

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

**Fifth Amended Site
Certificate for the
Golden Hills Wind Project**

ISSUANCE DATES

Site Certificate	May 15, 2009
First Amended Site Certificate	May 11, 2012
Second Amended Site Certificate	January 30, 2015
Third Amended Site Certificate	February 24, 2017
Fourth Amended Site Certificate	April 27, 2018
Fifth Amended Site Certificate	October 25, 2018

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GOLDEN HILLS WIND PROJECT SITE CERTIFICATE

Attachments

Attachment A Facility Site Boundary Map

Acronyms and Abbreviations

ASC	Application for Site Certificate
Council	Oregon Energy Facility Siting
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
DSL	Department of State Lands
HMRP	Habitat Mitigation and Revegetation Plan
NH zone	Natural Hazards Combining Zone
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ODEQ	Oregon Department of Environmental Quality
ORS	Oregon Revised Statute
SHPO	State Historic Preservation Office

1.0 Introduction and Site Certification

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

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

The findings of fact, reasoning, and conclusions of law underlying the terms and conditions of this site certificate are set forth in the Council's Final Order in the Matter of the Application for a Site Certificate for the Golden Hills Wind Project (the "Final Order on the Application" or "Final Order") issued on May 15, 2009, the Council's Final Order in the Matter of the Request for Amendment #1 of the Site Certificate for the Golden Hills Wind Project ("Final Order on Amendment #1") issued May 11, 2012; the Council's Final Order in the Matter of the Request for Amendment #2 of the Site Certificate for the Golden Hills Wind Project ("Final Order on Amendment #2"), issued January 30, 2015; the Council's Final Order in the Matter of the Request for Amendment #3 of the Site Certificate for the Golden Hills Wind Project ("Final Order on Amendment #3"), issued February 24, 2017; the Council's Final Order in the Matter of the Request for Amendment #4 of the Site Certificate for the Golden Hills Wind Project ("Final Order on Amendment #4"), issued April 27, 2018; and the Council's Final Order in the Matter of the Request for Amendment #5 of the Site Certificate for the Golden Hills Wind Project ("Final Order on Amendment #5), issued October 2018 and incorporated herein by this reference. In interpreting the amended site certificate, any ambiguity shall be clarified by reference to the following, in order of priority: (1) this amended site certificate; (2) the Final Order on Amendment #4; (3) the Final Order on Amendment #3; (4) the Final Order on Amendment #2; (5) the Final Order on Amendment #1; (6) the Final Order on the Application; and (7) the record of the proceedings that led to all the Final Orders.

This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

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

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

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0013 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

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

2.0 Facility Location and Site Boundary

The energy facility and its related and supporting facilities will be located within Sherman County. The site boundary, as defined in OAR 345-001-0010, encompasses approximately 29,500 acres and be located near Wasco in Sherman County, Oregon. More particularly, the site would occupy portions of Sections 1-17, Township 1 South, Range 17 East, Sections 6-7, Township 1 South, Range 18 East, Sections 29-31, Township 1 North, Range 18 East, Sections 5-9, 14-23, and 25-36, Township 1 North, Range 17 East, Sections 1-3, 12-14, 23-26, and 35-36, Township 1 North, Range 16 East, Sections 29-32, Township 2 North, Range 17 East, Sections 25-27 and 34-36, Township 2 North, Range 16 East. Attachment A of this site certificate contains a map of the site boundary.

3.0 Facility Description

3.1 Energy Facility

ORS 469.300(11)(a)(J) defines the “energy facility” in this case as an electric power generating plant with an average electric generating capacity of 35 megawatts or more if the power is produced from wind energy at a single energy facility.” The proposed “electric power generating plant” would consist of up to 125 wind turbine locations, each consisting of a turbine tower and foundation, turbine pad area, nacelle, rotor and blade assembly, and step-up transformer. Wind turbines would be placed in micrositing survey corridors as shown in the Application for a Site Certificate. A map of the site boundary, including micrositing corridors, is included as Attachment A to this amended site certificate. Golden Hills would have a peak electric generating capacity of up to 400 MW and an average electric generating capacity of about 133 MW.

Golden Hills has not yet selected the wind turbine model or models that would be installed in the facility. Golden Hills requested a site certificate that would allow the installation of up to 125 turbines with turbine towers measuring up to 123 meters (404 feet) at the rotor hub, the diameter of the rotor-swept area measuring up to 150 meters (492 feet), and the total maximum turbine height measuring up to 198 meters (650 feet). Wind turbine dimensions represent maximum allowable dimensions, but do not restrict the certificate holder from utilizing a mix of wind turbine types within the allowable dimensions.

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

3.2 Related or Supporting Facilities

Golden Hills proposes to construct the following related or supporting facilities:

- Power collection system
- Substation
- 230 kV transmission line
- Meteorological towers
- Supervisory Control and Data Acquisition (“SCADA”) System
- O&M facility
- Access roads
- Temporary laydown areas

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

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

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

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

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

O&M Facility. A 5,000-square-foot operations and maintenance ("O&M") building would be constructed adjacent to the substation. The O&M building would house office and workshop areas, a control room for the SCADA system, and a kitchen, bathroom and shower. The 5-acre O&M facility site would include parking for vehicles. Domestic water use would not exceed 5,000 gallons per day, and domestic water would be obtained from an on-site well. Domestic wastewater would be drained into an on-site septic system.

Access Roads. Approximately 41 miles of new roads would be constructed to provide access to the turbine strings and other facility components. Access roads would connect to graveled turbine pad areas at the base of each wind turbine. The permanent access roads would be 20 feet wide and constructed with crushed gravel. In addition, GHWF would improve and widen some existing county and farm roads. Approximately 41 miles of temporary access roads and 11 miles of temporary crane paths would be constructed. The temporary access roads and crane paths would be up to 100 feet wide to account for the delivery of larger turbine components. The actual width of temporary roads and crane paths would depend on need for cut and fill slopes and associated work area.

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

4.0 Site Certificate Conditions

4.1 Condition Format

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

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

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

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

The Council administratively amends the following conditions due to OAR Division 27 regulatory changes, as approved by Council on October 19, 2017: Condition VII.1 through VII.5, VII.7 through VII.18, and VII.20 through VII.21.

Conditions from the site certificate that have either been incorporated into other amended conditions or deleted due to duplication with other conditions have been removed.² No substantive changes were made to the requirements of each of the removed conditions, and still apply to the certificate holder.

Condition IV.C.8, relating to the value of salvage in decommissioning calculations, was removed because Council no longer recognizes salvage value as an offset to the total site restoration and

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

² The removed conditions that were either incorporated into other amended conditions or deleted due to duplication with other conditions are; IV.B.3, IV.C.9, IV.D.16, IV.D.17, IV.D.21, V.B.3, V.C.12, V.C.13, V.C.14, VII.6, and VII.19.

decommissioning cost.

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

Condition Number	Pre-Construction (PRE) Conditions
DESCRIPTION CONDITIONS (DC)	
GEN-DC-01	<p>The certificate holder shall begin construction of the facility by June 18, 2020. Under OAR 345-015-0085(9), an amended site certificate is effective upon execution by the Council Chair and the certificate holder. 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.</p> <p>On or before June 18, 2020, the certificate holder shall provide written notification to the Department that it has met the construction commencement deadline. Construction is defined in OAR 345-001-0010.</p> <p>[Final Order on ASC, Condition III.D.1; Amended in Final Order on AMD2, AMD3, AMD4]</p>
GEN-DC-02	<p>The certificate holder shall complete construction of the facility by June 18, 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.</p> <p>[Final Order on ASC, Condition III.D.2; Amended in Final Order on AMD2, AMD3]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
GEN-OE-01	<p>During construction, operation and facility retirement, the certificate holder shall report to the Department within 7 days, any change in the corporate structure of Avangrid Renewables LLC (a subsidiary of Avangrid, Inc., and the parent company of Pacific Wind Development, LLC). The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of Avangrid Renewables LLC. The certificate holder shall include in the report, an evaluation of whether the change in corporate structure represents a change in ownership of the certificate holder and whether a site certificate transfer is warranted.</p> <p>[Final Order on ASC, Condition IV.B.1; Amended in Final Order on AMD2, AMD4]</p>
GEN-OE-02	<p>Any matter of noncompliance 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.</p> <p>[Final Order on ASC, Condition IV.B.4]</p>
GEN-OE-03	<p>The certificate holder shall contractually require the engineering and procurement contractor and all independent contractors and subcontractors involved in the construction and operation of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provision shall not operate to relieve the certificate holder of responsibility under the site certificate.</p> <p>[Final Order on ASC, Condition IV.B.5]</p>
GEN-OE-04	<p>During construction, operation and retirement, the certificate holder shall obtain, or shall ensure that its contractors obtain, necessary federal, State and local permits or approvals. The certificate holder shall work with local and State fire officials to ensure compliance with all fire code regulations regarding public buildings.</p> <p>[Final Order on ASC, Condition IV.B.6; Amended in Final Order on AMD4]</p>
GEN-OE-05	<p>The certificate holder shall:</p> <p>(a) Prior to construction, notify the Department of the identity, telephone number, e-mail address and qualifications of the on-site construction manager or assistant construction manager. The construction</p>

	<p>manager or assistant construction manager must be capable of managing a wind facility construction project, including permit and regulatory compliance requirements.</p> <p>(b) Prior to operation, notify the Department of the identity, telephone number, e-mail address and qualifications of the facility operations manager. The facility operations manager must be capable of managing permit and regulatory compliance requirements and manage operation of a wind facility.</p> <p>(c) Prior to facility retirement, notify the Department of the identity, telephone number, and e-mail address and qualifications of the personnel or entity responsible for facility decommissioning and restoration activities. The personnel or entity responsible for facility decommissioning and restoration activities must be capable of managing permit and regulatory compliance requirements and be qualified to decommission a wind facility.</p> <p>The certificate holder shall notify the Department within three business days upon any change in personnel or contact information provided to satisfy Condition IV.B.7 (a) through (c).</p> <p>[Final Order on ASC, Condition IV.B.7; Amended in Final Order on AMD4]</p>
GEN-OE-06	<p>Within three business days after discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report, in accordance with OAR 345-029-0010(1), the conditions or circumstances to the Department. Within 30-days of discovery, the certificate holder shall submit to the Department a written report pursuant to OAR 345-029-0010(3).</p> <p>[Final Order on ASC, Condition IV.B.8; Amended in Final Order on AMD4]</p>
STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]	
GEN-SS-01	<p>The certificate holder shall design and construct the facility in accordance with requirements set forth by the State's Building Code Division and any other applicable codes and design procedures.</p> <p>Prior to operation, the certificate holder shall provide confirmation to the Department that facility design and construction satisfies the requirements set forth by the State's Building Code Division and any other applicable codes and design procedures.</p> <p>[Final Order on ASC, Condition V.A.3; Amended in Final Order on AMD4]</p>
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
GEN-SP-01	<p>The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (the "ESCP") satisfactory to the Oregon DEQ and as required under the National Pollutant Discharge Elimination System 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 requirements.</p> <p>[Final Order on ASC, Condition IV.E.1]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
GEN -LU-01	<p>The certificate holder shall ensure that no equipment or machinery is parked or stored on any county road except while in use.</p> <p>[Final Order on ASC, Condition IV.D.2]</p>
GEN-LU-02	<p>Aboveground transmission line structures shall not occupy areas that show gross indicators of landslide activity or marginal stability. Prior to construction of aboveground transmission line structures, the certificate holder shall provide confirmation to the Department that the locations of the aboveground transmission line structures do not occupy areas that show gross indicators of landslide activity or marginal stability. The certificate holder may rely upon the analysis included in the pre-construction geotechnical investigation, as required per Condition V.A.1, to satisfy this condition.</p> <p>[Final Order on ASC, Condition IV.D.5; Amended in Final Order on AMD4]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN -RT-01	<p>The certificate holder shall prevent the development of any conditions on the site that would preclude</p>

	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 on ASC, Condition IV.C.3]
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STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]

GEN -FW-01	The certificate holder shall restore areas outside the permanent footprint that are disturbed, according to the methods and monitoring procedures described in the HMRP included in the Final Order on Amendment 4 as Attachment BC and as amended from time to time. Mitigation and restoration requirements in the plan shall apply to all laydown areas and other areas of temporary disturbance, including those associated with construction of transmission lines. [Final Order on ASC, Condition IV.M.2; Amended in Final Order on AMD4]
GEN -FW-02	Permanent met towers shall not have guy wires. [Final Order on ASC, Condition IV.M.3]
GEN -FW-03	Trees in Category 3 upland tree habitat shall not be physically harmed or removed. [Final Order on ASC, Condition IV.M.6]
GEN -FW-04	The certificate holder shall design and construct all aboveground transmission line support structures following the practices suggested by the Avian Powerline Interaction Committee (APLIC 2006; APLIC 2012) and shall install anti-perching devices on transmission pole tops and cross arms where the poles are within the site or are located within one-quarter mile of any wind turbine. [Final Order on ASC, Condition IV.M.8; Amended in Final Order on AMD4]

STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]

GEN -SR-01	The certificate holder shall design and construct the O&M facility 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 neutral color to blend with the surrounding landscape. [Final Order on ASC, Condition IV.G.2]
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STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

GEN -HC-01	Prior to and during construction, the certificate holder shall ensure that construction personnel receive training from a cultural resources specialist on how to identify sensitive historic, cultural, and archaeological resources present onsite and on measures to avoid accidental damage to identified resource sites. Records of such training must be maintained onsite during construction, and made available to the Department upon request. [Final Order on ASC, Condition V.B.5; Amended in Final Order on AMD4]
GEN -HC-02	Prior to and during construction, “no access” buffers shall be identified on construction plans and temporarily demarcated in the field if work is planned within 200 feet of known cultural resources that require buffers. The facility Environmental Inspector shall monitor flagged “no access” buffers around archeological sites during construction to prevent accidental damage to cultural resources. These flags or markers shall not be moved or removed during construction activities, and construction personnel shall be advised of these restrictions. [Final Order on ASC, Condition V.B.7; Amended in Final Order on AMD4]

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]

GEN -PS-01	During construction and operation of the facility, the certificate holder shall install on-site security and shall require on-site security personnel to establish a line of communication with the Sherman County Sheriff’s Office to regularly report on the status of on-site security operations. [Final Order on ASC, Condition V.C.2]
GEN -PS-02	During construction and operation of the facility, the certificate holder shall ensure that the O&M facility and all service vehicles are equipped with shovels and portable fire extinguishers of a 4A50BC or equivalent rating.

[Final Order on ASC, Condition V.C.5]

STANDARD: PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES (PH) [OAR 345-024-0010]

GEN -PH-01

The certificate holder shall construct all facility components in compliance with the following setback requirements

- a. The certificate holder shall maintain a minimum distance of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.
- b. The certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.
- c. The certificate holder shall maintain a minimum distance of 110 percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.

Prior to construction of turbine towers, the certificate holder shall submit to the Department final facility design and layout maps, with supporting distance tables (i.e. distance of facility component to nearest setback location – residence, right of way, etc), demonstrating compliance with the aforementioned setback requirements.

[Final Order on ASC, Condition IV.I.8; Amended in Final Order on AMD4]

REQUIREMENTS UNDER COUNCIL JURISDICTION (CJ)

GEN -CJ-01

Prior to construction, the certificate holder shall take reasonable steps to reduce or manage human exposure to electric and magnetic fields, including, but not limited to:

- a) Submittal of final facility design maps to the Department demonstrating that all aboveground transmission lines would be located at least 200 feet from any residence or other occupied structure, measured from the centerline of the transmission line;
- b) Fencing all areas near the facility substations to ensure that substation equipment is not accessible to the public;
- c) Submittal of evidence to the Department that a map of underground and overhead transmission lines on private property and an advisory of possible health risks has been provided to all landowners within 200-feet of the transmission line; and
- d) 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.

[Final Order on ASC, Condition VI.A.4.1; Amended in Final Order on AMD4]

MANDATORY CONDITIONS (MC)

GEN -MC-01

OAR 345-025-0006 (1): The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27.

[Final Order on ASC, Condition VII.1; Amended in Final Order on AMD4]

GEN -MC-02

OAR 345-025-0006 (3): 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 on ASC, Condition VII.3; Amended in Final Order on AMD4]

GEN -MC-03

OAR 345-025-0006 (4): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. [See Conditions (III.D.1) and (111.D.2).]

[Final Order on ASC, Condition VII.4; Amended in Final Order on AMD4]

GEN -MC-04

OAR 345-025-0006 (7): 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

	<p>site conditions is within the control of the certificate holder.</p> <p>[Final Order on ASC, Condition VII.7; Amended in Final Order on AMD4]</p>
GEN -MC-05	<p>OAR 345-025-0006 (10): The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.</p> <p>[Final Order on ASC, Condition VII.10; Amended in Final Order on AMD4]</p>
GEN -MC-06	<p>OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p> <p>[Final Order on ASC, Condition VII.11; Amended in Final Order on AMD4]</p>
GEN -MC-07	<p>OAR 345-025-0006 (12): The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.</p> <p>[Final Order on ASC, Condition VII.12; Amended in Final Order on AMD4]</p>
GEN -MC-08	<p>OAR 345-025-0006 (13): The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.</p> <p>[Final Order on ASC, Condition VII.13; Amended in Final Order on AMD4]</p>
GEN -MC-09	<p>OAR 345-025-0006 (14): The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site.</p> <p>[Final Order on ASC, Condition VII.14; Amended in Final Order on AMD4]</p>
GEN -MC-10	<p>OAR 345-025-0006 (15): Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate.</p> <p>[Final Order on ASC, Condition VII.15; Amended in Final Order on AMD4]</p>
GEN -MC-11	<p>OAR 345-025-0006 (16): 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 Office 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 a final retirement plan for the Council’s approval. Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, 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.</p>

	[Final Order on ASC, Condition VII.16; Amended in Final Order on AMD4]
GEN -MC-12	<p>OAR 345-025-0006 (4):</p> <ul style="list-style-type: none"> a) The certificate holder shall 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, by the American National Standards Institute; and b) The certificate holder shall 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. <p>[Final Order on Amendment No. 3]</p> <p>[Final Order on ASC, Condition VII.17 [OAR 345-027-0023(4)]; Amended in Final Order on AMD4]</p>
GEN -MC-13	<p>OAR 345-025-0006 (5) -The certificate holder is authorized to construct a 230-kV transmission line anywhere within the approved corridor, subject to the conditions of the site certificate. The approved corridor includes a 5-mile segment and 700-foot segment extending the length of the 230-kV transmission line route and is 200 feet in width.</p> <p>[Final Order on ASC, Condition VII.18; Amended in Final Order on AMD4]</p>
GEN -MC-14	<p>OAR 345-026-0048: 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.</p> <p>[Final Order on ASC, Condition VII.20]</p>
GEN -MC-15	<p>OAR 345-026-0080: The certificate holder shall report according to the following requirements:</p> <p>(a) General reporting obligation for energy facilities under construction or operating:</p> <ul style="list-style-type: none"> (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 OAR 345-026-0080. (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 OAR 345-026-0080. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date. (iii) To the extent that information required by OAR 345-026-0080 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. <p>(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:</p> <ul style="list-style-type: none"> (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

	<p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>[Final Order on ASC, Condition VII.21; Amended in Final Order on AMD4]</p>
<p>GEN -MC-16</p>	<p>OAR 345-026-0105: 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.</p> <p>[Final Order on ASC, Condition VII.22]</p>
<p>GEN -MC-17</p>	<p>OAR 345-026-0170(1): The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:</p> <ul style="list-style-type: none"> a) There is an attempt by anyone to interfere with its safe operation; b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment; or c) There is any fatal injury at the facility. <p>[Final Order on ASC, Condition VII.23]</p>
<p>GEN-MC-18</p>	<p>OAR 345-025-0006(6): If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.</p> <p>[Final Order on AMD5]</p>

4.3 Pre-Construction (PRE) Conditions

Condition Number	Pre-Construction (PRE) Conditions
DESCRIPTION CONDITIONS (DC)	
PRE-DC-01	<p>The certificate holder shall construct a facility substantially as described in the site certificate and may select up to 125 turbines, subject to the following restrictions and compliance with other site certificate conditions. 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.</p> <ul style="list-style-type: none"> (a) The total number of turbines at the facility must not exceed 125 turbines. (b) The combined peak generating capacity of the facility must not exceed 400 megawatts. (c) The turbine hub height must not exceed 123 meters and the maximum blade tip height must not exceed 198 meters. (d) The minimum blade tip clearance must be 14 meters above ground. (e) Wind turbine types with the maximum dimension specifications listed in this condition shall be equipped with serrated trailing edge blades. <p>[Final Order on ASC, Condition III.A.1; AMD5]</p>
PRE-DC-02	<p>At least 45-days prior to construction, but not more than two years before beginning construction, and after considering all micro-siting factors, the certificate holder shall:</p> <ul style="list-style-type: none"> (a) Conduct a field-based habitat survey to confirm the habitat categories of areas that will be affected by facility components, as well as the locations of any sensitive resources such as active raptor and other bird nests. The survey protocols and habitat classification categories shall be confirmed with the Department and ODFW. (b) At least 45-days prior to construction, unless otherwise agreed to by the Department, submit to the Department a habitat assessment report that includes: <ul style="list-style-type: none"> • Habitat impact table, based upon final facility design and updated habitat survey, including permanent and temporary impacts by facility component and habitat category/type/subtype. • Maps showing: habitat categories and subtypes of all areas within the site boundary, final location of temporary and permanent facility components, and locations of any sensitive resources within areas that will be affected by facility components. If any sensitive resources are identified, they will need to be flagged as exclusion zones in accordance with Condition IV.M.10. If necessary, sensitive resource information shall be submitted to the Department in hard copy only and provided under request for information to be treated as confidential. <p>The field survey and information in the habitat assessment report will be used to finalize the HRMP for Department and ODFW approval (Condition PRE-TL). The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.</p> <p>[Final Order on ASC, Condition III.C.1; Amended in Final Order on AMD4]</p>
PRE-DC-03	<p>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(6), 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.</p> <p>[Final Order on ASC, Condition III.D.3]</p>
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]	
PRE-OE-01	Before beginning construction, the certificate holder shall notify the Department of the identity and

	<p>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. Within three business days, the certificate holder shall report to the Department any change of major contractors.</p> <p>[Final Order on ASC, Condition IV.B.2; Amended in Final Order on AMD4]</p>
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STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]

PRE-SS-01	<p>Prior to construction, the certificate holder shall:</p> <ul style="list-style-type: none"> (a) Submit a protocol to the Department and Oregon Department of Geology & Mineral Industries, for review, with the applicable codes, standards, and guidelines to be used, and proposed geotechnical work to be conducted for the site-specific geotechnical investigation report. (b) Submit a draft site-specific geotechnical investigation report to the Department and Oregon Department of Geology & Mineral Industries (“DOGAMI”), for review. The investigation and report shall conform to the Oregon State Board of Geologist Examiners guidelines titled “Guidelines for Engineering Geologic Reports.” The site-specific geotechnical investigation shall address Quaternary faults, landslide hazards, and non-seismic hazards and shall include design and construction recommendations to meet public safety for the anticipated lifespan of the facility. (c) The Department shall review and concur with the report, in consultation with DOGAMI, prior to construction. <p>[Final Order on ASC, Condition V.A.1; Amended in Final Order on AMD4; AMD5]</p>
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PRE-SS-02	<p>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.</p> <p>[Final Order on ASC, Condition V.A.4]</p>
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PRE-SS-03	<p>The certificate holder shall ensure that wind turbine corridors and major structures are constructed with sufficient setbacks from all steeper slopes to minimize the potential for creating unstable or marginally stable conditions.</p> <p>[Final Order on ASC, Condition V.A.5]</p>
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STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]

PRE-SP-01	<p>Prior to construction, the certificate holder shall develop a plan to control the introduction and spread of noxious weeds during facility construction and operation. The plan shall be developed in consultation with the Department, the Sherman County Weed Control manager, and ODFW. The plan shall be approved by the Department prior to construction. The plan shall focus on weed species listed on the Sherman County noxious weed list, but shall also include preventative measures, based on consultation with the Sherman County Weed Control Manager, to combat noxious weeds of concern in the area.</p> <p>[Final Order on ASC, Condition IV.E.4; Amended in Final Order on AMD3, AMD4]</p>
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STANDARD: LAND USE (LU) [OAR 345-022-0030]

PRE-LU-01	<p>Prior to construction, the certificate holder shall provide to the Department, Sherman County Planning Department, and Sherman County Transportation Department, as applicable, road design plans demonstrating that:</p> <ul style="list-style-type: none"> (a) New or substantially modified public roads meet or exceed road standards for the road classifications in the County’s Transportation System Plan and Zoning Ordinance. (b) Private access connection and driveway design of the O&M facility and substation comply with applicable requirements established in Sherman County Zoning Ordinance Section 4.14.4. <p>[Final Order on ASC, Condition IV.D.1; Amended in Final Order on AMD4]</p>
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PRE-LU-02	<p>The site certificate holder shall, in consultation with affected landowners, design and construct private access roads to minimize the division of existing farm units.</p>
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	[Final Order on ASC, Condition IV.D.3]
PRE-LU-03	<p>The certificate holder shall not locate any aboveground facility structure (including wind turbines, O&M building, substation and met towers, but not including aboveground power collection and transmission lines and poles and junction boxes) within 50 feet from any external property line or within 50 feet from the right of way of any arterial or major collector road. Prior to construction of any aboveground facility structure, the certificate holder shall submit to the Department maps and distance tables (i.e. distance from nearest facility component to setback location), based on final facility design, demonstrating that the aboveground facility structures are not located within 50 feet from any external property line or within 50 feet from the right of way of any arterial or major collector road.</p> <p>[Final Order on ASC, Condition IV.D.4; Amended in Final Order on AMD4]</p>
PRE-LU-04	<p>Collector lines in the Natural Hazards Combining Zone (“NH zone”) shall be placed under ground except in instances where it is more practical to install aboveground power collection lines and provided that the aboveground power collection lines will be designed to minimize slope stability and other NH zone hazards. The site-specific geotechnical investigation required prior to construction shall address native soil and bedrock stability concerns at cuts, fills and culvert crossings, and shall include design and construction recommendations to minimize the potential for destabilizing marginally stable slopes and the potential for stream erosion.</p> <p>[Final Order on ASC, Condition IV.D.6]</p>
PRE-LU-05	<p>Prior to construction, the certificate holder shall submit to the Department evidence that the Sherman County Planning Department has received and concurred with the SCZO Article 3.7.5(e) Development Proposal, required for uses within a NH zone.</p> <p>[Final Order on ASC, Condition IV.D.7; Amended in Final Order on AMD4]</p>
PRE-LU-06	<p>Construction staging areas shall be limited to areas outside the Natural Hazards Combining Zone. Prior to construction of staging areas, the certificate holder shall provide construction related maps demonstrating that the staging areas are located outside the Natural Hazards Combining Zone (“NH Zone”).</p> <p>[Final Order on ASC, Condition IV.D.8; Amended in Final Order on AMD4]</p>
PRE-LU-07	<p>The certificate holder shall stabilize all roads or streets in the Natural Hazards Combining by planking, gravel or pavement as deemed necessary, and shall build roadways without installation of excessive fill, diversion of water or excessive cuts unless the site investigation determines that such conditions will not be detrimental to the area or create unwarranted maintenance problems or additional hazards.</p> <p>[Final Order on ASC, Condition IV.D.9; Amended in Final Order on AMD4]</p>
PRE-LU-08	<p>Prior to construction, the certificate holder shall submit to the Department final facility design maps presenting the location of temporary construction laydown and staging areas, including those associated with construction of transmission lines or placement of conductors on third-party transmission lines. The facility shall be designed to minimize disturbance with farming practices and, wherever feasible, as determined in consultation with affected landowners, shall place turbines and transmission interconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations. The certificate holder shall place aboveground transmission and collector lines and poles and junction boxes along property lines and public road rights-of-way to the extent practicable.</p> <p>[Final Order on ASC, Condition IV.D.10; Amended in Final Order on AMD4]</p>
PRE-LU-09	<p>Prior to construction, the certificate holder shall submit to the Department evidence that a Farm Management Easement covering the properties on which the certificate holder locates wind power generation facility components has been recorded in the real property records of Sherman County and the Sherman County Planning Director.</p> <p>[Final Order on ASC, Condition IV.D.13; Amended in Final Order on AMD4]</p>
PRE-LU-10	<p>The certificate holder shall remove from Special Farm Assessment the portions of parcels on which facilities are located and shall pay all property taxes due and payable after the Special Farm Assessment is removed from such properties.</p>

	[Final Order on ASC, Condition IV.D.14]
PRE-LU-11	<p>Prior to start of construction, the certificate holder shall, in consultation with Sherman County, assign a 9-1-1 5-digit rural address to every tower road that intersects a State or county road. The county will provide and install the signage for these addresses.</p> <p>[Final Order on ASC, Condition IV.D.18]</p>
PRE-LU-12	<p>The certificate holder shall:</p> <p>(a) Prior to beginning construction, provide evidence to the Department that both a pre-construction road condition inspection and consultation with the Sherman County Road Department has occurred. Through the consultation, the certificate holder shall, at a minimum, obtain confirmation of the following or provide the following documentation to the Sherman County Road Department:</p> <ol style="list-style-type: none"> (1) Final facility design maps identifying the route or routes for the transport of wind turbine construction material (including water, aggregate, concrete, machinery and tower pieces) and facility access for construction personnel; and, concurrence on the pre-construction conditions of any routes using or crossing Sherman county roads. (2) A written summary of possible anticipated road damage to the designated route or routes, and an estimate of the cost of repair to the designated route or routes; (3) Communication protocol for reporting to the Sherman County Road Department unusual damage or wear identified during facility construction and determined to be a result of facility construction vehicle use. (4) Establish and maintain an escrow account for so long as construction is ongoing, funded in an amount equal to the estimated cost to repair the designated route or routes consistent with the estimate provided in (2); and (5) Conduct an inspection of the roads along the designated route or routes after construction with a representative of the Sherman County Road Department and an independent third party with the required expertise to inspect and evaluate paved and graveled roads. In the event a dispute arises, the third party shall be the final arbiter. The cost of the hiring of the third party shall be borne by the certificate holder. <p>(b) Following completion of construction and prior to operation, conduct the inspection of the roads along the designated route or routes with a representative of the Sherman County Road Department and an independent third party, as specified in sub(a)(5) of this condition.</p> <p>(c) After completing the inspection required per sub(b), the certificate holder shall coordinate with the Sherman County Road Master and shall provide adequate funding to allow the county to restore any necessary damages to Sherman County roads resulting from facility construction as agreed upon by the Sherman County Road Department. The escrow account established in (a)(4) shall not be closed until Sherman County Road Department has agreed with the restoration to Sherman County roads, or otherwise that the certificate holder has not caused damage to Sherman County roads.</p> <p>[Final Order on ASC, Condition IV.D.19; Amended in Final Order on AMD4, AMD5]</p>
PRE-LU-13	<p>Before beginning construction of facility access roads, the certificate holder shall confer with the Sherman County Road Master regarding any utility permits needed for county road right-of-ways and obtain permits for construction of all approach roads onto county roads.</p> <p>[Final Order on ASC, Condition IV.D.20; Amended in Final Order on AMD4]</p>
PRE-LU-14	<p>Prior to construction, Certificate Holder shall demonstrate that the final location of turbines within the micrositing corridors approved by the Council will satisfy setback requirements prescribed by the Sherman County Wind Setback Ordinance (Ordinance No. 39-2007) unless the Council has approved a variance to such setback for the turbine or the Certificate Holder has negotiated a setback agreement with the affected adjacent property owner or wind project developer in accordance with Section 3 of the ordinance as follows:</p> <p>(a) Setback from property lines in all East-West upwind and downwind directional property line installation shall be no less than 7.5 times the rotor diameter and no less than 1.5 times the rotor diameter for all North-South property line delineations. These requirements shall only apply to project boundaries and will not be required for towers installed internally within the site boundary. (Sherman County Ordinance 39-2007, Section 4)</p>

- (b) Setbacks from pre-existing wind turbines shall be 15 times the rotor diameter upwind and downwind for all East-West setback considerations and 3 times the rotor diameter for all North-South setback considerations. (Sherman County Ordinance 39-2007, Section 5)
- (c) Setbacks from an operating wind turbine to the boundary lines of any incorporated city in Sherman County shall be a distance of one (1) mile, unless a variance to such distance is obtained through the city council of an affected city, after public hearing. (Sherman County Ordinance 39-2007, Section 6)

[Final Order on Amendment #1, Condition IV.D.22; Amended in Final Order on AMD1, AMD4, AMD5]

STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]

PRE-RT-01

Before beginning construction, the certificate holder shall submit to the State through the Council a bond or letter of credit in the amount described herein naming the State, acting by and through the Council, as beneficiary or payee. If the certificate holder elects to build the facility in a single phase, the initial bond or letter of credit amount is \$14,425,000 (in 2008 dollars), adjusted to the date of issuance as described in (b), or the amount determined as described in (a). If the certificate holder elects to build the facility in more than one phase, the amount of the initial bond or letter of credit for each phase of construction shall be the amount determined as described in (a). The certificate holder shall adjust the amount of each bond or letter of credit on an annual basis thereafter as described in (b).

- (a) The certificate holder may adjust the amount of each bond or letter of credit based on the final design configuration of the facility by applying the unit costs and general costs illustrated in Table IV.C.1 of the Final Order on the Application to the final design and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.
- (b) The certificate holder shall adjust the amount of each 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 2008 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 annual average index value for 2008 dollars 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 2008 dollars to present value.
 - (ii) Calculate the adjusted performance bond amount as 1 percent of the new subtotal (i).
 - (iii) Add the subtotal (i) to the adjusted performance bond amount (ii) for the adjusted gross cost.
 - (iv) Calculate the adjusted administration and project management costs as 10 percent of the adjusted gross cost (iii).
 - (v) Calculate the adjusted future developments contingency as 10 percent of the adjusted gross cost (iii).
 - (vi) Add the adjusted gross cost (iii) to the sum of adjusted administration and project management costs (iv) and the adjusted future developments contingency (v) 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 under Condition (VII.21.a.ii).
- (f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Final Order on ASC, Condition IV.C.4; Amended in Final Order on Amendment 3]

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

PRE-FW-01	<p>Prior to construction, the certificate holder shall finalize and implement the Habitat Mitigation and Revegetation Plan (HMRP), included as Attachment C to the Final Order on Amendment, as approved by the Department in consultation with ODFW and as amended from time to time. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments, and the Council retains the authority to approve, reject, or modify any amendments of the HMRP agreed to by the Department. [Final Order on Amendment 4]</p> <p>The finalized HMRP shall incorporate the maps, habitat classifications, and anticipated temporary and permanent habitat impact assessment completed as per site certificate Condition III.C.1. Prior to start of construction, the certificate holder shall acquire the legal right to create, enhance, maintain and protect a habitat mitigation area so long as the site certificate is in effect by means of outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. The nominal lease term shall be at least 30 years, with an option to extend if the facility continues operations past year 30. The mitigation area shall be as shown in figures 1, 2 and 3 of Attachment B to the Final Order. Any different mitigation area shall require prior approval of the Department in consultation with ODFW.</p> <p>If, prior to the achievement of success criteria for revegetation and restoration of temporarily impacted areas as provided in the final HMRP, any area temporarily disturbed during facility construction is converted for some other use such that the Department, in consultation with ODFW, determines the success criteria cannot be achieved, or the Department otherwise determines, in consultation with ODFW, that the success criteria cannot be achieved, the Department shall amend the HMRP using the process described above to require additional mitigation consistent with the habitat classifications and mitigation requirements for other areas permanently impacted by the facility.</p> <p>[Final Order on ASC, Condition IV.M.1; Amended in Final Order on AMD3, AMD4]</p>
PRE-FW-02	<p>The certificate holder shall survey the status of known raptor nests within 0.5 miles before ground-disturbing activities begin. If an active nest is found, and ground-disturbing activities are scheduled to begin before the end of the sensitive nesting and breeding season (mid-April to mid-August), the certificate holder will not engage in ground-disturbing activities within a 0.25-mile buffer around the nest until the nest fledges young or the nest fails, unless ODFW approves an alternative plan. If ground-disturbing construction activities continue into the sensitive nesting and breeding season for the following year, the certificate holder will not engage in ground-disturbing activities within the 0.25-mile buffer if the nest site is found to be active until the nest fledges young or the nest fails, unless ODFW approves an alternate plan.</p> <p>[Final Order on ASC, Condition IV.M.4]</p>
PRE-FW-03	<p>Prior to construction, the certificate holder will survey the status of known loggerhead shrikes nests and visit sites where non-nesting loggerhead shrikes were observed in order to determine old and new nest sites. The certificate holder shall avoid all construction activities within a 492-foot (150-meter) buffer from active loggerhead shrikes nests.</p> <p>[Final Order on ASC, Condition IV.M.5; Amended in Final Order on AMD4]</p>
PRE-FW-04	<p>Prior to construction, the certificate holder shall submit to the Department final facility design maps confirming that turbines and other facility components will be located within the 900-foot corridors shown on Figure 1 of the Amended Site Certificate. The certificate holder shall not construct any facility components within areas of Category 1 or Category 2 habitat and shall avoid temporary disturbance of Category 1 or Category 2 habitat, except for those acreages allowed in the final Habitat Mitigation and Revegetation Plan (HMRP). The certificate holder may rely upon the maps and data submitted per Condition IV.M.1 to satisfy this condition.</p> <p>[Final Order on ASC, Condition IV.M.9; Amended in Final Order on AMD3, AMD4, AMD5]</p>
PRE-FW-05	<p>Prior to construction, the certificate holder shall:</p> <ol style="list-style-type: none"> a. Conduct one (1) year of raptor nest surveys. The raptor nest surveys shall be conducted following the instructions set forth in the Raptor Nest Survey Protocol for Golden Hills Wind Project included as Attachment D to the Fourth Amended Site Certificate. b. At least 45-days prior to construction, the certificate holder shall provide a written report on the raptor nest surveys to the Department and ODFW. If the surveys identify the presence of raptor nests

	<p>within the survey area, the certificate holder shall implement appropriate measures, consistent with the Wildlife Monitoring and Mitigation Plan, and as approved by the Department in consultation with ODFW, to assure that design, construction, and operation of the facility are consistent with the Fish and Wildlife Habitat standard.</p> <p>[Final Order on ASC, Condition IV.M.11; Amended in Final Order on AMD3, AMD4]</p>
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STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]

PRE-TE-01	<p>The certificate holder shall report the results of the database review and consultation to the Department and to ODFW and, if there have been new documentations of nesting bald eagles or peregrine falcons within 2 miles of the facility, the certificate holder shall implement appropriate measures to protect the species from adverse impact, as approved by the Department and ODFW.</p> <p>[Final Order on ASC, Condition IV.L.1]</p>
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PRE-TE-02	<p>The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction including, but not limited to, the following:</p> <ul style="list-style-type: none"> (a) Preparing maps to show sensitive areas, such as nesting or denning areas for sensitive wildlife species, that are off limits to construction personnel; (b) Ensuring that a qualified person instructs construction personnel to be aware of wildlife in the area and to take precautions to avoid injuring or destroying wildlife or significant wildlife habitat; and (c) Avoiding unnecessary road construction, temporary disturbance and vehicle use. <p>[Final Order on ASC, Condition IV.L.2]</p>
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PRE-TE-03	<p>Prior to the beginning of construction but no more than two years prior to the beginning of construction of the facility, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Submit protocol for field surveys for threatened and endangered species to the Department for review and approval, in consultation with ODFW. The survey protocol shall be based on the protocol included on ASC Exhibit P, Attachment P-1, and shall be updated based on consultation with ODFW. b. Perform new field surveys for threatened and endangered species following the survey protocol as approved per sub(a). c. The certificate holder shall report the results of the field surveys to the Department and ODFW. If the surveys identify the presence of threatened or endangered species within the site boundary, 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 ODFW. <p>[Final Order on Amendment 2, Condition IV.L.3; Amended in Final Order on AMD3, AMD4]</p>
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STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]

PRE-SR-01	<p>To reduce the visual impact of the facility, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Mount nacelles on smooth steel structures painted uniformly in a neutral color to blend with the surrounding landscape; b. Paint substation structures in a 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 or required by law, except that the certificate holder may erect a sign to identify the facility; and e. Maintain any signs allowed under this condition in good repair. <p>[Final Order on ASC, Condition IV.G.1]</p>
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STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

PRE-HC-01	<p>The certificate holder shall design the facility to avoid impacts to sites 35SH217, 35SH220, GH site 6 (above ground resource), 35SH219 and GH Isolate 6.</p>
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	[Final Order on ASC, Condition V.B.1]
PRE-HC-02	<p>At least 45 days prior to construction, the certificate holder shall prepare a Cultural Resource Management Plan (the "CRMP") and shall submit the CRMP to the Department and State Historic Preservation Office (the "SHPO") for review. The Department must approve the CRMP, in consultation with SHPO, prior to construction.</p> <p>The CRMP shall at a minimum include:</p> <ul style="list-style-type: none"> (a) Specific protocols and procedures for protecting known cultural resources including imposing a 30-meter buffer zone and designating as a "no-work zones", around sites 35SH215, 35SH216, 35SH221, and to the sites identified in Condition V.B.1: 35SH217, 35SH220, GH site 6 (above ground resource), 35SH219 and GH Isolate 6. Both the buffer and no work zones apply to cultural resources, including any additional archeological sites and possible human remains accidentally discovered during construction. The CRMP shall identify how protocols will follow State laws and rules at ORS 358.905-961, ORS 390.235, OAR 736-051-0090 and ORS 97.740-760 as in effect on the date of this site certificate,, The certificate holder shall submit the CRMP to the State Historic Preservation Office (the "SHPO") for concurrence and shall provide to the Department documentation confirming SHPO concurrence prior to start of construction. (b) Protocols and procedures for responding to accidental discovery of cultural resources during operations and ongoing maintenance activities. <p>[Final Order on ASC, Condition V.B.2; Amended in Final Order on AMD4]</p>
PRE-HC-03	<p>Before beginning construction of any phase of the facility, the certificate holder shall provide to the Department a map showing the final design locations of all components of that phase of the facility and areas that would be temporarily disturbed during construction, and also showing the areas surveyed by Tetra Tech in preparing the Archeological Inventory for Golden Hills Wind Energy Development included in the Application for a Site Certificate as Attachment S-1. If there are any additional areas where ground-disturbing activities will occur that were not part of the original facility area, the certificate holder shall notify the Department and SHPO to determine whether additional surveys or avoidance measures are necessary.</p> <p>[Final Order on ASC, Condition V.B.4; Amended in Final Order on AMD4]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
PRE-PS-01	<p>Before beginning construction of the facility, the certificate holder shall develop a fire safety and response plan for both construction and operation phases in consultation with the Oregon State Fire Marshal, the Sherman County Emergency Services, North Sherman Fire and Rescue, Moro Rural Fire Protection District and other first-response agencies the facility will rely upon for fire protection services. A copy of the Construction Fire Safety and Response plan must be provided to the Department at least 30 days before beginning construction. A copy of the Operational Fire Safety and Response Plan must be provided to the Department at least 30 days before beginning operation. The Operational plan must be updated at least annually by the agencies identified in (a) below and a copy provided to the agencies identified in (a), (b), and (c) and to the Department within 30 days of the update. The fire safety and response plan shall address, at a minimum, the following:</p> <ul style="list-style-type: none"> (a) Identification of agencies that participated in developing the plan; (b) Identification of agencies that are designated as first response agencies or are included in any mutual aid agreements with the facility; (c) A list of any other mutual aid agreements or fire protection associations in the vicinity of the facility; (d) Complete contact information for each agency listed in (a), (b), and (c) above, including at least two facility contacts available on a 24-hour basis; (e) Communication protocols for both routine and emergency events and the incident command system to be used in the event a fire response by multiple agencies is needed at the facility; (f) Access and fire response at the facility site during construction and operations. Fire response plans during construction shall address regular and frequent communication amongst the agencies regarding the number and location of construction sites within the site boundary, access roads that

	<p>are completed and those still under construction, location of water receptacles, and a temporary signage system until permanent addresses and signs are in place;</p> <ul style="list-style-type: none"> (g) The minimum designated time period of the fire season (i.e., May 1 through October 15) and the criteria to modify the designated fire season to respond to changing conditions; (h) The number, size, and location of onsite water receptacles to be staged around the facility site for firefighting purposes during the fire season; and (i) Training needs (both for facility personnel and for first responders) including at a minimum fall protection and rescue employee training requirements. (j) Copies of mutual aid, fire protection association, or other agreements entered into concerning fire protection at the facility site. <p>[Final Order on ASC, Condition V.C.3; Amended in Final Order on AMD2, AMD5]</p>
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PRE-PS-02	<p>Before beginning construction of the facility, the certificate holder shall develop, in consultation with Sherman County Road Department, a construction-phase traffic management plan.. The certificate holder shall submit to the Department a copy of the final construction-phase traffic management plan.</p> <p>[Final Order on ASC, Condition V.C.10; Amended in Final Order on AMD4]</p>
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STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]

PRE-WM-01	<p>Prior to construction, the certificate holder shall submit to the Department a Construction Waste Management Plan that includes, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> (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 landfill; and (e) Segregating all hazardous wastes, such as used oil, oily rags and oil-absorbent materials, lubricant and cleaning solution containers, 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. <p>The requirements of the plan shall be implemented and adhered to during construction activities.</p> <p>[Final Order on ASC, Condition V.D.1; Amended in Final Order on AMD4]</p>
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STANDARD: PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES (PH) [OAR 345-024-0010]

PRE-PH-01	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> a) During facility construction, install self-monitoring devices on each turbine, connected to a fault annunciation panel or SCADA system at the O&M facility to alert operators to potentially dangerous conditions. The certificate holder shall equip each turbine with vibration-sensing equipment that will shut down the turbine in the event of abnormal levels of vibration. b) During facility operation, maintain the self-monitoring devices and vibration-sensing equipment on each turbine, connected to the fault annunciation panel or SCADA system at the O&M facility. <p>[Final Order on ASC, Condition IV.I.2; Amended in Final Order on AMD4]</p>
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PRE-PH-02	<p>Prior to construction, the certificate holder shall provide evidence to the Department demonstrating that the facility substations will be enclosed with appropriate fencing and locked gates.</p> <p>[Final Order on ASC, Condition IV.I.6; Amended in Final Order on AMD4]</p>
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PRE-PH-03	<p>Before beginning construction, the certificate holder shall submit to the FAA and the Oregon Department of Aviation (“ODA”) a Notice of Proposed Construction or Alteration identifying the proposed final locations of the turbines and related or supporting facilities and shall provide a copy of this notice to the Department. The certificate holder shall notify the Department of the FAA’s and ODA’s responses as soon as they have been received.</p> <p>[Final Order on ASC, Condition IV.I.7]</p>
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STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (ST) [OAR 345-024-0090]

PRE-ST-01

The certificate holder shall install the underground segments of the 34.5-kV collector system at a minimum depth of three feet.

[Final Order on ASC, Condition IV.K.1]

REQUIREMENTS UNDER COUNCIL JURISDICTION (CJ)

PRE-CJ-01

The certificate holder shall submit, for Department approval prior to construction, a complete new noise analysis for the facility based on the final design layout and generate a new table listing each noise-sensitive property, as defined in OAR 340-035-0015(38), and the predicted maximum hourly L50 noise level at each noise-sensitive property. In addition, the certificate holder shall provide the predicted sound levels contributed by each turbine at each noise-sensitive property that does not provide a waiver of the ambient noise rule. The certificate holder shall perform the analysis using the CADNA/A by DataKustik GmbH of Munich, Germany, and shall base the analysis on the final facility design including final choice of turbine and location of all facility components. The analysis shall demonstrate to the satisfaction of the Department that each of the following requirements have been met:

- (a) For any noise-sensitive property, the certificate holder shall identify the final design locations of all turbines to be built and perform a noise analysis demonstrating, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV), that the total hourly L50 noise level generated by the facility would not exceed 50 dBA at the appropriate measurement point. The certificate holder shall assume the following input parameters:
 - The maximum sound power level warranted by the manufacturer or confirmed by other means acceptable to the Department;
 - The exact locations of the proposed turbines;
 - Attenuation of sound due to absorption to be calculated using a methodology satisfactory to the Department;
 - The use of 50° F temperature and 70 percent relative humidity in the analysis;
 - A 2dB safety margin shall be added to turbine sound power levels;
 - No credit for shielding of any residence by terrain; and
 - All receptors treated as simultaneously downwind of all turbines.
- (b) If the hourly L50 noise levels caused by the facility at any noise-sensitive property would increase the ambient noise level at any noise-sensitive property over the full set of wind conditions ranging from cut in to full load by more than 10 dBA, the certificate holder shall obtain a legally effective easement or real covenant from that property owner pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L50 and L50 by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall (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.
- (c) If, for any noise-sensitive property where the hourly L50 noise levels caused by the facility would increase by more than 10 dBA above the ambient level over the full range of wind conditions measured for that property and where the certificate holder has not obtained a legally effective easement or real covenant as described in (b), the certificate holder shall identify measures to reduce noise at that property either by eliminating or moving turbines, and shall perform the noise analysis again to demonstrate, in accordance with OAR 340-035-0035(1)(b)(B)(iii)(IV), that the total noise generated by the facility would meet the ambient noise degradation test at the appropriate measurement point at that noise-sensitive property. The certificate holder shall obtain Department concurrence of the new analysis prior to start of construction.

	[Final Order on ASC, Condition VI.A.1.2]
PRE-CJ-02	<p>Prior to construction, the certificate holder shall:</p> <ol style="list-style-type: none"> 1) Conduct an updated wetlands and waters delineation survey of all areas to be temporarily or permanently impacted by the facility based on final layout and design. 2) Submit the delineation survey report to the department and Oregon Department of State Lands and receive concurrence of the report from DSL. 3) Confirm from the results of the delineation survey and DSL concurrence that the facility will not need a removal-fill permit. 4) If a removal-fill permit is necessary, file a site certificate amendment request to review and process the permit request. <p>(Final Order on Amendment No. 3, Removal-Fill Condition 1)</p>
PRE-CJ-03	<p>Prior to construction, the certificate holder shall prepare detailed design drawings and specifications for 230 kV, and 34.5 kV transmission lines, in consultation 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.</p> <p>[Final Order on ASC, Condition VI.A.4.2; Amended in Final Order on AMD4]</p>
PRE-CJ-04	<p>Prior to start of construction, the certificate holder shall submit to ODOE a procedure for coordinating, with all affected local electric service utilities and transmission service providers, crane movements under electric transmission lines during construction and maintenance of the facility. The procedure shall address subjects including, but not limited to, minimum advance notification prior to any crane movement under an electric transmission or distribution line, protocols for determining adequate line clearance and specific crane path locations. With the procedure, the certificate holder shall provide evidence of concurrence by each affected electric service utility or transmission service provider. The certificate holder shall ensure that all employees, construction contractors and subcontractors adhere to this procedure throughout construction and maintenance of the facility.</p> <p>[Final Order on ASC, Condition VI.A.4.3]</p>
MANDATORY CONDITIONS (MC)	
PRE-MC-01	<p>OAR 345-025-0006 (5): Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:</p> <ol style="list-style-type: none"> 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. <p>[Final Order on ASC, Condition VII.5; Amended in Final Order on AMD4]</p>
PRE-MC-02	<p>OAR 345-025-0006 (8): Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. [See Condition IV.C.4.]</p>

[Final Order on ASC, Condition VII.8; Amended in Final Order on AMD4]

4.4 Construction (CON) Conditions

Condition Number	Pre-Construction (PRE) Conditions															
STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]																
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]																
CON-SP-01	<p>During construction, the certificate holder shall salvage approximately three feet of topsoil and stockpile this topsoil in windrows, wherever temporary impacts will occur in cultivated areas. The certificate holder shall protect the windrows with plastic sheeting or mulch. Upon removal of the temporary features, the certificate holder shall cultivate the subsoil to a depth of at least 12 inches (except where bedrock prohibits achieving this depth) and then redistribute the salvaged topsoil to match adjacent grades.</p> <p>[Final Order on ASC, Condition IV.E.2; Amended in Final Order on AMD4]</p>															
CON-SP-02	<p>During construction, the certificate holder shall ensure that the wash down of concrete trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If such wash down occurs at tower foundation locations, then the certificate holder shall ensure that wash down wastewater does not run off the construction site into otherwise undisturbed areas and that the wastewater is disposed of on backfill piles and buried underground with the backfill over the tower foundation.</p> <p>[Final Order on ASC, Condition IV.E.5]</p>															
STANDARD: LAND USE (LU) [OAR 345-022-0030]																
CON-LU-01	<p>During construction, the certificate holder shall provide access across construction trenches to fields within the facility site and otherwise provide adequate and timely access to properties during critical periods in the farming cycle, such as harvest, as necessary and as determined feasible by the certificate holder and landowner.</p> <p>[Final Order on ASC, Condition IV.D.12; Amended in Final Order on AMD4]</p>															
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]																
CON-FW-01	<p>During construction, the certificate holder shall protect the area within a 1300-foot buffer around any active nests of the following species during the sensitive period, as provided in this condition:</p> <table border="1" data-bbox="574 1213 1474 1432"> <thead> <tr> <th>Species</th> <th>Sensitive Period</th> <th>Early Release Date</th> </tr> </thead> <tbody> <tr> <td>Swainson's hawk</td> <td>April 1 to August 15</td> <td>May 31</td> </tr> <tr> <td>Golden eagle</td> <td>February 1 to August 31</td> <td>May 31</td> </tr> <tr> <td>Ferruginous hawk</td> <td>March 15 to August 15</td> <td>May 31</td> </tr> <tr> <td>Burrowing owl</td> <td>April 1 to August 15</td> <td>July 15</td> </tr> </tbody> </table> <p>The 1300-foot buffer may be reduced, with Department approval, if there is an adequate physical barrier between the nest site and the construction impacts such that a 1300-foot buffer proves to be excessive.</p> <p>During the year in which construction of any phase occurs, the certificate holder shall use a protocol approved by ODFW to determine whether there are any active nests of these species within a half-mile of any areas that would be disturbed during construction. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) or allow high levels of construction traffic within 1300 feet of the nest site, or such lesser distance as may be approved by the Department in the event there is an adequate physical barrier between the nest site and the construction impacts.</p> <p>In addition, the certificate holder shall flag the boundaries of the 1300-foot buffer area, or such lesser distance as may be approved by the Department in the event there is an adequate physical barrier between the nest site and the construction impacts, and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall direct a qualified independent third-party biological monitor, as</p>	Species	Sensitive Period	Early Release Date	Swainson's hawk	April 1 to August 15	May 31	Golden eagle	February 1 to August 31	May 31	Ferruginous hawk	March 15 to August 15	May 31	Burrowing owl	April 1 to August 15	July 15
Species	Sensitive Period	Early Release Date														
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Ferruginous hawk	March 15 to August 15	May 31														
Burrowing owl	April 1 to August 15	July 15														

	<p>approved by the Department, to observe the active nest sites during the sensitive period for signs of disturbance and to notify the Department of any noncompliance with this condition. If the monitor observes nest site abandonment or other adverse impact to nesting activity, the certificate holder shall implement appropriate mitigation, in consultation with ODFW and subject to the approval of the Department, unless the adverse impact is clearly shown to have a cause other than construction activity. The certificate holder may begin or resume high-impact construction activities before the ending day of the sensitive period if any known nest site is not occupied by the early release date. If a nest site is occupied, then the certificate holder may begin or resume high-impact construction before the ending day of the sensitive period with the approval of ODFW, but after the young are fledged. The certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (meaning the young are independent of the core nest site).</p> <p>[Final Order on ASC, Condition IV.M.10]</p>
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STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]

CON-HC-01	<p>During construction, if any cultural resources are discovered, all work at that location shall cease immediately and the certificate holder shall notify the Department and SHPO to determine whether it is necessary to have an archeologist travel to the worksite and assess the discovery or monitor construction activities.</p> <p>[Final Order on ASC, Condition V.B.6; Amended in Final Order on AMD4]</p>
CON-HC-02	<p>During construction, the certificate holder shall ensure that construction personnel cease all ground-disturbing activities in the immediate area if any archaeological or cultural resources are found during construction of the facility until a qualified archaeologist can evaluate the significance of the find. No construction personnel will be allowed in the discovery area except for facility management in consultation with the SHPO. The certificate holder shall notify the Department and the 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 or data recovery, in consultation with the Department, the SHPO, the appropriate Oregon 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 that it has complied with State archaeological protection and archaeological permit laws in coordination with the SHPO.</p> <p>[Final Order on ASC, Condition V.B.8; Amended in Final Order on AMD4]</p>
CON-HC-03	<p>During construction, the certificate holder shall ensure that construction personnel are instructed on the location of the mapped alignment of the Oregon Trail, per Condition V.B.5. If any intact physical evidence of the trail is discovered that was not previously identified, the certificate holder shall avoid any disturbance to the intact segments by redesign, reengineering or restricting the area of construction activity. The certificate holder shall promptly notify the Department and the SHPO of the discovery. The certificate holder shall consult with the Department and with the SHPO to determine appropriate mitigation measures.</p> <p>[Final Order on ASC, Condition V.B.9; Amended in Final Order on AMD4]</p>
CON-HC-04	<p>Upon completion of construction, the certificate holder shall consult with the Oregon Historic Trails Advisory Council regarding the appropriate content of an interpretive sign. After such consultation, the certificate holder shall place in a publicly accessible location a sign giving notice of the historic background of the facility site and surrounding areas.</p> <p>[Final Order on ASC, Condition V.B.10]</p>

STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]

CON-PS-01	<p>During construction of the facility, 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 grassy areas.</p> <p>[Final Order on ASC, Condition V.C.4]</p>
CON-PS-02	<p>During construction of the facility, the certificate holder shall maintain a water truck on site to respond to potential fire incidents.</p> <p>[Final Order on ASC, Condition V.C.6]</p>

CON-PS-03	<p>The certificate holder shall construct turbines on concrete pads with a minimum of 10 feet of nonflammable and non-erosive ground cover on all sides. The certificate holder shall cover turbine pad areas with nonflammable, non-erosive material immediately following exposure during construction and shall maintain the pad area covering during operation of the facility.</p> <p>[Final Order on ASC, Condition V.C.7]</p>
CON-PS-04	<p>During construction of the facility, the certificate holder shall implement measures to reduce traffic impacts, including:</p> <ul style="list-style-type: none"> (a) Providing notice to all affected local jurisdictions in advance of deliveries; (b) Providing notice to adjacent landowners and residents of Biggs Junction in advance of deliveries; and (c) Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic and reduce accident risks. <p>[Final Order on ASC, Condition V.C.11]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
CON-WM-01	<p>During construction, the certificate holder shall provide portable toilets for on-site sewage handling and shall ensure that they are pumped and cleaned regularly by a licensed contractor.</p> <p>[Final Order on ASC, Condition V.D.3]</p>
STANDARD: PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES (PH) [OAR 345-024-0010]	
CON-PH-01	<p>During construction, the certificate holder shall follow manufacturer's recommended handling instructions and procedures to prevent damage to turbine or turbine tower components that could lead to failure. In the compliance plan required per OAR 345-026-0048, the certificate holder shall describe the process or protocol to be implemented to ensure manufacturer's handling instructions and procedures are followed during equipment delivery.</p> <p>[Final Order on ASC, Condition IV.I.1; Final Order on AMD4]</p>
CON-PH-02	<p>The certificate holder shall construct turbine towers with no exterior ladders or access to the turbine blades and shall install locked tower access doors. The certificate holder shall keep tower access doors locked at all times except when authorized personnel are present.</p> <p>[Final Order on ASC, Condition IV.I.3]</p>
REQUIREMENTS UNDER COUNCIL JURISDICTION (CJ)	
CON-CJ-01	<p>During construction, to reduce noise impacts at nearby residential areas, the certificate holder shall:</p> <ul style="list-style-type: none"> (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. <p>[Final Order on ASC, Condition VI.A.1.1; Amended in Final Order on AMD4]</p>
MANDATORY CONDITIONS (MC)	
CON-MC-01	<p>OAR 345-025-0006 (4): The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. [See Conditions (III.D.1) and (111.D.2).]</p> <p>[Final Order on ASC, Condition VII.4; Amended in Final Order on AMD4]</p>

4.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
PRO -PS-01	<p>Before beginning operation of the facility, the certificate holder shall provide to North Sherman Fire Protection District and Moro Rural Fire Protection District a site plan indicating the identification number assigned to each turbine and the location of all facility structures. During operation of the facility, the certificate holder shall ensure that appropriate district 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.</p> <p>[Final Order on ASC, Condition V.C.9; Amended in Final Order on AMD4]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
PRO -WM-01	<p>Prior to operation, the certificate holder shall submit to the Department an Operational Waste Management Plan that includes, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> (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 landfill; and (e) Segregating all hazardous wastes, such as used oil, oily rags and oil-absorbent materials, oil and cleaning solution containers, 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. <p>The requirements of the plan shall be implemented and adhered to during operational activities.</p> <p>[Final Order on ASC, Condition V.D.2; Amended in Final Order on AMD4]</p>
STANDARD: PUBLIC HEALTH AND SAFETY STANDARDS FOR WIND ENERGY FACILITIES (PH) [OAR 345-024-0010]	
PRO-PH-01	<p>Prior to operation, the certificate holder shall:</p> <ul style="list-style-type: none"> (a) Submit to the Department materials or other documentation demonstrating the facility's operational safety-monitoring program and cause analysis program, for review and approval. The program shall, at a minimum, include requirements for regular turbine blade and turbine tower component inspections and maintenance, based on wind turbine manufacturer recommended frequency. (b) The certificate holder shall document inspection and maintenance activities including but not limited to date, turbine number, inspection type (regular or other), turbine tower and blade condition, maintenance requirements (i.e. equipment used, component repair or replacement description, impacted area location and size), and wind turbine operating status. This information shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report. (c) In the event of blade or tower failure, the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 90-days of blade or tower failure event, submit a cause analysis to the Department for its compliance evaluation. <p>[Final Order on ASC, Condition IV.I.4; Amended in Final Order on AMD4, AMD5]</p>
PRO-PH-02	<p>Prior to operation, the certificate shall submit to the Department evidence demonstrating that, for turbine types having pad-mounted step-up transformers, transformers are installed 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.</p> <p>[Final Order on ASC, Condition IV.I.5; Amended in Final Order on AMD4]</p>
REQUIREMENTS UNDER COUNCIL JURRISDICTION (CJ)	

PRO-CJ-01	<p>Prior to start of commercial operation, the certificate holder shall submit a plan for complaint-based operational noise monitoring to the Department. Commercial operation shall not commence until the Department has concurred in writing with the complaint-based noise monitoring protocol. The plan shall provide for testing at houses whose owners or occupants submit a complaint to the Council or the Department. The plan shall include a schedule for completion of required testing and a date certain by which written results shall be provided to the Council. If the owner of the property that filed the complaint refuses to grant access for the purpose of performing the noise test described in this condition after reasonable attempts are made by the certificate holder to receive permission for access, then the Department shall not require further corrective action.</p> <p>[Final Order on ASC, Condition VI.A.1.4]</p>
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4.6 Operational (OPR) Conditions

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
OPR -SP-01	<p>During facility operation, the certificate holder shall routinely inspect and maintain all roads, pads and trenched areas and, as necessary, maintain or repair erosion control measures. The certificate holder shall restore areas that are temporarily disturbed during facility maintenance or repair activities to predisturbance condition or better.</p> <p>[Final Order on ASC, Condition IV.E.3]</p>
OPR -SP-02	<p>During facility operation, if blade-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.</p> <p>[Final Order on ASC, Condition IV.E.6]</p>
STANDARD: LAND USE (LU) [OAR 345-022-0030]	
OPR -LU-01	<p>During operation of the facility, the certificate holder, in cooperation with landowners, shall avoid impact on cultivated land to the extent reasonably possible when performing facility repair and maintenance activities.</p> <p>[Final Order on ASC, Condition IV.D.11]</p>
OPR -LU-02	<p>Within 90 days after beginning operation, the certificate holder shall provide to the Department and to the Sherman County Planning Director the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines. In addition, the certificate holder shall provide to the Department and to the Sherman County Planning Director, a summary of as-built changes in the facility compared to the original plan, if any.</p> <p>[Final Order on ASC, Condition IV.D.15]</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
OPR -RT-01	<p>The certificate holder shall:</p> <ul style="list-style-type: none"> (a) Notify the Department of any spill or release of hazardous material during construction, operation or retirement of the facility-within one working day after the discovery. The certificate holder shall follow applicable Oregon Department of Environmental Quality (“DEQ”) response requirements regulations pursuant to OAR Chapter 340 Division 142. (b) Within 45-days of the discovery, the certificate holder shall submit to the Department copies of the Oregon Emergency Response System Spill/Release Report, as submitted to DEQ. <p>[Final Order on ASC, Condition IV.C.6; Amended in Final Order on AMD4]</p>

OPR -RT-02	<p>If the certificate holder has not remedied a spill consistent with applicable ODEQ standards within six months after the date of the spill, the certificate holder shall submit to the Council for its approval an independently prepared estimate of the additional cost of remediation or correction within such six-month period.</p> <ul style="list-style-type: none"> (a) Upon approval of an estimate by the Council, the certificate holder shall increase the amount of its bond or letter of credit by the amount of the estimate. (b) In no event, however, shall the certificate holder be relieved of its obligation to exercise all due diligence in remedying a spill of hazardous substances. <p>[Final Order on ASC, Condition IV.C.7, Final Order on AMD4]</p>
STANDARD: FISH AND WILDLIFE HABITAT (FW) [OAR 345-022-0060]	
OPR -FW-01	<p>During facility operation, the certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan that is included as Attachment E to the Final Order on Amendment 4 and as amended from time to time.</p> <p>[Final Order on ASC, Condition IV.M.7; Amended in Final Order on AMD4]</p>
STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]	
OPR -SR-01	<p>During operation of the facility, the certificate holder shall not use exterior nighttime lighting except:</p> <ul style="list-style-type: none"> a. The minimum turbine tower lighting required or recommended by the Federal Aviation Administration (the "FAA"); b. Security lighting at the O&M facility and substations, provided that such lighting is shielded or directed downward to reduce glare; c. Minimum lighting necessary for repairs or emergencies; and d. As otherwise required by federal, State or local law. <p>[Final Order on ASC, Condition IV.G.3]</p>
STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0100]	
OPR -PS-01	<p>During operation of the facility, the certificate holder shall obtain water for on-site use from one well located at the O&M facility, subject to compliance with applicable permit requirements. During operation of the facility, the certificate holder shall not use more than 5,000 gallons of water per day from the on-site well.</p> <p>[Final Order on ASC, Condition V.C.1]</p>
OPR -PS-02	<p>During operation of the facility, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training, including tower rescue training, from qualified instructors or members of local fire districts and 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.</p> <p>[Final Order on ASC, Condition V.C.8]</p>
STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]	
OPR -WM-01	<p>During operation, the certificate holder shall discharge sanitary wastewater generated at the O&M facility to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall design the septic system with a discharge capacity of less than 5,000 gallons per day. The certificate holder shall provide copies of all necessary septic system permits to the Department.</p> <p>[Final Order on ASC, Condition V.D.4; Amended in Final Order on AMD4]</p>
REQUIREMENTS UNDER COUNCIL JURISDICTION (CJ)	
OPR -CJ-01	<p>During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. Prior to start of commercial operation, the certificate holder shall notify, in writing, the owners of potentially affected noise-sensitive properties identified in Exhibit X of the completed Application for a Site Certificate. The notice shall inform the</p>

	<p>property owners of the procedure and contact information for filing a complaint regarding the noise level from the facility once it is operating. The certificate holder shall document the issuance of this notice and provide that documentation to the Department.</p> <p>[Final Order on ASC, Condition VI.A.1.3]</p>
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MANDATORY CONDITIONS (MC)

OPR-MC-01	<p>OAR 345-025-0006 (2): 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.</p> <p>[Final Order on ASC, Condition VII.2; Amended in Final Order on AMD4]</p>
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4.7 Retirement Conditions (RET)

Condition Number	Pre-Construction (PRE) Conditions
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
RET -RT-01	<p>The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, and prepared pursuant to Condition (IV.C.2).</p> <p>[Final Order on ASC, Condition IV.C.1]</p>
RET -RT-02	<p>Two years before closure of the energy facility, the certificate holder shall submit to the Department a proposed final retirement plan for the facility and site, pursuant to OAR 345-027-0110, including:</p> <ul style="list-style-type: none"> (a) A plan for retirement that provides for completion of retirement within two years after permanent cessation of operation of the energy facility and that protects the public health and safety and the environment; (b) A description of actions the certificate holder proposes to take to restore the site to a useful, non-hazardous condition suitable for agricultural use; and (c) A detailed cost estimate, a comparison of that estimate with the dollar amount secured by a bond or letter of credit and any amount contained in a retirement fund, and a plan for assuring the availability of adequate funds for completion of retirement. <p>[Final Order on ASC, Condition IV.C.2]</p>
RET -RT-03	<p>If the certificate holder elects to use a bond to meet the requirements of Condition (IV.C.4), 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.</p> <p>[Final Order on ASC, Condition IV.C.5]</p>
RET -RT-04	<p>The certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council’s approval in the site certificate of an estimated amount required to restore the site.</p> <p>[Final Order on ASC, Condition IV.C.9]</p>
RET -RT-05	<p>If the Council finds that the certificate holder has permanently ceased construction or operation of the facility</p>

	<p>without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110 and prepared pursuant to Condition (IV.C.2), 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.</p> <ul style="list-style-type: none"> (a) If the certificate holder does not submit a proposed final retirement plan by the specified date or if the Council rejects the retirement plan that the certificate holder submits, the Council may direct the Department to prepare a proposed a final retirement plan for the Council’s approval. (b) Upon the Council’s approval of the final retirement plan prepared pursuant to (a), the Council may draw on the bond or letter of credit described in Condition (IV.C.4) and shall use the funds 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. (c) 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. (d) 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. <p>[Final Order on ASC, Condition IV.C.10]</p>
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COUNCIL’S MANDATORY CONDITIONS (MC)

<p>RET -MC-01</p>	<p>OAR 345-025-0006 (9): The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council’s approval in the site certificate of an estimated amount required to restore the site.</p> <p>[Final Order on ASC, Condition VII.9; Amended in Final Order on AMD4]</p>
<p>RET -MC-02</p>	<p>OAR 345-025-0006 (16): 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 Office 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 a final retirement plan for the Council’s approval. Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, 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.</p> <p>[Final Order on ASC, Condition VII.16; Amended in Final Order on AMD4]</p>

5.0 Successors and Assigns

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

6.0 Severability and Construction

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

7.0 Execution

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

ENERGY FACILITY SITING COUNCIL

By: 
Barry Beyeler, Chair

Oregon Energy Facility Siting Council


Date: OCTOBER 25, 2018

Golden Hills Wind Farm, LLC

By: 
Jesse Gronner [Print Name]

Golden Hills Wind Farm, LLC

Date: 11/15/2018


Paul Dixon
Authorized Representative
11/15/18

LEGAL


Attachment A
Facility Site Boundary Map

Golden Hills Site Boundary and Turbine Micrositing Corridors

