facility components sited within Umatilla County, including, but not limited to, turbines, substation, O&amp;M building, and the intraconnection line.</p> <p>[Final Order on ASC, Land Use Condition 15]</p>
PRE-LU-08	<p>Prior to facility construction, the certificate holder shall install gates and no trespassing signs at all private access roads established or improved for the purpose of facility construction and operation.</p> <p>[Final Order on ASC, Land Use Condition 18]</p>
PRE-LU-09	<p>Before beginning construction, the certificate holder shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.</p> <p>[Final Order on ASC, Land Use Condition 21]</p>
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
PRE-RF-01	<p>Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility.</p> <p>[Final Order on ASC, Retirement and Financial Assurance Condition 4] [Mandatory Condition OAR 345-027-0020(8)]</p>

PRE-RF-02

Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount for the facility is \$18.1 million dollars (Q1 2015 dollars), to be adjusted to the date of issuance, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:

- (a) The certificate holder may adjust the amount of the initial bond or letter of credit based on the final design configuration of the facility. Any revision to the restoration costs should be adjusted to the date of issuance as described in (b) and subject to review and approval by the Council.
- (b) The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation:
  - (1) Adjust the amount of the bond or letter of credit (expressed in Q1 2015 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the first quarter 2015 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust first quarter 2015 dollars to present value.
  - (2) Round the result total to the nearest \$1,000 to determine the financial assurance amount.
- (c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
- (d) The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Final Order on ASC, Retirement and Financial Assurance Condition 5]

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

PRE-FW-01	<p>Prior to final site design and facility layout, the certificate holder shall conduct a field-based habitat survey to confirm the habitat categories of all areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey shall be planned in consultation with the department and ODFW, and survey protocols shall be confirmed with the department and ODFW. Following completion of the field survey, and final layout design and engineering, the certificate holder shall provide the department and ODFW a report containing the results of the survey, showing expected final location of all facility components, the habitat categories of all areas that will be affected by facility components, and the locations of any sensitive resources.</p> <p>The report shall also include an updated version of Table FW-1 Potential Temporary and Permanent Impacts by Habitat Category and Type of the final order, showing the acres of expected temporary and permanent impacts to each habitat category, type, and sub-type. The pre-construction survey shall be used to complete final design, facility layout, and micro-siting of facility components. As part of the report, the certificate holder shall include its impact assessment methodology and calculations, including assumed temporary and permanent impact acreage for each transmission structure, wind turbine, access road, and all other facility components. If construction laydown yards are to be retained post construction, due to a landowner request or otherwise, the construction laydown yards must be calculated as permanent impacts, not temporary.</p> <p>In classifying the affected habitat into habitat categories, the certificate holder shall consult with the department and ODFW. The certificate holder shall not begin construction of the facility until the habitat assessment, categorization, and impact assessment has been approved by the department, in consultation with ODFW. The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.</p> <p>[Final Order on ASC, Fish and Wildlife Condition 1]</p>
PRE-FW-02	<p>Prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment D of this order, based on the final facility design, as approved by the department in consultation with ODFW.</p> <ol style="list-style-type: none"><li>a. The final WMMP must be submitted and ODOE's concurrence received prior to the beginning of construction. ODOE shall consult with ODFW on the final WMMP. The certificate holder shall implement the requirements of the approved WMMP during all phases of construction and operation of the facility.</li><li>b. The WMMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of the WMMP agreed to by the Department.</li></ol> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 4]</p>
PRE-FW-03	<p>Prior to construction, the certificate holder shall flag all environmentally sensitive areas as restricted work zones. Restricted work zones shall include but not be limited to areas with sensitive or protected plant species, including candidate species, wetlands and waterways that are not authorized for construction impacts, areas with seasonal restrictions, and active state sensitive species bird nests.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 8]</p>

PRE-FW-04	<p>Before beginning construction the certificate holder shall prepare and receive approval from the department of a final Habitat Mitigation Plan. The final Habitat Mitigation Plan shall be based on the final facility design and shall be approved by the department in consultation with ODFW. The Council retains the authority to approve, reject or modify the final HMP.</p> <ol style="list-style-type: none"> <li>a. The final Habitat Mitigation Plan and the department’s approval must be received prior to beginning construction. The department shall consult with ODFW on the final plan. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</li> <li>b. The certificate holder shall calculate the size of the habitat mitigation area according to the final design configuration of the facility and the estimated areas of habitat affected in each habitat category, in consultation with the department, as per the pre-construction survey results and impact assessment calculations called for in Fish and Wildlife Condition 1.</li> <li>c. The certificate holder shall acquire the legal right to create, enhance, maintain, and protect the habitat mitigation area, as long as the site certificate is in effect, by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the department prior to the start of construction. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the final Habitat Mitigation Plan.</li> <li>d. The final HMP shall include an implementation schedule for all mitigation actions, including securing the conservation easement, conducting the ecological uplift actions at the habitat mitigation area, revegetation and restoration of temporarily impacted areas, and monitoring. The mitigation actions shall be implemented according to the following schedule, as included in the HMP: <ol style="list-style-type: none"> <li>i. Restoration and revegetation of temporary construction-related impact area shall be conducted as soon as possible following construction.</li> <li>ii. The certificate holder shall obtain legal authority to conduct the required mitigation work at the compensatory habitat mitigation site before commencing construction. The habitat enhancement actions at the compensatory habitat mitigation site shall be implemented concurrent with construction.</li> </ol> </li> <li>e. The final HMP shall include a monitoring and reporting program for evaluating the effectiveness of all mitigation actions, including restoration of temporarily impacted areas and ecological uplift actions at the habitat mitigation area.</li> <li>f. The final HMP shall include mitigation in compliance with the Council’s Fish and Wildlife Habitat standard, including mitigation for temporary impacts to Category 4 habitat (shrub-steppe habitat); and, mitigation for all Category 2 habitat impacts that meet the mitigation goal of no net loss of habitat quality or quantity, plus a net benefit of habitat quality or quantity.</li> <li>g. The final HMP may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject, or modify any amendment of this plan agreed to by the Department.</li> </ol> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 10]</p>
PRE-FW-05	<p>Before beginning construction, the certificate holder shall prepare and receive approval of a final Revegetation Plan, provided as Attachment C to this order, from the department, in consultation with Umatilla and Morrow counties and ODFW. The certificate holder shall implement the requirements of the approved plan during all phases of construction and operation of the facility.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 11]</p>

**STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]**

PRE-TE-01	<p>Prior to construction, the certificate holder shall determine the boundaries of Category 1 Washington ground squirrel habitat. The certificate holder shall hire a qualified professional biologist who has experience in detection of Washington ground squirrel to conduct pre-construction surveys using a survey protocol approved by the department in consultation with ODFW. The biologist shall survey all areas of suitable habitat within 1,000 feet of any ground disturbing activity. Ground disturbing activity refers to any potential impact, whether permanent or temporary. The protocol surveys shall be conducted in the active squirrel season (March 1 to May 31) prior to construction commencement. The protocol survey is valid for three years. If construction begins within three years of conducting the protocol survey, but not within one year of the protocol survey, the certificate holder shall conduct a pre-construction survey only within areas of suitable Washington ground squirrel habitat where ground disturbing activity would occur.</p> <p>The certificate holder shall provide written reports of the surveys to the department and to ODFW and shall identify the boundaries of Category 1 Washington ground squirrel (WGS) habitat. The certificate holder shall not begin construction within suitable habitat until the identified boundaries of Category 1 WGS habitat have been approved by the department, in consultation with ODFW.</p> <p>The certificate holder shall avoid any permanent or temporary disturbance in all Category 1 WGS habitat. The certificate holder shall ensure that these sensitive areas are correctly marked with exclusion flagging and avoided during construction.</p> <p>[Final Order on ASC, Threatened and Endangered Species Condition 1]</p>
PRE-TE-02	<p>In accordance with Fish and Wildlife Condition 3, prior to construction, the certificate holder shall finalize and implement the Wildlife Monitoring and Mitigation Plan (WMMP) provided in Attachment D of this order, based on the final facility design, as approved by the department in consultation with ODFW. The final WMMP shall include a program to monitor potential impacts from facility operation on Washington ground squirrel. Monitoring shall be of any known colonies and shall be completed on the same schedule as the raptor nest monitoring for the facility. The monitoring surveys shall include returning to the known colonies to determine occupancy and the extent of the colony as well as a general explanation of the amount of use at the colony. If the colony is not found within the known boundary of the historic location a survey 500 feet out from the known colony will be conducted to determine if the colony has shifted over time. Any new colonies that are located during other monitoring activities, such as raptor nest monitoring surveys, shall be documented and the extent of those colonies should be delineated as well. These newly discovered colonies shall also be included in any future WGS monitoring activities.</p> <p>[Final Order on ASC, Threatened and Endangered Species Condition 2]</p>
PRE-TE-03	<p>To avoid potential impacts to Laurent’s milkvetch, the certificate holder must:</p> <ol style="list-style-type: none"><li>i. Conduct preconstruction plant surveys for Laurent’s milkvetch. If the species is found to occur, the certificate holder must install protection flagging around the plant population and avoid any ground disturbance within this zone.</li><li>ii. Ensure that any plant protection zone established under (a) above is included on construction plans showing the final design locations.</li><li>iii. If herbicides are used to control weeds, the certificate holder shall follow the manufacturer’s guidelines in establishing a buffer area around confirmed populations of Laurent’s milkvetch. Herbicides must not be used within the established buffers.</li></ol> <p>[Final Order on ASC, Threatened and Endangered Species Condition 3]</p>

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

PRE-HC-01	<p>Before beginning construction, the certificate holder shall provide to the department a map showing the final design locations of all components of the facility, the areas that will be temporarily disturbed during construction and the areas that were surveyed in 2013-14 for historic, cultural, and archaeological resources.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 1]</p>
PRE-HC-02	<p>Before beginning construction, the certificate holder shall mark the buffer areas established under Historic, Cultural, and Archeological Resources Condition 3 for all identified historic, cultural, or archaeological resource sites (including those of unknown age) on construction maps and drawings as “no entry” areas. A copy of current maps and drawings must be maintained onsite during construction and made available to the department upon request.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 2]</p>
PRE-HC-03	<p>Before beginning construction, the certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-0070, trains construction contractors on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the department upon request.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 4]</p>

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

PRE-PS-01	<p>Prior to construction, the certificate holder shall prepare a Traffic Management Plan that includes the procedures and actions described in this order and the mitigation measures identified in ASC Exhibit U, Section 3.5.4. The plan shall be approved by the department in consultation with the appropriate transportation service providers. The plan shall be maintained onsite and implemented throughout construction of the facility.</p> <p>In addition, the certificate holder shall include the following information in the plan:</p> <ul style="list-style-type: none"><li>a. Procedures to provide advance notice to all affected local jurisdictions and adjacent landowners of construction deliveries and the potential for heavy traffic on local roads;</li><li>b. A policy of including traffic control procedures in contract specifications for construction of the facility;</li><li>c. Procedures to maintain at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles;</li><li>d. A policy of ensuring that no equipment or machinery is parked or stored on any county road whether inside or outside the site boundary. The certificate holder may temporarily park equipment off the road but within county rights-of-way with the approval of the Morrow County and Umatilla County Public Works Departments;</li><li>e. A policy to encourage and promote carpooling for the construction workforce; and</li><li>f. Procedures to keep state highways and county roads free of gravel that may be tracked out on intersecting roads at facility access points.</li></ul> <p>[Final Order on ASC, Public Services Condition 6]</p>
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PRE-PS-02	<p>Before beginning construction, the certificate holder must enter into Road Use Agreements with the Morrow County and Umatilla County Public Works Departments. The Agreements must include, at a minimum, a pre-construction assessment of road surfaces under Morrow County and Umatilla County jurisdiction, construction monitoring, and post-construction inspection and repair. A copy of the Road Use Agreements with Morrow County and Umatilla County must be submitted to the department before beginning construction. If required by Morrow County or Umatilla County, the certificate holder shall post bonds to ensure funds are available to repair and maintain roads affected by the facility.</p> <p>[Final Order on ASC, Public Services Condition 7]</p>
PRE-PS-03	<p>The certificate holder shall design and construct new access roads and private road improvements to standards approved by Umatilla County or Morrow County. Where modifications of county roads are necessary, the certificate holder shall construct the modifications entirely within the county road rights-of-way and in conformance with county road design standards subject to the approval of the Umatilla County and Morrow County Public Works Departments.</p> <p>[Final Order on ASC, Public Services Condition 8]</p>
PRE-PS-04	<p>Before beginning construction, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation an FAA Form 7460-1 Notice of Proposed Construction or Alteration for each turbine. Before beginning construction, the certificate holder shall submit to the department the results of the Oregon Department of Aviation aeronautical study and determination. If the department, in consultation with the Oregon Department of Aviation, determines that any turbine would adversely impact an airport's ability to provide service by obstructing the airport's primary or horizontal surface, the department, in consultation with the Oregon Department of Aviation and the certificate holder, shall determine appropriate mitigation, if any, prior to construction.</p> <p>[Final Order on ASC, Public Services Condition 9]</p>

<p>PRE-PS-05</p>	<p>Prior to construction, the certificate holder shall prepare an Emergency Management Plan that includes the procedures and actions described in this order and in ASC Exhibit U. The certificate holder shall submit the plan to ODOE for review and approval in consultation with the appropriate local fire protection districts (including the City of Heppner Volunteer Fire Department, Lone Rural Fire Protection District, and Echo Rural Fire Protection District) prior to construction. The plan shall be maintained onsite and implemented throughout construction and operation of the facility. Any updates to the plan shall be provided to the department within 30 days. All onsite workers shall be trained on the fire prevention and safety procedures contained in the plan prior to working on the facility.</p> <p>Additional information that shall be included in the plan:</p> <ol style="list-style-type: none"> <li>a. Current contact information of at least two facility personnel available to respond on a 24-hour basis in case of an emergency on the facility site. The contact information must include name, telephone number(s), physical location, and email address for the listed contact(s). An updated list must be provided to the fire protection agencies immediately upon any change of contact information. A copy of the contact list, and any updates as they occur, must also be provided to the Department, along with a list of the agencies that received the contact information.</li> <li>b. Identification of agencies that participated in developing the plan;</li> <li>c. Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility;</li> <li>d. A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility;</li> <li>e. Contact information for each agency listed above;</li> <li>f. Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility;</li> <li>g. Access and fire response at the facility site during construction and operations. Fire response plans during construction should address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that are completed and those still under construction, and a temporary signage system until permanent addresses and signs are in place;</li> <li>h. The designated meeting location in case of evacuation;</li> <li>i. Staff training requirements; and</li> </ol> <p>Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site.</p> <p>[Final Order on ASC, Public Services Condition 13]</p>
<p>PRE-PS-06</p>	<p>Before beginning construction, the certificate holder shall develop and implement, or require its contractors to develop and implement, a site health and safety plan that informs workers and others onsite about first aid techniques and what to do in case of an emergency. The health and safety plan will include preventative measures, important telephone numbers, the locations of onsite fire extinguishers, and the names, locations and contact information of nearby hospitals. All onsite workers shall be trained in safety and emergency response, as per the site health and safety plan. The site health and safety plan must be updated on an annual basis, maintained throughout the construction and operations and maintenance phases of the facility, and available upon request by the department.</p> <p>[Final Order on ASC, Public Services Condition 20]</p>

PRE-PS-07	<p>Before beginning construction, the certificate holder shall ensure that all construction workers are certified in first aid, cardio pulmonary resuscitation (CPR), and the use of an automated external defibrillator (AED). The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that construction activities are occurring.</p> <p>[Final Order on ASC, Public Services Condition 21]</p>
<b>STANDARD: WASTE MINIMIZATION (WM,) [OAR 345-022-0120]</b>	
PRE-WM-01	<p>Prior to construction, the certificate holder shall develop a construction waste management plan, to be implemented during all phases of facility construction, which includes at a minimum the following details:</p> <ol style="list-style-type: none"> <li>a. Specification of the number and types of waste containers to be maintained at construction sites and construction yards</li> <li>b. Description of waste segregation methods for recycling or disposal.</li> <li>c. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction.</li> </ol> <p>The certificate holder shall maintain a copy of the construction waste management plan onsite and shall provide to the department a report on plan implementation in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 2]</p>
PRE-WM-02	<p>Prior to construction, the certificate holder shall investigate and confirm that no surface waters, shallow groundwater, or drinking water sources will be adversely impacted by the usage of concrete washout water in the foundations of facility components, and shall submit an investigation report to the department. Prior to construction, the department, in consultation with DEQ, shall review the results of the investigation report and shall verify that the plan to dispose of concrete washout water in the foundations of facility components is unlikely to adversely impact surface waters, shallow groundwater, or drinking water sources. The applicant's investigation shall be based on the anticipated final facility layout and design. If the results of the investigation show that the proposed concrete washout water disposal method would cause adverse impacts to surface water, shallow groundwater, or drinking water sources, the applicant shall propose mitigation measures to reduce potential impacts, for review and approval by the department in consultation with DEQ, prior to construction.</p> <p>[Final Order on ASC, Waste Minimization Condition 3]</p>
<b>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [OAR 345-024-0090]</b>	
PRE-TL-01	<p>Prior to construction, the certificate holder shall schedule a time to brief the OPUC Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities.</p> <p>[Final Order on ASC, Siting Standard Condition 2]</p>

**STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]**

PRE-NC-01

Prior to construction, the certificate holder shall provide to the department:

- a. Information that identifies the final design locations of all facility components to be built at the facility;
- b. The maximum sound power level for the facility components and the maximum sound power level and octave band data for the turbine type(s) and transformers selected for the facility based on manufacturers' warranties or confirmed by other means acceptable to the department;
- c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B) (iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the department that the total noise generated by the facility (including turbines and transformers) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described (d) below. The analysis must also identify the noise reduction operation (NRO) mode approach that will be used during facility operation and include a figure that depicts the turbines that will be operating in NRO mode and the associated dBA reduction level; and,
- d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels  $L_{10}$  and  $L_{50}$  by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

[Final Order on ASC, Noise Control Condition 2]

#### 4.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
CON-SP-01	<p>During construction, the certificate holder shall conduct all work in compliance with a final Erosion and Sediment Control Plan (ESCP) that is satisfactory to the Oregon Department of Environmental Quality as required under the National Pollutant Discharge Elimination System Construction Stormwater Discharge General Permit 1200-C.</p> <p>[Final Order on ASC, Soil Protection Condition 1]</p>
CON-SP-02	<p>During construction, the erosion and sediment control best management practices and measures as described in ASC Exhibit I, Section 5.2 and listed in the final order approving the site certificate shall be included and implemented as part of the final ESCP.</p> <p>[Final Order on ASC, Soil Protection Condition 2]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
CON-LU-01	<p>During construction, the certificate holder shall comply with the following requirements:</p> <ol style="list-style-type: none"> <li>Construction vehicles shall use previously disturbed areas including existing roadways and tracks.</li> <li>Temporary construction yards and laydown areas shall be located within the future footprint of permanent structures to the extent practicable.</li> <li>New, permanent roadways will be the minimum width allowed while still being consistent with safe use and satisfying county road and safety standards.</li> <li>Underground communication and electrical lines will be buried within the area disturbed by temporary road widening to the extent practicable.</li> </ol> <p>[Final Order on ASC, Land Use Condition 8]</p>
CON-LU-02	<p>During construction, the certificate holder shall install smooth turbine tower structures and turbine nacelles that lack perching or nesting opportunities for birds.</p> <p>[Final Order on ASC, Land Use Condition 17]</p>
CON-LU-03	<p>During construction, the certificate holder shall install the electrical cable collector system underground, where practicable. In agricultural areas, the collector system lines must be installed at a depth of 3 feet or deeper as necessary to prevent adverse impacts on agriculture operations. In all other areas, the collector system lines must be installed a minimum of 3 feet where practicable.</p> <p>[Final Order on ASC, Land Use Condition 19]</p>
<b>STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]</b>	
CON-FW-01	<p>No construction shall occur in mule deer winter range during winter, defined as December 1 to March 31. Mule deer winter range is based on data to be provided by ODFW at the time of construction.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 3]</p>

CON-FW-02	<p>During construction within the time periods listed below, the certificate holder shall implement buffer zones around nest sites of the species listed below. No ground-disturbing activities within the buffer zone shall occur during the seasonal restrictions. The construction workforce and facility employees must be provided maps with the locations of the buffer zones and be instructed to avoid ground-disturbing activity within the buffer zone during construction activities.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 5]</p>
CON-FW-03	<p>During construction, the certificate holder shall employ a qualified environmental professional to provide environmental training to all personnel prior to working onsite, related to sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and other environmental issues. All personnel shall be given clear maps showing areas that are off-limits for construction, and shall be prohibited from working outside of the areas in the site boundary that have been surveyed and approved for construction. The certificate holder shall instruct construction personnel to report any injured or dead wildlife detected while on the site to the appropriate onsite environmental manager. Records of completed training shall be maintained onsite and made available to the department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 7]</p>
CON-FW-04	<p>During construction, the certificate holder shall employ at a minimum one environmental inspector to be onsite daily. The environmental inspector shall oversee permit compliance and construction, and ensure that known sensitive environmental resources are protected. The environmental inspector shall prepare a weekly report during construction, documenting permit compliance and documenting any corrective actions taken. Reports shall be kept on file and available for inspection by the department upon request.</p> <p>[Final Order on ASC, Fish and Wildlife Habitat Condition 9]</p>
<b>STANDARD: HISTORIC, CULTURAL, AND ARCHAEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]</b>	
CON-HC-01	<p>Immediately prior to construction activities, the certificate holder must flag or otherwise mark a 200-foot avoidance buffer around historic archaeological sites, as identified by the maps and drawings prepared in accordance with Historic, Cultural, and Archeological Resources Conditions 1 and 2. No disturbance is allowed within the buffer zones. For historic archaeological sites, an archeological monitor must be present if construction activities are required within 200-feet of sites identified as potentially eligible for listing on the National Register of Historic Places (NRHP). The certificate holder may use existing private roads within the buffer areas but may not widen or improve private roads within the buffer areas. The no-entry restriction does not apply to public road rights-of-way within buffer areas. Flagging or marking should be removed immediately upon cessation of activities in the area that pose a threat of disturbance to the site being protected.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 3]</p>

CON-HC-02	<p>During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archeological or cultural resources are found during construction of the facility until a qualified archeologist can evaluate the significance of the find. The certificate holder shall notify the department and the Oregon State Historic Preservation Office (SHPO) of the find. If ODOE, in consultation with SHPO, determines that the resource meets the definition of an archaeological object, archaeological site, or is eligible or likely to be eligible for listing on the (NRHP), the certificate holder shall, in consultation with the department, SHPO, interested Tribes and other appropriate parties, make recommendations to the Council for mitigation, including avoidance, field documentation and data recovery. The certificate holder shall not restart work in the affected area until the department, in consultation with SHPO, agree that the certificate holder has demonstrated that it has complied with archeological resources protection regulations.</p> <p>[Final Order on ASC, Historic, Cultural, and Archeological Resources Condition 5]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
CON-PS-01	<p>During construction, the certificate holder shall include the following additional measures in the construction waste management plan required by Waste Minimization Condition 2:</p> <ol style="list-style-type: none"> <li>a. Recycling steel and other metal scrap.</li> <li>b. Recycling wood waste.</li> <li>c. Recycling packaging wastes such as paper and cardboard.</li> <li>d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured.</li> <li>e. Segregating all hazardous and universal wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.</li> <li>f. Discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible.</li> </ol> <p>[Final Order on ASC, Public Services Condition 3]</p>
CON-PS-02	<p>During construction of the facility, the certificate holder shall provide for 24-hour on-site security, and shall establish effective communications between on-site security personnel and the Morrow County Sheriff's Office and Umatilla County Sheriff's Office.</p> <p>[Final Order on ASC, Public Services Condition 10]</p>
CON-PS-03	<p>During construction of the facility, the certificate holder shall ensure that turbine construction personnel are trained and equipped for fall protection, high angle, and confined space rescue. The certificate holder must retain records of the training and provide them to the department upon request.</p> <p>[Final Order on ASC, Public Services Condition 14]</p>
CON-PS-04	<p>During construction, the certificate holder shall design turbines to be constructed on concrete pads with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during facility operation.</p> <p>[Final Order on ASC, Public Services Condition 16]</p>

CON-PS-05	<p>During construction the certificate holder must maintain an area clear of vegetation for fire prevention around construction sites, including turbines and towers and any areas where work includes welding, cutting, grinding, or other flame- or spark-producing operations.</p> <p>[Final Order on ASC, Public Services Condition 17]</p>
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**STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]**

CON-WM-01	<p>During construction, the certificate holder shall require construction contractors to complete the following for any off-site disposal of excess soil during construction activities:</p> <ol style="list-style-type: none"> <li>a. Obtain and provide the certificate holder with a signed consent agreement between contractor and the party receiving the earth materials authorizing the acceptance and disposal of the excess soil; and,</li> <li>b. Confirm that all disposal sites have been inspected and approved by the certificate holder’s environmental personnel to ensure that sensitive environmental resources, such as wetlands or high quality habitats, would not be impacted.</li> </ol> <p>The certificate holder shall maintain copies of all signed consent agreements and disposal site inspection and approvals onsite and shall provide to the department in the 6-month construction report required pursuant to OAR 345-026-0080(1)(a).</p> <p>[Final Order on ASC, Waste Minimization Condition 1]</p>
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**STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]**

CON-WF-01	<p>During construction, the certificate holder shall install pad-mounted step-up transformers at the base of each tower in steel boxes designed to protect the public from electrical hazards.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 1]</p>
CON-WF-02	<p>During construction, the certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, connected to a fault annunciation panel or supervisory control and data acquisition (SCADA) system to alert operators to potentially dangerous conditions. The certificate holder shall maintain automatic equipment protection features in each turbine that would shut down the turbine and reduce the chance of a mechanical problem causing a fire. The certificate holder shall immediately remedy any dangerous conditions.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 4]</p>

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

CON-TL-01	<p>During construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including:</p> <ul style="list-style-type: none"><li>a. Constructing all aboveground collector and transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.</li><li>b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.</li><li>c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground.</li><li>d. Developing and implementing a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, irrigation systems, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line (OAR 345-027-0023(4)).</li><li>e. Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health and safety risks from induced currents caused by electric and magnetic fields.</li><li>f. Designing and maintaining all transmission lines so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public.</li><li>g. Increasing the intraconnection transmission line height, shielding the electric field, or installing access barriers, if needed, to prevent induced current and nuisance shock of mobile vehicles.</li><li>h. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.</li><li>i. Designing, constructing and operating the transmission line in accordance with the requirements of the 2012 Edition of the National Electrical Safety Code approved on June 3, 2011 by the American National Standards Institute (OAR 345-027-0023(4)).</li><li>j. Implement a safety protocol to ensure adherence to NESC grounding requirements</li></ul> <p>[Final Order on ASC, Siting Standard Condition 1]</p>
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**STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]**

CON-NC-01

During construction, to reduce construction noise impacts at nearby residences, the certificate holder shall:

- a. Establish and enforce construction site and access road speed limits;
- b. Utilize electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible;
- c. Locate material stockpiles and mobile equipment staging, parking, and maintenance areas as far as practicable away from noise sensitive properties;
- d. Utilize noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only;
- e. Equip all noise-producing construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment; and,
- f. Establish a noise complaint response system. All construction noise complaints will be logged within 48 hours of issuance. The construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process to the owner shall be established prior to the start of construction that will allow for resolution of noise problems that cannot be resolved by the site supervisor in a reasonable period of time. Records of noise complaints during construction must be made available to authorized representatives of the department upon request.

[Final Order on ASC, Noise Control Condition 1]

#### 4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
PRO-SP-01	<p>Prior to beginning facility operation, the certificate holder shall provide the department a copy of a DEQ-approved operational SPCC plan, if determined to be required by DEQ. If an SPCC plan is not required by DEQ, the certificate holder shall prepare and submit to the department for review and approval an operational Spill Prevention and Management plan. The Spill Prevention and Management Plan shall include at a minimum the following procedures and BMPs:</p> <ul style="list-style-type: none"> <li>• Procedures for oil and hazardous material emergency response consistent with OAR 340, Division 142</li> <li>• Procedures demonstrating compliance with all applicable local, state, and federal environmental laws and regulations for handling hazardous materials used onsite in a manner that protects public health, safety, and the environment</li> <li>• Current inventory (type and quantity) of all hazardous materials stored onsite, specifying the amounts at each O&amp;M building</li> <li>• Restriction limiting onsite storage of diesel fuel or gasoline</li> <li>• Requirement to store lubricating and dielectric oils in quantities equal to or greater than 55-gallons in qualified oil-filled equipment</li> <li>• Preventative measures and procedures to avoid spills               <ul style="list-style-type: none"> <li>○ Procedures for chemical storage</li> <li>○ Procedures for chemical transfer</li> <li>○ Procedures for chemical transportation</li> <li>○ Procedures for fueling and maintenance of equipment and vehicles</li> <li>○ Employee training and education</li> </ul> </li> <li>• Clean-up and response procedures, in case of an accidental spill or release</li> <li>• Proper storage procedures</li> </ul> <p>Reporting procedures in case of an accidental spill or release [Final Order on ASC, Soil Protection Condition 5]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
PRO-PS-01	<p>Prior to operation of the facility, the certificate holder shall ensure that operations personnel are trained and equipped for fall protection and tower rescue, including high angle and confined space rescue. Refresher training in high angle and confined space rescue must be provided to operations personnel on an annual basis throughout the operational life of the facility. The certificate holder must retain records of the training and provide them to the department upon request. [Final Order on ASC, Public Services Condition 15]</p>
PRO-PS-02	<p>Before beginning operation of the facility, the certificate holder must provide a final site plan to the identified fire protection districts and first-responders included in the Emergency Management Plan. The certificate holder must indicate on the site plan the identification number assigned to each turbine and the actual location of all facility structures. The certificate holder shall provide an updated site plan if additional turbines or other structures are later added to the facility. [Final Order on ASC, Public Services Condition 19]</p>

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PRO-PS-03	<p>Prior to operation, the certificate holder must ensure that operations personnel remain current in their first aid/CPR/AED certifications throughout the operational life of the facility. The certificate holder must retain records of the certifications and provide them to the department upon request. The certificate holder shall also ensure that an AED is available onsite at all times that operations and maintenance personnel are at the facility.</p> <p>[Final Order on ASC, Public Services Condition 22</p>
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## 4.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
<b>STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]</b>	
OPR-GS-01	<p>The certificate holder shall submit a legal description of the site to the Oregon Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility.</p> <p>[Final Order on ASC, Mandatory Condition 1 [OAR 345-027-0020(2)]]</p>
<b>STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]</b>	
OPR-SP-01	<p>During facility operation, the certificate holder shall:</p> <ol style="list-style-type: none"> <li>a. Routinely inspect and maintain all facility components including roads, pads, and other facility components and, as necessary, maintain or repair erosion and sediment control measures and reduce potential facility contribution to erosion.</li> <li>b. Restrict vehicles to constructed access roads, and ensure material laydown or other maintenance activities occur within graveled areas or within the maintenance area of the O&amp;M buildings to avoid unnecessary compaction, erosion, or spill risk to the area surrounding the facility.</li> <li>c. If in order to serve the operational needs of the energy facility, or related and supporting facilities, the certificate holder intends to substantially modify an existing road or construct a new road, the certificate holder must submit and receive Council approval of an amendment to the site certificate prior to the modification or construction.</li> </ol> <p>[Final Order on ASC, Soil Protection Condition 6]</p>
<b>STANDARD: LAND USE (LU) [OAR 345-022-0030]</b>	
OPR-LU-01	<p>Within one month of commencement of commercial operation, the certificate holder shall submit an as-built survey for each construction phase that demonstrates compliance with the setback requirements in Land Use Condition 1 to the department and Morrow County.</p> <p>[Final Order on ASC, Land Use Condition 2]</p>
OPR-LU-02	<p>During operation of the facility, the certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities using the same methods and monitoring procedures described in the final Revegetation Plan referenced in Fish and Wildlife Condition 11.</p> <p>[Final Order on ASC, Land Use Condition 10]</p>
OPR-LU-03	<p>Before beginning decommissioning activities, the certificate holder must provide a copy of the final retirement plan to Morrow County and Umatilla County.</p> <p>[Final Order on ASC, Land Use Condition 23]</p>
OPR-LU-04	<p>Before beginning electrical production, the certificate holder shall prepare an Operating and Facility Maintenance Plan (Plan) and submit the Plan to the department for approval in consultation with Umatilla and Morrow Counties.</p> <p>[Final Order on ASC, Land Use Condition 25]</p>

OPR-LU-05	<p>Within 90 days of the commencement of electrical service from Wheatridge East, the certificate holder shall provide a summary of as-built changes to the department and Umatilla County. [Final Order on ASC, Land Use Condition 26]</p>
OPR-LU-06	<p>Prior to facility retirement, the certificate holder must include the following minimum restoration activities in the proposed final retirement plan it submits to the Council pursuant to OAR 345-027-0110 or its equivalent:</p> <ol style="list-style-type: none"> <li>1. Dismantle turbines, towers, pad mounted transformers, meteorological towers and related aboveground equipment, and remove concrete pads to a depth of at least three feet below the surface grade.</li> <li>2. Remove underground collection and communication cables that are buried less than three feet in depth and are deemed by Council to be a hazard or a source of interference with surface resource uses.</li> <li>3. Remove gravel from areas surrounding turbine pads.</li> <li>4. Remove and restore private access roads unless the landowners directs otherwise.</li> <li>5. Following removal of facility components, grade disturbed areas as close as reasonably possible to the original contours and restore soils to a condition compatible with farm uses or other resources uses.</li> <li>6. Revegetate disturbed areas in consultation with the land owner and in a manner consistent with the final Revegetation Plan referenced in Fish and Wildlife Condition 11.</li> <li>7. If the landowner wishes to retain certain facilities, provide a letter from the land owner that identifies the roads, cleared pads, fences, gates and other improvements to be retained and a commitment from the land owner to maintain the identified facilities for farm or other purposes permitted under the applicable zone.</li> </ol> <p>[Final Order on ASC, Land Use Condition 27]</p>
<b>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</b>	
OPR-PS-01	<p>During operation of the facility, the certificate holder shall discharge sanitary wastewater generated at the O&amp;M buildings to licensed on-site septic systems in compliance with State permit requirements. The certificate holder shall design each septic system for a discharge capacity of less than 2,500 gallons per day. [Final Order on ASC, Public Services Condition 1]</p>
OPR-PS-02	<p>Except as provided in this condition, during facility operation, the certificate holder shall obtain water for on-site uses from on-site wells located near the O&amp;M buildings. The certificate holder shall construct on-site wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate holder shall not use more than 5,000 gallons of water per day from each of the two on-site wells. The certificate holder may obtain water from other sources for on-site uses subject to prior approval by the Department. [Final Order on ASC, Public Services Condition 2]</p>

<p>OPR-PS-03</p>	<p>During operation, the certificate holder shall implement a waste management plan that includes but is not limited to the following measures:</p> <ul style="list-style-type: none"> <li>a. Training employees to minimize and recycle solid waste.</li> <li>b. Recycling paper products, metals, glass, and plastics.</li> <li>c. Recycling used oil and hydraulic fluid.</li> <li>d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste. Waste hauling by facility personnel within Morrow County shall be performed in compliance with the Morrow County Solid Waste Management Ordinance, which requires that all loads be covered and secured.</li> <li>e. Segregating all hazardous and universal, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes.</li> </ul> <p>[Final Order on ASC, Public Services Condition 4]</p>
<p>OPR-PS-04</p>	<p>During operation, the certificate holder shall ensure that appropriate law enforcement agency personnel have an up-to-date list of the names and telephone numbers of facility personnel available to respond on a 24-hour basis in case of an emergency at the facility site.</p> <p>[Final Order on ASC, Public Services Condition 12]</p>
<p><b>STANDARD: PUBLIC HEALTH AND SAFETY FOR WIND FACILITIES (WF) [OAR 345-024-0010]</b></p>	
<p>OPR-WF-01</p>	<p>During operation, the certificate holder shall ensure each facility substation is enclosed with appropriate fencing and locked gates to protect the public from electrical hazards.</p> <p>[Final Order on ASC, Public Health and Safety Standards for Wind Facilities Condition 2]</p>

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

OPR-TL-01	<p>During operation, the certificate holder shall:</p> <ol style="list-style-type: none"><li>(1) Update the OPUC Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 on an ongoing basis considering future operations, maintenance, emergency response, and alterations until facility retirement.</li><li>(2) File the following required information with the Commission:<ol style="list-style-type: none"><li>a. 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission’s authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year:<ol style="list-style-type: none"><li>i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe, on an ongoing basis; and</li><li>ii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public.</li><li>iii. In the event that the contact information described in subsection (1) of this section changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days.</li><li>iv. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3]</li></ol></li></ol></li><li>(3) Provide OPUC Safety Staff with:<ol style="list-style-type: none"><li>a. Maps and Drawings of routes and installation of electrical supply lines showing:<ul style="list-style-type: none"><li>• Transmission lines and structures (over 50,000 Volts)</li><li>• Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)</li><li>• Substations, roads and highways</li><li>• Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).</li></ul></li></ol></li></ol> <p>[Final Order on ASC, Siting Standard Condition 3]</p>
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**STANDARD: NOISE CONTROL REGULATION (NC) [OAR 345-035-0035]**

OPR-NC-01	<p>During operation of the facility, the certificate holder shall only operate the facility in the NRO mode that is identified prior to construction pursuant to Noise Control Condition 2. After beginning operation of the facility, the certificate holder shall include a certification in its annual Compliance Report that the NRO mode turbines identified in the preconstruction analysis required by Noise Control Condition 2 are operating at or below the identified dBA reduction level.</p> <p>[Final Order on ASC, Noise Control Condition 3]</p>
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OPR-NC-02	<p>During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.</p> <p>[Final Order on ASC, Noise Control Condition 4]</p>
OPR-NC-03	<p>During operation, in response to a complaint from the owner of a noise sensitive property regarding noise levels from the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating in compliance with the noise control regulations. The monitoring plan must be reviewed and approved by the department prior to implementation. The cost of such monitoring, if required, shall be borne by the certificate holder.</p> <p>[Final Order Noise Control Condition 5]</p>

#### 4.7 Retirement Conditions (RET)

Condition Number	Retirement (RET) Conditions
<b>STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]</b>	
RET-RF-01	<p>The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site.</p> <p>[Final Order Retirement and Financial Assurance Condition 2] [Mandatory Condition OAR 345-027-0020(9)]</p>
RET-RF-02	<p>The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council’s approval.</p> <p>Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.</p> <p>[Final Order Retirement and Financial Assurance Condition 3] [Mandatory Condition OAR 345-027-0020(16)]</p>

## **5.0 Successors and Assigns**

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

## **6.0 Severability and Construction**

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

**7.0 Execution**

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

**IN WITNESS THEREOF**, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council, and by Wheatridge Wind Energy, LLC.

**ENERGY FACILITY SITING COUNCIL**

By:   
Barry Beyeler, Chair

Oregon Energy Facility Siting Council

Date: July 27, 2017

**WHEATRIDGE WIND ENERGY, LLC**

By:   
John DiDonato, Vice President  
Development, NextEra Energy Resources,  
LLC on behalf of Wheatridge Wind Energy,  
LLC

Date: August 11, 2017

Attachment A  
Facility Site Boundary Map  
(ASC Exhibit C, Figure C-2)

Figure C-2

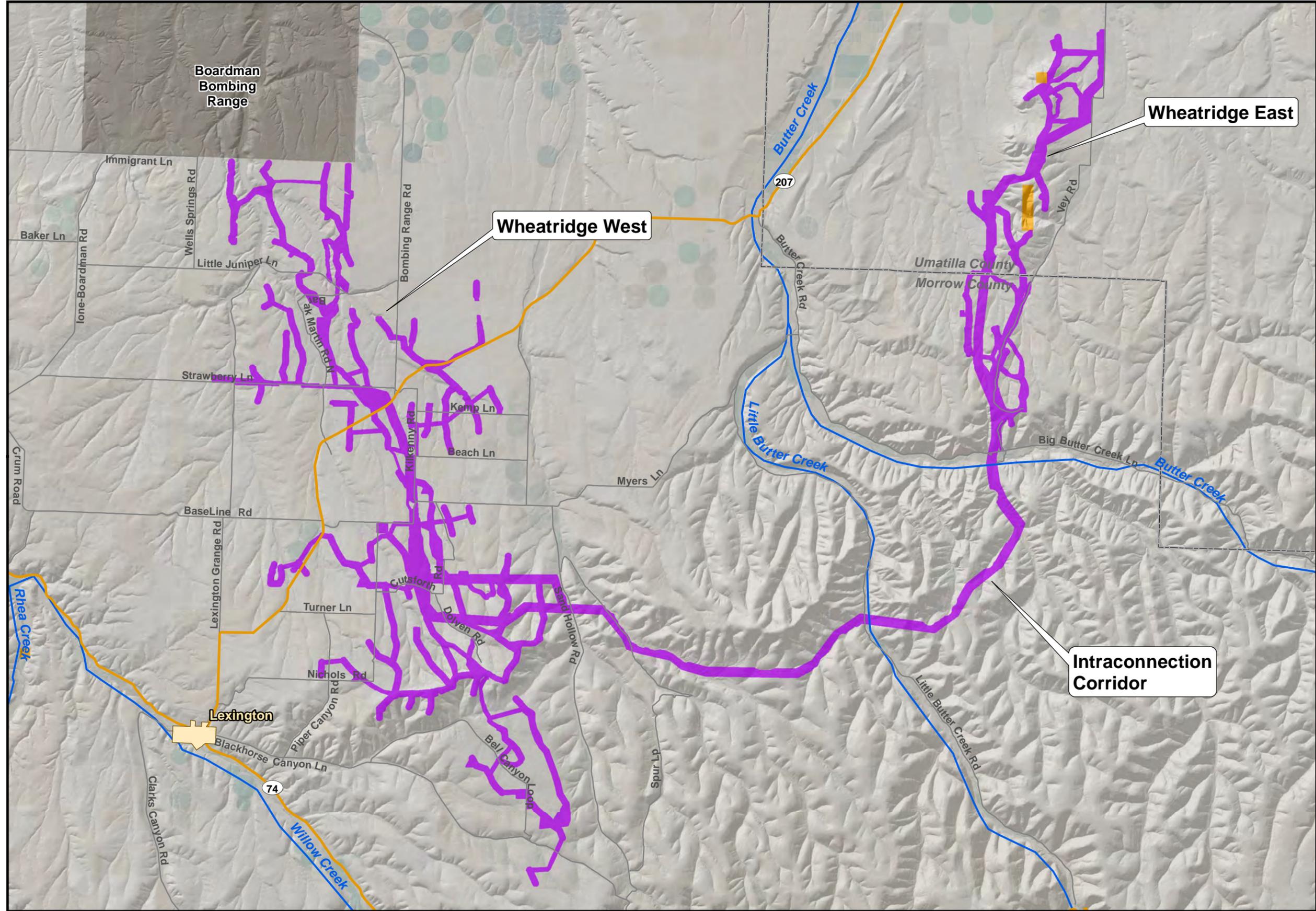
Wheatridge Wind Energy Facility

Facility Location



Morrow and Umatilla Counties, OR  
December 2014

-  Site Boundary
-  County Boundary
-  City/Town
-  State Highway
-  Local Road
-  River/Stream
- Land Ownership**
-  Bureau of Land Management
-  Private
-  Dept. of Defense



Wheatridge West

Wheatridge East

Intraconnection Corridor



Data Sources Wheatridge Wind Energy: site boundary / ESRI: roads, cities, political boundaries, hydrography / Oregon BLM: land ownership / USDA NAIP: aerial imagery

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