BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

In the Matter of the Request for Transfer of the Summit Ridge Wind Farm Site Certificate ) ) FINAL ORDER ON REQUEST FOR TRANSFER (Amendment 3)

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

December 15, 2017
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ATTACHMENTS
Attachment A: Third Amended Site Certificate
I. INTRODUCTION

The Energy Facility Siting Council (Council) issues this order in accordance with Oregon Revised Statute (ORS) 469.405 and Oregon Administrative Rule (OAR) 345-027-0100 for the Request for Transfer of the Summit Ridge Wind Farm Site Certificate. The transfer request includes a change in certificate holder ownership, but does not change the certificate holder, Summit Ridge Wind, LLC. A change in certificate holder ownership requires a site certificate transfer pursuant to OAR 345-027-0100(1)(a). Therefore, this order addresses a change in the ownership of the certificate holder, from the current parent company, Summit Ridge Wind Holdings, LLC to Pattern Renewables 2 LP (Pattern Development), a new parent company and subsidiary of Pattern Energy Group 2 LP (Pattern Energy or PEG2LP), the sole limited partner of Pattern Development.

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

As described above, the transfer request does not change the certificate holder, Summit Ridge Wind, LLC; however, ownership of the certificate holder is changing and the organizational expertise and financial assurance of the certificate holder owner was relied upon in previous Council orders. Therefore, for this analysis, “transferee” refers to both the certificate holder and the new owner or parent company of the certificate holder; and, the organizational expertise and financial assurance of the new parent company, Pattern Development, is evaluated for compliance with the applicable Council standards.1

I.A. Name and Address of Current Certificate Holder

Summit Ridge Wind, LLC
Steven A. Ostrowski, Jr., Manager
9611 NE 117th Ave, Suite 2840
Vancouver, WA 98662

Certificate Holder Contact:
Steven A. Ostrowski, Jr., Manager

1 In the transfer request, the transferee predominately relies upon the organizational expertise of its larger family of companies, Pattern Energy Group LP (PEGLP), to support the evaluation of compliance with the Council’s Organizational Expertise standard. As presented in Section III.A, Organizational Expertise, of this order, the Council acknowledges the organizational expertise of PEGLP as representative of Pattern Development and PEG2LP’s access to technical resources in the construction, operation and management of wind facilities. However, the Council relies upon the organizational expertise of the new parent company and its sole limited partner (Pattern Development and PEG2LP, respectively) to evaluate compliance with the standard.
Current Parent Company of the Certificate Holder

Summit Ridge Wind Holdings, LLC
9611 NE 117th Ave, Suite 2840
Vancouver, WA 98662

I.B. Name and Address of Transferee

Summit Ridge Wind, LLC
c/o Pattern Renewables 2 LP
Pier 1, Bay 3
San Francisco, CA 94111

Transferee Contact:
Kevin Wetzel, Manager Project Development

Parent Company

Pattern Renewables 2 LP
a subsidiary of Pattern Energy Group 2 LP
Pier 1, Bay 3
San Francisco, CA 94111

I.C. Description of the Approved Facility

The Summit Ridge Wind Farm (facility) is an approved but not yet constructed wind energy generation facility to be located in Wasco County, with a peak generating capacity of up to 194.4 megawatts (MW) of electricity. The facility would consist of up to 72 wind turbines as well as related and supporting facilities including: a power collection system, a collector substation, a 230-kilovolt (kV) transmission line, a Supervisory Control and Data Acquisition system, an Operation and Maintenance building, meteorological towers, access roads, temporary roadway modifications, and additional temporary construction areas.

The Council issued the site certificate for the Summit Ridge Wind Farm on August 19, 2011, and has previously approved amendments to the site certificate in August 2015 and November 2016.
I.D. Description of Approved Facility Site Location

The facility site boundary includes approximately 11,000 acres of private land, within Wasco County approximately 17 miles southeast of The Dalles and eight miles east of Dufur. The facility has not yet been constructed.

II. THE TRANSFER PROCESS

II.A. Description of the Transfer Request

In the Request for Transfer, the transferee requests a site certificate transfer to reflect the change in ownership of the certificate holder from Summit Ridge Wind Holdings, LLC to Pattern Development. The transfer request also explains that through the change in ownership of the certificate holder, ownership of all membership interests in Summit Ridge Wind Holdings, LLC were sold to Pattern Development, a subsidiary of PEG2LP on September 11, 2017. Neither the certificate holder nor the transferee requested approval for any other facility modifications or changes to the terms and conditions of the site certificate.

II.B. Procedural History

On September 11, 2017, the certificate holder provided an email notice, pursuant to OAR 345-027-0100(2), to the Department of a transfer of ownership of the certificate holder. On September 18, 2017, the parent company of the certificate holder, issued a “formal notice of intent to transfer the Summit Ridge Site Certificate to Pattern Renewables 2 LP.” On October 23, 2017, the certificate holder and transferee filed its Request for Transfer of the Summit Ridge Wind Farm Site Certificate.

On November 8, 2017, the Department issued notice of the transfer request to all persons on the Council’s general mailing list, to the special list established for the facility, to an updated list of property owners supplied by the certificate holder, and to a list of reviewing agencies as defined in OAR 345-001-0010(52). The notice included a request for public comments and established a comment deadline of December 15, 2017 (close of the Informational Hearing). The notice also included the date and time of the Informational Hearing, as required for site certificate transfers pursuant to OAR 345-027-0100(7), to be conducted during the December 15, 2017 Council meeting in Boardman, Oregon. The Department also provided notice of the Informational Hearing in its December 14-15, 2017 Council agenda issued on November 30, 2017.

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2 Amended Final Order on Amendment #1 at 1, August 7, 2015
3 Mandatory Condition 15 (Site Certificate Condition 2.10) 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.
4 SRWAMD3Doc1 Notice of Intent to Transfer Site Certificate 2017-09-18.
5 SRWAMD3Doc2 Revised Property Owner Information 2017-10-31.
6 SRWAMD3Doc3 Public Notice 2017-11-08.
2017. In addition to issuing the notice, the Department posted the public notice, date and time of the Informational Hearing, and transfer request materials on the agency website.

During its December 15, 2017 Council meeting in Boardman, Oregon the Council conducted an Informational Hearing on the Request for Transfer for the Summit Ridge Wind Farm Site Certificate. At the same meeting, the Council received a staff presentation on the draft Final Order on the Request for Transfer and approved the Final Order on the Request for Transfer and issued an amended site certificate.

II.C. Comments on Request for Transfer

During the comment period on the Summit Ridge Wind Farm Request for Amendment 3 (Transfer Request) of the Site Certificate, three written comments were received. One oral comment was received during the December 15, 2017 Informational Hearing; Council members provided additional comments to the Department during its review of the transfer request at the December 15, 2017 Council meeting. Substantive comments received are summarized below and to the extent the comments on the transfer request relate to compliance with an applicable Council standard, the comments are evaluated in the findings related to those Council standards as presented in Section III of this order.

1. Friends of the Columbia Gorge (Friends)

In comments received on the transfer request, Friends expressed concern regarding the transferee’s reliance on its parent company, Pattern Energy Group 2 LP, to satisfy the requirements of the Council’s Organizational Expertise (OAR 345-022-0010) and Retirement and Financial Assurance (OAR 345-022-0050) standards. Friends argue that the standards require the “applicant” to meet the standard and suggests that reliance on the expertise or financial ability of a parent company should not be considered sufficient to satisfy the requirements of the standards. Friends suggest, therefore, that the site certificate transfer request be denied. This comment is further addressed in Section III of this order.

2. Irene Gilbert

Written Comments

In comments received on the transfer request, as an individual, Ms. Gilbert commented on the Public Notice for the Summit Ridge Wind Farm Request for Amendment 3, issued on November

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7 In comments received on the transfer request, Confederated Tribes of the Umatilla Indian Reservation stated that it had no comments regarding the transfer. These comments are not addressed further in the order. SRWAMD3Doc8 Tribal Government Comments CTUIR 2017-12-07.
8 SRWAMD3 Public Comment Friends of the Gorge 2017-12-14.
8, 2017. Ms. Gilbert requested clarification of the following statement in the Public Notice, “This figure represents the site boundary but does not necessarily represent the area that would be impacted by facility construction and operation.”

The statement included in the Public Notice was intended to differentiate between a fairly large area included within the site boundary versus the actual permanent and temporary disturbance impacts from facility components (representing a fraction of the overall site boundary area). This comment is not related to an applicable Council standard and is not addressed further in the order.

**Oral Comments (Irene Gilbert, as an individual and on behalf of Friends of the Grande Ronde Valley)**

In oral comments received during the December 15, 2017 Informational Hearing on the transfer request, as an individual and on behalf of Friends of the Grande Ronde Valley, Ms. Gilbert described two issues. She expressed concern of a transferee’s recognition of commitments made by a previous certificate holder, specifically that facility impacts are limited to areas within a micrositing corridor previously approved by Council, and not the entire area within the site boundary; and, that a federal incidental take permit is likely required for impacts to golden eagles due to the siting of the facility on the edge of the Wild and Scenic Deschutes River. These comments are further addressed in Section III of this order.

3. **Energy Facility Siting Council Comments**

During review of the transfer request, at the December 15, 2017 Council meeting, Council member Calica commented that the site boundary appeared to be located within ceded lands of the Confederated Tribes of Warm Springs (CTWS) and that the facility site appears to have unique resources including critical fish habitat and cultural resource sites. Further, Council member Calica noted the importance of the transferee’s ability under the Organizational Expertise standard to demonstrate the ability to avoid impacts to unique tribal resources. These comments are further addressed in Section III of this order.

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9 SRWAMD3 Public Comment Gilbert 2017-12-06.
10 The CTWS were provided notice of the transfer request on November 8, 2017, with a request for review and comment; however, CTWS did not provide comments during the November 8 through December 15, 2017 transfer request comment period. SRWAMD3Doc3-6 Transmittal CTWS Notice 2017-11-08.
III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS

Revisions to OAR 345 Division 27 became effective on October 24, 2017. Because the Request for Transfer was received on October 23, 2017, the applicable procedural requirements for a transfer request are based on OAR 345 Division 27 in effect prior to October 24, 2017.

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

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

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

The Council’s findings related to compliance with OAR 345-027-0100(8)(a) are contained below in Section III.A, Evaluation of Transfer Request and Applicable Council Standards. OAR 345-024-0710(1) applies to facilities that generate carbon dioxide emissions and therefore does not apply to the Summit Ridge Wind Farm as wind energy generation facilities are not direct sources of carbon dioxide emissions.

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

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

Annex M-1 of the transfer request is an updated legal opinion letter dated October 19, 2017, illustrating the legal opinion that “subject to the Certificate Holder’s meeting all the requirements of any applicable federal, state and local laws (including all the rules and regulations promulgated thereunder), the Certificate Holder has the legal authority to construct and operate the Summit Ridge Wind Farm project without violating the Documents.” Based on these representations, the Council finds that the transferee is lawfully entitled to possession or control of the Summit Ridge Wind Farm site and approved facility as described in the site certificate.

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

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

11 SRWAMD3Doc2. Request to Transfer, Annex M-1.2017-10-23
The transferee, in the Request for Transfer, certified that it agrees to abide by all the terms and conditions of the site certificate currently in effect and all terms and conditions that will result from this [transfer] request.12

On the record of the transfer request, Ms. Gilbert expressed concern of the transferee’s recognition of commitments made by the previous certificate holder, specifically that facility impacts are limited to areas within a micrositing corridor previously approved by Council. As described above, the transferee, in the amendment request, certified that it agrees to abide by all the terms and conditions of the site certificate currently in effect and all terms and conditions that will result from this [transfer] request, which as noted includes a limitation on construction and operational activity within a previously approved micrositing corridor.13

On the record of the transfer request, Ms. Gilbert also commented that a federal incidental take permit is likely required for impacts to golden eagles due to the siting of the facility on the edge of the Wild and Scenic Deschutes River. The Council understands that a federal take permit may be required, but notes that federal permits are not within Council jurisdiction.14 Any additional federal requirements must be met by the developer, independent of the EFSC site certificate process.

Based on the transferee’s certification, the Council finds that the transferee agrees to abide by all the terms and conditions of the Summit Ridge Wind Farm Site Certificate.

### III.A. Organizational Expertise [OAR 345-022-0010]

(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public

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12 SRWAMD3Doc2. Request to Transfer, Attachment 2.2017-10-23

13 Id

14 As explained in the Final Order on Amendment 2, the certificate holder evaluated potential impacts to golden eagles during the original application phase, in ASC Exhibit P. As presented in ASC Exhibit P, golden eagles are not a State-listed threatened or endangered species; nor is it a State Sensitive Species. However, as explained in the 2011 Final Order, the certificate holder developed in consultation with USFWS an Avian and Bat Protection Plan for the facility to demonstrate compliance with federal statutes. In addition, ASC Exhibit P presents a binding representation by the certificate holder that during construction activities, a 0.25-mile buffer would be imposed between any ground-disturbing activities to any identified active nests, including golden eagle nests. Moreover, the WMMP, imposed through Site Certificate Condition 10.5, as amended, requires that the certificate holder conduct a two-year post-construction fatality monitoring study for bird and bat species, which includes golden eagles. The WMMP requires the certificate holder to compare results of the fatality monitoring study to a threshold that if exceeded may warrant additional mitigation to benefit the affected species. SRWAMD2 Final Order on Amendment 2. 2017-11-04.
health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant’s experience, the applicant’s access to technical expertise and the applicant’s past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.

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

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

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

Findings of Fact

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

To evaluate whether the transferee satisfies the Council’s Organizational Expertise standard, the Council may consider the transferee’s experience and past performance in constructing, operating, and retiring other facilities. The transferee does not propose to design, construct, or operate the facility in accordance with an International Organization for Standardization (ISO) 9000 or ISO 14000 certified program. Further, the transferee has not proposed to rely on any third-party permit approvals for state, local, or federal permits required for construction or
operation of the facility. Therefore, the Council finds that the requirements of OAR 345-022-0010(2) through (4) would not be applicable to the transfer request or the facility.

Construction, Operation and Retirement of the Facility

Summit Ridge Wind, LLC is a project-specific LLC and therefore, in the transfer request, the transferee relies upon the organizational expertise of its family of companies, Pattern Energy Group (PEGLP). The Council acknowledges the represented experience of PEGLP which includes the development, ownership and operation of over 4,500 MW of renewable energy worldwide and construction management of 19 wind and solar projects, completed within the allotted budget and schedule. The Council also acknowledges that the experience of the transferee’s family of companies, PEGLP, generally represents access to technical expertise in construction, operation and retirement of a wind facility.

The Council, however, evaluates and relies upon the organizational expertise of the certificate holder’s new parent company and its sole limited partner, Pattern Development and PEG2LP, respectively. In the transfer request, the transferee provided qualifications of Pattern Development personnel who would be responsible for construction and operation of the facility and explains that the identified construction, engineering, and operations personnel leads have many years of experience in constructing and operating energy facilities including wind and transmission projects.\(^{15}\) The Council previously imposed Condition 6.1 in the site certificate requiring the certificate holder to have a full-time, on-site construction manager to ensure site certificate compliance. Because the identified personnel could change prior to facility construction and operation, and because the transfer request provides limited information regarding the direct organizational expertise of the new parent company and its sole limited partner, the Council amends Condition 6.1 to require that the certificate holder submit qualifications of construction, operation and retirement personnel verifying that the qualifications represent experience in environmental and regulatory compliance, as follows:\(^{16}\)

Amended Site Certificate Condition 6.1:
The certificate holder shall:

(a) Prior to construction, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site construction manager. Qualifications shall demonstrate that the construction manager has experience in managing permit and regulatory compliance requirements and is qualified to manage a wind facility construction project.

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\(^{15}\) SRWAMD3Doc2. Attachment 2, p. 17. 2017-10-13

\(^{16}\) In the Second Amended Site Certificate, Condition 6.1 stated, “During construction, the certificate holder shall have a full-time, on-site assistant construction manager who is qualified in environmental compliance to ensure compliance with all site certificate conditions. The certificate holder shall notify the Department of the name, telephone number, and e-mail address of this person prior to the start of construction and immediately upon any change in the contact information. [Final Order IV.B.2.3]”
(b) Prior to operation, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site operations manager. Qualifications shall demonstrate that the operations manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a wind facility.

(c) Prior to facility retirement, notify the Department of the identity, telephone number, e-mail address and qualifications of the personnel or entity responsible for facility decommissioning and restoration activities. Qualifications shall demonstrate that the identified personnel have experience in managing permit and regulatory compliance requirements and are qualified to decommission a wind facility.

The certificate holder shall notify the Department within 72-hours upon any change in personnel or contact information provided to satisfy Condition 6.1(a) through (c).

In the transfer request, the transferee explains that contractors, engineers and manufacturers have not yet been selected for construction of the facility. However, existing Condition 5.1 of the site certificate, which would continue to apply in the third amended site certificate, requires that prior to construction, the certificate holder must identify all construction contractors and requires them to have demonstrated experience in the design, engineering, and construction of similar facilities. The transferee states that the management, development, construction, finance, and operational teams for both PEGLP and PEG2LP are comprised of mostly the same individuals and share resources under binding long-term management services arrangements.\(^\text{17}\) Compliance with Condition 5.1 would provide verification to the Department, and the Council, that major contractors are qualified to design, engineer and construct the facility and all contractors and subcontractors operate in compliance with the site certificate.

Due to the certificate holder’s previous reliance on the organizational expertise of its parent company to satisfy the requirements of OAR 345-022-0010(1), Council previously imposed Condition 6.31 in the site certificate, requiring the certificate holder to notify the Department within 7 days of any change in the corporate structure of its parent company and of any changes in access to the resources of its parent company. Due to the transferee’s reliance on the organizational expertise of its parent company and of its family of companies, the Council

\(^\text{17}\) SRWAMD3Doc4-2 2017-11-30
finds that this condition would continue to apply to the transferee and amends Condition 6.31 to reflect the change in certificate holder ownership as follows:\textsuperscript{18,19}

\textbf{Amended Site Certificate Condition 6.31:} During facility construction and operation, the certificate holder shall report to the Department, within 7 days, any change in the corporate structure of Pattern Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern Energy Group LP. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of Pattern Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern Energy Group LP. [Final Order on Amendment 3]

On the record of the transfer request, Friends expressed concern on the transferee’s reliance on its parent company to satisfy the Organizational Expertise standard. The Council has historically recognized the limitations of a limited liability company (LLC), established specifically for the purpose of applying for and ultimately developing an energy facility, in having direct facility design, construction, operation and retirement experience. In these circumstances, the Council has evaluated compliance based on factors such as access to an LLC parent company’s resources and necessary conditions of compliance.

Consistent with OAR 345-022-0010(1), Council considers the transferee’s access to its parent company’s technical expertise in evaluating compliance with the standard. Moreover, as described above, the Council amends Condition 6.1 requiring the transferee (certificate holder) to submit to the Department, for review and approval, the qualifications of the construction, operation, and facility decommissioning personnel prior to the respective phase to allow the Department to confirm the standard is satisfied. The Council also amends Condition 6.31 requiring the transferee (certificate holder) to provide written notification to the Department within 7-days of any changes in the corporate structure of the transferee’s parent company which may result in changes to its access to technical resources. The transferee certified that it agrees to abide by all the terms and conditions of the Second Amended Site Certificate currently in effect and all terms and conditions imposed by the Council as part of this amendment. Based upon compliance with the existing and amended site certificate conditions, the Council finds

\textsuperscript{18} On September 11, 2017, Summit Ridge Wind Holdings, LLC, the parent company of the certificate holder promptly notified the Department of the sale of the certificate holder, resulting in a change in certificate holder ownership. This email notification satisfied the requirements of existing condition 6.31. The certificate holder notified the Department of the intent to transfer the site certificate and the subsequent change in ownership on the same day that the sale of the certificate holder closed, September 11, 2017. On September 18, 2017, the parent company of the certificate holder, issued a “formal notice of intent to transfer the Summit Ridge Site Certificate to Pattern Renewables 2 LP.” SRWAMD3Doc1 Notice of Intent to Transfer Site Certificate 2017-09-18.

\textsuperscript{19} In the Second Amended Site Certificate, Condition 6.31 stated, “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, Summit Ridge Wind Holdings, LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise, and personnel of Summit Ridge Wind Holdings, LLC. [Final Order on Amendment 2]”
that the transferee has the ability, as further described below, to satisfy the requirements of
the standard.

In the transfer request, the transferee asserts that both Pattern Development and Summit
Ridge Wind, LLC have not received any regulatory citations or complaints resulting in
enforcement action. PEG2LP, the sole limited partner of Pattern Development, has received no
regulatory citations during preconstruction, construction, or operation at any of their wind
facilities in the United States, over the past ten years.\(^{20}\)

To ensure that the design, construction and operation of the facility is conducted in a manner
that protects public health and safety in accordance with the Organizational Expertise standard,
Council previously imposed the following conditions in the site certificate: 5.4, 5.8, 6.8, 6.10,
6.11, 6.13, 6.14, 7.1 through 7.7, and 8.1 through 8.9, which would continue to apply to the
transferee in the third amended site certificate. The transferee’s ability to restore the facility
site to a useful, non-hazardous condition is evaluated in Section III.B, *Retirement and Financial
Assurance* of this order, in which the Council finds the transferee would comply with the
Retirement and Financial Assurance standard.

If mitigation is relied upon to satisfy the requirements of the Council’s Fish and Wildlife Habitat
standard, the experience of a certificate holder or applicant in implementing and managing
such mitigation projects is evaluated under the Council’s Organizational Expertise standard. For
this transfer request, resulting from potential habitat impacts identified for the previously
approved facility, the transferee relies upon mitigation to satisfy the Council’s Fish and Wildlife
Habitat standard (see Site Certificate Condition 10.4). The transferee describes that its parent
company has extensive experience with compensatory mitigation including experience with
voluntary species conservation banks, multi-resource restoration and mitigation projects, and
wetland mitigation. The transferee describes that the current conservation mitigation project
associated with the approved facility would be managed by a qualified, experienced individual
and includes a 70 acre parcel of land, located near the facility.

During its review of the transfer request at the December 15, 2017 Council meeting, Council
member Calica noted the location of the previously approved facility (not yet constructed) as
being within ceded lands of the Confederated Tribes of Warm Springs (CTWS) and expressed
interest in ensuring that the transferee could demonstrate organizational expertise in
minimizing and avoiding impacts to unique tribal resources.

\(^{20}\) The transferee’s preliminary examination confirmed that no citations have been received by both PEGLP and
PEG2LP at their wind facilities in the U.S. Included in their response, the transferee states that “due to time
constraints and the size of PEGLP and PEG2LP’s respective nationwide fleets, this review is preliminary and
[Pattern Energy] 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.” SRWAMD3Doc4-2 2017-11-30
The Council’s Organizational Expertise standard, per OAR 345-022-0010(1), requires the Council to find that a transferee has the organizational expertise to construct, operate and retire the facility in compliance with Council standards and conditions of the site certificate. It is noted that under ORS 469.501(4) and OAR 345-022-0090(2), the Council may issue a site certificate for a wind energy facility within making findings on the Historic, Cultural and Archaeological Resources standard; however, the Council may impose conditions based on the requirements of the standard. The existing site certificate includes six conditions (Condition 11.1 through 11.6) previously imposed to minimize and avoid potential significant adverse impacts to historic, cultural, and archeological resources. The requirements of these conditions would continue to apply to the transferee, for which the transferee has provided certification of agreement to abide to the terms and conditions of the site certificate.

The transferee certified that it agrees to abide by all the terms and conditions of the Second Amended Site Certificate currently in effect and all terms and conditions imposed by the Council as part of this amendment. As a result, the transferee would be subject to the same conditions that the Council used to ensure that the certificate holder had the ability to design, construct, and operate a facility in compliance with Council standards and all site certificate conditions, as well as to restore the site to a useful, non-hazardous condition.

Based on the above analysis, and because the transferee is subject to the same conditions and has certified that it would abide by all requirements of the site certificate, the Council finds that the certificate holder and new owner of the certificate holder (transferee) complies with the Council’s Organizational Expertise standard.

**Conclusions of Law**

Based on the foregoing findings of fact, and based upon compliance with the existing and amended site certificate conditions, the Council finds that the transfer of ownership of the site certificate holder from Summit Ridge Wind Holdings, LLC to Pattern Development would continue to comply with the Council’s Organizational Expertise standard.

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

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

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

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

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

Restoration of the Site Following Cessation of Construction or Operation

OAR 345-022-0050(1) requires the Council to find that the facility site can be restored to a useful non-hazardous condition at the end of the facility’s useful life.

Restoring the site to a useful, non-hazardous condition upon cessation of construction or operations (or upon retirement) would involve the dismantlement and removal of all wind turbine generators, and the O&M facility and substation. The 34 kV collector power lines and the 230 kV transmission line and support structures would also be removed, to the point where the ends of the collector lines are 3 feet below grade. Any access road that did not exist prior to the facility’s construction would be removed. All areas initially disturbed by the instillation of the facility (and any areas disturbed during its restoration) would be backfilled with native soil, returned to their natural grades, and reseeded with native vegetation.

The Council previously imposed several mandatory site certificate conditions relating to the obligation of the certificate holder to prevent the development of conditions on the site that would preclude restoration of the site and requiring the certificate holder to obtain Council approval of a retirement plan in the event that the facility ceases construction or operation. These conditions (Conditions 14.3, 14.4, and 14.5) would continue to apply to the transferee.

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.

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

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21 OAR 345-022-0050(1).
22 ASC, Exhibit W, p. 1.
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 14.1.

In the Final Order on the Application, the Council found that the certificate holder had a reasonable likelihood of obtaining a bond or letter of credit, in a form and amount satisfactory to the Council, to restore the site to a useful non-hazardous condition. The Departments’ estimate of $6.695 million (calculated in Q3 2010 dollars) was found by Council in the Final Order on the ASC (2011), to be a reasonable estimate to restore the facility site.

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 relies upon the financial assurance and capability of Pattern Energy to demonstrate compliance with the Council’s Retirement and Financial Assurance standard, as presented in Exhibit M of the Request for Transfer. In the transfer request, the transferee submitted a letter dated October 20, 2017, from MUFG Union Bank, N.A. (bank), which stated that the bank “has an ongoing relationship with Pattern [Energy Group 2 LP], and, subject to the below, there is a reasonable likelihood that we [MUFG] would provide the Project Letter of Credit should it be requested from us.” The bank letter also indicates that their “understanding that the potential liability of the Project Letter of Credit could total an amount of up to ten million dollars ($10,000,000.00).”

On the record of the transfer request, Friends expressed concern on the transferee’s reliance on its parent company to satisfy the Retirement and Financial Assurance standard. The Council has historically recognized the limitations of an LLC, established specifically for the purpose of applying for and ultimately developing an energy facility, in having direct financial experience. In these circumstances, the Council has evaluated compliance based on factors such as access to an LLC parent company’s resources and necessary conditions of compliance. In addition, the Council previously imposed condition 14.1, requiring the certificate holder to provide a bond or letter of credit in the amount deemed satisfactory by Council to restore the site to a useful, non-hazardous condition. This condition would continue to apply to the transferee. Based upon

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23 Final Order on the Application at 88
24 The Council notes that MUFG Union Bank is on the Council’s list of pre-approved financial institutions for issuing letters of credit in compliance with the Council’s Retirement and Financial Assurance standard.
compliance with the existing site certificate conditions, the Council finds that the transferee has
the ability, as further described below, to satisfy the requirements of the standard.

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

Conclusions of Law

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

III.C. Administrative Condition Amendments

Existing Site Certificate Conditions 2.9, 2.10, 2.13, 4.1-4.5, 5.5, 5.7, 6.6, 6.11-6.14, 9.6, 13.3,
14.1, and 14.3-14.6 are mandatory conditions imposed consistent with OAR 345-027-0020. The
changes in OAR 345 Division 27, effective October 24, 2017, resulted in a change in rule
reference. The conditions referencing any outdated rule numbers have been administratively
revised to reflect the current rule references, as presented in Attachment A (Third Amended
Site Certificate) to this order. No substantive changes were made to the language of these
conditions.

IV. GENERAL CONCLUSIONS

The Council finds that the request to transfer the ownership of the certificate holder from its
parent company, Summit Ridge Wind Holdings, LLC, to a new parent company, Pattern
Renewables 2 LP, is consistent with current Council rules and the terms and conditions of the
site certificate.
V. FINAL ORDER

Based on the above findings of fact, reasoning, existing conditions and conclusions of law in this final order, the Council approves the Request for Transfer of the Site Certificate for the Summit Ridge Wind Farm, transferring ownership of the certificate holder (Summit Ridge Wind, LLC) from Summit Ridge Wind Holdings, LLC to Pattern Renewables 2 LP. The Council Chair executes the Site Certificate amendment in the form of the "Third Amended Site Certificate for the Summit Ridge Wind Farm."

Issued this 15th day of December, 2017

The OREGON ENERGY FACILITY SITING COUNCIL

By: 

[Signature]

Barry Bayeler, Chair
Oregon Energy Facility Siting Council

ATTACHMENTS
Attachment A: Third Amended Site Certificate
Attachment A: Third Amended Site Certificate
THIRD AMENDED SITE CERTIFICATE

FOR THE

SUMMIT RIDGE WIND FARM

Issued December 2017
by
OREGON ENERGY FACILITY SITING COUNCIL
550 Capitol Street NE
Salem, OR 97301-2567

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

Amending the
Site Certificate for the Summit Ridge Wind Farm
# SUMMIT RIDGE WIND FARM SITE CERTIFICATE
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1.0. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Summit Ridge Wind Farm (Summit Ridge or the facility) in the manner authorized under Oregon Revised Statute (ORS) Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Summit Ridge Wind, LLC (certificate holder), which is a wholly owned subsidiary of Pattern Renewables 2 LP (Pattern Development or parent company), a subsidiary of Pattern Energy Group 2 LP (Pattern Energy or PEG2LP), the sole limited partner of Pattern Development. The Council issues this site certificate authorizing the certificate holder to construct, operate, and retire the facility in Wasco County, subject to the conditions set forth herein.

The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of this site certificate are set forth in the Council’s Final Order in the Matter of the Application for a Site Certificate for the Summit Ridge Wind Farm (Final Order on ASC) issued on August 19, 2011, the Council’s Amended Final Order in the Matter of the Request for Amendment #1 (Amended Final Order on Amendment 1) issued on August 7, 2015, the Council’s Final Order on the Request for Contested Case, Amendment #2 and Request for Transfer of the Site Certificate (Final Order on Amendment 2) issued on November 4, 2016, and the Council’s Final Order on Request for Transfer (Final Order on Amendment 3) issued on December 15, 2017, and incorporated herein by this reference. In interpreting this site certificate, any ambiguity will be clarified by reference to and the record of the proceedings that led to the following, in order of priority: (1) this Amended Site Certificate, (2) Final Order on Amendment 3, (3) the Final Order on Amendment 2, (4) the Amended Final Order on Amendment 1, and (5) the Final Order on ASC.

This amended site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council’s Final Order on ASC, Amended Final Order on Amendment 1, Final Order on Amendment 2, and Final Order on Amendment 3. Such matters include, but are not limited to: building code compliance; wage; hour; and 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 obligation of the certificate holder to report information to the Oregon Department of Energy (Department) or the Council under the conditions listed in this amended 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 definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site certificate, except where otherwise stated, or where the context clearly indicates otherwise.

2.0. SITE CERTIFICATION

2.1. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate, and retire a wind energy facility, together with certain related or supporting facilities, at the site in Wasco County, Oregon, as described in Section 3.0 of this site certificate. [ORS 469.401(1)]

2.2. This site certificate is effective until 1) it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought; or 2) until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. [ORS 469.401(1)]

2.3. Both the State and the certificate holder shall abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, 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)]

2.4. For a permit, license, or other approval 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)]

2.5. Subject to the conditions herein, 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)]

2.6. 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.
2.7. After issuance of this site certificate, each state agency or local government agency that
issues a permit, license, or other approval for the facility shall continue to exercise
enforcement authority over such permit, license, or other approval.
[ORS 469.401(3)]

2.8. 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]

2.9. The certificate holder shall request an amendment of the site certificate to increase the
combined peak generating capacity of the facility beyond 194.4 megawatts, to increase
the number of wind turbines to more than 72 wind turbines or to install wind turbines
with a hub height greater than 91 meters, a blade tip height greater than 152 meters or a
blade tip clearance less than 18 meters above ground.
[Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (3)]

2.10. 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.
[Final Order IV.B.2.8] [Mandatory Condition OAR 345-025-0006 (15)]

2.11. Any matter of non-compliance under the site certificate shall be the responsibility of the
certificate holder. Any notice of violation issued under the site certificate shall be issued
to the certificate holder. Any civil penalties assessed under the site certificate shall be
levied on the certificate holder.
[Final Order IV.B.2.5]

2.12. Within 72 hours after discovery of conditions or circumstances that may violate the
terms or conditions of the site certificate, the certificate holder shall report the
conditions or circumstances to the Department.
[Final Order IV.B.2.7]

2.13. The Council shall not change the conditions of this site certificate except as provided
for in OAR Chapter 345, Division 27.
[Final Order VII.1] [Mandatory Condition OAR 345-025-0006 (1)]

2.14. Following the completion of surveys required by this site certificate, the Department
will present the results of those surveys and required consultations at the next regularly
scheduled Council meeting.
[Added at the August 7, 2015 Energy Facility Siting Council Meeting]
3.0 DESCRIPTION OF FACILITY

LOCATION AND SITE BOUNDARY

Summit Ridge is located in Wasco County, Oregon approximately 17 miles southeast of The Dalles, and eight miles east of Dufur, Oregon. The facility site boundary encompasses approximately 11,000 acres on private land subject to long-term wind energy leases with the landowners.

As defined by OAR 345-001-0010, the “site boundary” is the perimeter of the site of the energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors. The Summit Ridge turbines will be located within micrositing corridors approximately 1,300 feet wide.

THE ENERGY FACILITY

Summit Ridge has a combined peak generating capacity of 194.4 megawatts (MW). The facility consists of up to 72 wind turbine generators.

Turbines will be mounted on tubular steel towers no greater than 91 meters (299 feet) tall at the turbine hub, with a maximum blade tip height no greater than 152 meters (499 feet) and a minimum blade tip clearance of no less than 18 meters (59 feet) above the ground. Turbines include a nacelle that houses the generator and gearbox, and supports the rotor and blades at the hub. A gravel turbine pad area would surround the base of each concrete turbine foundation. A step-up transformer increases the output voltage of each wind turbine generator to the voltage of the power collection system. The step-up transformer will be installed on its own concrete pad at the base of each wind turbine tower, or located in the nacelle, depending on the final turbine model selected.

Summit Ridge includes the following related or supporting facilities described below and in greater detail in the Final Order on ASC, and the Final Order on Amendment 3:

- Power collection system
- Collector substation
- 230-kV transmission line
- Supervisory Control and Data Acquisition (SCADA) System
- Operations and maintenance (O&M) facility
- Meteorological (met) towers
- Access roads
- Temporary roadway modifications
- Additional temporary construction areas (including laydown areas, crane paths, and a concrete batch plant)

POWER COLLECTION SYSTEM

Power from each turbine will be transmitted via the approximately 49-mile collection line system
to the collector substation. The new 34.5-kV collection lines will be constructed underground to
the extent possible, although up to 10% of the collector lines may be placed aboveground due to
site-specific geotechnical or environmental considerations. Aboveground segments would be
supported by H-frame wood poles approximately 55 feet in height.

COLLECTOR SUBSTATION

The 34.5 kV collector line system will link each turbine to the facility collector substation, which
will step up the power from 34.5 kV to 230 kV. The centrally-located collector substation will
occupy approximately five acres, surrounded by a graveled, fenced area.

230 KV TRANSMISSION LINE

A new overhead 230 kV transmission feeder line approximately eight miles in length connects
the facility’s collector substation to the regional grid at a substation operated by the Bonneville
Power Administration (BPA). The 230 kV transmission line runs northwest from the collector
substation for approximately two miles, then almost due west for another six miles to the BPA
substation, connecting with BPA’s 500 kV “Big Eddy to Maupin-Redmond” transmission line.

The Summit Ridge transmission line will be supported on wooden H-frame poles that are 70 feet
in height and spaced approximately 800 feet apart. The right-of-way for the transmission line is
approximately 150 feet wide.

BPA will be responsible for the operation and maintenance of the interconnection facility. If the
Summit Ridge facility ceases operation and a decommissioning/retirement plan is implemented,
the transmission system operator is not obliged under this site certificate to dismantle the
interconnection station, which will also be used to serve other customers.

SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

A SCADA system will be installed at the facility to enable remote operation and collect operating
data for each wind turbine, and archive wind and performance data. The SCADA system will be
linked via fiber optic cables or other means of communication to a central computer in the O&M
building. SCADA system wires will be installed in the collector line underground trenches, or
overhead as necessary with the collector line.

OPERATIONS AND MAINTENANCE (O&M) FACILITY

One permanent O&M facility will be located within the five-acre facility collector substation site,
and will include up to 10,000 square feet of enclosed space for office and workshop areas, a
control room, and kitchen and sanitary facilities. The O&M facility will have an adjacent
graveled parking area and an approximately 300-foot by 300-foot fenced storage area. The
Facility will also include an on-site well and septic system. Domestic water needs for the O&M
facility will be served by an on-site well and septic system.
METEOROLOGICAL TOWERS

A maximum of three permanent un-guyed meteorological towers will be placed within the site boundary to collect wind resource data (these towers will replace seven existing temporary towers). The met towers will be the same height as the hub of the turbines, approximately 80 meters (263 feet) tall. Met tower foundations may be constructed as deep as 40 feet, depending on soil conditions and geotechnical engineering requirements.

ACCESS ROADS

Approximately 19 miles of new roads will be constructed within the site boundary to provide access to the turbines and other facility components. Access roads will be designed to be 20-foot wide graveled surfaces with 10-foot compacted shoulders to accommodate construction cranes. After the completion of construction, all new roads within the site boundary will be restored to a total width of 20 feet for general use during facility operation.

TEMPORARY ROADWAY MODIFICATIONS

Approximately six miles of existing private roads will be upgraded to accommodate construction and operation of the facility. Where needed, existing roads will be improved to 20-foot wide graveled surfaces with 10-foot compacted shoulders to accommodate construction equipment and cranes. After the completion of construction, improved roads within the site boundary will be restored to a total width of 20-feet for general use during facility operation.

ADDITIONAL CONSTRUCTION AREAS

During construction, up to six temporary laydown areas will be used for the delivery and staging of wind turbine components and other equipment and materials, as well as the staging of construction trailers for the construction crews. Five of the six temporary laydown areas will be located on approximately four acres, covered with gravel, which will be removed following completion of facility construction. The sixth temporary laydown area will encompass the permanent five-acre collector substation and O&M site. Concrete for construction of the facility would be obtained from an on-site concrete batch plant to be located on a graveled 2-acre site within the site boundary.
4.0. GENERAL ADMINISTRATIVE CONDITIONS

4.1. The certificate holder shall begin construction of the facility by August 19, 2018. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.

[Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (4)]

4.2. The certificate holder shall complete construction of the facility by August 19, 2021. Construction is complete when: 1) the facility is substantially complete as defined by the certificate holder’s construction contract documents, 2) acceptance testing has been satisfactorily completed; and 3) the energy facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted.

[Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (4)]

4.3. The certificate holder shall submit a legal description of the site to the 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 identifies the outer boundaries that contain all parts of the facility.

[Final Order III.D.3] [Mandatory Condition OAR 345-025-0006 (2)]

4.4. The certificate holder shall design, construct, operate and retire the facility:
   a. Substantially as described in the site certificate;
   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
   c. In compliance with all applicable permit requirements of other state agencies.

[Final Order III.D.4] [Mandatory Condition OAR 345-025-0006 (3)]

4.5. The certificate holder shall construct the turbines and transmission line within the corridor locations set forth in Exhibit C of the application for site certificate, subject to the conditions of this site certificate.

[Final Order III.D.8] [Mandatory Condition OAR 345-025-0006 (5)]

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

[Final Order IV.B.2.4]
5.0. PRE-CONSTRUCTION REQUIREMENTS

In addition to pre-construction requirements contained elsewhere in this site certificate, the certificate holder must meet the following requirements:

5.1. 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 change of major contractors. [Final Order IV.B.2.1]

5.2. 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. [Final Order IV.B.2.2]

5.3. Before beginning construction, the certificate holder shall ensure that participating landowners obtain a Farm-Forest Management Easement. The landowner is required to sign and record in the deed records for the county a document binding the landowner, and the landowner’s successors in interest, prohibiting them from pursuing a claim for relief or case of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. [Final Order IV.D.2.4] [WCLUDO section 3.210(H)]

5.4. Before beginning construction, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of turbine towers and meteorological towers, and shall provide to the Department copies of a Determination of No Hazard for all turbine towers and meteorological towers or an equivalent determination to confirm that the structures comply with applicable FAA and Oregon Department of Aviation air hazard rules. The certificate holder shall promptly notify the Department of the responses from the FAA and Oregon Department of Aviation. [Amended Final Order on Amendment 1 IV.K.2.4]
5.5. Before beginning construction, the certificate holder shall provide to the Department a
description of the turbine types selected for the facility demonstrating compliance with
this condition. The certificate holder may select turbines of any type, subject to the
following restrictions and compliance with all other site certificate conditions:
a. The total number of turbines at the facility must not exceed 72 turbines.
b. The combined peak generating capacity of the facility must not exceed 194.4
   megawatts.
c. The turbine hub height must not exceed 91 meters and the maximum blade tip height
   must not exceed 152 meters above grade.
d. The minimum blade tip clearance must be 18 meters above ground.

[Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (3)]

5.6. Before beginning construction the certificate holder shall obtain approval of a final
Revegetation and Weed Control Plan [based upon the draft plan included as Attachment
E of the Final Order on Amendment #2] from the Department, in consultation with the
Wasco County Weed Department and ODFW, to control the introduction and spread of
noxious weeds, and shall implement that approved plan during all phases of
construction and operation of the facility.

[Final Order on Amendment #2] [WCLUDO Section 3.210(J)(17)(5)]

5.7. Except as necessary for the initial survey or as otherwise allowed for wind energy
facilities, transmission lines or pipelines under OAR 345-027-0020, 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:
a. 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 the transmission line or pipeline
   occurs during the certificate holder’s negotiations to acquire construction rights on
   another part of the site; or
b. The certificate holder would construct and operate part of a wind energy facility on
   that part of the site even if other parts of the facility were modified by amendment of
   the site certificate or were not built.

[Final Order III.D.6] [Mandatory Condition OAR 345-025-0006 (5)]

5.8. Before beginning construction, the certificate holder shall conduct a site-specific
5.9. Before beginning construction of any new State Highway approaches or utility crossings, the certificate holder shall obtain all required permits from the Oregon Department of Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department for the location, construction and maintenance of approaches to State Highway 197 for access to the site. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department for the location, construction and maintenance of collector cables or transmission lines crossing Highway 197.

[Final Order V.C.2.12]

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

[Final Order IV.B.2.6]

5.11. Prior to the beginning of construction a Road Impact Assessment/Geotechnical Report for roads to be used by the project shall be submitted to the Department and Wasco County. Said report should include an analysis of project-related traffic routes to be used during phases of construction, project operation and decommissioning. These reports shall be incorporated into a Road Use Agreement with the County.

[Amended Final Order on Amendment 1 V.C.2.17]

5.12. Prior to beginning construction of new access roads, the certificate holder shall obtain any Road Approach Permit(s) that may be required by the Wasco County Public Works Department.

[Final Order on Amendment 2]

5.13. Prior to beginning construction, the certificate holder shall obtain any Utility Permit(s) that may be required by the Wasco County Public Works Department.

[Final Order on Amendment 2]

5.14. Before beginning construction, the certificate holder shall provide to the Department
evidence demonstrating that the certificate holder has obtained a guarantee from the turbine manufacturer for those turbines located within one mile of the boundaries of the Deschutes Federal Wild and Scenic River and the Deschutes State Scenic Waterway that the maximum sound power of those turbines would not exceed 109 dBA plus 2 dB uncertainty when measured according to IEC (International Electrotechnical Commission) 61400-11:2002 ed. 2. No turbine shall be located closer than 0.72 miles from any protected area.

6.0. DESIGN, CONSTRUCTION, AND OPERATIONS

6.1. The certificate holder shall:
   a. Prior to construction, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site construction manager. Qualifications shall demonstrate that the construction manager has experience in managing permit and regulatory compliance requirements and is qualified to manage a wind facility construction project.
   b. Prior to operation, notify the Department of the identity, telephone number, e-mail address and qualifications of the full-time, on-site operations manager. Qualifications shall demonstrate that the operations manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a wind facility.
   c. Prior to facility retirement, notify the Department of the identity, telephone number, e-mail address and qualifications of the personnel or entity responsible for facility decommissioning and restoration activities. Qualifications shall demonstrate that the identified personnel have experience in managing permit and regulatory compliance requirements and are qualified to decommission a wind facility.

The certificate holder shall notify the Department within 72-hours upon any change in personnel or contact information provided to satisfy Condition 6.1(a) through (c).

[Final Order on Amendment 3]

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

[Final Order V.C.2.1]

6.3. The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:
   a. Recycling steel and other metal scrap.
   b. Recycling wood waste.
   c. Recycling packaging wastes such as paper and cardboard.
   d. Collecting non-recyclable waste for transport to a local landfill by a licensed water hauler.
   e. Segregating all hazardous 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 wastes.

f. Confining concrete delivery truck rinse-out to a designated wash-out area and burying other concrete waste as part of backfilling.

[Final Order V.D.2.1]

6.4. The certificate holder shall install the 34.5-kV collector system underground to the extent practical. The certificate holder shall install underground lines at a minimum depth of three feet. Based on geotechnical conditions or other engineering considerations, the certificate holder may install segments of the collector system aboveground, but the total length of aboveground segments must not exceed five miles.

[Final Order VI.D.2.1]

6.5. In advance of, and during, preparation of detailed design drawings and specifications for the 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the designs and specifications are consistent with applicable codes and standards.

[Final Order VI.D.2.3]

6.6. The certificate holder must design, construct and operate the transmission line in accordance with the requirements of the 2012 Edition of the National Electrical Safety Code approved on June 3, 2011.

[Final Order on Amendment 2] [Mandatory Condition OAR 345-025-0006 (4)(a)]

6.7. The certificate holder shall consult with the Wasco Electric Cooperative during the design, construction, and operation of the Summit Ridge Wind Farm to ensure that the integrity and reliability of the power grid in Wasco County is maintained.

[Final Order VI.D.2.4]

6.8. The certificate holder shall design and construct the facility in accordance with requirements set forth by the Oregon Building Codes Division and any other applicable codes and design procedures.

[Final Order V.A.2.4]

6.9. To protect wetlands and waterways, the certificate holder shall construct the proposed facility substantially as described in the Final Order. Specifically, the certificate holder shall not remove material from waters of the State or add new fill material to waters of the State such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.

[Final Order VI.B.2.1]

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

[Final Order V.A.2.5]
6.11. 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. “Seismic hazard” includes ground
shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault
displacement and subsidence.
[Final Order V.A.2.6] [Mandatory Condition OAR 345-025-0006 (12)]

6.12. 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.
[Final Order IV.D.2.7] [WCLUDO Section 3.210(J)(17)(5)]

6.13. The certificate holder shall notify the Department, the State Building Codes Division
and DOGAMI 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 DOGAMI and the Building Codes Division and to
propose mitigation actions.
[Final Order V.A.2.2] [Mandatory Condition OAR 345-025-0006 (13)]

6.14. The certificate holder shall notify the Department, the State Building Codes Division
and DOGAMI promptly if shear zones, artesian aquifers, deformations or clastic dikes
are found at or in the vicinity of the site.
[Final Order V.A.2.3] [Mandatory Condition OAR 345-025-0006 (14)]

6.15. To reduce the visual impact of the facility, the certificate holder shall:
a. Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
   neutral gray, white, or off-white color.
b. Paint the substation structures in a low-reflectivity neutral color to blend with the
   surrounding landscape.
c. Not allow any advertising to be used on any part of the facility.
d. Use only those signs required for facility safety, required by law or otherwise
   required by this site certificate, except that the certificate holder may erect a sign
   near the O&M building to identify the facility, may paint turbine numbers on each
   tower and may allow unobtrusive manufacturers’ logos on turbine nacelles.
e. Maintain any signs allowed under this condition in good repair.
[Final Order IV.I.2.1]

6.16. The certificate holder shall design and construct the O&M building to be generally
consistent with the character of similar buildings used by commercial farmers or
 ranchers in the area and shall paint the building in a low-reflectivity, neutral color to
blend with the surrounding landscape.

[Final Order IV.1.2.2]

6.17. The certificate holder shall design and construct new access roads and private road improvements to standards approved by the Wasco County Road Department. 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 Wasco County Road Department. Where modifications of State roads or highways are necessary, the certificate holder shall construct the modifications entirely within the public road rights-of-way and in conformance with ODOT standards subject to the approval of ODOT.

[Final Order V.C.2.13]

6.18. The certificate holder shall cooperate with the Wasco County Public Works Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Upon completion of construction, the certificate holder shall restore public roads to pre-construction condition or better to the satisfaction of the applicable county departments.

[Final Order V.C.2.14]

6.19. During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, including:
   a. Providing notice to adjacent landowners when heavy construction traffic is anticipated.
   b. Providing appropriate traffic safety signage and warnings.
   c. Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic reduce accident risks.
   d. Using traffic diversion equipment (such as advance signage and pilot cars) when slow or oversize construction loads are anticipated.
   e. Maintaining 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.
   f. Encouraging carpooling for the construction workforce.
   g. Including traffic control procedures in contract specifications for construction of the facility.
   h. Keeping Highway 197 free of gravel that tracks out onto the highway at facility access points.

[Final Order V.C.2.15]

6.20. The certificate holder shall ensure 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 County Roadmaster.

[Final Order V.C.2.16]

6.21. The height of the proposed Operations and Maintenance building shall not exceed 35 feet in height.
6.22. Signage for the proposed facility shall conform to the following requirements:
   a. The certificate holder shall install the following signs at the facility:
      i. “No Trespassing” signs shall be attached to any perimeter fence;
      ii. “Danger” signs shall be posted at the height of five feet on turbine towers and
          accessory structures;
      iii. A sign shall be posted on the tower showing an emergency telephone
           number; and
      iv. Manual electrical and/or overspeed shutdown disconnect switch(es) shall be
           clearly labeled.

[Final Order IV.D.2.2] [WCLUDO Section 19.030(C)(7)]
   b. Signage installed in accordance with Condition 6.22.a shall meet the following
      requirements:
      i. Permanent signs shall not project beyond the property line.
      ii. Signs shall not be illuminated or capable of movement.
      iii. Permanent signs shall describe only uses permitted and conducted on the
           property on which the sign is located.
      iv. Freestanding signs shall be limited to twelve square feet in area and 8 feet in
          height measured from natural grade. Signs on buildings are permitted in a
          ratio of one square foot of sign area to each linear foot of building frontage
          but in no event shall exceed 32 square feet and shall not project above the
          building.
      v. Freestanding signs shall be limited to one at the entrance of the property. Up
         to one additional sign may be placed in each direction of vehicular traffic
         running parallel to the property if they are more than 750 feet from the
         entrance of the property.
      vi. Signs on buildings shall be limited to one per building and only allowed on
          buildings conducting the use being advertised.

[Final Order IV.D.2.2] [WCLUDO Section 3.210(F)(4)]

6.23. Except as necessary to meet the requirements of the Federal Aviation Administration to
   warn aircraft of obstructions, the certificate holder shall design and implement a
   lighting plan to ensure that all outdoor lighting is directed downward, limited in
   intensity, and is shielded and hooded to prevent light from projecting onto adjacent
   properties, roadways, and waterways. Shielding and hooding materials shall be
   composed of nonreflective, opaque materials.

[Final Order IV.D.2.3] [WCLUDO section 3.210(F)(4)]

6.24. The certificate holder shall be responsible for restoring, as nearly as possible, to its
   former condition any agricultural land and associated improvements that are damaged
   or otherwise disturbed by the siting, maintenance, repair or reconstruction of the
   facility.

[Final Order IV.D.2.5] [WCLUDO Section 3.210(J)(8)(c)]
6.25. The certificate holder shall consult with area landowners and lessees during
construction and operation of the facility and shall implement measures to reduce or
avoid any adverse impacts to farm practices on surrounding lands and to avoid any
increase in farming costs.
[Final Order IV.D.2.6] [WCLUDO Sections 5.020(J) and 5.020(K)]

6.26. The certificate holder shall not use exterior nighttime lighting except:
a. The minimum turbine tower lighting required or recommended by the Federal
   Aviation Administration.
b. Safety and security lighting at the O&M facility and substation, if such lighting is
   shielded or downward-directed to reduce offsite glare.
[Final Order IV.I.2.3]

6.27. The certificate holder shall design, construct and operate the facility in a manner to
ensure that the facility avoids any material signal interference with communication
systems such as, but not limited to, radio, telephone, television, satellite, microwave or
emergency communication systems. Should any material interference occur, the
certificate holder must develop and implement a mitigation plan in consultation with the
Department.
[Amended Final Order on Amendment 1 IV.D.2.9]

6.28. During facility design and construction, the certificate holder shall comply with the
following turbine setback distances, as measured from the centerline of the turbine to
the edge of the dwelling, as set forth below.
   a. Except as provided in subsection (b) of this condition, wind turbines shall be set back
      from the property line of any abutting property not part of the project (non-project
      boundaries), the right-of-way of any dedicated road, and any above ground major
      utility facility line a minimum of 1.5 times the blade tip height of the wind turbine
tower. Wind turbines shall be set back from any above ground minor utility facility
      line a minimum of 1.1 times the blade tip height of the wind turbine tower.
   b. Wind turbine tower numbers 21, 22, 23, 24, 26, 27, 28, 29, 30, 54, 55, 56, 57, 58, 59,
      60, and 61 shall be set back a minimum of 1.1 times the blade tip height of the wind
turbine tower from the right-of-way of any dedicated road within the site boundary.
   c. Wind turbines must be setback a minimum of 1 mile (5,280 feet) from all non-
      resource zoned property boundaries located outside of urban growth boundaries or
      urban reserves (as measured from the centerline of the turbine to the edge of the
      property boundary zoned for non-resource purposes, e.g. rural residential).
[Final Order on Amendment 2]

6.29. The certificate holder must maintain all access roads for all-weather use to assure
adequate, safe and efficient emergency vehicle and maintenance vehicle access to the
site.
[Amended Final Order on Amendment 1 V.C.2.18]

6.30. The certificate holder shall submit a legal description of the site to the Wasco County
GIS Department upon the beginning operation of the facility. This information shall
include the actual latitude and longitude or Oregon State Plane North American Datum
1983 (NAD83) High Accuracy Reference Network (HARN) coordinates of each turbine
tower, support structures for the 34.5-kV collector lines and 230-kV transmission line,
and other related and supporting facilities. The certificate holder may provide the
information in a GIS layer based on the geospatial data that includes all characteristics
of spatial features of the facility site boundary. The certificate holder shall confer with
the Department prior to submittal of GIS-based information.
[Amended Final Order on Amendment 1 IV.D.2.11]

6.31. During facility construction and operation, the certificate holder shall report to the
Department, within 7 days, any change in the corporate structure of Pattern
Renewables 2 LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern
Energy Group LP. The certificate holder shall report promptly to the Department any
change in its access to the resources, expertise, and personnel of Pattern Renewables 2
LP, Pattern Energy Group 2 LP (the sole limited partner), and Pattern Energy Group
LP.
[Final Order on Amendment 3]

6.32 During facility design and construction, the certificate holder shall ensure that the
foundations of the turbines, substation, and operations and maintenance building are set
back a minimum of 100 feet from any waterbodies designated as fish-bearing, 50 feet
from any waterbodies designated as non-fish bearing, and 25 feet from all waterbodies
(seasonal or permanent) not identified on any federal, state, or local inventory.
[Final Order on Amendment 2]

6.33 During facility design and construction, the certificate holder shall ensure that facility
components are not developed within the Environmental Protection District 4 as
designated by Wasco County.
[Final Order on Amendment 2]

6.34 During facility design and construction, the certificate holder shall ensure that facility
components are sited to avoid direct impacts to wetlands and waterways.
[Final Order on Amendment 2]
7.0. PUBLIC HEALTH AND SAFETY

7.1. 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 certificate holder shall keep tower access doors locked at all times, except when authorized personnel are present.
[Final Order IV.K.2.1]

7.2. For turbine types having pad-mounted step-up transformers, the certificate holder shall install the transformers at the base of each tower in locked cabinets designed to protect the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.
[Final Order IV.K.2.2]

7.3. To protect the public from electrical hazards, the certificate holder shall enclose the facility substation with appropriate fencing and locked gates.
[Final Order IV.K.2.3]

7.4. The certificate holder shall follow manufacturers’ recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure.
[Final Order IV.K.2.5]

7.5. The certificate holder shall have an operational safety-monitoring program and shall inspect all turbine and turbine tower components on a regular basis. The certificate holder shall maintain or repair turbine and turbine tower components as necessary to protect public safety.
[Final Order IV.K.2.6]

7.6. The certificate holder shall install and maintain self-monitoring devices on each turbine, linked to sensors at the operations and maintenance building, to alert operators to potentially dangerous conditions, and the certificate holder shall immediately remedy any 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.
[Final Order IV.K.2.7]
7.7. The certificate holder shall notify the Department of Energy and Wasco County within 72 hours of any occurrence involving the facility if:
   a. There is an attempt by anyone to interfere with its safe operation;
   b. A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment;
   c. There is a mechanical failure or accident on the site associated with construction or operation of the facility that may result in public health and safety concerns; or
   d. There is any fatal injury at the facility.
[Final Order IV.K.2.8 and OAR 345-026-017]

7.8. During operation, the certificate holder shall discharge sanitary wastewater generated at the Operations and Maintenance building to a licensed on-site septic system in compliance with State of Oregon permit requirements. The certificate holder shall design the septic systems for a discharge capacity of less than 5,000 gallons per day.
[Final Order V.C.2.2]

7.9. The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:
   a. Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line.
   b. Constructing all aboveground 34.5-kV transmission lines with a minimum clearance of 20 feet from the ground.
   c. Constructing all aboveground 230-kV transmission lines with a minimum clearance of 25 feet from the ground.
   d. Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks from electric and magnetic fields.
   e. 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.
   f. Designing and maintaining all transmission lines so that induced voltages during operation are as low as reasonably achievable.
[Final Order VI.D.2.2]

7.10. The certificate holder must develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, 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.
[Final Order IV.M.2.2] [Site Specific Condition OAR 345-027-0023(4)]

7.11. A current copy of the electrical protection plan developed in compliance with Condition 7.10 must be available at the O&M building and provided upon request by ODOE staff.
[Final Order IV.M.2.3]
7.12 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.

[Final Order on Amendment 2]

7.13 During operation, the certificate holder shall:
a. 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.
b. File the following required information with the Commission:
i. 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:
   a. 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
   b. 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.
   ii. In the event that the contact information described in subsection (a) of this condition 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.
   iii. If the person described in subsection (a) of this condition 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]
c. Provide OPUC Safety Staff with:
   i. Maps and Drawings of routes and installation of electrical supply lines showing:
      • Transmission lines and structures (over 50,000 Volts)
      • Distribution lines and structures - differentiating underground and overhead lines (over 600 Volts to 50,000 Volts)
      • Substations, roads and highways
   ii. Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).

[Final Order on Amendment 2]
8.0. ON-SITE SAFETY AND SECURITY

8.1. Prior to construction, the certificate holder shall require that all on-site construction contractors develop a site health and safety plan to be implemented during facility construction that informs workers and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue and who are first aid and CPR certified.

[Final Order V.C.2.3]

8.2. Prior to commencing operation, the certificate holder shall develop a site health and safety plan to be implemented during facility operation that informs employees and others on-site about first aid techniques and what to do in case of an emergency and that includes important telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The certificate holder shall ensure that operations personnel are trained and equipped for tower rescue. The facility must maintain training records and have a current copy of the site health and safety plan on-site and available upon request by the Department of Energy.

[Final Order on Amendment 2]

8.3. Prior to construction, the certificate holder shall develop fire safety plans in consultation with the Columbia Rural Fire District to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. The plans shall be maintained on-site and implemented throughout construction and operation of the facility. In developing the fire safety plans, the certificate holder shall take into account the dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall meet annually with local fire protection agency personnel to discuss emergency planning and shall invite local fire protection agency personnel to observe any emergency drill or tower rescue training conducted at the facility.

[Final Order on Amendment 2]
8.5. Upon the beginning of operation of the facility, the certificate holder shall provide a site
plan to the Columbia Rural Fire District. The certificate holder shall 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. During operation, the
certificate holder shall ensure that appropriate fire protection 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 on the facility site.
[Final Order V.C.2.7]

8.6. The certificate holder shall construct turbines and pad-mounted transformers on
concrete foundations and shall cover the ground within a 15-foot radius with non-
flammable material. The certificate holder shall maintain the non-flammable pad area
covering during operation of the facility.
[Final Order V.C.2.8]

8.7. During construction and operation of the facility, the certificate holder shall ensure that
the O&M building and all service vehicles are equipped with shovels and portable fire
extinguishers of a 4A50BC or equivalent rating.
[Final Order V.C.2.9]

8.8. During construction, the certificate holder shall ensure that construction vehicles and
equipment are operated on graveled areas to the extent possible and that open flames,
such as cutting torches, are kept away from dry grass areas.
[Final Order V.C.2.10]

8.9. During operation, the certificate holder shall ensure that all on-site employees receive
annual fire prevention and response training by qualified instructors or members of the
local fire districts. The certificate holder shall ensure that all employees are instructed to
keep vehicles on roads and off dry grassland, except when off-road operation is
required for emergency purposes.
[Final Order V.C.2.11]
9.0. PROTECTION OF SOIL

9.1. The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or storm water management requirement. [Final Order IV.C.2.1]

9.2. During construction, the certificate holder shall limit truck traffic to improved road surfaces to avoid soil compaction and wind erosion on dirt roads, to the extent practicable. [Final Order IV.C.2.2]

9.3. During construction, the certificate holder shall implement best management practices to control any dust generated by construction activities, such as applying water to roads and disturbed soil areas. [Final Order IV.C.2.3]

9.4. The certificate holder shall handle hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations. The certificate holder shall not store diesel fuel or gasoline on the facility site. [Final Order IV.C.2.4]

9.5. If a spill or release of hazardous material occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and at the O&M building. The certificate holder shall instruct employees about proper handling, storage and cleanup of hazardous materials. [Final Order IV.C.2.5]

9.6. 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 and in compliance with the Revegetation and Weed Control Plan (Exhibit 1 to the Final Order). 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. [Final Order IV.C.2.6] [Mandatory Condition OAR 345-025-0006 (11)]
9.7. 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 Revegetation and Weed Control
Plan.
[Final Order IV.C.2.7]

9.8. During facility operation, the certificate holder shall routinely inspect and maintain all
transmission line corridors, roads, pads and trenched areas and, as necessary, maintain
or repair erosion and sediment control measures and control the introduction and spread
of noxious weeds.
[Final Order IV.C.2.8]
10.0. PROTECTION OF NATURAL RESOURCES

10.1. Before beginning construction, the certificate holder shall provide to the Department, to
the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of
Wasco County detailed maps of the facility site, showing the final locations where the
certificate holder proposes to build facility components, and a table showing the acres
of temporary habitat impact by habitat category and subtype and the acres of permanent
habitat impact by habitat category and subtype. The detailed maps of the facility site
shall indicate the habitat categories of all areas that would be affected during
construction. In classifying the affected habitat into habitat categories, the certificate
holder shall consult with ODFW. The certificate holder shall not begin ground
disturbance in an affected area until the habitat assessment has been approved by the
Department. The Department may employ a qualified contractor to confirm the habitat
assessment by on-site inspection. [Final Order IV.G.2.1]

10.2. The certificate holder shall incorporate the design elements listed below into the final
facility design to avoid or mitigate impacts to sensitive wildlife habitat:
   a. Where practicable, facility components and construction areas shall be located to
      avoid or minimize temporary and permanent impacts to high quality native habitat
      and to retain habitat cover in the general landscape.
   b. No facility components may be constructed within areas of Category 1 habitat and
      temporary disturbance of Category 1 habitat shall be avoided.
   c. The design of the facility and areas of temporary and permanent disturbance shall
      avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered
      plant or wildlife species, and to any State Candidate plant species. [Final Order IV.G.2.2]

10.3. The certificate holder shall implement measures to avoid or mitigate impacts to
sensitive wildlife habitat during construction including, but not limited to, the
following:
   a. Preparing and distributing maps to employees and contractors to show areas that are
      off-limits to construction personnel, such as nesting or denning areas for sensitive
      wildlife species;
   b. Avoiding unnecessary road construction, temporary disturbance and vehicle use;
   c. Limiting construction work to approved and surveyed areas shown on facility
      constraint maps; and
   d. Ensuring that all construction personnel are instructed to avoid driving cross- country
      or taking short-cuts within the site boundary or otherwise disturbing areas outside of
      the approved and surveyed construction areas. [Final Order IV.G.2.3]
10.4. Prior to construction, the certificate holder shall:
   a. Select qualified specialists (wildlife biologist/botanist) that have substantial
      experience in creating, enhancing, and protecting habitat mitigation areas within
      Oregon;
   b. Notify the Department of the identity and qualifications of the personnel or
      contractors selected to implement and manage the habitat mitigation area;
   c. Acquire the legal right to create, enhance, maintain and protect a habitat mitigation
      area, as long as the site certificate is in effect, by means of an outright purchase,
      conservation easement or similar conveyance;
   d. Develop and submit a final Habitat Mitigation Plan (HMP) for approval by the
      Department in consultation with ODFW, based upon the draft amended HMP
      included as Attachment G of the Final Order on Amendment #2. The Council retains
      the authority to approve, reject or modify the final HMP and any future amendments;
      and,
   e. Improve the habitat quality, within the habitat mitigation area, as described in the
      final HMP, and as amended from time to time.
      [Final Order on Amendment 2]

10.5. Prior to construction, the certificate holder shall finalize the Wildlife Monitoring and
Mitigation Plan (WMMP), based on the draft WMMP included as Attachment F of the
Final Order on Amendment #2, as approved by the Department in consultation with
ODFW. The certificate holder shall conduct wildlife monitoring as described in the
final WMMP, as amended from time to time. The final WMMP shall specify that the
first long-term raptor nest survey will be conducted in the first raptor nesting season
that is at least 5 years after the completion of construction and is in a year that is
divisible by five (i.e., 2020, 2025, 2030); the certificate holder shall repeat the survey at
5-year intervals thereafter.
      [Final Order on Amendment 2]

10.6. The certificate holder shall hire a qualified environmental professional to provide
environmental training during construction and operation. Environmental training
includes information on the sensitive species present onsite, precautions to avoid
injuring or destroying wildlife or sensitive wildlife habitat, exclusion areas, permit
requirements and other environmental issues. The certificate holder shall instruct
construction and operations personnel to report any injured or dead wildlife detected
while on the site to the appropriate onsite environmental manager.
      [Final Order IV.G.2.6]
10.7. Before beginning construction and after considering all micrositing factors, the
certificate holder shall provide to the Department a map showing the final design
locations of all components of the facility and the areas that would be disturbed during
construction and identifying the survey areas for all plant and wildlife surveys. This
information may be combined with the map submitted per the requirements of
Condition 10.1. The certificate holder shall hire a qualified professional biologist to
conduct a pre-construction plant and wildlife investigation of all areas that would be
disturbed during construction that lie outside of the previously surveyed areas. The pre-
construction 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. The report shall present in tabular format 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
micrositing 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.

[Final Order on Amendment 2]

10.8. The certificate holder shall reduce the risk of injuries to avian species by:
a. Installing turbine towers that are smooth steel structures that lack features that would
allow avian perching.
b. Installing meteorological towers that are non-guyed structures to eliminate the risk of
avian collision with guy-wires.
c. Designing and installing all aboveground transmission line support structures
following the most current suggested practices for avian protection on power lines
published by the Avian Power Line Interaction Committee.

[Final Order IV.H.2.1]

10.9. During facility operation, the certificate holder shall obtain water for on-site uses from
an on-site well located near the O&M building. The certificate holder shall construct the
on-site well 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 the on-site well. The certificate holder may use other sources of water for
on-site uses subject to prior approval by the Department.

[Final Order VI.C.2.1]
10.10. During facility operation, if equipment washing becomes necessary, the certificate
holder shall ensure that there is no runoff of wash water from the site or discharges to
surface waters, storm sewers or dry wells. The certificate holder shall not use acids,
bases or metal brighteners with the wash water. The certificate holder may use
biodegradable, phosphate-free cleaners sparingly.
[Final Order VI.C.2.2]

10.11. The certificate holder shall implement a waste management plan during operation that
includes but is not limited to the following measures:
a. Training employees to minimize and recycle solid waste.
b. Recycling paper products, metals, glass and plastics.
c. Recycling used oil and hydraulic fluid.
d. Collecting non-recyclable waste for transport to a local landfill by a licensed waste
   hauler.
e. Segregating all hazardous, 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 wastes.
[Final Order V.D.2.2]

10.12 The certificate holder shall not conduct any construction activities on land mapped as
Big Game Winter Range by the Oregon Department of Fish and Wildlife between
December 1 and April 15.
[Amended Final Order on Amendment 1 IV.G.2.2]

10.13. Prior to the beginning of construction of the facility the certificate holder shall perform
new field surveys for threatened and endangered species following the survey protocol
set forth in the Northwest Wildlife Consultants Memorandum regarding Endangered
and Threatened Plant Species and Raptor Nest Surveys dated October 17, 2014. The
certificate holder shall report the results of the field surveys to the Department, ODA
and ODFW. If the surveys identify the presence of threatened or endangered species
within the survey area, the certificate holder shall implement appropriate measures to
avoid a significant reduction in the likelihood of survival or recovery of the species, as
approved by the Department, in consultation with ODA and ODFW.
[Amended Final Order on Amendment 1 IV.H.2.2]
10.14. The certificate holder shall conduct two (2) seasons of raptor nest surveys with at least one (1) season of the surveys occurring prior to the beginning of construction. The raptor nest surveys shall be conducted following the instructions set forth in the Raptor Nest Survey Protocol for Summit Ridge Wind Farm included as Attachment B to the First Amended Site Certificate. The certificate holder shall report the results of the field surveys to the Department and ODFW. If the surveys identify the presence of raptor nests within the survey area, the certificate holder shall implement appropriate measures to assure that the design, construction and operation of the facility are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved by the Department, in consultation with ODFW.[Amended Final Order on Amendment 1 IV.G.2.8]

10.15. During construction the certificate holder shall observe the raptor nest avoidance guidelines shown in the following table around known raptor nests in the vicinity of ground-disturbing construction activities, unless the nest fledges young, the nest fails (i.e., is abandoned), or the Department in consultation with ODFW approves an alternative plan.

<table>
<thead>
<tr>
<th>Species</th>
<th>Disturbance Buffer</th>
<th>Nesting Season – Avoidance Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golden eagle</td>
<td>0.25 mile</td>
<td>Feb 1 - Aug 31</td>
</tr>
<tr>
<td>Red-tailed hawk</td>
<td>500 feet</td>
<td>Mar 1 - Aug 31</td>
</tr>
<tr>
<td>Ferruginous hawk</td>
<td>0.25 mile</td>
<td>Mar 15 - Aug 31</td>
</tr>
<tr>
<td>Swainson’s hawk</td>
<td>0.25 mile</td>
<td>Apr 1 - Aug 15</td>
</tr>
<tr>
<td>Prairie Falcon</td>
<td>0.25 mile</td>
<td>Jan 1 - Jul 31</td>
</tr>
<tr>
<td>American peregrine falcon</td>
<td>0.5 mile</td>
<td>Mar 15 - Jul 15</td>
</tr>
<tr>
<td>American kestrel</td>
<td>0.25 mile</td>
<td>Mar 1 - Jul 31</td>
</tr>
</tbody>
</table>

[Final Order on Amendment 2]
11.0. PROTECTION OF HISTORIC, CULTURAL AND ARCHAEOLOGICAL RESOURCES

11.1. Before beginning construction, the certificate holder shall label all identified historic, cultural or archaeological resource sites on construction maps and drawings as “no entry” areas. The applicant shall implement a 200 foot buffer for all rock alignment and cairn sites, and shall implement a 100 foot buffer for all other archaeological sites. 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 the buffer areas. [Final Order Section V.B.2.1]

11.2. 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 would be temporarily disturbed during construction and the areas that were previously surveyed as described in the Application for Site Certificate. [Final Order V.B.2.2]

11.3. The certificate holder shall hire qualified personnel to conduct field investigation of all areas to be disturbed during construction that lie outside the previously-surveyed areas. The certificate holder shall provide a written report of the field investigation to the Department and to the Oregon State Historic Preservation Office (SHPO). If any potentially significant historic, cultural or archaeological resource sites are found during the field investigation, the certificate holder shall instruct all construction personnel to avoid the identified sites and shall implement appropriate measures to protect the sites, including the measures described in Condition 11.5 and in accordance with the Archaeological Monitoring Plan required per Condition 11.6. [Final Order V.B.2.3]

11.4. The certificate holder shall ensure that a qualified archaeologist, as defined in OAR 736-051-0070, instructs construction personnel in the identification of cultural materials and avoidance of accidental damage to identified resource sites. Records of such training shall be maintained at the Operations and Maintenance Building and made available to authorized representatives of the Oregon Department of Energy upon request. [Final Order V.B.2.4]
11.5. The certificate holder shall ensure that construction personnel cease all ground-
disturbing activities in the immediate area if any archaeological 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 SHPO of
the find. If the SHPO determines that the resource is significant, the certificate holder
shall make recommendations to the Council for mitigation, including avoidance, field
documentation and data recovery, in consultation with the Department, SHPO,
interested tribes and other appropriate parties. The certificate holder shall not restart
work in the affected area until the certificate holder has demonstrated to the Department
and the SHPO that it has complied with archaeological resource protection regulations.
[Final Order V.B.2.5]

11.6. The certificate holder shall prepare and implement an Archaeological Monitoring Plan
for construction and maintenance activities to address and mitigate impacts from
exposure of unanticipated or previously unidentified cultural properties that may be
exposed during construction or operation of the facility. A current copy of the plan must
be maintained at the Operations and Maintenance Building and made available to
authorized representatives of the Oregon Department of Energy upon request.
[Final Order V.B.2.6]
12.0. NOISE CONTROL AND NOISE COMPLAINT RESPONSE

12.1. To reduce construction noise impacts at nearby residences, the certificate holder shall:
   a. Confine the noisiest operation of heavy construction equipment to the daylight hours.
   b. Require contractors to install and maintain exhaust mufflers on all combustion
      engine-powered equipment; and
   c. Establish a complaint response system at the construction manager’s office to address
      noise complaints. Records of noise complaints during construction must be made
      available to authorized representatives of the Department of Energy upon request.
      [Final Order VI.A.2.1]

12.2. Before beginning construction, the certificate holder shall provide to the Department:
   a. Information that identifies the final design locations of all turbines to be built at the
      facility;
   b. The maximum sound power level for the substation transformers and the maximum
      sound power level and octave band data for the turbine type(s) 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 the noise from turbines and substation
      transformers) will not exceed the maximum allowable noise level at any potentially-
      affected noise receptor. The analysis must also demonstrate that the facility would
      meet the ambient degradation test at the appropriate measurement point for
      potentially-affected noise sensitive properties, or that the certificate holder has
      obtained the noise waiver described in Condition 12.2.d for each noise-sensitive
      property where the ambient degradation standard cannot be met.
   d. For each noise-sensitive property where the certificate holder relies on a noise waiver
      to demonstrate compliance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the
      a 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 L10 and L50 by more than 10 dBA at the appropriate
      measurement point. The legally-effective easement or real covenant must meet all of
      the following criteria:
      i. Include a legal description of the burdened property (the noise sensitive
         property);
      ii. Be recorded in the real property records of the county;
      iii. Expressly benefit the certificate holder;
      iv. Expressly run with the land and bind all future owners, lessees or holders of
         any interest in the burdened property; and
      v. Not be subject to revocation without the certificate holder’s written approval.
      [Final Order VI.A.2.2]
12.3. During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the Department within 15 days of receiving a complaint about noise from the facility. The notification should include, but is not limited to, the date the complaint was received, 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.  
[Final Order VI.A.2.3]

12.4. Upon written notification from the Department, the certificate holder will monitor and record the actual statistical noise levels during operations to verify that the certificate holder is operating the facility 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, will be borne by the certificate holder.  
[Final Order VI.A.2.4]
13.0. MONITORING AND REPORTING REQUIREMENTS - GENERAL

13.1. In addition to monitoring and reporting requirements elsewhere in this Site Certificate, the certificate holder shall also report according to the following requirements:
   a. General reporting obligation for energy facilities under construction or operating:
      i. Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall include such information related to construction as specified in the site certificate. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in Condition 13.1.b.
      ii. By April 30 of each year after beginning construction, the certificate holder shall submit an annual report to the Department addressing the subjects listed in Condition 13.1.b. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.
      iii. To the extent that information required by Condition 13.1.b is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule. The Council reserves the right to request full copies of such excerpted reports.

   [Final Order VII.4.a] [OAR 345-026-0080(1)]

   b. In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:
      i. Facility Status: An overview of site conditions, the status of facilities under construction, and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.
      ii. Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.
      iii. Status of Surety Information: Documentation demonstrating that bonds or letters of credit as described in the site certificate are in full force and effect and will remain in full force and effect for the term of the next reporting period.
      iv. Monitoring Report: A list and description of all significant monitoring and mitigation activities performed during the previous year in accordance with site certificate terms and conditions, a summary of the results of those activities and a discussion of any significant changes to any monitoring or
mitigation program, including the reason for any such changes.

v. Compliance Report: A description of all instances of noncompliance with a
site certificate condition. For ease of review, the certificate holder shall, in
this section of the report, use numbered subparagraphs corresponding to the
applicable sections of the site certificate.

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

[Final Order VII.4.b] [OAR 345-026-0080(b)]

13.2. The certificate holder and the Department of Energy shall exchange copies of all
correspondence or summaries of correspondence related to compliance with statutes,
rules and local ordinances on which the Council determined compliance, except for
material withheld from public disclosure under state or federal law or under Council
rules. The certificate holder may submit abstracts of reports in place of full reports;
however, the certificate holder shall provide full copies of abstracted reports and any
summarized correspondence at the request of the Department.

[Final Order VII.5] [OAR 345-026-0105]

13.3. The following general monitoring conditions apply:

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

b. The certificate holder shall implement the approved monitoring programs described
in Condition 13.3.a and monitoring programs required by permitting agencies and
local governments.

c. For each monitoring program described in Conditions 13.3.a and 13.3.b, the
certificate holder shall have quality assurance measures approved by the Department
before beginning construction or, as appropriate, before beginning commercial
operation.

d. 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.

[Final Order VII.2] [Mandatory Condition OAR 345-025-0006 (6)]
14.0. RETIREMENT AND FINANCIAL ASSURANCE

14.1. Before beginning construction, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either $6.965 million (in 3rd Quarter 2010 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in Condition 14.1.a below. The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in Condition 14.1.b.

a. The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the facility and turbine types selected. Any revision to the restoration costs should be adjusted to the date of issuance as described in Condition 14.1.b, and is subject to review and approval by the Department.

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

i. Adjust the Subtotal component of the bond or letter of credit amount (expressed in 3rd Quarter 2010 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 (the “Index”) and using the 3rd Quarter 2010 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 3rd Quarter 2010 dollars to present value.

ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.

iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.

iv. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round the resulting total to the nearest $1,000 to determine the adjusted financial assurance amount.

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

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

e. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council required by Condition 13.1.b.

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

[Final Order IV.F.2.1] [Mandatory Condition OAR 345-025-0006 (8)]
14.2. If the certificate holder elects to use a bond to meet the requirements of Condition 14.1, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the energy facility.

[Final Order IV.F.2.2]

14.3. 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.

[Final Order IV.F.2.3] [Mandatory Condition OAR 345-025-0006 (7)]

14.4. 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, non-hazardous 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.

[Final Order IV.F.2.4] [Mandatory Condition OAR 345-025-0006 (9)]

14.5. 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 shall 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.

[Final Order IV.F.2.5] [Mandatory Condition OAR 345-025-0006 (16)]

14.6. Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit submitted per the requirements of Condition 6.1 to restore the site to a useful, non-hazardous 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 shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall 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.

[Final Order IV.F.2.6] [Mandatory Condition OAR 345-025-0006 (16)]
14.7. Following receipt of the site certificate or an amended site certificate, the certificate holder shall implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of Energy when construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before beginning construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, “work on the site” means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council. [Final Order VII.3] [OAR 345-026-0048]
15.0. SUCCESSORS AND ASSIGNS

To transfer this amended 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.

16.0. SEVERABILITY AND CONSTRUCTION

If any provision of this agreement and amended site 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.

17.0. GOVERNING LAW AND FORUM

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

18.0. EXECUTION

This amended 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 amended site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, and by Summit Ridge Wind, LLC.

ENERGY FACILITY SITING COUNCIL

By: Barry Beyeler, Chair  
Oregon Energy Facility Siting Council  
Date: 12/19/2017

Summit Ridge Wind, LLC

By: ____________________________  [Print Name] Authorized Signature  
Amy Smolen  
Summit Ridge Wind, LLC  
Date: 1/6/18