

# **Exhibit K**

## **Land Use**

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**Stateline Wind Project – Vansycle II**  
**January 2019**

**Prepared for**  
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**Prepared by**



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Figure K-1. Analysis Area

## Acronyms and Abbreviations

EFSC	Energy Facility Siting Council
EFU	Exclusive Farm Use
Facility	Stateline Wind Project – Vansycle II
OAR	Oregon Administrative Rules
RFA 4	Request for Amendment 4
RFA 5	Request for Amendment 5
UCDC	Umatilla County Development Code

## 1.0 Introduction

The Stateline Wind Project – Vansycle II (the Facility) is an existing and operational wind energy facility currently named Stateline 3. The current site certificate for the Facility was last amended in 2009. The information in Exhibit K is provided in support of a Request for Amendment 5 (RFA 5), to rename the Facility to Vansycle II, allow the operating turbines to be upgraded to current technology by replacing the nacelles and turbine blades on existing turbine towers, and for repowering-related impacts as described in the Written Request for Amendment.

The Energy Facility Siting Council (EFSC) previously found that the Facility would comply with all applicable substantive criteria from Umatilla County except Umatilla County Development Code (UCDC) Section 152.616(HHH)(2)(J). UCDC Section 152.616(HHH)(2)(J) implemented Oregon Administrative Rules (OAR) 660-033- 0130(17) and (22) governing wind facilities on Exclusive Farm Use (EFU) land and establishing 12-acre and 20-acre exception thresholds. In January 2009, OAR 660-033-0130(5) and (37) replaced OAR 660-033- 0130(17) and (22) for siting a wind power generation facility on EFU land. The effect of these amendments was to eliminate the 12-acre and 20-acre exception thresholds for wind power generation facilities that are contained in OAR 660-033-0130(17) and (22) and to impose, instead, specific development standards on wind power generation facilities. At the time of Request for Amendment 4 (RFA 4), OAR 660-033-0130(5) and (37) had been adopted, but UCDC had not been updated. Therefore, EFSC analyzed the Stateline Wind Project in consideration of both old and new laws and concluded under both old and new laws that the Facility would comply with the Land Use Standard if RFA 4 were approved. After approval of RFA 4, the Certificate Holder submitted the addressed applicable UCDC substantive criteria to the Umatilla County Planning Department. Umatilla County Planning Department subsequently issued Conditional Use Permit, #C-1149-09 and Temporary Batch Plant, Conditional Use Permit, #C-1150-59, and Stateline 3 Transmission Line, Land Use Decision, #LUD-094-09 for the Facility.

## 2.0 Land Use Analysis Area – OAR 3450-021-0010 (1)(k)(A)

*OAR 3450-021-0010 (1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that*

*has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:*

*OAR 3450-021-0010 (1)(k)(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area.*

The required map is attached as Figure K-1. The Analysis Area is the area within the Facility Site Boundary plus the area within 0.5-miles from the Site Boundary.

### **3.0 Local Land Use Approval – OAR 3450-021-0010 (1)(k)(B)**

*OAR 3450-021-0010 (1)(k)(B) If the applicant elects to obtain local land use approvals:*

- (i) Identify the affected local government(s) from which land use approvals will be sought.*
- (ii) Describe the land use approvals required in order to satisfy the Council's land use standard.*
- (iii) Describe the status of the applicant's application for each land use approval.*
- (iv) Provide an estimate of time for issuance of local land use approvals.*

The Certificate Holder has already elected to obtain an EFSC determination on land use.

### **4.0 EFSC Determination on Land Use – OAR 3450-021-0010 (1)(k)(C)**

#### **4.1 Identification of Applicable Substantive Criteria – OAR 3450-021-0010 (1)(k)(C)(i)**

*OAR 3450-021-0010 (1)(k)(C) If the applicant elects to obtain a Council determination on land use:*

- (i) Identify the affected local government(s).*

The Facility lies entirely in Umatilla County on privately owned land zoned Exclusive Farm Use (EFU). No part of the proposed Facility lies on federal land.

#### **4.2 Applicable Substantive Criteria from OAR 3450-021-0010 (1)(k)(C)(ii)**

- (ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria.*

The Certificate Holder has reviewed the April 13, 2016 updated UCDC which includes specific land use criteria applicable to Wind Power Generation Facilities, UCDC section 152.616(HHH) as

referenced in UCDC section 152.060(F), conditional uses permitted in the EFU zone. The substantive criteria contained in UCDC § 152.616(HHH) are set forth below in italics followed by the Certificate Holder's response. However, because the Facility has an existing conditional use permit, the permit amendment requirements are reviewed first and therefore the UCDC addressed are not sequential.

*UCDC § 152.061*

*§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.*

*The following limitations shall apply to all conditional uses in an EFU zone. Uses may be approved only where such uses:*

*(A) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and*

*(B) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.*

*(Ord. 2005-02, passed 1-5-05)*

Response: The lands devoted to farm use in Umatilla County are used primarily for cultivation of wheat and grazing of livestock, and related accessory uses. RFA 5 proposes alterations to an existing commercial wind facility. There will be no increase in the Facility's permanent footprint. Temporary impacts will be limited to areas immediately adjacent to the Facility. The impact of RFA 5 would not force a significant change in accepted farm practices or significantly increase the cost of farm practices, for the reasons discussed below:

- There will be no increase in land permanently lost to farm use as a result of RFA 5.
- The repowering will use existing Facility infrastructure, access roads, to access the turbines.
- RFA 5 would not affect farm operations either the application of pesticides or fertilizers using ground-based methods. RFA 5 would not significantly affect the ability to conduct aerial spraying because the increase in the height of the turbines does not affect how the aerial sprayers operate and there would be no new vertical obstacles to spraying.
- The Certificate Holder will implement a weed control plan that will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.
- The Certificate Holder has recorded a covenant not to sue against its Facility leasehold interests with regard to generally accepted farming practices on adjacent farmland.
- RFA 5 would not cause changes in routes of access to fields or changes in the pattern of cultivation, seeding, fertilizing and harvesting near the turbines and access roads because there would be no changes to the Facility layout.

- The Certificate Holder will continue to consult with area landowners during repowering of the Facility to determine further measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- Some farmland may be temporarily disturbed and unavailable for farming during repowering from temporary access road widening and laydown areas. To avoid or reduce adverse impacts to soil quality, the Certificate Holder will implement dust control and erosion-control measures during construction and operation of the Facility (see Exhibit I). The Certificate Holder proposes to reduce impact to soils by using areas that are already disturbed. Additionally, the Certificate Holder will consult with landowners regarding the timing of activities and the location of access road widening and laydown areas. Temporary access road widening and laydown areas will be limited to the least amount necessary to complete the repowering safely and efficiently. Restricting activities to previously disturbed land avoids expanding the area of impact to otherwise undisturbed soils and agricultural operations. Changes requested through consultation with landowners that meet all relevant Site Certificate conditions will be considered as they arise.
- Construction vehicles will use previously disturbed areas including existing roadways and tracks.
- Upon completion of construction, the Certificate Holder will restore temporarily disturbed areas to their pre-construction condition.

The measures above are intended to avoid or minimize the impacts of RFA 5 on farming operations, and to mitigate for necessary impacts. The Facility is designed and legally structured such that the cost burden of constructing and maintaining access roads and other facilities do not fall on the landowner and do not increase the costs of farming for affected landowners. Additionally, each participating landowner is compensated for the loss of agricultural lands, and the new income stream from lease payments help to stabilize often-fluctuating agricultural income, making farming more sustainable.

*UCDC § 152.616(HHH)*

*(10) (a) Permit Amendments.*

*The Wind Power Generation Facility requirements shall be facility specific, but can be amended as long as the Wind Power Generation Facility does not exceed the boundaries of the Umatilla County conditional use permit where the original Wind Power Generation Facility was constructed.*

**Response:** The Facility will not exceed the boundaries of the Umatilla County conditional use permit where the original Wind Power Generation Facility was constructed.

*(b) An amendment to the conditional use permit shall be subject to the standards and procedures found in §152.611. Additionally, any of the following would require an amendment to the conditional use permit:*

Response: UCDC §152.611(C) states that any alteration to a structure shall conform to the requirements for a conditional use or land use decision. Alter is defined as any change, addition or modification in construction or occupancy of a building or structure in UCDC § 152.003 Definitions. Therefore, replacing the nacelles and turbine blades would be an alteration to a structure. However, thresholds for permit amendments specific to wind facilities are included in UCDC § 152.616(HHH)(10)(b). The repowering activities as part of operations and maintenance would not meet any of these thresholds. In addition, the conditional use criteria for a wind farm on EFU zoned land is UCDC § 152.616(HHH) which generally applies to the procedure for taking action on the siting of a Wind Power Generation Facility rather than structural alterations to a sited and operational facility. Because the Facility is already sited and constructed rather than in the process of being sited, most of the applicable conditional use criteria do not apply. Therefore, only the applicable substantive criteria of the UCDC that apply to operational facilities are addressed herein in support of an amendment to the existing conditional use permit.

*(1) Expansion of the established Wind Power Generation Facility boundaries;*

Response: As noted, above, there will be no expansion of the Facility boundaries as part of RFA 5.

*(2) Increase the number of towers;*

Response: There will be no increase in the number of towers as part of RFA 5.

*(3) Increase generator output by more than 25 percent relative to the generation capacity authorized by the initial permit due to the re-powering or upgrading of power generation capacity; or*

Response: There will be no increase in generator output as part of RFA 5.

*(4) Changes to project private roads or access points to be established at or inside the project boundaries.*

Response: There will be temporary widening on the existing access roads, but no changes to private roads or access points that are established at or inside the Site Boundary as part of RFA 5. The temporary road widening will be within the area previously disturbed for Facility construction as permitted in RFA 4.

*(c) In order to assure appropriate timely response by emergency service providers, Notification (by the Wind Power Generation Facility owner/operator) to the Umatilla County Planning Department of changes not requiring an amendment such as a change in the project owner/operator of record, a change in the emergency plan or change in the maintenance contact are required to be reported immediately. An amendment to a Site Certificate issued by EFSC will be governed by the rules for amendments established by ESC.*

Response: There will be no change to the Facility owner/operator of record, no change in the emergency plan, and no change in the maintenance contact as part of RFA 5. This Exhibit K is part of RFA 5 for the Stateline Wind Project, which is an amendment request that follows the amendment rules established by EFSC.

*§ 152.616(HHH)(1) County Permit Procedure.*

*...The County procedural requirements set forth in Section 152.616(HHH) (1)-(5), including the requirement for a hearing, will not apply to proposed Wind Power Generation facilities for which Energy Facility Siting Council is making the land use decision.*

Response: EFSC is making the land use decision. Therefore, the above-mentioned sections are not addressed.

*(6) Standards/Criteria of Approval.*

*The following requirements and restrictions apply to the siting of a Wind Power Generation Facility:*

*(a) Setbacks. The minimum setback shall be a distance of not less than the following:*

Response: As noted above, the UCDC was updated in 2016 which included updates to Wind Power Generation Facilities, UCDC section 152.616(HHH). The substantive criteria from the 2016 UCDC are addressed herein. The Facility was constructed in consideration of the above mentioned UCDC Code sections from 2008. Setbacks in the 2008 UCDC were in § 152.063(A)-(C) which addressed minimum parcel frontage, front yard setbacks, and side and rear yard setbacks, which were a maximum of 60 feet. To the extent these requirements applied, the proposed improvements met the listed setback requirements from specified structures and boundary lines.

The Facility is an operational wind farm that was constructed to be consistent with the effective UCDC at the time of issuance of the Fourth Amended Site Certificate, as documented in the Umatilla County Conditional Use Permit, #C-1149-09 and demonstrated through annual reporting to ODOE Umatilla County (required by Condition 8 and 127 of the Fourth Amended Site Certificate) (see Exhibit P - Attachment P-2, Attachment 2). The turbines will not be moved as part of RFA 5 nor will new turbines be added. The Facility would meet the 2008 UCDC setback standards. Minimum setbacks for the current UCDC are addressed below.

*(1) From a turbine tower to a city urban growth boundary (UGB) shall be two miles. The measurement of the setback is from the centerline of a turbine tower to the edge of the UGB that was adopted by the city as of the date the application was deemed complete.*

Response: The nearest UGB is the City of Helix approximately 4 miles from the nearest Facility turbine tower.

*(2) From turbine tower to land zoned Unincorporated Community (UC) shall be 1 mile.*

Response: The nearest UC is Umapine, approximately 4 miles from the nearest Facility turbine tower.

*(3) From a turbine tower to a rural residence shall be 2 miles. For purposes of this section, "rural residence" is defined as a legal, existing single family dwelling meeting the standards of §152.058 (F)(1)-(4), or a rural residence not yet in existence but for which a zoning permit has been issued, on a unit of land not a part of the Wind Power Generation Facility, on the date a Wind Power Generation Facility application is submitted. For*

*purposes of this section, the setback does not apply to residences located on properties within the Wind Power Generation Facility project application. The measurement of the setback is from the centerline of the turbine tower to the center point of the rural residence.*

**Response:** There are two rural residences that are within 2 miles of a turbine tower. However, because there will be no locational changes to the turbine towers, Carol Johnson with Umatilla County Planning Department indicated that this setback would not apply to RFA 5 (C. Johnson, personal communication, March 28, 2009). The Facility meets Condition 126 (a) of the Site Certificate which stipulates all facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential.

*(4) From a turbine tower to the boundary right-of-way of County Roads, state and interstate highways, 110% of the overall tower-to-blade tip height. Note: The overall tower-to-blade tip height is the vertical distance measured from grade to the highest vertical point of the blade tip.*

**Response:** Although there will be no new turbines or any turbines moved, based on current right-of-way information, there are two turbines that will not meet this standard after being repowered with longer blades that will increase the tower-to-blade tip height. Initially, the Certificate Holder sought a variance to the standard for these turbines. However, the Certificate Holder is no longer seeking a variance, but instead is working with Umatilla County outside of the request for amendment process to meet this public right of way setback.

*(5) From tower and project components, including transmission lines, underground conduits and access roads, to known archeological, historical or cultural sites shall be on a case by case basis, and for any known archeological, historical or cultural site of the Confederated Tribes of the Umatilla Indian Reservations the setback shall be no less than 164 feet (50 meters).*

**Response:** There are no Facility components within the 164 feet setback. The closest component is the transmission line which is 192 feet from a known cultural site. There will be no modifications or changes to the transmission line as part of RFA 5.

*(6) New electrical transmission lines associated with the wind project shall not be constructed closer than 500 feet to an existing residence without prior written approval of the homeowner, said written approval to be recorded with county deed records. Exceptions to the 500 feet setback include transmission lines placed in a public right of way.*

**Response:** There will no new electrical line as part of RFA 5.

*(b) Reasonable efforts shall be made to blend the wind turbine/towers with the natural surrounding area in order to minimize impacts upon open space and the natural landscape.*

**Response:** EFSC previously found that compliance with Condition (37) of the Fourth Amended Site Certificate would satisfy the compliance with its Scenic and Aesthetic Values standard in Section

IV.3(d) of Final Order 4. In addition, with respect to the Fourth Amended Site Certificate, EFSC previously found that compliance with Condition (37) would satisfy the requirements of UCDC § 152.616(HHH)(5)(B). Because the requested amendment involves a change to the existing turbines that will result in a change to the maximum height, the Certificate Holder seeks a modification of Condition (37) to read as follows:

*(37) To reduce the visual impact of the facility, the certificate holder shall:*

*(c) Construct each turbine to be approximately 263 feet tall at the turbine hub and with a total maximum height of approximately ~~415~~ 440 feet with the nacelle and blades mounted*

Because the view from scenic resources in the surrounding area is already altered by the existing wind turbines and the increase in height is relatively minor, the visual and aesthetic impact would not be significant (see Exhibit R for additional detail). BMPs would be still be incorporated into the design of the Facility to ensure an attractive appearance and good integration into its landscape setting including:

- Implementation of active dust suppression measures during the construction period to minimize the creation of dust clouds, Condition (61)(p);
- Use of wind turbine towers, nacelles, and rotors that are locally uniform and conform to high standards of industrial design to present a trim, uncluttered, aesthetic appearance Condition (37)(e);
- Use of low-reflectivity, neutral gray, white, off-white, or earth-tone finishes for the towers, nacelles, and rotors to minimize contrast with the sky backdrop and to minimize the reflections that can call attention to structures in the landscape, Condition (37)(e);
- Use of neutral gray, white, off-white, or earth-tone finishes for the small cabinets containing pad-mounted equipment that might be located at the base of each turbine, to help the cabinets blend into the surrounding ground plane, Condition (37)(e);
- Restriction of exterior lighting on the turbines to the aviation warning lights required by the Federal Aviation Administration (FAA), which would be kept to the minimum required number and intensity to meet FAA standards, Condition (37)(g);

Compliance with Condition 37, as modified, will meet the previous requirement of UCDC § 152.616(HHH)(5)(b) to "blend the wind facility's towers with the natural surroundings."

*(c) The development and operation of the Wind Power Generation Facility will include reasonable efforts to protect and preserve existing trees, vegetation, water resources, wildlife, wildlife habitat, fish, avian, resources, historical, cultural and archaeological site.*

**Response:** Numerous conditions in the Fourth Amended Site Certificate address erosion control, weed control, minimizing impacts to vegetation, protection of wildlife and habitat through preconstruction surveys, avoidance and mitigation, and monitoring the success of mitigation measures. These include Conditions (29), (30), (39), (52)-(56), (60)-(65), (68)-(70), (89)-(94), (111), (112), and (114)-(118). Accordingly, these conditions comply with the requirement of UCDC

§ 152.616(HHH)(6)(c) that "reasonable efforts shall be taken" to protect significant natural resources. No material changes to these conditions are proposed. In addition, these resources have been reviewed for potential impacts (see Exhibit J Wetlands, Exhibit P Fish and Wildlife Habitat, Exhibit Q Threatened and Endangered Plants and Animals and Exhibit S Cultural Resources).

*(d) The turbine towers shall be designed and constructed to discourage bird nesting and wildlife attraction.*

Response: Pursuant to Condition (70)(c) of the Fourth Amended Site Certificate, the Certificate Holder is required to use monopole design for all turbine and permanent meteorological towers. Monopole design minimizes the potential for the turbine towers to provide nesting, perching, or shelter locations that may attract birds or other wildlife. Condition (70)(c) ensures compliance with UCDC § 152.616(HHH)(6)(d) and no change to this condition is proposed. Accordingly, this condition complies with the requirement of UCDC § 152.616(HHH)(5)(d) to discourage bird nesting and wildlife attraction.

*(e) Private access roads established and controlled by the Wind Power Facility shall be gated and signed to protect the Wind Power Generation Facility and property owners from illegal or unwarranted trespass, illegal dumping and hunting and for emergency response.*

Response: There will be no new access roads as part of the Facility. Required gates and signs already are installed for the operating Facility.

*(f) Where practicable the electrical cable collector system shall be installed underground, at a minimum depth of 3 feet; elsewhere the cable collector system shall be installed to prevent adverse impacts on agriculture operations.*

Response: There will be no changes to collector lines as part of the Facility.

*(g) Required permanent maintenance/operations buildings shall be located off site in one of Umatilla County's appropriately zoned areas, except that such a building may be constructed on site if:*

Response: There are no new O&M buildings or changes to the existing buildings as part of the Facility.

*(h) A Wind Power Generation Facility shall comply with the Specific Safety Standards for Wind Energy Facilities delineated in OAR 345 024 0010 (as adopted at time of application).*

Response: Compliance with OAR 345-024-0010 is addressed in the Request for Amendment #5 document, which satisfies the requirements of UCDC § 152.616(HHH)(5)(h).

*(i) A Covenant Not to Sue with regard to generally accepted farming practices shall be recorded with the County. Generally accepted farming practices shall be consistent with the definition of Farming Practices under ORS 30.930. The Wind Power Generation Facility owner/operator shall covenant not to sue owners, operators, contractors, employees, or invitees of property zoned for farm use for generally accepted farming practices.*

**Response:** A Covenant Not to Sue was recorded with the County and provided to ODOE as part of the 2010 Annual Report as Attachment 10 (see Exhibit P - Attachment P-2, Attachment 2).

*(j) Roads.*

*(1) County Roads.*

*A Road Use Agreement with Umatilla County regarding the impacts and mitigation on county roads shall be required as a condition of approval.*

**Response:** Condition 81 of the Site Certificate requires verification that a road use agreement has been implemented and the conditions of the road use agreement met. The Certificate Holder will coordinate with Umatilla County Road Department on updating the previous Road Use Agreement or obtaining a new Road Use Agreement as applicable consistent with Condition 81 and the requirements of the UCDC.

*(2) Project Roads.*

*Layout and design of the project roads shall use best management practices in consultation with the Soil Water Conservation District. The project road design shall be reviewed and certified by a civil engineer. Prior to road construction the applicant shall contact the State Department of Environmental Quality and if necessary, obtain a storm water permit (National Pollution Discharge Elimination System).*

**Response:** There will be no new roads as part of the Facility. There will be temporary widening of roads to the maximum width of the previous width for initial Facility construction. An NPDES 1200-C permit will be obtained for the Facility (see Exhibit I).

*(k) Demonstrate compliance with the standards found in OAR 660-033-0130 (37).*

**Response:** The criteria of OAR 660-033-0130 (37) that would apply to an operational wind farm and to the repowering for operations and maintenance purposes are addressed below.

*(b) For arable lands, meaning lands that are cultivated or suitable for cultivation, including high value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:*

*(A) The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;*

**Response:** The Facility is an operational wind farm. There will be no new placement of wind farm components and therefore no new permanent impacts to farming practices. There will be minor temporary disturbance along existing roads and at turbine sites from large construction vehicles

accessing the site. However, these impacts will be short term; construction will take a maximum of 4 months. After repowering, any impacted areas will be restored in the same manner as the same revegetation practices as after the Facility was constructed.

*(B) The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;*

Response: As noted above, a 1200-C permit will be obtained for the Facility. The Erosion and Sediment Control Plan that will be submitted as part of the 1200-C permit will be prepared by a licensed engineer (see Exhibit I).

*(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and*

Response: The purpose of RFA 5 is for repowering for maintenance and operation of an existing wind farm. There will be limited temporary ground disturbance in areas that have previously been disturbed for Facility construction and restored. In general, the Facility will be in areas already devoted to wind energy generation use. Farming activities including soil conditions have already adapted to the operating Facility. As noted above, to reduce unnecessary soil compaction during repowering, work will be scheduled during the dry season as much as feasible. Heavy equipment and other vehicles will use larger tires with lower air pressure, as appropriate, to allow for better flotation and reduce pressure on the soil surface. Proper tire pressure will be checked and maintained as temperatures fluctuate throughout repowering activities. Traffic management will be implemented to minimize trips and to keep trucks and vehicles in the same tracks as much as possible to and from individual work sites to limit the area of compaction.

After repowering, temporarily impacted areas will be restored and revegetated in the same manner as after the Facility was constructed. This includes scarification to loosen compacted soils prior to revegetation, and potentially deeper decompaction in agricultural areas as determined in consultation with area landowners. Exhibit I provides information on soils in the Site Boundary.

*(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an*

*adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.*

Response: The Certificate Holder will comply with Condition 65 which includes developing measures to reduce the potential spread of noxious weed in consultation with the weed control board of Umatilla County and will report compliance in the 2010 Annual Report submitted after construction.

*(l) Submit a plan for dismantling of uncompleted construction and/or decommissioning and/or re-powering of the Wind Power Generation Facility as described in §152.616 (HHH) (7).*

Response: Prior to the start of decommissioning, the Certificate Holder will submit a final retirement plan for EFSC approval, which will satisfy Condition (98) by describing the activities required to retire the site. After EFSC approves the retirement plan, the Certificate Holder will obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration.

*(m) A surety bond shall be established to cover the cost of dismantling uncompleted construction and/or decommissioning of the Wind Power Generation Facility, and site rehabilitation pursuant to §152.616 (HHH) (7) and (8). The intent of this requirement is to guarantee performance (not just provide financial insurance) to protect the public interest and the county budget from unanticipated, unwarranted burden to decommission wind projects. For projects being sited by the State of Oregon's Energy Facility Siting Council (EFSC), the bond or letter of credit required by EFSC will be deemed to meet this requirement.*

Response: The Facility has already been constructed and is a legally operational Facility. On June 9, 2009, the Certificate Holder in consultation with ODOE obtained a Site Certificate bond in the amount of \$4,014,000.00. Renewal of the bond has been occurring annually as documented in the annual reports submitted to ODOE, (see Exhibit P – Attachment P-2 in Attachment 2). The continually updated bond provides the necessary amount to restore the site to a useful, non-hazardous condition (See Exhibit W).

*(n) The actual latitude and longitude location or Stateplane NAD 83(91) (suitable for GPS mapping) coordinates of each turbine tower, connecting lines, O & M building, substation, project roads and transmission lines, shall be provided to Umatilla County on or before starting electrical production.*

Response: Latitude and longitude locations were provided in the 2010 Annual Report, as Attachment 1. There are no new features that would require latitude and longitude information.

*(o) An Operating and Facility Maintenance Plan shall be submitted and subject to County review and approval.*

Response: A copy of the annual reports submitted to ODOE, referenced above (see Exhibit P – Attachment P-2 in Attachment 2) on compliance with the site certificate conditions is submitted to Umatilla County annually.

*(p) A summary of as built changes to the original plan, if any, shall be provided by the Wind Power Generation Facility owner/operator 90 days of starting electrical production.*

Response: The Facility is already in electrical production and the repowering effort does not result in any changes to the as-built drawings previously provided to Umatilla County. Therefore, this criterion does not apply.

*(q) Submit a Socioeconomic Assessment of the Wind Power Generation Facility.*

Response: Exhibit U provides a socioeconomic assessment for the Facility.

*(7) Dismantling/Decommissioning.*

*A plan for dismantling and/or decommissioning that provides for completion of dismantling or decommissioning of the Wind Power Generation Facility without significant delay and protects public health, safety and the environment in compliance with the restoration requirements of this section.*

Response: As noted above, prior to the start of decommissioning, the Certificate Holder will submit a final retirement plan for EFSC approval, which will satisfy Condition (98) by describing the activities required to retire the site. After EFSC approves the retirement plan, the Certificate Holder will obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration.

*(8) Decommissioning Fund.*

*The Wind Power Generation Facility owner/operator shall submit to Umatilla County a bond acceptable to the County, in the amount of the decommissioning fund naming Umatilla County beneficiary or payee.*

Response: The Facility has already been constructed and is a legally operational Facility. On June 9, 2009 the Certificate Holder in consultation with ODOE obtained a Site Certificate bond in the amount of \$4,014,000.00. Renewal of the bond has been occurring annually as documented in the annual reports submitted to ODOE (see Exhibit P – Attachment P-2 in Attachment 2). The continually updated bond provides the necessary amount to restore the site to a useful, non-hazardous condition (See Exhibit W).

*(9) Annual Reporting.*

*Within 120 days after the end of each calendar year the Wind Power Generation Facility owner/operator shall provide Umatilla County a written and oral annual report including the following information:*

Response: The Certificate Holder will continue to submit annual reports to ODOE and Umatilla County (see Exhibit P - Attachment P-2, Attachment 2) for the Facility as it has done for the past 9 years.

#### **4.3 Umatilla County Comprehensive Plan Policies**

*Citizen Involvement:*

1. *Provide information to the public on planning issues and programs, and encourage continuing citizen input to planning efforts.*

Response: The RFA approval process incorporates opportunities for citizen input on the planning and permitting process, through many different forms including informal informational meetings, official notices to surrounding property owners and solicitation of comments, and the public hearings process if applicable. Accordingly, this UCCP policy regarding citizen involvement is satisfied.

5. *Through appropriate media, encourage those County residents' participation during both city and County deliberation proceedings.*

Response: The RFA process provides ample opportunity for public review of application materials. The EFSC process is consistent with Statewide Land Use Planning Goal 1 regarding citizen involvement. Accordingly, the UCCP policies regarding citizen involvement are also met.

*Agriculture:*

1. *Umatilla County will protect, with Exclusive Farm Use zoning pursuant to ORS 215, lands meeting the definition of farmland in this plan and designated as Agricultural on the Comprehensive Plan Map.*

Response: Umatilla County has adopted zoning and allocated lands identified as Agricultural on the Comprehensive Plan Map to the Exclusive Farm Use zoning district pursuant to ORS 215. The Site Boundary is located entirely within the EFU zone. As discussed above, the Facility meets the applicable substantive criteria of the Umatilla County EFU zone.

8. *The county shall require appropriate procedures/ standards/policies be met in the Comprehensive Plan and Development Ordinance when reviewing non-farm uses for compatibility with agriculture.*

Response: The Facility is located in the EFU zone, and this exhibit demonstrates consistency with applicable substantive criteria for the EFU zoning district in Umatilla County.

17. *Continue to encourage timber management to occur on lower elevation seasonal grazing as permitted in the Exclusive Farm Use Zone.*

Response: There is no active timber management within the Site Boundary in Umatilla County.

*Open Space, Scenic & Historic Areas, and Natural Areas:*

1. (a) *The County shall maintain this resource [Open Space] by limiting development mainly to existing built up areas.*

Response: The Facility is an existing wind farm integrated into cultivated farmlands and with supporting infrastructure, much of which is buried underground. The Facility is located entirely on private land, none of which is designated as open space. There are existing wind farms integrated into the surrounding vicinity. Because there will be no permanent impacts, the Facility will not significantly alter the rural, sparsely developed

character of the Facility's lands. The impacts of the Facility on scenic, protected and recreational areas are discussed in further detail in Exhibits R, L and T respectively.

*5. (a) The County shall maintain rural agricultural lands, Development shall be of low density to assure retention of upland game habitat,*

Response: Although the Facility encompasses a fairly large geographic area, the density of developed areas due to the Facility and existing land uses will remain very low, and the vast majority of land within the Site Boundary will remain undeveloped. Additionally, most Facility impacts will occur on agricultural lands such that upland game habitat, and particularly the streams, wetlands and riparian areas on which game relies, will be minimally affected.

*(b) Land uses should maintain the vegetation along stream banks, fence rows, woodlots, etc. Research ways to reduce harassment and loss of upland game by free roaming dogs and cats.*

Response: Existing agricultural uses of the Facility lands will be able to continue with no new disruption after Facility construction is complete. The Facility is a widely spaced series of turbines with minimal supporting infrastructure, much of which is located underground; as such it does not interfere with game movement or habitat. Sensitive habitat and vegetated areas along stream banks, fence rows and woodlots will not be disturbed by the Facility. There are no characteristics of the Facility that would attract or exacerbate the problem of free roaming dogs and cats.

*6. (a) Developments or land uses that require drainage, channelization, filling or excessive removal of riparian vegetation in sensitive waterfowl areas should be identified.*

Response: The Facility does not require drainage, channelization, filling or excessive removal of riparian vegetation in sensitive waterfowl areas.

*8. (a) Setbacks shall be established to protect significant and other wetlands.*

Response: The Facility has been designed to avoid impacts to wetlands, and maintains sufficient setbacks from wetland edges to prevent indirect impacts to nearby wetlands.

*9. (a) The County shall encourage land use practices which protect and enhance significant wetlands.*

Response: The Facility has no impact on wetlands in Umatilla County, as further discussed in Exhibit J.

*10. (c) Compatible land use shall maintain the riparian vegetation along streams in the floodplain. Stream bank vegetation shall be maintained along streams outside of the floodplain by utilizing appropriate setbacks.*

Response: The Facility is not located in areas of riparian vegetation or floodplains and has been designed to avoid impacts to riparian or other stream bank vegetation.

*(d) Development or land use that requires channelization, excessive removal of streamside vegetation, alteration of stream banks and filling into stream channels shall be restricted in order to maintain streams integrity.*

Response: The Facility has been designed to avoid all impacts to streams by using existing infrastructure when crossings are necessary.

*(e) New roads, bridges and access rights-of-way shall be designed to avoid channel capacity, and minimize removal of shoreline vegetation.*

Response: These policies are largely addressed above. Improved roads shall be sited in consultation with the affected landowner to minimize removal of shoreline vegetation, if any exists on the Facility site. No new roads, bridges or access rights-of-way are proposed that will adversely affect channel capacity.

*20. (a) Developments of potentially high visual impacts shall address and mitigate adverse visual effects in their permit application, as outlined in the Development Ordinance standards.*

Response: Visual impacts are mitigated as discussed in Exhibit R.

*(b) It is the position of the County that the Comprehensive Plan designations and zoning already limit scenic and aesthetic conflicts by limiting land uses or by mitigating conflicts through ordinance criteria. However, to address any specific, potential conflicts, the County shall insure special consideration of the following when reviewing a proposed change of land use:*

- (1) Maintaining natural vegetation whenever possible.*
- (2) Landscaping areas where vegetation is removed and erosion might result.*
- (3) Screening unsightly land uses, preferably with natural vegetation or landscaping.*
- (4) Limiting rights-of-way widths and numbers of roads intersecting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.*
- (5) Limiting signs in size and design so as not to distract from the attractiveness of the area.*
- (6) Siting Developments to be compatible with surrounding area developments and recognizing the natural characteristics or the location.*
- (7) Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary and re-vegetating such areas as soon as possible.*
- (8) Protection vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.*

Response: Vansycle II is an operational wind farm. Wind energy projects are a conditional use in the Umatilla County EFU zone. As called for by this UCCP policy, aesthetic and scenic conflicts are already largely mitigated through the substantive criteria applicable to the Facility. Additionally, there are no identified or designated scenic views or resources in the vicinity of the Facility, indicating that there are no specific scenic or aesthetic conflicts to be addressed (see Exhibit R). Vegetation removal would be largely limited to agricultural crops, with very little impacts to native vegetation and no impacts to trees. Disturbed area will be revegetated as soon as practicable following construction to restore the visual quality of the land and to prevent erosion. Facility access roads will be narrowed following

construction to a minimum width needed for typical maintenance vehicles. No Facility access roads intersect with designated scenic roadways.

*22. The County shall cooperate with state agencies and other historical organizations to preserve historic buildings and sites, cultural areas, and archeological sites and artifacts.*

Response: The Facility would not impact historic buildings, as there are none located within the Site Boundary. All other known historic, cultural and archaeological resources were previously avoided through modifications to the Facility layout. Cultural sites will be avoided and in the event that previously undiscovered sites or artifacts are found during construction, the Certificate Holder will coordinate with SHPO regarding an appropriate course of action to conserve the resource. Avoidance of impacts to cultural or archaeological resources is discussed in Exhibit S.

*23. (a) Umatilla County shall encourage and cooperate in developing a detailed county-wide historic site inventory.*

Response: Any historic site information developed in the course of Facility development shall be provided for inclusion in the Umatilla County historic site inventory.

*24. (a) Umatilla County shall protect significant historical and cultural sites from land use activities which diminish their value as historical resources.*

Response: Avoidance of impacts to cultural or historical resources is discussed in Exhibit S. All identified sites eligible or potentially eligible for regulatory protection are avoided as required by applicable standards.

*26. The County shall cooperate with the Tribe, Oregon State Historic Preservation Office, and others involved in concern identifying and protecting Indian cultural areas and archeological sites.*

Response: The Certificate Holder has cooperated and consulted with the CTUIR and Oregon SHPO regarding cultural and archaeological resources prior to Facility construction. During construction of the Facility, there was a CTUIR construction monitor. All identified Indian cultural and archaeological sites eligible or potentially eligible for regulatory protection are avoided as required by applicable standards.

*37. The County shall ensure compatible interim uses provided through Development Ordinance standards, and where applicable consider agriculturally designated land as open space for appropriate and eventual resource or energy facilities use.*

Response: The Facility is an energy facility on agricultural open space, as encouraged by this policy.

*38. (a) The County shall encourage mapping of future agencies [sic] sites, ensure their protection from conflicting adjacent land uses, and required reclamation plans.*

Response: The Facility would not prevent the future development of aggregate or mineral extraction sites, and would not represent a conflicting land use that would adversely affect or be adversely affected by mining activities in the vicinity.

*(b) Aggregate and mineral exploration, extraction, and reclamation shall be conducted in conformance with the regulations of the Department of Geology and Mineral Industries.*

Response: The Facility does not involve aggregate or mineral exploration, extraction or reclamation, and would not impact any existing aggregate or mineral extraction site except to the extent that the Facility may purchase aggregate from an existing, permitted mine.

*(c) The County Development Ordinance shall include conditional use standards and other provisions to limit or mitigate conflicting uses between aggregate sites and surrounding land uses.*

Response: The Facility does not include the development of any aggregate or other mining sites. The Facility complies with all applicable substantive criteria related to protection of aggregate resources.

*39. (a) The County shall strictly enforce state and county development standards pertaining to gravel extraction/processing uses through appropriate agencies; whether new operations or expansions of existing sites.*

Response: The Facility does not propose any new mining sites, nor the expansion of existing mining sites.

*42. (a) Encourage development of alternative sources of energy.*

Response: This is an alternative energy project in furtherance of this policy.

*Air, Land, Water Quality:*

*1. Discharges from existing and future developments shall not exceed applicable environmental standards.*

Response: The Certificate Holder will obtain and comply with an NPDES 1200-C permit for storm water discharge, and shall follow best management practices to minimize discharges and emissions during construction (see Exhibit I).

*7. Consider cumulative noise impacts and compatibility of future developments, including the adoption of appropriate mitigating requirements of plan updates.*

Response: Noise impacts and mitigation are discussed in Exhibit X, which demonstrates that the Facility is designed and can be operated to comply with state noise regulations.

*8. Recognize that protection of existing wells has priority over development proposals requiring additional subsurface sewage disposal.*

Response: The only subsurface sewage disposal is at the O&M Buildings, which are located sufficiently far from any existing wells to avoid any potential conflict.

*Natural Hazards:*

*1. The County will endeavor, through appropriate regulations and cooperation with applicable governmental agencies, to protect life and property from natural hazards and disasters found to exist in Umatilla County.*

Response: The Facility is in an area largely free of natural hazards. The Facility would not represent a hazard to public health or safety even in the event of a catastrophic failure. The turbines including as modified are designed and built to rigorous engineering standards as required building codes so that they can withstand earthquakes.

*4. Potentially hazardous major developments (e.g. power plants) must address earthquake hazard possibilities.*

Response: There are no known hazardous liquefaction, subsidence or landslide risk areas within the Facility site in Umatilla County. All foundations are built to applicable engineering standards for earthquake safety.

*Recreation Needs:*

*1. Encourage and work with local, state, federal agencies and private enterprise to provide recreational areas and opportunities to citizens and visitors to the County.*

Response: The Facility does not impact any existing recreational resources.

*Economy:*

*1. Encourage diversification within existing and potential resource-based industries.*

Response: The Facility represents a diversification of existing resource-based industries by combining agriculture use with energy use.

*4. Participate in selected economic development programs and projects applicable to the County desired growth.*

Response: The Facility monetizes the wind resource of Umatilla County without injury to other wind projects or natural resource uses. The Facility will generate economic growth and jobs within Umatilla County.

*8. Evaluate economic development proposals upon the following:*

*Will the proposal:*

*a. increase or decrease available supplies?*

*b. improve or degrade qualities?*

*c. balance withdrawal with recharge rates?*

*d. be a beneficial use?*

*e. have sufficient quantities available to meet needs of the proposed project and other existing and reassembly anticipated needs?*

*f. reduce other use opportunities and if so, will the loss be compensated by other equal opportunities?*

Response: All of these policies are advanced by the Facility. The Facility monetizes the wind resource of Umatilla County without injury to other wind projects or natural resource uses.

The Facility will generate economic growth and construction jobs within Umatilla County. The Facility has no effect on natural resource supplies or quality, and will be a net beneficial use by reducing the need for carbon-intensive energy sources. The primary energy input – wind – is free and limitless.

*Public Facilities and Services:*

*1. The county will control land development in a timely, orderly, and efficient manner by requiring that public facilities and services be consistent with established levels of rural needs consistent with the level of service requirements listed on pages J-27 and J-28 of the Technical Report. Those needs are identified as follows:*

*a. Fire protection shall be provided consistent with Policies 8,9,10.*

Response: Policies 8, 9 and 10 call for the formation or expansion of rural fire districts in areas designated for non-resource use; the provision of adequate firefighting water supplies for significant new rural developments in coordination with the appropriate fire district; and assistance by the County in locating satellite fire stations, respectively. As described in Exhibit U, the Facility is located in an area served by fire protection agencies. During construction, and particularly during activities that present a potential fire hazard, the Certificate Holder will maintain water trucks on site for rapid response in the event of a fire.

*b. Police protection shall be provided consistent with Policy 7.*

Response: There would be no changes to the Facility that would require different police protection than is currently provided.

*c. Surface. Water Drainage-Roadside drainage shall be maintained and plans for drainage shall be required in multiple use areas.*

Response: There will be no new roads as part of the Facility. The specific requirements for temporary roadside drainage during construction will be determined through the NPDES 1200-C permit and the associated Erosion and Sedimentation Control Plan.

*d. Roads shall be maintained or improved to standards adopted by the County Road Department which are consistent with nationally accepted standards that correlate traffic to desired road conditions.*

Response: Exhibit U demonstrates the adequacy of public services to serve the Facility, and that the impact of the Facility on those services will not be significant.

*2. Require that domestic water and sewage disposal systems for rural areas be provided and maintained at levels appropriate for rural use only. Rural services are not to be developed to support urban uses.*

Response: Water supply and sewage disposal plans for the Facility are consistent with the rural nature of the site and will not be modified as part of the Facility.

*9. Require adequate water supplies for firefighting as part of significant new developments in rural areas in coordination with the appropriate rural fire district.*

Response: Wind projects do not pose a significant fire risk. This policy is directed more at occupied development such as residential and commercial buildings. Nonetheless, the Certificate Holder has confirmed the adequacy of fire protection services in Umatilla County as discussed in Exhibit U.

*Transportation:*

18. *The County will review right-of-way acquisitions and proposals for transmission lines and pipelines so as to minimize adverse impacts on the community.*

Response: No right-of-way acquisitions are needed for the Facility.

20. *Request larger industrial and commercial development proposals, consider sponsoring carpooling programs.*

Response: The Facility will not generate enough traffic regularly to justify carpooling arrangements.

*Energy Conservation:*

1. *Encourage rehabilitation /weatherization of older structures and the utilization of locally feasibly renewable energy resources through use of tax and permit incentives.*

Response: The Facility reuses existing structures. The Facility is a wind energy facility that utilizes locally feasible renewable energy resources, in furtherance of this policy.

**4.4 Directly Applicable Rules, Statutes, and Goals – OAR 3450-021-0010  
(1)(k)(C)(iii)**

*(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS 197.646(3) and describe how the proposed facility complies with those rules, goals and statutes.*

For purposes of RFA 5 (which is located entirely within EFU-zoned land), the applicable statewide planning goal is Goal 3, which is the State’s Agricultural Lands goal. Goal 3 is implemented through EFU zoning in local development codes. Local development codes in turn incorporate the pertinent OARs. Pursuant to OAR 660-033-0120, wind power generation facilities must comply with the standards set forth in OAR 660-033-0130(5) and (37). The standards of OAR 660-033-0130(5) are discussed above in response to UCDO 152.061. The standards of OAR 660-033-0130(37) are discussed above in response to UCDO 152.616(HHH)(6)(k). All standards are met.

## **4.5 Statewide Planning Goal Exceptions**

### **4.5.1 Identification of Exceptions – OAR 345-021-0010 (1)(k)(C)(iv)**

*(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.*

The Facility complies with all substantive criteria.

### **4.5.2 Justification of Exceptions – OAR 3450-021-0010 (1)(k)(C)(v)**

*(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).*

As noted above, the Facility complies with all applicable substantive criteria and applicable statewide planning goals, and therefore an exception is not necessary.

## **5.0 Federal Land Management Plans – OAR 3450-021-0010 (1)(k)(D)**

No portion of the Facility will be located on federal land.

# Figures

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# Stateline Wind Project Request for Amendment 5

## Vansycle II\*

\*Stateline 3 is being renamed Vansycle II as part of Request for Amendment 5.

### Figure K-1 Zoning Map

UMATILLA, OR

-  10 mile buffer\*
-  Analysis Area - 0.5 mile
-  Interstates
-  Highways
-  Major Roads
-  Site Boundary

\* The Analysis Area is 0.5 miles. However, a 10 mile buffer provides project location perspective to residential and urban areas.



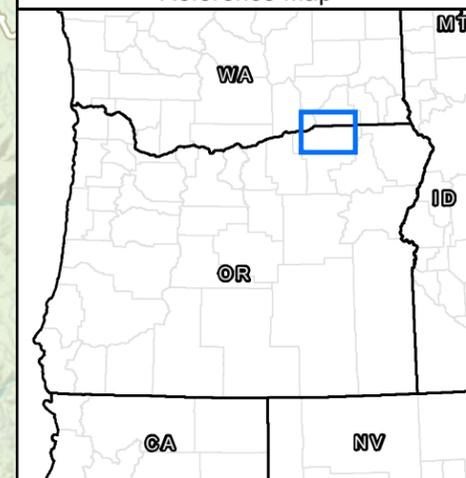
0 1 2 4 Miles

1:253,440

NAD 1983 StatePlane Oregon  
North FIPS 3601 Feet Intl



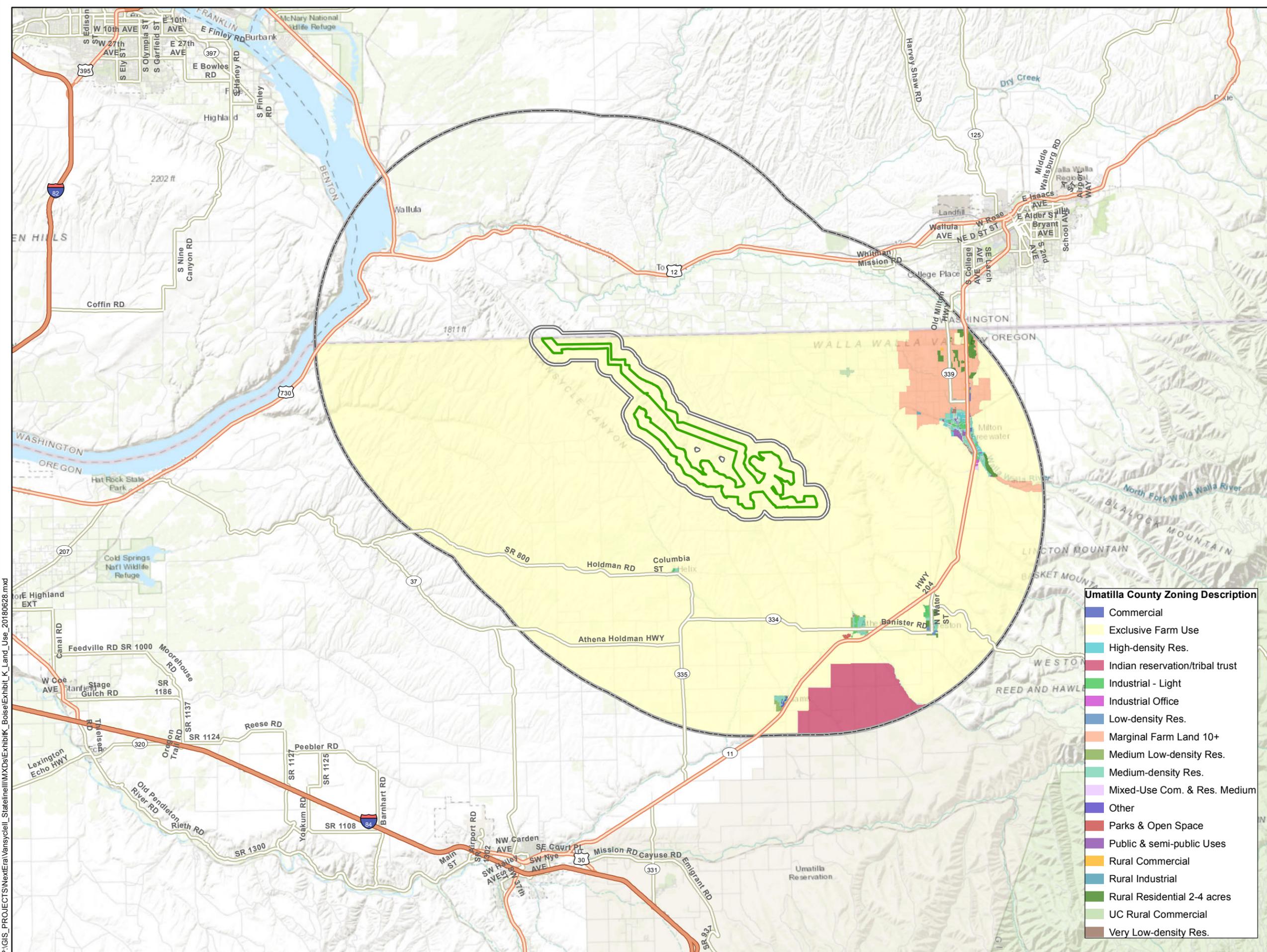
#### Reference Map



Data Sources:  
ESRI Streetmap

#### Umatilla County Zoning Description

-  Commercial
-  Exclusive Farm Use
-  High-density Res.
-  Indian reservation/tribal trust
-  Industrial - Light
-  Industrial Office
-  Low-density Res.
-  Marginal Farm Land 10+
-  Medium Low-density Res.
-  Medium-density Res.
-  Mixed-Use Com. & Res. Medium
-  Other
-  Parks & Open Space
-  Public & semi-public Uses
-  Rural Commercial
-  Rural Industrial
-  Rural Residential 2-4 acres
-  UC Rural Commercial
-  Very Low-density Res.



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# **Exhibit L**

## **Protected Areas**

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**Stateline Wind Project – Vansycle II  
January 2019**

**Prepared for  
FPL Energy Stateline II, Inc.**

**Prepared by**



**Tetra Tech, Inc.**

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## Acronyms and Abbreviations

EFSC	Energy Facility Siting Council
Facility	Stateline Wind Project – Vansycle II
OAR	Oregon Administrative Rule
RFA 5	Request for Amendment 5

## 1.0 Introduction

The Stateline Wind Project – Vansycle II (the Facility) is an existing and operational wind energy facility currently named Stateline 3. The current site certificate for the Facility was last amended in 2009. The information in Exhibit L is provided in support of a Request for Amendment 5 (RFA 5), to rename the Facility to Vansycle II, allow the operating turbines to be upgraded to current technology by replacing the nacelles and turbine blades on existing turbine towers, and for repowering-related impacts as described in the Written Request for Amendment.

Exhibit L addresses potential impacts that RFA 5 may have on protected areas, in compliance with Oregon Administrative Rule (OAR) 345-021-0010(1)(l) and OAR 345-022-0040. OAR 345-022-0040 requires that the certificate holder address impacts to protected areas, as defined in OAR 345-022-0040(1)(a-p). While the Facility is not located in a protected area (see Figure L-1), the Energy Facility Siting Council (EFSC) must find that, taking into account mitigation, the design, construction, and operation of the facility are not likely to result in significant adverse impact to protected areas.

In the Final Order on Amendment 4, EFSC found that “the design, construction and operation of Stateline 3 are not likely to result in significant adverse impact to any protected area.” Vansycle II remains in the same location as the Stateline 3 facility approved in the Fourth Amended Site Certificate. Because nearly a decade has passed since the approval of Stateline 3, the certificate holder reviewed the list of protected areas defined in OAR 345-022-0040. The certificate holder consulted area maps and other data sources, such as the Oregon Natural Heritage Plan (ONAP 2015) and agency websites, to determine whether any additional protected areas were located either on the Facility site, or within the 20-mile Analysis Area. These results are shown on Figure L-1. A Zone of Visual Influence (ZVI) analysis was also conducted to evaluate visibility of the Facility from protected areas with the existing 416-foot turbines and the proposed 440-foot turbines. Figure L-2 presents the results of the ZVI, discussed in Section 3.4 below.

## 2.0 Protected Areas Inventory – OAR 345-021-0010(1)(l)(A)(B)

*OAR 345-021-0010(1)(l) Information about the proposed facility’s impact on protected areas, providing evidence to support a finding by the Council as required by OAR 345-022-0040, including:*

*OAR 345-021-0010(1)(l)(A) A list of the protected areas within the analysis area showing the distance and direction from the proposed facility and the basis for protection by reference to a specific subsection under OAR 345-022-0040(1).*

*OAR 345-021-0010(1)(l)(B) A map showing the location of the proposed facility in relation to the protected areas listed in OAR 345-022-0040 located within the analysis area.*

The Analysis Area for impacts on protected areas includes the area within the Facility Site Boundary, as well as a 20-mile buffer beyond the Site Boundary, as described in OAR-345-001-0010(59)(e). The Analysis Area encompasses portions of both Oregon and Washington (Figure L-1). Table L-1 lists each of the 8 protected areas within the Analysis Area, in order of distance from the Site Boundary. No protected areas lie within the Facility Site Boundary. Except for the McDonald Bridge Wildlife Area, the South Fork Walla Walla River Area of Critical Environmental Concern (ACEC), and the North Fork Umatilla Wilderness, the protected areas were previously evaluated in the Final Order on Amendment 4.

Table L-1. Protected Areas Inventory

Feature Number (Figure L-1)	Protected Area	Distance from the Project (miles)	Direction from Project	Basis for Protection (OAR)	Management Agency
1	McNary National Wildlife Refuge <sup>1/</sup>	5.2	NW	OAR 345-022-0040 (1)(d)	U.S. Fish and Wildlife Service
2	McDonald Bridge Wildlife Area <sup>2/</sup>	7.5	N	OAR 345-022-0040 (1)(p)	Washington Department of Fish and Wildlife
3	Whitman Mission National Historic Site	9.1	NE	OAR 345-022-0040 (1)(a)	U.S. National Park Service
4	Columbia Basin Agricultural Research Center – Pendleton, Oregon	12.0	S	OAR 345-022-0040 (1)(m)	Oregon State University, College of Agricultural Sciences
6	South Fork Walla Walla Area of Critical Environmental Concern <sup>3/</sup>	16.6	SE	OAR 345-022-0040 (1)(o)	U.S. Bureau of Land Management
7	North Fork Umatilla Wilderness <sup>4/</sup>	17.6	SE	OAR 345-022-0040 (1)(c)	US Forest Service
9	Cold Springs National Wildlife Refuge	18.5	SW	OAR 345-022-0040 (1)(d)	U.S. Fish and Wildlife Service
10	Hat Rock State Park, Oregon	18.6	W	OAR 345-022-0040 (1)(h)	Oregon Parks and Recreation Department

Sources: BLM 2018; OPRD 2018; OSU 2018; NPS 2018; USFS 2018; USFWS 2018; WDFW 2018.

1. McNary National Wildlife Refuge includes the Habitat Management Units (HMUs) previously identified in the Final Order on Amendment #4: Wallula HMU, Juniper Canyon HMU, Peninsula HMU, and Two Rivers HMU. These units were officially transferred from the USACE to USFWS in 2014 (Lopez 2018).

2. The McDonald Bridge Wildlife Area was added to the Blue Mountains Wildlife Area Complex in 2013 (WDFW 2014), and was not identified in the Final Order on Amendment 4.

3. The South Fork Walla Walla Area of Critical Environmental Concern (ACEC) was designated in 1994 (BLM 2018); however, it was not identified in the Final Order on Amendment 4.

4. North Fork Umatilla Wilderness in the Umatilla National Forest was designated as wilderness in 1984 (USFS 2018); however, it was not identified in the Final Order on Amendment 4.

### 3.0 Potential Impacts – OAR 345-021-0010(1)(I)(C)

*OAR 345-021-0010(1)(I)(C) A description of significant potential impacts of the proposed facility, if any, on the protected areas including, but not limited to, potential impacts such as:*

#### 3.1 Noise Impacts – OAR 345-021-0010(1)(I)(C)(i)

*(i) Noise resulting from facility construction or operation;*

In the Final Order on Amendment 4, EFSC found that “the design, construction and operation of Stateline 3 are not likely to result in significant adverse impact to any protected area.” This included the finding that there would be no significant noise impact from the construction and operation of the facility. There will be no changes to the Facility footprint from what was approved in the Fourth Amended Site Certificate. The McDonald Bridge Wildlife Area, South Fork Walla Walla River ACEC, and North Fork Umatilla Wilderness are located at similar distances from the Facility as the protected areas previously evaluated in the Final Order on Amendment 4.

The closest protected area to a turbine is 8.3 miles away<sup>1</sup> (McDonald Bridge Wildlife Area), and at that distance the sound of wind turbines at the Facility would not be audible (see Exhibit X for a detailed noise analysis). Given that the Final Order on Amendment 4 did not find a significant impact of noise for the existing Stateline 3, and the RFA 5 changes would not substantially increase noise, there would be no impacts to protected areas from noise.

#### 3.2 Traffic Impacts – OAR 345-021-0010(1)(I)(C)(ii)

*(ii) Increased traffic resulting from facility construction or operation;*

Increased traffic resulting from the Facility’s repowering or operation would not adversely impact protected areas. Traffic for repowering the Facility is expected to be less than the construction traffic associated with Stateline 3 in terms of daily volume and types of vehicles, because the primary structures are already built; the proposed activity replaces the turbine blades and redevelops previously disturbed temporary laydown areas and access roads. Given that the Final Order on Amendment 4 did not find a significant impact to traffic for Stateline 3, Vansycle II remains in the same location, and less construction activity is required, there will be no impacts to protected areas from traffic. Facility operational traffic volumes will not change.

#### 3.3 Water Use and Wastewater – OAR 345-021-0010(1)(I)(C)(iii)(iv)

*(iii) Water use during facility construction or operation;*

There would be no potential impacts to water resources in the protected areas listed on Table L-1. The Facility’s water supply would be from the City of Helix, an existing, permitted source that is not

<sup>1</sup> Versus the closest protected area to the Site Boundary, which is McNary National Wildlife Refuge at 5.2 miles, as shown in Table L-1. Turbines are not located at the northwest end of the Site Boundary.

in a protected area, and any use for the Facility would be temporary, fairly small in volume, and limited to the repowering period; except for a minimal amount to be used at the operations and maintenance building. Specifically, water would be used during repowering for road compaction and dust suppression and for a bathroom, kitchen, and utility sink in the operations and maintenance building. See Exhibit O for additional water use information.

*(iv) Wastewater disposal resulting from facility construction or operation;*

There would be no potential wastewater impacts to protected areas. Portable toilets will be provided for onsite sewage handling during repowering, and will be pumped and cleaned regularly by the construction contractor. A bathroom facility at the existing operation and maintenance building with an onsite septic tank is available for use during operations. No other wastewater use is anticipated during repowering or operating the Facility.

### **3.4 Visual Impacts – OAR 345-021-0010(1)(l)(C)(v)(vi)**

*(v) Visual impacts of facility structures or plumes.*

Although the turbines for Vansycle II are in the same locations as the turbines for Stateline 3, the new blades are taller than the existing ones, changing the maximum allowed height from 416 feet to 440 feet. The closest protected area to a turbine is 8.3 miles away (McDonald Bridge Wildlife Area), and the difference in turbine height (24 feet) will be small to a viewer, if noticeable at all. The Final Order on Amendment 4 found that a much greater increase in turbine blade tip height, 173 feet, is unlikely to be perceived as significant from a distance of 9.3 miles away.

Figure L-2 shows the results of the comparative ZVI, and indicates the Facility is currently visible from each protected area, ranging from the entire site (e.g. McDonald Bridge Wildlife Area) to a very small portion of the area (e.g. North Fork Umatilla Wilderness). The increase in turbine height will not substantially change existing conditions, with only minor additional visible areas along the edges (Figure L-2). Even where visible, as found in the Final Order on Amendment 4, the turbines would be a minor element of the background.

Given that the Final Order on Amendment 4 found no significant adverse visual impacts to protected areas, and that the change in turbine height will not substantially change existing conditions, the change in visibility is not expected to result in any significant visual impacts to protected areas.

*(vi) Visual impacts from air emissions resulting from facility construction or operation, including, but not limited to, impacts on Class 1 Areas as described in OAR 340-204-0050.*

During repowering, dust would be generated during road and laydown area redevelopment. Watering would be used to control dust during the repower period. Potential impacts are anticipated to be temporary and negligible.

## 4.0 Conclusions

Based on the preceding analysis, which was conducted in accordance with the requirements of OAR 345-022-0040, the design, repower, and operation of the Facility is not likely to result in significant, adverse impacts to protected areas.

## 5.0 References

- BLM (U.S. Bureau of Land Management). 2018. South Fork Walla Walla River ACEC. Accessed online March 13, 2018. <https://www.blm.gov/visit/sf-walla-river-acec>
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- NPS (U.S. Department of the Interior, National Park Service). 2018. Find a Park by State. Accessed online March 13, 2018. <https://www.nps.gov/findapark/index.htm>
- ONAP (Oregon Natural Areas Program). 2015. Oregon Natural Areas Plan. Oregon Parks and Recreation Department and the Oregon Biodiversity Information Center, Institute for Natural Resources – Portland, Portland State University, Portland, OR. 189 pp. [http://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015\\_or\\_natural\\_areas\\_plan.pdf](http://inr.oregonstate.edu/sites/inr.oregonstate.edu/files/2015_or_natural_areas_plan.pdf)
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- OSU (Oregon State University). 2018. Columbia Basin Agricultural Research Center. Accessed online March 13, 2018. <http://cbarc.aes.oregonstate.edu/>
- USFS (U.S. Department of Agriculture Forest Service). 2018. Umatilla National Forest – North Fork Umatilla Wilderness. Accessed online March 13, 2018. <https://www.fs.usda.gov/recarea/umatilla/recarea/?recid=56917>
- USFWS (U.S. Fish and Wildlife Service). 2018. National Wildlife Refuge System. Accessed online March 13, 2018. <https://www.fws.gov/refuges/>
- WDFW (Washington Department of Fish and Wildlife). 2014. Blue Mountains Wildlife Area Complex. 2014 Management Plan Update. Available online [https://wdfw.wa.gov/publications/00111/blue\\_mountain\\_2014update.pdf](https://wdfw.wa.gov/publications/00111/blue_mountain_2014update.pdf)
- WDFW. 2018. WDFW Lands – Wildlife Areas. Accessed online March 13, 2018. [https://wdfw.wa.gov/lands/wildlife\\_areas/wt\\_wooten/McDonald%20Bridge/](https://wdfw.wa.gov/lands/wildlife_areas/wt_wooten/McDonald%20Bridge/)

# Figures

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**Stateline Wind Project  
Request for Amendment 5**

**Vansycle II\***

*\*Stateline 3 is being renamed Vansycle II as part of Request for Amendment 5.*

**Figure L-1  
Protected Areas**

UMATILLA, OR

-  Protected Area - 20 Mile Boundary
-  Site Boundary
-  Oregon Trail (Approx. Location)
-  Protected Area



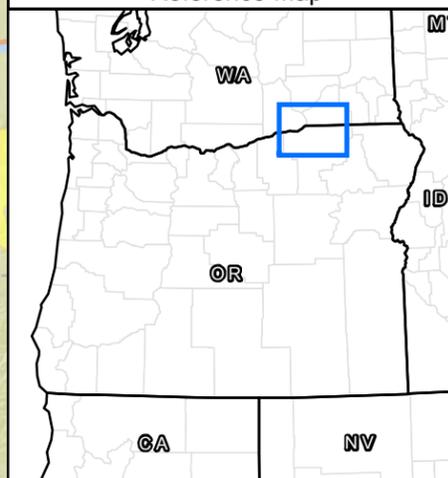
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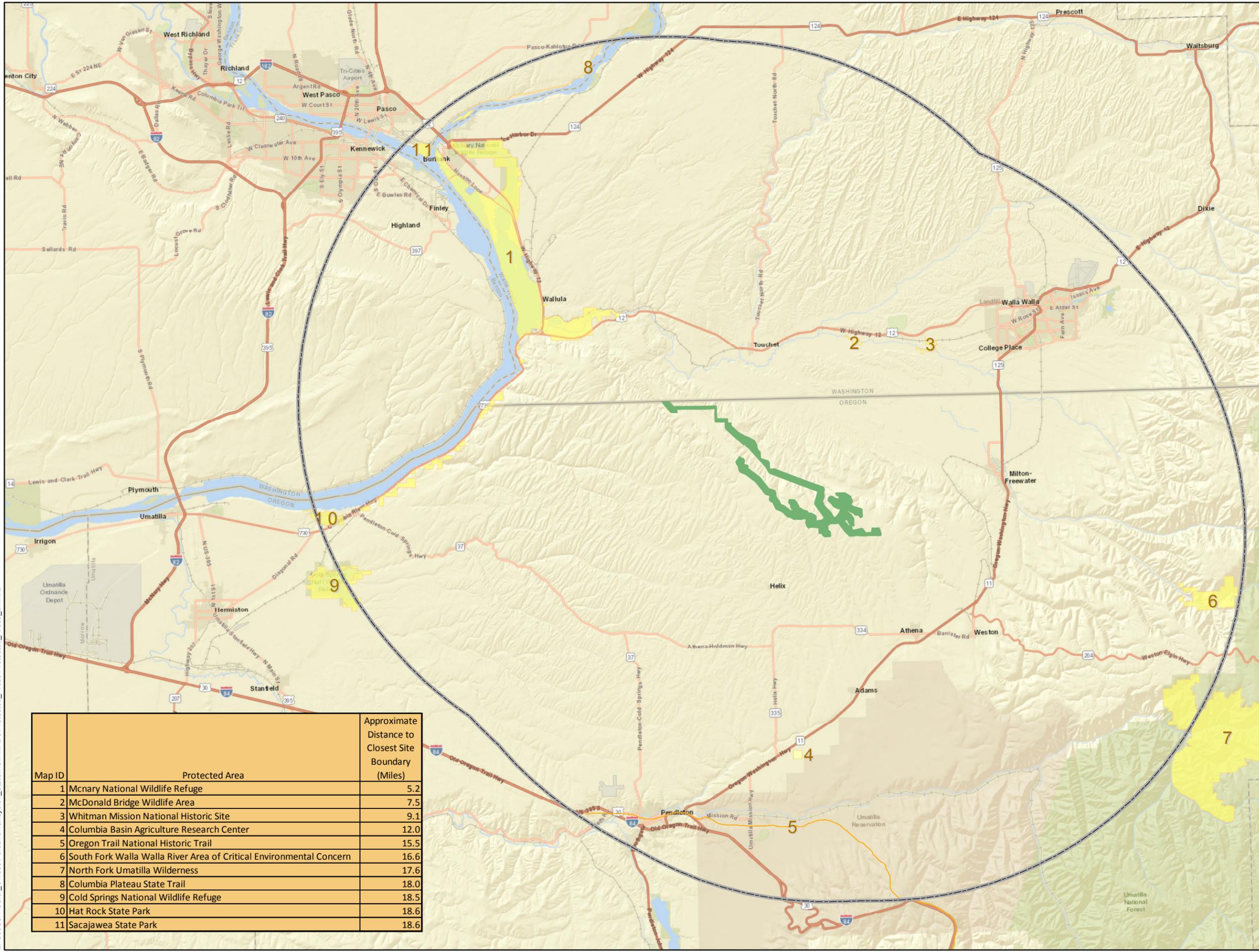
NAD 1983 StatePlane Oregon  
North FIPS 3601 Feet Intl



Reference Map



Data Sources:  
ESRI Streetmap



Map ID	Protected Area	Approximate Distance to Closest Site Boundary (Miles)
1	McNary National Wildlife Refuge	5.2
2	McDonald Bridge Wildlife Area	7.5
3	Whitman Mission National Historic Site	9.1
4	Columbia Basin Agriculture Research Center	12.0
5	Oregon Trail National Historic Trail	15.5
6	South Fork Walla Walla River Area of Critical Environmental Concern	16.6
7	North Fork Umatilla Wilderness	17.6
8	Columbia Plateau State Trail	18.0
9	Cold Springs National Wildlife Refuge	18.5
10	Hat Rock State Park	18.6
11	Sacajawea State Park	18.6

Z:\GeoServ\Other\Portland\VansycleII\_StateLine\MXDs\Protected\_Areas\Protected\_Areas\_L1.mxd

# Stateline Wind Project Request for Amendment 5

## Vansycle II\*

\*Stateline 3 is being renamed Vansycle II as part of Request for Amendment 5.

**Figure L-2  
Protected Areas  
ZVI Comparison  
UMATILLA, OR**

- ▲ Replacing Turbine Blades
- City Limits
- ▭ Protected Area - 20 Mile Boundary
- ▨ Protected Area
- Area of Turbine Visibility (Existing Turbine Height 416')
- Additional Visible Areas with RFA 5 Modifications (Proposed Turbine Height 440')

Analysis Area: 20 Miles from Turbines  
Assumed Viewer Height: 6-foot tall person



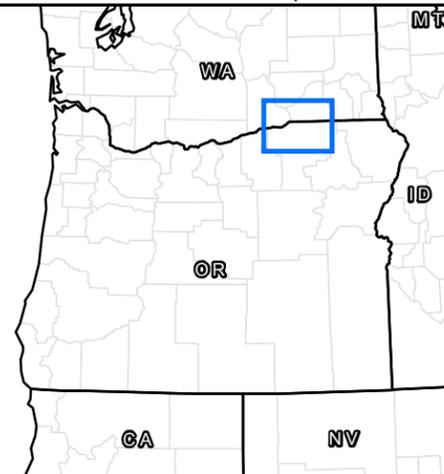
0 1.25 2.5 5 Miles

1:316,800

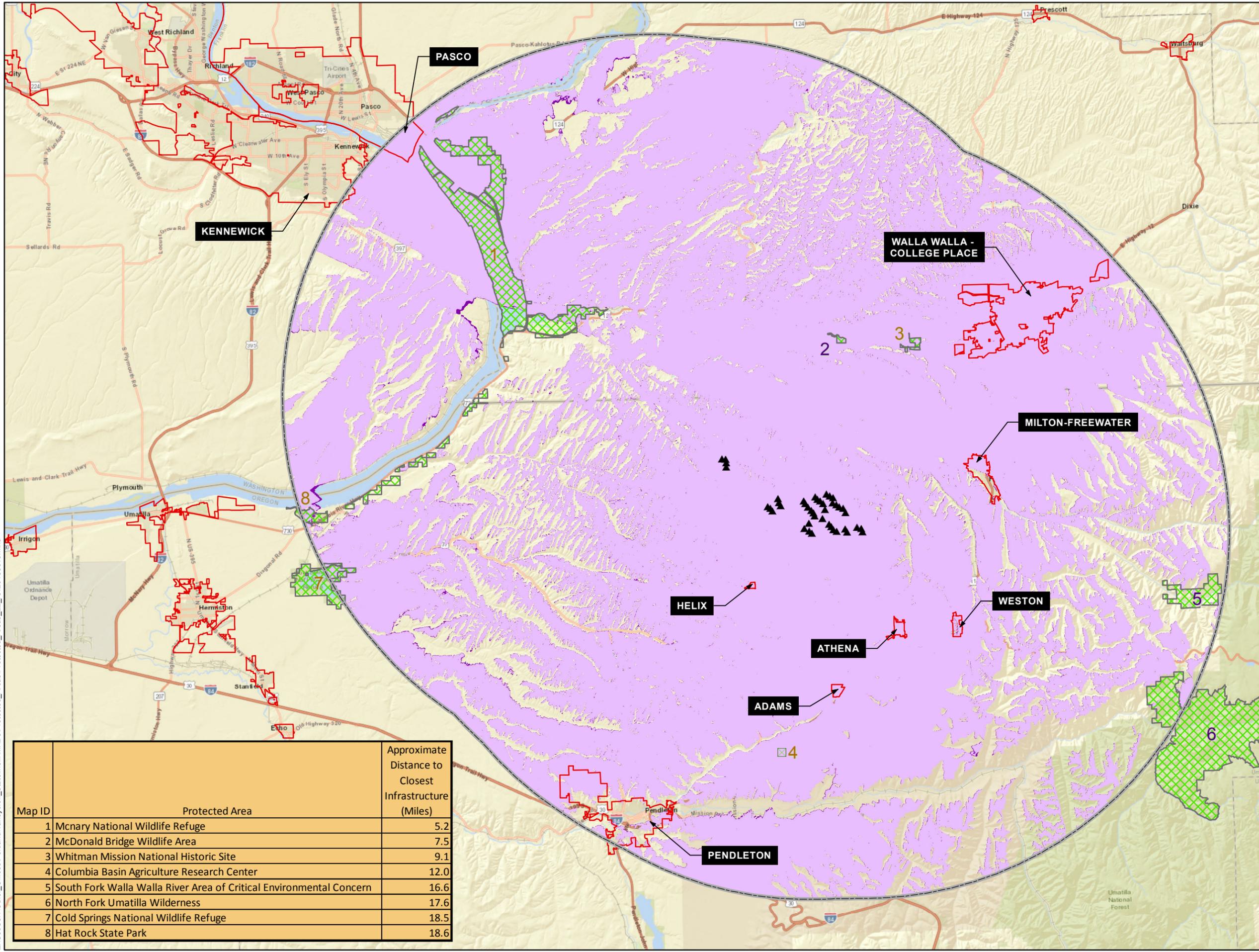
NAD 1983 StatePlane Oregon  
North FIPS 3601 Feet Intl



### Reference Map



Data Sources:  
ESRI Streetmap



Map ID	Protected Area	Approximate Distance to Closest Infrastructure (Miles)
1	McNary National Wildlife Refuge	5.2
2	McDonald Bridge Wildlife Area	7.5
3	Whitman Mission National Historic Site	9.1
4	Columbia Basin Agriculture Research Center	12.0
5	South Fork Walla Walla River Area of Critical Environmental Concern	16.6
6	North Fork Umatilla Wilderness	17.6
7	Cold Springs National Wildlife Refuge	18.5
8	Hat Rock State Park	18.6

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# Exhibit O

## Water Requirements

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**Stateline Wind Project – Vansycle II  
January 2019**

**Prepared for  
FPL Energy Stateline II, Inc.**

**Prepared by**



**Tetra Tech, Inc.**

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## Acronyms and Abbreviations

OAR	Oregon Administrative Rules
O&M	Operations and Maintenance
RFA 5	Request for Amendment 5
Vansycle II	Stateline Wind Project – Vansycle II

## 1.0 Introduction

The Stateline Wind Project – Vansycle II (the Facility) is an existing and operational wind energy facility currently named Stateline 3. The current site certificate for the Facility was last amended in 2009. The information in Exhibit E is provided in support of a Request for Amendment 5 (RFA 5), to rename the Facility to Vansycle II, allow the operating turbines to be upgraded to current technology by replacing the nacelles and turbine blades on existing turbine towers, and for repowering-related impacts as described in the Written Request for Amendment.

Exhibit O identifies the source of water to be used for RFA 5, and the nature of Vansycle II's water use, per Oregon Administrative Rules (OAR) 345-021-0010(1)(o).

## 2.0 Description of Water Use – OAR 345-021-0010(1)(o)(A)

*OAR 345-021-0010(1)(o) Information about anticipated water use during construction and operation of the proposed facility. The applicant shall include:*

*OAR 345-021-0010(1)(o)(A) A description of the use of water during construction and operation of the proposed facility.*

### 2.1 Construction

During the repower phase, water will be pumped into tanker trucks at the permitted supply source, driven to specific sites, and used for road and earthwork compaction, as well as dust suppression. Because of the cost and time involved in transporting water by tanker truck to the work site, water used for road and earthwork compaction and dust suppression will be applied at the minimum rate needed to perform these functions.

### 2.2 Operation

Water use during Facility operation will not change.

## 3.0 Water Sources – OAR 345-021-0010(1)(o)(B)

*OAR 345-021-0010(1)(o)(B) A description of each source of water and the applicant's estimate of the amount of water the facility will need during construction and during operation from each source under annual average and worst-case conditions.*

The construction contractor will be responsible for delivering water to the site via water trucks supplied from the City of Helix, Oregon. According to the City of Helix, this permitted source currently has capacity sufficient to meet the needs of the Facility, and can provide water during the

repowering period (Attachment O-1, to be included). A copy of the City's Water Right is included in Attachment O-2.

During the repowering, a total of approximately 3.5 million gallons of water will be required for road compaction and dust suppression. The usage rates are based on water consumption rates estimated by the Certificate Holder's technical personnel familiar with repowering wind projects. Daily usage for the repowering will vary, depending on specific activities as well as their timing, as the need for dust control will be greater during the summer than other seasons. Repowering activities are anticipated to require an average of 29,000 to 39,000 gallons per day (3.5 million gallons over a 3 to 4-month period) with a peak use of up to 55,000 gallons per day.

The Final Order on Amendment 4 found that the Facility would comply with applicable regulations pertaining to water rights. Water demand during repowering would be less than the amount required for RFA 4, and represents an insignificant amount in comparison to the annual agricultural water use in the surrounding area. The Certificate Holder does not expect to injure any existing water rights or exceed the amount of water available for beneficial use within the watersheds associated with the Facility.

There will be no changes to the Facility's operational water use as a result of the proposed changes in RFA 5.

#### **4.0 Water Loss - OAR 345-021-0010(1)(o)(C)**

*OAR 345-021-0010(1)(o)(C) A description of each avenue of water loss or output from the facility site for the uses described in (A), the applicant's estimate of the amount of water in each avenue under annual average and worst-case conditions and the final disposition of all wastewater.*

During repowering, water loss will occur primarily through evaporation from wetted road surfaces. Because of the dry conditions at the Facility site, and the relatively low rates of water use and application (see Section 3), the Certificate Holder expects that all water used during repowering will be lost at or very near the site. Moreover, no water used on-site will be discharged into wetlands, lakes, rivers, or streams.

There will be no changes to Facility operations and therefore no changes to avenues of water loss or wastewater disposition.

#### **5.0 Thermal Power Plants – OAR 345-021-0010(1)(o)(D)**

*OAR 345-021-0010(1)(o)(D) For thermal power plants, a water balance diagram, including the source of cooling water and the estimated consumptive use of cooling water during operation, based on annual average conditions.*

The Facility is not a thermal power plant, and does not use cooling water for operation; therefore, a water balance diagram is not required.

## **6.0 Permits or Transfers Required – OAR 345-021-0010(1)(o)(E)(F)**

*OAR 345-021-0010(1)(o)(E) If the proposed facility would not need a groundwater permit, a surface water permit or a water right transfer, an explanation of why no such permit or transfer is required for the construction and operation of the proposed facility.*

*OAR 345-021-0010(1)(o)(F) If the proposed facility would need a groundwater permit, a surface water permit or a water right transfer, information to support a determination by the Council that the Water Resources Department should issue the permit or transfer of a water use, including information in the form required by the Water Resources Department under OAR Chapter 690, Divisions 310 and 380.*

As previously noted, no permit or transfer from the Oregon Water Resources Department will be required for RFA 5 and there will be no changes to operational water use at the Facility.

## **7.0 Mitigation Measures – OAR 345-021-0010(1)(o)(G)**

*OAR 345-021-0010(1)(o)(G) A description of proposed actions to mitigate the adverse impacts of water use on affected resources.*

Water use is already very low for the Facility, and several orders of magnitude lower in comparison to gas-fired electric plants and most other industrial uses. Because water for Vansycle II will need to be purchased and trucked to the work site, the construction contractor will have an incentive to minimize water use. During the operations phase, water use will be very low, and only required for use in the O&M building as described above. Usage during operations is not expected to exceed 1,000 gallons per day. A major benefit of wind power is that it requires so little water, especially during operation. The Certificate Holder does not propose any mitigation because no significant impacts on water use are anticipated.

## **8.0 Conclusion**

By its very nature, wind power generation has minimal requirements for water. Water will be needed during the repowering phase for road compaction and dust suppression. The amount of water required for repowering will be approximately 60 percent less than the volume approved for initial Facility construction under the Final Order on Amendment 4. However, water would be provided subject to appropriate water rights and would not have an adverse impact on other water

uses in the area (see Attachment O-1 and O-2 for documentation from the City of Helix). Therefore, there will be no adverse effects on water availability or quality. Water use during operations will be the same as existing, minimal, and will qualify as an exempt industrial use in Oregon.

# **Attachment O-1. Confirmation of Water Use from City of Helix**

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## **Attachment O-2. City of Helix Water Right**

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STATE OF OREGON  
COUNTY OF UMATILLA  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

CITY OF HELIX  
PO BOX 323  
HELIX OR 97835

confirms the right to use the waters of A WELL in the WILDHORSE CREEK Basin for MUNICIPAL USE.

This right was perfected under Permit G-11438. The date of priority is MAY 9, 1990. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.67 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Survey Coordinates
4 N	33 E	WM	2	NE SW	1653 FEET NORTH AND 1333 FEET WEST FROM S1/4 CORNER, SECTION 2

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q
4 N	33 E	WM	2	NE SW
4 N	33 E	WM	2	NW SW
4 N	33 E	WM	2	SW SW
4 N	33 E	WM	2	SE SW
4 N	33 E	WM	2	SW SE
4 N	33 E	WM	10	NE NE
4 N	33 E	WM	11	NW NE
4 N	33 E	WM	11	NE NW
4 N	33 E	WM	11	NW NW

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

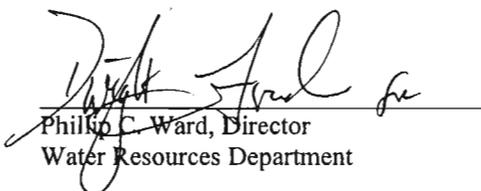
This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

This use may be regulated if analysis of data available discloses that the appropriation will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife in effect as of the priority date of this right or as those quantities may be subsequently reduced.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

WITNESS the signature of the Water Resources Director, affixed **JAN 05 2007**

  
Phillip C. Ward, Director  
Water Resources Department

# **Exhibit P**

## **Fish and Wildlife Habitats and Species**

---

**Stateline Wind Project -Vansycle II  
January 2019**

**Prepared for  
FPL Energy Stateline II, Inc.**

**Prepared by**



**Tetra Tech, Inc.**

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## **List of Attachments**

Attachment P-1. Stateline 3 2008 Biological Investigations

Attachment P-2. Monitoring Reports

Attachment P-3. Habitat Mapping

Attachment P-4. Revegetation Plan

Attachment P-5. Habitat Mitigation Plan

Attachment P-6. Wildlife Monitoring and Mitigation Plan

## Acronyms and Abbreviations

Certificate Holder	FPL Energy Stateline II, Inc.
CRP	Conservation Reserve Program
EFSC	Energy Facility Siting Council
Facility	Stateline Wind Project – Vansycle II
HMA	Habitat Mitigation Area
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
RFA 4	Request for Amendment 4
RFA 5	Request for Amendment 5
Stateline 3	Stateline Wind Project – Stateline 3
WAGS	Washington ground squirrels

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## 1.0 Introduction

The Stateline Wind Project – Vansycle II (the Facility) is an existing and operational wind energy facility currently named Stateline 3. The current site certificate for the Facility was last amended in 2009. The information in Exhibit P is provided in support of a Request for Amendment 5 (RFA 5), to rename the Facility to Vansycle II, allow the operating turbines to be upgraded to current technology by replacing the nacelles and turbine blades on existing turbine towers, and for repowering-related impacts as described in the Written Request for Amendment.

As required by Oregon Administrative Rule (OAR) 345-022-0060, the Energy Facility Siting Council (EFSC) issues a site certificate only when the Facility is deemed to be in accordance with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025. The information in Exhibit P describes fish and wildlife habitat and state sensitive species that might be affected by the repowering of the Facility, as required by OAR 345-021-0010(1)(p). Repowering is currently scheduled for the spring and/or summer of 2019. Repowering will generally consist of:

- Replacing existing turbine blades for a new maximum height of approximately 440 feet (the Facility is currently permitted for a maximum height of 416 feet) on the existing towers;
- Redeveloping previously approved temporary laydown areas (entirely in previously disturbed areas); and
- Temporary widening of access road improvements and turn around area (entirely in previously disturbed areas).

The Analysis Area is the area where habitat types were mapped and categorized in support of Request for Amendment 4 (RFA 4), prior to the construction of Stateline 3. The Analysis Area covers 7,096.2 acres.

## 2.0 Description of Biological and Botanical Surveys Performed – OAR 345-021-0010(1)(p)(A)

*OAR 345-021-0010(1)(p) Information about the fish and wildlife habitat and the fish and wildlife species, other than the species addressed in subsection (q) that could be affected by the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0060. The applicant shall include:*

*OAR 345-021-0010(1)(p)(A) A description of biological and botanical surveys performed that support the information in this exhibit, including a discussion of the timing and scope of each survey.*

## 2.1 Information Review

In support of RFA 5, an updated Oregon Biodiversity Information Center data request was reviewed (ORBIC 2018). The request includes information on the presence of rare, threatened and endangered plant and animal species within 5 miles of the Facility. Biological survey data from baseline surveys performed in support of construction of Stateline 3 (Attachment P-1) were reviewed, as were the annual monitoring reports for Stateline 3 (Attachment P-2).

## 2.2 Field Surveys

FPL Energy Stateline II, Inc. (the Certificate Holder) hired contractors to conduct habitat assessments and special status species surveys during the appropriate seasons in 2002 and 2008 prior to construction of Stateline 3. Those survey efforts are detailed in previous filings, and EFSC determined that the information provided in RFA 4—and subject to site certificate conditions discussed therein—complied with the Fish and Wildlife Habitat Standard.

The Certificate Holder contacted Oregon Department of Fish and Wildlife (ODFW) on March 23, 2018 to discuss the proposed repowering. ODFW Umatilla District Wildlife Biologist Greg Rimbauch and ODFW State Energy Coordinator Sara Rief recommended that Washington ground squirrel (WAGS) surveys be performed as the previous survey data is outdated. Exhibit Q, Attachment Q-1 contains a report on the WAGS surveys that were performed in the spring of 2018 following methods approved by ODFW (Tetra Tech 2018a). WAGS surveys were performed in disturbance areas associated with repowering that were in potential habitat (non-agriculture and non-developed habitat) and an additional 1,000 feet from those disturbance areas in areas of contiguous potential habitat.

## 3.0 Identification and Description of Habitat – OAR 345-021-0010(1)(p)(B)(C)

*OAR 345-021-0010(1)(p)(B) Identification of all fish and wildlife habitat in the analysis area, classified by the general fish and wildlife habitat categories as set forth in OAR 635-415-0025 and the sage-grouse specific habitats described in the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-140-0000 through -0025 (core, low density, and general habitats), and a description of the characteristics and condition of that habitat in the analysis area, including a table of the areas of permanent disturbance and temporary disturbance (in acres) in each habitat category and subtype.*

*OAR 345-021-0010(1)(p)(C) A map showing the locations of the habitat identified in (B).*

Habitat categories were assigned based on vegetative characteristics and use by wildlife as noted during previous surveys (NWC 2008). Habitat types were classified into six categories as defined in OAR 635-415-0025. The habitat types identified during previous survey efforts in support of RFA 4 underwent a desktop review using 2016 aerial imagery (USDA 2016) to identify if land use

changes had occurred since the original mapping effort that would result in changes to habitat types and/or categorization. Changes noted during the desktop review include expansion of a gravel quarry within the Analysis Area and the currently as-built Facility. The expanded quarry area and as-built Facility are now considered developed habitat types and are Category 6 habitats. During WAGS surveys in the spring of 2018, biologists identified an area that was mapped as Conservation Reserve Program (CRP) in 2008 that is currently a cultivated cropland (Tetra Tech 2018a). This resulted in 509.1 acres previously mapped as Category 3 CRP within the Analysis Area being re-categorized to Category 6 Agriculture. No WAGS activity was observed during the surveys; therefore, no habitat categories were modified due to their presence. The Certificate Holder did not perform WAGS surveys of the previously identified active colonies adjacent to the transmission line because the disturbances associated with repowering only occur along existing roads and turbine pads and therefore there will be no disturbance in the vicinity of previously identified active colonies. Habitat previously identified as Category 1 habitat associated with the active colonies is still within the Analysis Area and considered Category 1 habitat despite the lack of updated surveys (see Figure P-1 in Attachment P-3).

Table P-1 summarizes habitat categories and types found in the Analysis Area. Table P-2 provides the acreage of habitat type within the Analysis Area and proposed temporary disturbance areas. Attachment P-3 contains figures showing the habitat mapping within the Analysis Area.

**Table P-1. ODFW Habitat Categorization**

ODFW Habitat Category	Definition <sup>1</sup>	Examples of ODFW Habitat Categories within Analysis Area
1	Irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.	Grassland within active WAGS colonies and non-agriculture and non-developed habitat within a 785-foot buffer of 2008 WAGS colonies.
2	Essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.	Riparian trees, general riparian areas, grassland (high quality) and documented (recently active) raptor nest sites and burrowing owl burrows.
3	Essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a physiographic province or site-specific basis, depending on the individual species or population.	Grassland (moderate quality), CRP or revegetated, grassland – shrub steppe (moderate quality)
4	Important habitat for fish and wildlife species.	Grassland (low quality)
5	Habitat for fish and wildlife having high potential to become either essential or important habitat.	Shrub-steppe (low quality)
6	Habitat that has low potential to become essential or important habitat for fish and wildlife.	Agriculture and developed land

**Table P-1. ODFW Habitat Categorization**

ODFW Habitat Category	Definition <sup>1</sup>	Examples of ODFW Habitat Categories within Analysis Area
<sup>1</sup> Definitions from OAR 635-415-0025		

**Table P-2. Acres of Habitat Type within the Analysis Area and Proposed Temporary Disturbance Areas**

ODFW Habitat Category	Habitat Type	Analysis Area (acres)	Temporary Disturbance (acres)
1	CRP or revegetated	125.4	0.0
	Grassland	11.0	0.0
2	Grassland	14.4	0.0
	Riparian or riparian trees	2.1	0.0
3	CRP or revegetated	665.4	0.0
	Grassland	732.5	1.8
	Grassland – shrub steppe	261.7	0.0
	Shrub steppe	42.3	0.0
4	Grassland	95.8	0.2
5	Grassland	10.7	0.0
	Shrub steppe	44.0	0.0
6	Dry agriculture	5,025.0	106.2
	Developed	66.0	37.7
<b>Total</b>		<b>7,096.2</b>	<b>145.9</b>

#### 4.0 Identification of State Sensitive Species and Site-Specific ODFW Issues – OAR 345-021-0010(1)(p)(D)

*OAR 345-021-0010(1)(p)(D) Based on consultation with the Oregon Department of Fish and Wildlife (ODFW) and appropriate field study and literature review, identification of all State Sensitive Species that might be present in the analysis area and a discussion of any site-specific issues of concern to ODFW.*

State sensitive species that might be present in the Analysis Area were determined by reviewing the ODFW Sensitive Species List (2016). Species determined by ODFW to be sensitive within the Columbia Plateau Ecoregion as defined in the Oregon Conservation Strategy (ODFW 2018a) are

included in Table P-3. Given the absence of fish-bearing waterbodies within the Analysis Area, state sensitive fish species occurring within the Columbia Plateau Ecoregion are not included in the analysis.

**Table P-3. State Sensitive Species with the Potential to Occur within the Analysis Area**

Common Name	State Status <sup>1</sup>	Expected Habitats <sup>2</sup>	Observed or Expected Occurrence within Analysis Area
<b>Mammals</b>			
Hoary bat	S	Roosts in trees and feeds around outdoor lights. Found in scattered localities in montane regions east of the Cascade Range.	Confirmed presence. Observed during wildlife fatality monitoring of the Facility in 2016 (NextEra 2017).
Pallid bat	S	Uncommon and found mostly in arid regions in canyons in southwestern and eastern Oregon.	Potential to occur within the Analysis Area. Modeled habitat includes the Analysis Area (Institute of Natural Resources 2018).
Silver-haired bat	S	Forages over ponds, streams, meadows, and roads. Roosts in trees.	Expected to occur. Observed during wildlife fatality monitoring of the Stateline 1 and State 2 facilities (Erickson et al. 2004).
Spotted bat	S	Rare in North America, lives in dry climates and roosts on high cliffs. Found in eastern Oregon.	Potential to occur within the Analysis Area; however, typical roosting habitat is absent from the Analysis Area.
Townsend's big-eared bat	SC	Depends on caves and mines for roosting. Found in deserts and grasslands to moist conifer forests.	Potential to occur within the Analysis Area. Modeled habitat includes the Analysis Area (Institute of Natural Resources 2018).
<b>Birds</b>			
Brewer's sparrow	S	Abundant east of the Cascades in sagebrush communities.	Not expected to occur. Sagebrush communities are very limited within the Analysis Area and unlikely to support this species.
Burrowing owl	SC	Nests in earthen burrows in open shrub-steppe regions and grasslands.	Confirmed presence. Observed during wildlife surveys (NWC 2008).
Common nighthawk	S	Nests in open landscapes with little ground cover and is most abundant in sagebrush and rock scablands of eastern Oregon.	Expected to occur. Observed during wildlife fatality monitoring of the Stateline 1 and Stateline 2 facilities (Erickson et al. 2004).

**Table P-3. State Sensitive Species with the Potential to Occur within the Analysis Area**

<b>Common Name</b>	<b>State Status<sup>1</sup></b>	<b>Expected Habitats<sup>2</sup></b>	<b>Observed or Expected Occurrence within Analysis Area</b>
Ferruginous hawk	SC	Occurs in the open landscapes east of the Cascades, most common in the foothills of the Blue Mountains.	Expected to occur. Observed during wildlife surveys nesting outside of the Analysis Area (NWC 2008).
Grasshopper sparrow	S	Prefers open grasslands, found in scattered colonies along unforested northern slopes of the Blue Mountains.	Confirmed presence. Observed during wildlife surveys (NWC 2008).
Lewis's woodpecker	SC	Formerly widespread in Oregon, it is currently common year-round only in the white oak-ponderosa pine belt east of Mt. Hood. It also breeds in low numbers in open habitat along east Oregon river and stream valleys.	Not expected to occur. No potential habitat occurs within the Analysis Area.
Loggerhead shrike	S	The Loggerhead shrike breeds in open habitats east of the Cascades.	Expected to occur. Observed during wildlife fatality monitoring of the Stateline 1 and State 2 facilities (Erickson et al. 2004).
Long-billed curlew	SC	It is a locally common breeder in open grassland areas east of the Cascades. It is most abundant in the Columbia River basin.	Confirmed presence. Observed during wildlife surveys (NWC 2008).
Sagebrush sparrow	SC	Widespread throughout the extensive shrub-steppe of eastern Oregon. Usually associated with big sage.	Not expected to occur. Sagebrush communities are very limited within the Analysis Area and unlikely to support this species.
Swainson's hawk	S	Prefers bunchgrass prairies of eastern Oregon and common in the foothills of the Blue Mountains.	Expected to occur. Observed during wildlife surveys nesting outside of the Analysis Area (NWC 2008).
<b>Reptiles</b>			
California mountain kingsnake	S	Pine forests, oak woodlands, and chaparral. Usually found in, under, or near rotting logs in open wooded areas near streams.	Not expected to occur. No potential habitat occurs within the Analysis Area.

**Table P-3. State Sensitive Species with the Potential to Occur within the Analysis Area**

Common Name	State Status <sup>1</sup>	Expected Habitats <sup>2</sup>	Observed or Expected Occurrence within Analysis Area
Northern sagebrush lizard	S	Found in sagebrush habitat, but also chaparral, juniper woodlands, and coniferous forests.	Not expected to occur. Sagebrush communities are very limited within the Analysis Area and unlikely to support this species.
Western painted turtles	SC	Found in marsh ponds, small lakes, slow-moving streams, and quiet, off-channel portions of rivers.	Not expected to occur. No potential habitat occurs within the Analysis Area.

<sup>1</sup> ODFW Status: S = Sensitive, SC = Sensitive Critical.  
<sup>2</sup> Expected habitats taken from ODFW Wildlife Viewing website (2018b).

## 5.0 Baseline Survey of Habitat Use by State Sensitive Species – OAR 345-021-0010(1)(p)(E)

*OAR 345-021-0010(1)(p)(E) A baseline survey of the use of habitat in the analysis area by species identified in (D) performed according to a protocol approved by the Department and ODFW.*

The use of habitat in the Analysis Area by state sensitive species is described in Table P-3. The table includes a description of each species’ habitat requirements and a brief analysis of anticipated occurrence of the species within the analysis area. To determine if each species was likely to use the habitat within the Analysis Area the Certificate Holders analyzed the known habitat and range information for each species, and compared this to the land cover types within the Analysis Area based on existing data. For example, if the type of habitat used by a species for breeding or foraging was determined to occur within the Analysis Area, and the breeding range of the species included the location of that habitat, that species was assumed to potentially occur within the Analysis Area. If previous survey work in support of Stateline 3 (including baseline surveys performed prior to construction of Stateline 3 as well as post-construction monitoring efforts) identified a state sensitive species, that species is either identified as confirmed presence (if observed within the Analysis Area) or expected to occur (if observed during surveys, but outside of the Analysis Area). In addition, if a species was observed during wildlife fatality monitoring associated with adjacent Stateline 1 and Stateline 2 projects (Erickson et al. 2004), that species is also identified as expected to occur within the Analysis Area. In addition, WAGS surveys were performed in 2018 in all non-agriculture and non-developed habitat proposed for disturbance during repowering and all potential habitat within 1,000 feet of those disturbances (Exhibit Q, Attachment Q-1). While the

focus of this survey was WAGS, the survey crews were also aware of and looking for the state sensitive species listed in Table P-3. No state sensitive species were observed during 2018 WAGS surveys.

During surveys performed in 2008 (NWC 2008), grasshopper sparrow was the most numerous state sensitive species detected. In the northeastern portion of the Analysis Area in habitat identified as revegetated or CRP, surveyors recorded 18 grasshopper sparrow observations. Surveyors recorded 37 grasshopper sparrow observations along the transmission line west of Butler Grade Road in revegetated or CRP habitat. In the spring of 2018, surveys for WAGS determined that the area of CRP in the northeastern portion of the Analysis Area is currently cultivated cropland; this change in habitat type makes the area unsuitable for grasshopper sparrows. Two burrowing owl observations were recorded near the transmission line west of Butler Grade Road in revegetated or CRP habitat. Raptor nest surveys in 2008 recorded 17 active raptor nests, including 2 ferruginous hawk nests and 1 Swainson's hawk nest. None of the raptor nests occurred within the Analysis Area. In addition, 3 active common raven nests and 16 inactive nests of unknown species were found. Inactive nests could be used by raptors in the future.

Surveys performed during monitoring in 2010 (NWC 2010) included burrowing owl and raptor nest surveys. Copies of monitoring annual reports are included as Attachment P-2. The burrowing owl nest sites identified in 2008 were inactive in 2010 and lacked signs of prior-season use. Raptor nest surveys in 2010 identified 6 red-tailed hawk nests and 1 great-horned owl nest. The raptor nest survey area was smaller in 2010 than in 2008, which explains the reduced number of active raptor nests found in 2010. However, all 3 of the state sensitive raptor nests (2 ferruginous hawk, 1 Swainson's hawk) identified during 2008 were inactive in 2010.

## **6.0 Description of Potential Adverse Impacts – OAR 345-021-0010(1)(p)(F)**

*OAR 345-021-0010(1)(p)(F) A description of the nature, extent and duration of potential adverse impacts on the habitat identified in (B) and species identified in (D) that could result from construction, operation and retirement of the proposed facility.*

### **6.1 Potential Impacts to Fish and Wildlife Habitat**

Duration of repowering activities is estimated at three to four months. Facility operation is estimated at 30 years after repowering. Potential impacts to habitats from the proposed Facility's repowering will be limited to temporary habitat disturbances. Table P-2 above summarizes the estimated acres of temporary disturbance to habitats from the proposed repowering of the Facility. No new permanent facilities will be developed under this request for amendment.

The source of temporary habitat disturbances associated with repowering of the Facility involves the use of heavy equipment (cranes, tractor-trailers, etc.) to remove turbine components from the Facility and to deliver and install new components. The heavy equipment will traverse existing

roads and perform work immediately around each turbine. To perform this work, equipment may need to be driven outside of the currently developed areas and could crush vegetation. However, all work performed during repowering will be occurring within the original construction footprint of the Facility that has either been maintained as part of the Facility as a developed habitat or has been revegetated.

The maximum area of disturbance identified by the Certificate Holders associated with repowering covers 145.9 acres, a majority of which is Category 6 habitat made up of developed land and dry agriculture (37.7 and 106.2 acres, respectively; Table P-2). This leaves a total of 2 acres of grassland habitat that will be temporarily disturbed during repowering (1.8 acres of Category 3 and 0.2 acres of Category 4; Table P-2). Temporarily disturbed grassland habitat will be revegetated per the Stateline Wind Project Revegetation Plan (Attachment P-4).

## **6.2 Potential Impacts to State Sensitive Species**

Impacts to birds from Facility construction are likely to be equal or less than those described in the original application for site certificate (ASC). Our analyses suggest that there has been no net change in land use or habitats, nor a net change in occurrence of raptor nests in the Facility's vicinity (Tetra Tech 2018b). Because construction will be limited to replacement of turbine blades, there will be no new areas of permanent ground-disturbance.

The primary potential effect of repowering to state sensitive species is direct fatality from collision with or crushing by heavy equipment while turbine components are being replaced. This is most likely to occur to state sensitive ground-nesting grassland bird species such as the common nighthawk, long-billed curlew, burrowing owl, and grasshopper sparrow. The risk of direct mortality as a result of construction is expected to be less than that predicted in RFA 4 given the decreased level of construction effort expected. Considering that two acres of grassland habitat is anticipated to be disturbed during replacement of turbine components, and that construction equipment will be moving relatively slowly, the likelihood of fatality to these state sensitive species is expected to be negligible.

Secondarily, state sensitive species within proximity to activities could be affected by increased noise and visual disturbances associated with human activity, causing them to avoid areas of human activity. Species may be temporarily displaced into adjacent habitats which could result in increased competition for resources with other wildlife. However, most work would be occurring in developed and agriculture habitat types that do not typically support state sensitive species. Ground-disturbance impacts are expected to be temporary, in the same areas that were temporarily developed during construction of Stateline 3, and will be graded and reseeded to wheat or native grasses as necessary to restore the areas to their pre-construction condition. Therefore, there is less risk of indirect impacts during repowering compared with those predicted in RFA 4.

Repowering of the Facility would maintain the current threat of fatality or injury to state sensitive birds and bats through collision with rotating turbine blades during operation of the Facility. Investigations into avian population trends and those species most susceptible to collision fatalities in the vicinity of the Facility suggests that there have been no significant changes in the avian

population since 2008 that would warrant modification of the impact analysis performed in RFA 4 (Tetra Tech 2018b). Assuming that fatality rates estimated at Stateline 3 and neighboring facilities are predictive of post-repowering rates, the Facility-related fatalities are not expected to cause population-level impacts.

We conclude that population-level impacts to birds as a result of operation of the Facility are unlikely, and anticipate that any increases in avian impacts at the Facility as a result of an increased blade length may be undetectable. The various studies we reviewed pointed to numerous factors that can influence avian fatality rates at a given Facility, and the difficulty in isolating the effect of a single variable (Tetra Tech 2018b).

The Certificate Holder anticipates that the increased blade length is unlikely to result in a detectable change in avian fatality rates per turbine. In addition, baseline environmental conditions in and around the Facility have not significantly changed since construction of Stateline 3. Therefore, the anticipated impacts to state sensitive birds and bats that were documented during the RFA 4 process, and that EFSC concluded would comply with EFSC's Fish and Wildlife Habitat Standard, are expected to be the same.

## **7.0 Measures to Avoid, Reduce, or Mitigate Impacts – OAR 345-021-0010(1)(p)(G)**

*OAR 345-021-0010(1)(p) (G) A description of any measures proposed by the applicant to avoid, reduce, or mitigate the potential adverse impacts described in (F) in accordance with the general fish and wildlife habitat mitigation goals and standards described in OAR 635-415-0025 and a description of any measures proposed by the applicant to avoid, minimize, and provide compensatory mitigation for the potential adverse impacts described in (F) in accordance with the sage-grouse specific habitat mitigation requirements described in the Greater Sage-Grouse Conservation Strategy for Oregon at OAR 635-140-0000 through -0025, and a discussion of how the proposed measures would achieve those goals and requirements.*

The two acres of grassland habitat that is temporarily disturbed during repowering will be restored following the Revegetation Plan prepared for the Stateline Wind Project (Appendix P-3).

The Certificate Holder will perform pre-construction raptor nest surveys and coordinate with ODFW to ensure that appropriate measures are implemented to avoid and minimize the effects of repowering activities on breeding raptors, including state sensitive species.

The Stateline 3 Habitat Mitigation Plan (Attachment P-5) that was prepared as part of RFA 4 provided mitigation for temporary and permanent impacts associated with the construction of the Stateline 3 facility. The total mitigation requirement for construction of the Stateline 3 facility was determined to be 11 acres. The Certificate Holder voluntarily committed to establishing a 50-acre Habitat Mitigation Area (HMA) through a conservation easement. The two acres of grassland habitat that will be disturbed during repowering activities would require one acre of mitigation per

the Stateline 3 Habitat Mitigation Plan (Attachment P-5). The Certificate Holder proposes that EFSC considers the habitat enhancement and conservation actions performed on the 50-acre HMA to date to be more than adequate to account for the initial 11 acres of mitigation calculated for RFA 4 for which the HMA was established as well as the additional 1 acre of mitigation calculated for this request for amendment. Therefore, the Certificate Holder does not propose any additional mitigation.

## **8.0 Monitoring Program – OAR 345-021-0010(1)(p)(H)**

*OAR 345-021-0010(1)(p)(H) A description of the applicant's proposed monitoring plans to evaluate the success of the measures described in (G).*

One year of post-construction mortality monitoring will be performed in accordance with the Stateline Wind Project Wildlife Monitoring and Mitigation Plan (Attachment P-6) to ensure that established fatality thresholds are not exceeded after repowering. If necessary, the Certificate Holder will coordinate with the Oregon Department of Energy regarding appropriate mitigation measures.

Monitoring of the revegetation of two acres of grassland habitat will follow the monitoring procedures presented in the Revegetation Plan (Attachment P-4). If an area is not trending toward meeting the success criteria described, the Certificate Holder may conclude that revegetation of the area was unsuccessful and additional measures may be implemented at the existing HMA to address the loss of habitat quantity and quality.

## **9.0 Conclusion**

This exhibit describes biological and botanical surveys performed to support the exhibit; identifies, describes, and maps the fish and wildlife habitats within the Analysis Area and categorizes them pursuant to OAR 635-415-0025; identifies state sensitive species with the potential to occur within the Analysis Area and describes the baseline desktop effort used to do this; describes the nature, extent, and duration of potential adverse impacts; and describes efforts to avoid, minimize, and mitigate adverse impacts including monitoring.

Therefore, based on the information provided in this exhibit, there is sufficient evidence upon which EFSC may find that the design, construction, and operation of the Facility, taking into account the proposed mitigation measures, are consistent with the fish and wildlife mitigation goals and standards of OAR 635-415-0025(1) through (6). Accordingly, the Certificate Holder demonstrates compliance with OAR 345-022-0060.

## 10.0 References

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# **Attachment P-1. Stateline 3 2008 Biological Investigations**

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**Stateline 3 Wind Power Facility**  
**2008 Biological Investigations**

*Prepared for:*

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Final

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### TABLES

Table 1. Habitat Types and Habitat Categories within the Stateline 3 Wind Power Project Mapping Corridors

Table 2. Raptor and Other Large Bird Nests Found During the 2008 Aerial Nest Survey, Stateline 3 Wind Power Project

# Stateline 3 Wind Power Facility 2008 Biological Investigations

## INTRODUCTION

FPL Energy received a permit in 2003 from the State of Oregon through the Oregon Department of Energy to construct and operate an expansion of Stateline Wind Power Project, referred to as "Stateline, Amendment 2" (Energy Facility Siting Council Application June 2002 and "Revised" Application in October 2002, "Parts 3A and B"). It is now referred to as Stateline 3 Wind Power Project (Project). As with Stateline 1 and 2 Oregon facilities, the Project will be located in Umatilla County, Oregon. As currently designed, and consistent with the 2002 Application, the Project will have a generating capacity of up to 184 megawatts (MW). The proposed Project will be located on privately owned land in the general vicinity of the operating Vansycle, Stateline 1 and 2 and Combine Hills Wind Power Projects. The Project will consist of up to 43 wind turbines, and other supporting facilities (details described in the October 2008 Permit Amendment Application). An overhead transmission line will connect the Facility to FPL Energy's Nine Mile Substation located in Washington, northwest of the wind Facility. The Project minimum turbine layout is 43 2.3 MW Siemens turbines. The maximum turbine layout is 67 1.5 MW turbines GE turbines. The total MW will not exceed 102. The location of the energy facility (the Project site boundary), the anticipated turbine string layout, and the supporting transmission line route are shown in Project figures in the Permit Amendment Application.

Northwest Wildlife Consultants, Inc. (NWC) of Pendleton, Oregon, under contract to FPL Energy in 2002 conducted numerous biological field investigations and provided Permit Application assistance for the "original" Stateline, Amendment 2. In 2008, Tetra Tech (under contract to FPL Energy) selected NWC to supplement NWC's prior studies by conducting a refresh of special status surveys in similar study corridors as in 2002, to conduct a raptor nest survey, and to map and rate the quality of habitat types.

## METHODS

### Agency Consultation and Information Reviews

#### *Consultation with Oregon Department of Fish and Wildlife*

In early spring 2008, Tetra Tech contacted local Oregon Department of Fish and Wildlife (ODFW) District Biologist Mark Kirsch to inform him of the upcoming Stateline Amendment 2 Permit Amendment. NWC consulted with Mr. Kirsch on April 14, 2008 in regards to wildlife study protocols and habitat mapping (Kirsch 2008). Mr. Kirsch was also involved in reviewing study plans for the 2002 Stateline Amendment 2 project and he has participated in Stateline 1 and 2 wildlife discussions and Permit conditions issued by the Energy Facility Siting Council in 2003. It was agreed that an initial field reconnaissance would be helpful for determining changes to the habitat since the 2002 special status species surveys (the ground-based transects). It was also agreed that if the habitat was still the same in terms of functionality for wildlife as was documented during the prior survey years, Tetra Tech and NWC would use those data for assessing the special status species distribution in the Project study corridors and for characterizing habitat quality in 2008. However, for two target species, the Washington ground squirrel and burrowing owl, he expected "refresh surveys" because of the species' status and/or the need to avoid the occupied area during construction and operation of the wind Project. For the transmission line located a ways

from planned turbines and the associated study corridors, Mr. Kirsch requested a 0.50-mile buffer of the centerlines for the aerial raptor nest survey and a 500-foot buffer (1,000-foot wide corridor) for habitat mapping and special status species surveys. All methods proposed and approved (listed below) follow similar regional protocols for wind power projects.

On August 13, 2008, FPL Energy, Tetra Tech and NWC met with Mr. Kirsch, Umatilla County planners and the Confederated Tribe of the Umatilla Indian Reservation. Project timelines and results of biological as well as other studies were presented by Tetra Tech.

### *Information Reviews*

NWC biologists and botanist reviewed existing Stateline 3, Parts A and B June and October 2002 EFSC Exhibit P and Exhibit Q information as well and NWC Stateline 3 and prior Stateline biological data, and internal personal field notes (1988) and files prior to conducting the 2008 field investigations.

## **Transmission Line Habitat**

(The section is for the portion of the transmission line that is located outside turbine and other facility corridors where ground-based wildlife and plant surveyed occurred during May and June 2008)

### *Habitat Mapping*

Habitat types within the 1,000-foot-wide transmission line study corridor (excluding lands not leased by FPL Energy) were mapped using 2005 aerial imagery and field verification in mid-September 2008. Digitizing was conducted in an ESRI ArcMap environment using 1-meter resolution digital imagery. Habitat types were classified into six categories as defined in Oregon Administrative Rule (OAR) 635-415-0025 and verified where feasible by the NWC biologists who have worked in the general area since 1988. The six categories and their respective mitigation goals and implementation standards are discussed in Exhibit P of the Stateline 3 Wind Power Facility Site Certificate Amendment Application.

Habitat category ratings were assigned following OAR 635-415-0025 and were based on assumed functionality for wildlife and habitat quality since access was not provided to the private lands. Existing data from prior NWC special status wildlife surveys and various field investigations for Stateline 1 and 2 were used prior to the field review. Areas not surveyed in 2008 for wildlife or rare plants will be surveyed in spring 2009.

## **Habitat, Rare Plants and Wildlife Investigations**

(This section is for the areas and corridors identified for potential development in May and June 2008)

### *Habitat Mapping*

Habitat types were also mapped within the Project wildlife study corridors known as of June 2008. These corridors contain the anticipated locations for the proposed wind turbines and supporting facilities, including a transmission line. A few small areas were not surveyed due to minor facility survey corridor adjustments made in summer 2008, after the standard appropriate field survey time period. Habitat category ratings were assigned by the experienced biologists using a combination of vegetative structure/habitat functionality/overall ecological condition for wildlife, in particular for special status species, and the results of the multiple years of special status wildlife surveys. The habitat mapping integrated habitat type data from 2002 but was updated in 2008. Mapping was conducted by experienced wildlife biologists and one botanist from May through July, and in mid-

September for a small area added due to a facility change. A final habitat map was prepared in 2008 for the area within the study corridors.

### *Rare Plants*

Following the desktop review of existing data and plant species listing status, field investigations for rare plants were conducted in May and June 2008 for the main Facility site boundary. The field survey area for rare plants was a 500-foot buffer zone around the proposed wind turbines, collector lines, O&M facility, access roads, and other onsite facilities (a 1,000-foot-wide survey corridor). Before conducting the surveys, NWC reviewed 2002 botanical investigation report prepared for Stateline 3 (Eagle Cap Consulting, Inc. [ECCI], 2002). Study methods, target plant species, survey corridors, and results were reviewed in conjunction with the habitat types in the 2008 plant survey corridors to note any additional habitats not addressed in the 2002 target plant list. Only the riparian habitat type had not been surveyed previously and this area is very small and is within a transmission line corridor; Project related impacts are not expected. All other habitat types had been thoroughly investigated in 2002 for Stateline 3, and these habitat types have been well studied in the immediate area since 1999 for several wind power project pre-construction studies.

In 2008, areas previously surveyed in 2002 were assessed for change in suitability and to verify the extent of the rare plant populations found at that time. All areas not previously surveyed for target rare plant species and any new rare plant locations were mapped using GIS (geographical information system). The comprehensive plant list for common plants observed during the 2002 surveys was used as a reference/checklist by NWC botanists for recording plants observed during May-June 2008 surveys. Common and scientific names in the 2002 list were checked against 2008 officially recognized names for any necessary name changes.

### *Wildlife*

Following the desktop review and a Project site reconnaissance in late April, field investigations for wildlife were conducted in May and June 2008 within the main wind Project site boundary (corridors known at the time of surveys). The approved 2008 study protocol entailed focusing on the state listed Washington ground squirrel and the State Sensitive burrowing owl as well as conducting the comprehensive (multi-species) surveys in areas not previously surveyed in 2002. Based on consultation with the ODFW, no additional avian point count surveys were conducted. However, a full raptor nest survey within a two-mile buffer of turbines was conducted based on consultation with the ODFW because these birds are known to shift nesting sites over time. The 2008 data was plotted on project maps.

In summary, following the recommended ODFW 2008 field survey protocol, the following field investigation survey methods were implemented. Ground-based surveys were conducted in 2,000-foot-wide wildlife survey corridors from 0600 to 1430 hr. during the breeding season (early May through early June 2008). Most surveys were conducted in May on days when weather conditions (temperature and wind) were favorable for hearing and/or seeing the target wildlife species.

### *Washington Ground Squirrel and Burrowing Owl*

Two surveys in suitable native habitat (native grassland and shrub-steppe with suitable soil for burrowing) using the standard 50- to 60-meter-wide transect survey method were conducted between May 2 and June 6. One survey was conducted in Conservation

Reserve Program (CRP) grassland fields in conjunction with # 3 below. Large burrows were searched for sign of burrowing owl and low perches (fence posts) were scanned for perching birds.

#### *Other Special Status Species*

This group includes grasshopper sparrow, long-billed curlew, white-tailed jackrabbit, loggerhead shrike, western toad, and sagebrush lizard (there was very limited habitat for the shrike, toad, and lizard). Surveyors recorded other species of interest such as short-eared owl and sage sparrow or sage thrasher and used prior survey species lists to check off common vertebrate wildlife species noted during surveys. Surveys occurred between May 2 and June 6, 2008. Grassland enrolled in the CRP Program was surveyed once for all special status species between early May and early June, after the spring arrival of the grasshopper sparrow but while the weather was still suitable for detecting other species such as the Washington ground squirrel.

During the second survey for the Washington ground squirrel conducted in the suitable native habitats, experienced surveyors searched for other target species in native habitat that may have recently arrived on site or were more active than during the early May period. Because the focus for this group was on new areas not previously surveyed in 2002, while en route through suitable habitat previously surveyed for the grasshopper sparrow, surveyors noted presence of any special status species, in particular the grasshopper sparrow.

#### *Raptor Nest Survey*

The aerial raptor nest survey was conducted between May 4 and May 28, 2008 by Northwest Wildlife Consultants, Inc. of Pendleton Oregon (the firm that had conducted all the prior raptor nest surveys in several years between the period 1999 and 2006). The same helicopter pilot that had flown all prior years' surveys was also used in 2008.

The raptor nest survey area was a two-mile buffer of the anticipated turbine locations and 0.50 mile of a proposed transmission line where the route extended beyond the two mile survey area. The survey area consisted of approximately 50,000 acres (78.12 mi<sup>2</sup>). One area with high density human activity and/or habitation was not surveyed. This area was 2,613 acres (4.08 mi<sup>2</sup>). Total 2008 survey area was approx. 47,386 acres (74.04 mi<sup>2</sup>). Historic nest site locations were reviewed in the office before conducting the survey. This was to insure known nests on file in Vansycle or Stateline project files from many study years between 1999 and 2006 were checked for status in 2008.

## **RESULTS**

### **Habitat**

A variety of habitat types and a range of habitat quality (suitability for supporting wildlife and used for determining habitat category) typical for the area were found. Habitat types and categories were entered into the Project GIS files and are displayed in the Project Permit Amendment Application. Table 1 lists the habitat types and categories (1–6) within the corridors in Oregon. Extensive methods of determining habitat quality and assigning categories as well as descriptions for each type and category are found in Stateline 3 Exhibit P (June and October 2002), no new dominant or co-dominant plant species were observed, and where habitat types differed in quality, the habitat category rating was updated using OAR 635-415-0025. In 2008 the experienced biologists used a combination of long-term

knowledge and experience in the Stateline and Vansycle project areas as well as results of the prior and current (2008) field investigations.

## **Rare Plants and Wildlife Investigations**

### *Rare Plants*

As with the 2002 field investigation for plants (ECCI, 2002), only the rosy balsamroot (*Balsamorhiza rosea*) was found. The botanist confirmed in 2008 that the previously mapped populations displayed in the ECCI 2002 report, within the 2008 survey corridors were still accurate. Two additional areas were discovered – one small extension of a 2002 population and one plant on the edge of the survey corridor in the eastern part of the Project area, where none had been found previously.

This species was thought to have been extirpated in Oregon but was re-discovered in 1995 by NWC during Vansycle Wind Project studies. Rosy balsamroot is currently an Oregon Natural Heritage Program "List 2" species (a designation that carries no formal legal protection). It occurs on lithosol (shallow soil) sites throughout the general Stateline landscape, in both Oregon and Washington.

### *Wildlife*

#### Washington Ground Squirrel and Burrowing Owl

No Washington ground squirrels or sign of their use was found in the survey corridors (Project corridors as of September 2008). One active burrowing owl was found inside the corridor and one 85 feet outside the corridor. Both were within CRP habitat.

#### Other Special Status Species

Special status species found onsite during the 2008 surveys within the 2000-foot-wide wildlife survey corridors are displayed on figures in the Permit Amendment Application. For the grasshopper sparrow in particular, as previously described in Methods above, a full protocol-level survey for this species was not required in 2008 except in areas not previously surveyed. However, while conducting surveys for the species described above (Washington ground squirrel and burrowing owl), NWC incidentally observed grasshopper sparrows (heard or saw singing territorial males) in the general areas where they were previously encountered (2002). As expected, the grasshopper sparrow was the most abundant special status species found in 2008 in native grassland as well as mature CRP grassland. One white-tailed jackrabbit and four detections of long-billed curlew were observed in the corridor and a few more were observed in the same vicinity but outside the corridor; surveyors estimated three adult birds were present and likely had young nearby, based on behavior. Other species of interest included the short-eared owl, a ground-nesting owl in grassland habitats. One area with sign of use by short-eared owl, as noted by pellets, was found in the CRP in the vicinity of the active burrowing owl dens.

#### Raptor Nest Survey

There were 17 active raptor nests were located within the 47,386 acres (74.04 mi<sup>2</sup>) surveyed: 11 red-tailed hawk, 3 great-horned owl, 2 ferruginous hawk, and 1 Swainson's hawk nest (Table 2). In addition, 3 active common raven and 16 inactive nests of unknown species were found. Some of the inactive nests were likely originally constructed by raptors or corvids, and could be used by raptors in the future. No nests

were found outside of the 2-mile buffer of proposed turbines and facilities (none within the 0.50 mile transmission line survey buffer).

Overall raptor nest density within the 47,386 acres (74.04 mi<sup>2</sup>) surveyed was 0.23/mi<sup>2</sup> (red-tailed hawk 0.15/mi<sup>2</sup>, great-horned owl 0.04/mi<sup>2</sup>, ferruginous hawk 0.03/mi<sup>2</sup>, Swainson's hawk 0.01/mi<sup>2</sup>). The nest density estimate does not include common raven or inactive nests.

**Table 2. Raptor and other large bird nests found during the 2008 aerial nest survey, Stateline 3 Wind Power Project.**

<b>Species</b>	<b># Nests</b>
common raven	3
ferruginous hawk	2
great-horned owl	3
red-tailed hawk	11
Swainson's hawk	1
inactive nests*	16

\* may be raptor, raven, crow or large magpie nest, some could be used by raptors in the future.

Note: common wildlife observed were recorded in field notebooks during all field surveys and checked against the prior wildlife species listed in the June or October 2002 Stateline 3 Permit Application. No new species were observed.

## REFERENCES

Eagle Cap Consulting, Inc. (ECCI). 2002. Rare Plant Investigation, Stateline Wind Power Project – Phase 2a Expansion. Prepared by Eagle Cap Consulting.

Kirsch, Mark. Oregon Department of Fish and Wildlife (Pendleton, Oregon). Personal communication with Karen Kronner, Northwest Wildlife Consultants, Inc. on April 14, 2008.

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## **Attachment P-2. Monitoring Reports**

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April 27, 2011

**SENT VIA E-MAIL AND UPS**

Mr. John White  
Oregon Department of Energy  
625 Marion Street NE, Suite 1  
Salem, OR 97301-3742

**Re: "Stateline Wind Project" 2011 Annual Report  
FPLE Energy Vansycle, LLC, and FPL Energy Stateline II, Inc.**

Dear Mr. White:

Pursuant to OAR 345-026-0080, attached please find the 2011 annual report for FPL Energy Vansycle, LLC, ("Stateline 1 & 2") and FPL Energy Stateline II, Inc, ("Stateline 3") together known as "Stateline Wind Project". These two certificate holders fall under the Fourth Amended Site Certificate for the Stateline Wind Project. This annual report consists of the following components:

1. 2011 Annual Report
2. 2011 Compliance Plan Table
3. Attachments 1 through 7 that support the 2011 Annual Report and Compliance Plan table:
  - Attachment 1 - Milton Freewater Rural Fire Department: Record of Payment (#33)
  - Attachment 2 – STL 3 Revegetation Monitoring Report for the 2010 Vegetative Growing Season (#65, #91)
  - Attachment 3 – Site Certificate Bond for STL 1 & 2 (#80)
  - Attachment 4 – STL 3 Wildlife Monitoring Report for the 2010 Study Year (#89, #93)
  - Attachment 5 - Site Certificate Bond for STL 3 (#109)
  - Attachment 6 – STL 3 Habitat Enhancement Area 2010 Monitoring Report (#112)
  - Attachment 7 – 2010 WRRS Data for Stateline Wind Project (report and #93)

Also, as per Condition 127 of the Compliance Table, we have submitted a copy of this report to the Umatilla Planning Commission to the person listed below.

Should you have any questions regarding the 2011 annual report please feel free to call me at (561) 304-5411.

Best regards,



Skelly Holmbeck  
Senior Business Manager  
Business Management

Enclosures

cc: William Hayduk, NextEra Energy  
Paul Landers, NextEra Energy  
Rich Piper, NextEra Energy

Carol Johnson, Senior Planner,  
Umatilla County Planning Department.

**2011 Annual Report  
FPL Energy Vansycle LLC  
FPL Energy Stateline II, Inc  
Fourth Amended Site Certificate  
for the Stateline Wind Project**

**Submitted: April 27, 2011**

Pursuant to OAR 345-026-0080, FPL Energy Vansycle LLC (Stateline 1 & 2), and FPL Energy Stateline II, Inc. (Stateline 3), together known as the "Stateline Wind Project" or "certificate holder", submits this annual report on the operation of the Stateline Wind Project ("Facility") to the Energy Facility Siting Council ("Council"). As a condition in the Fourth Amended Site Certificate ("Amendment #4") and as required by OAR 345-026-0080(1)(b), the certificate holder must provide an annual report to the Council by April 30 of each year after beginning construction. The annual report must address the issues set forth at OAR 345-026-0080(2)(a)-(h). This annual report fulfills this requirement for the calendar year 2010 by addressing each issue and providing a table and supporting documents, attached hereto, demonstrating compliance with all applicable site certificate conditions.

**1.1 OAR 345-026-0080(2)(a)**

**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;

**Response:** Stateline 1 & 2 has been in commercial operation since December 21, 2001, with 186 turbines operating and providing wind-generated electricity for sale. FPL Stateline completed construction and commissioned 126 Stateline 1 turbines on December 21, 2001 and 55 Stateline 2 turbines on December 10, 2002 as provided in Amendment #1, and 5 turbines in the Stateline 2 area on December 15, 2004, as provided in Amendment #2. Those 5 turbines moved in 2004, and are operating at the improved production and efficiency rates as projected in the 2004 report. No significant adverse impact occurred during 2005, 2006, 2007, 2008, 2009 or 2010. For information only, two blade failures were reported on Washington turbines that spanned the years 2008 through 2010.

For Stateline 3, construction began on 43 turbines on June 9, 2009. Stateline 3 became operational on December 16, 2009. No significant adverse impact occurred during the 2010 year.

## 1.2 OAR 345-026-0080(2)(b)

**Reliability and Efficiency of Power Production:** For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors, and shall describe any actions taken to prevent the recurrence of such problems;

**Response:** Wind is the sole means of production. FPL Stateline continues to maintain capacity factor information as proprietary information for the reasons we have explained in our 2002 annual report correspondence. However, FPL Stateline recognizes the Oregon Department of Energy's (ODOE) right to request such information in the future if it is found to be necessary as described under ORS 469.080.

## 1.3 OAR 345-026-0080 (2)(c)

### Fuel Use:

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

**Response:** The Facility uses wind as fuel to produce electric energy, no power heat rate was evaluated when the facility was sited because it is not applicable to a wind facility; therefore, this requirement does not apply to the Facility.

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

**Response:** The Facility's sole fuel type is wind. For Stateline 1 & 2, Commercial Availability was 96.8 percent for the 2010 year. For Stateline 3, Commercial Availability data became available on 1/1/2010. Commercial Availability was 93.53 percent for Stateline 3 for the 2010 year. Commercial availability is defined as the percent of time that a turbine is available to produce energy when there is sufficient wind for generation, excluding outages outside of the plant's control, such as force majeure downtime, weather downtime, or utility downtime.

## 1.4 OAR 345-026-0080(2)(d)

**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.

**Response:** For Stateline 1 & 2, FPL Energy Vansycle, in consultation with ODOE, replaced its Letter of Credit with a Site Certificate Bond in the amount of \$5,745,000 on August 17, 2009. The Bond is automatically renewed for the total amount annually. The Bond was

renewed on August 17, 2010, in the amount of \$5,808,000.00 (See Attachment 3). For Stateline 3, FPL Energy Stateline II, Inc., in consultation with ODOE issued a Site Certificate Bond in the amount of \$4,014,000 issued on June 9, 2009. The Bond is automatically renewed for the total amount annually. The Bond was renewed on May 5, 2010, in the amount of \$4,053,000.00 (See Attachment 5).

#### **1.5 OAR 345-026-0080(2)(e)**

**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.

**Response:** Monitoring of the Habitat Enhancement Area and wildlife monitoring are the significant monitoring and mitigation activities performed at the Stateline Wind project.

#### **Revegetation and Habitat Enhancement Area Monitoring**

##### Stateline 1 & 2

Revegetation monitoring for the temporarily disturbed areas for Stateline 1 & 2 was complete with the 2006 Revegetation Report.

Stateline 1 and 2 Oregon Habitat Enhancement Area was not seeded until 2004, therefore 2005 was the first year that Eagle Cap Consultants (ECC), installed and read revegetation plots in the Area (in 2005 native stem densities were also well above the success threshold). However, before that time, ECC as well as wildlife biologists with Northwest Wildlife Consultants, Inc. (NWC) did visit the Habitat Enhancement Area during the yearly monitoring efforts and observe the progress of the site preparation (plowing, chemical fallowing, etc.).

It was also agreed that the most appropriate time to monitor the planted vegetation and look for avian species for the HEA was in the spring, rather than the fall, when just the vegetation monitoring had typically occurred. The spring monitoring was conducted when the plants were at or near their peak vegetative growth for the calendar year and enabled a more thorough species identification and would give better indication of how the vegetation growth and density were progressing. Per the benefit of spring monitoring, most of the monitoring for the five years occurred in the May/June time frame.

Based on the above, vegetation monitoring for the Oregon Habitat Enhancement Area (HEA) was performed in 2005, November of 2006, May of 2008, May of 2009, and June of 2010. The final year of monitoring occurred in June of 2010. The 2010 Habitat Enhancement Area Restoration Monitoring Report was submitted with the modified 2010 Annual Report on October, 4, 2010. As noted in that report, native bunchgrass establishment within the Habitat Enhancement Area continues to be very successful, and the observed native stem densities (3.65 and 2.95 stems/sqft) are well above the success threshold set out in the revegetation plan (0.50 stems/sqft). The majority of the parcel had vigorous, well-established native species.

This fulfilled the five year monitoring plan for the Stateline 1 and 2 Oregon Habitat Enhancement Area. Under the monitoring plan, monitoring of the Enhancement Area will continue once every five years thereafter. As mentioned above, the 2010 HEA Monitoring Report was submitted with the Annual Report on October 4, 2010.

### Stateline 3

The first year of Revegetation monitoring for the temporarily disturbed areas of Stateline 3 occurred mostly in December 2010 and was finished in January 2011. The Revegetation Monitoring Report for the 2010 Vegetative Growing Season is attached as Attachment 2 of the 2011 Annual Report. No reseeded is recommended at this time, although weed control for yellow star thistle should be performed in the specified locations as soon as possible.

Vegetation monitoring for the Oregon Habitat Enhancement Area (HEA) for Stateline 3 was performed during the May/June 2010 time frame. Recommendations for 2011 included confirming no grazing will occur in 2011 (discussed with Stateline 3 manager and the landowner) and inspecting for noxious weeds and spray if needed. The HEA 2010 Monitoring Report is attached as Attachment 6 to this 2011 Annual Report.

### Wildlife Monitoring

Wildlife monitoring has occurred per the Oregon Wildlife Monitoring Plan, revised on 11/20/09, ("Plan"). Compliance with the Plan can be summarized as follows, up to the current year of compliance for 2010:

1. Fatality monitoring for Stateline 1 and 2 was completed in 2006. One year of fatality monitoring for Stateline 3 has begun as of January, 2011. The monitoring report or a summary of findings while the report is being finalized will be submitted with the 2012 Annual Report
2. Transect (displacement) surveys were completed for the Stateline 1 turbines in 2006. Expansion of Stateline did occur (Stateline 3) through Amendment #4 of the Site Certificate. As part of an amendment proceeding, the Wildlife Monitoring Plan was revised and approved on March 27, 2009. The grassland bird displacement study is not required for Stateline 3.
3. Raptor nest surveys for existing raptor nests for Stateline 1 and 2 were completed in 2006.
4. For Stateline 3, raptor nest surveys are required in 2010, and were performed and are reported in the STL 3 Wildlife Monitoring Report, Attachment 4 of this 2011 Annual Report.
5. Burrowing owl surveys for Stateline 1 and 2 were done in tandem with fatality monitoring for Stateline 1 and 2.
6. Burrowing owl surveys for Stateline 3 are required in 2010 for known active or historic burrowing owl nests and any newly discovered nests within 1,000 ft of

the Stateline 3 turbines. These surveys were performed and are reported in this 2011 Annual Report as Attachment 4.

7. For Stateline 1 & 2, avian use surveys have been done in tandem with fatality monitoring (see above).
8. For Stateline 3, avian use surveys are not required but general observations of special status birds and mammals within the facility site and birds perched on transmission line conductors and support structures in the vicinity of the turbines are being recorded while the carcass search contract personnel are on site (ongoing in 2011), and will be reported in the 2012 Annual Report.
9. Compliance with the Wildlife Response and Reporting System (WRRS) is ongoing for Stateline 1, 2 and 3. Reporting of "incidental finds" is required for the life of the project, with annual reporting to the Oregon Department of Energy.
10. "Protocol searches" of a sample of Stateline 1 and Stateline 2 turbines have been completed. Protocol searches are required for Stateline 3 turbines as per Amendment #4 of the site certificate. For Stateline 3, this will occur in 2011.

#### Specific to Stateline 1 & 2

For Stateline 1 & 2, wildlife monitoring and compliance for the year of 2010 consisted of complying with Section 12. Mitigation, and performing Stateline's WRRS. Per the Plan, three artificial nest sites (ANS) were constructed and installed in early 2007, with the focal species being ferruginous hawk. Monitoring of these three artificial nest sites was performed in May, 2007, May 2008, and May 2009, and April/May of 2010. So far, one site has been used successfully by the ferruginous hawk. One located south of Pendleton, OR was occupied in 2009 by a pair of ferruginous hawks. Two juveniles successfully fledged but unfortunately were found to have been killed by coyotes a few days later. No activity was observed during the spring 2010 monitoring. These three ANS will be monitored yearly per the Plan, for 10 years after construction of the artificial nest sites and relocated if needed, as per the Plan.

Stateline's WRRS report for 2010 showed a total of 19 avian fatalities. Two were hawks, one found in July, one in September; one American kestrel found in January; nine passerines found at various times of the year; one Other (non-raptor); four Gamebirds found at various times of the year; and two were unidentified. Attached to this report as Attachment 7 is the summary of the 2010 Stateline WRRS data.

The Oregon Wildlife Monitoring Plan, Section 12. Mitigation, also discussed the Birch Creek Project ("Project") for mitigation measures. As of this date, the Project is complete, and as previously reported, Stateline has contributed the entire \$9,000 for riparian and upland fencing in order to exclude cattle from the area. The fencing maintenance is the responsibility of the landowner. Periodically, the ODFW will be in the project area and will notify the land owner if there are any issues with the fencing. The Project does intend to perform monitoring. In late winter 2008, NWC verified with the ODFW that they had not performed any upland monitoring since that was the first growing year after complete cattle exclusion. Monitoring for vegetative response and habitat effectiveness is the ODFW's role in this partnership agreement. Monitoring

was expected to occur in 2009/2010 timeframe. The ODFW was contacted for the monitoring information, but as of this report date, no information has been received. As information is received of any monitoring done with regard to FPL's contribution towards fencing and any habitat benefits noted by the ODFW or others, it will be included in Stateline's annual report.

Under the Mitigation Section, the Plan also requires contributions to the Blue Mountain Wildlife Rehabilitation Center. The Plan requires a payment of \$3,000 in 2006, and then \$1,500 annually thereafter for four years (2007 - 2010). The 2006 payment of \$3,000 was made in April of that year, and then the \$1,500 was paid in September 2007, April 2008, April 2009, and April 2010. In June of 2008, Stateline contributed an additional \$5,000 per the request for financial support of specific projects presented by Blue Mountain Wildlife. In 2010, Stateline contributed an additional \$22,020 for Blue Mountain Wildlife's education program to schools in their local area.

### Specific to Stateline 3

For Stateline 3, wildlife monitoring and compliance for the year of 2010 consisted of burrowing owl and other raptor nest surveys, as well as performing Stateline's WRRS. Fatality monitoring will occur in 2011, and be reported in the 2012 Annual Report.

Stateline's WRRS report for 2010 showed a total of 3 avian fatalities. Two were passerines, and one was a gamebird. Attached to this report as Attachment 7 is the summary of the 2010 Stateline WRRS data.

### **1.6 OAR 345-026-0080(2)(f)**

**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.

**Response:** There have been no instances of noncompliance with a site certificate condition. See the accompanying 2010 Compliance Plan Table.

### **1.7 OAR 345-026-0080(2)(g)**

**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.

**Response:** No modifications requiring a facility modification report were conducted at the site.

1.8 **OAR 345-024-0630(h)**

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

**Response:** This requirement does not apply to the Facility.

**2011 Compliance Plan Table**  
**Stateline Wind Project**  
**Fourth Amended Site Certificate (Amendment #4)**  
Submitted : April 27, 2011

<b>General Conditions</b>		
<b>No.</b>	<b>Requirement</b>	<b>Response</b>
1	<b>For Stateline 1, 2 and 3. General Condition</b> The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27. (OAR 345-027-0020(1))	No request for change was submitted in the year 2010.
2	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(3))	The facility was designed, constructed, and currently is operated in compliance with the site certificate, statutory and regulatory requirements, and all applicable permit requirements. Construction has been completed for the Stateline 1 and the Stateline 2 facilities (the 5 remaining turbines were constructed in 2004). Construction was completed for Stateline 3 on December 16, 2009.
3	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate (345-027-0020(4)). See conditions (24), (97), and (106). [Amendment #4].	The certificate holder has complied with this requirement. Construction has been completed for the Stateline 1 and Stateline 2 facilities (the 5 remaining turbines were constructed in 2004).  For Stateline 3, construction began on June 9, 2009 and was completed on December 16, 2009.
4	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. (345-027-0020(7))	The certificate holder has complied and will continue to comply with this requirement. No conditions have developed that would preclude restoration of the site to a useful, non-hazardous condition. The certificate holder currently is operating the facility in compliance with the site certificate, all applicable statutory and regulatory requirements, and all applicable permit requirements to prevent the development of any such conditions.
5	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(10))	The certificate holder has complied with this requirement.

6	<p><b>For Stateline 1, 2 and 3. General Condition</b> For the related or supporting transmission lines:</p> <p>(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition); and</p> <p>(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. (OAR 345-027-0023(6)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with these requirements through the design, construction and operation of the facility.</p> <p>It was determined that it was not necessary to ground any fences, gates, cattle guards, trailers or any other structures of permanent nature.</p>
7	<p><b>For Stateline 1, 2 and 3. General Condition</b> The following general monitoring conditions apply:</p> <p>(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Office of Energy and receive Office approval before beginning construction or, as appropriate, operation of the facility.</p> <p>(b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.</p> <p>(c) For each monitoring program described in sections (a) and (b), the certificate holder shall have quality assurance measures approved by the Office before beginning construction or, as appropriate, before beginning commercial operation.</p> <p>(d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Office describing the impact on the facility and any affected site certificate conditions. (OAR 345-027-0028) [Amendment #4]</p>	<p>For the operating phases of the project, the certificate holder has complied with (a), currently is monitoring in compliance with (b), has complied with (c), and is unaware of any significant environmental change or impact attributable to the facility that would require the written report in (d).</p>
8	<p><b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall report according to the following requirements:</p> <p>(a) General reporting obligation for non-nuclear facilities under construction or operating:</p> <p>(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 Council. 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 this rule;</p> <p>(ii) By April 30 of each year after the beginning of construction, the certificate holder shall submit an annual report to the Council addressing the subjects listed in this rule. The Council secretary and the certificate holder may, by mutual agreement, change the reporting date.</p>	<p>For the construction and operating phases of Stateline 1, 2 &amp; 3, the certificate holder has complied with 8(a)(i).</p> <p>This table and the 2011 Annual Report it accompanies meet the requirements of 8(a)(ii) and 8(a)(iii).</p> <p>The 2011 Annual Report discusses requirements 8(b)(i) through 8(b)(viii), and therefore this table and the 2011 Annual Report meets this requirement</p>

(iii) To the extent that information required by this rule 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.

(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

(i) Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.

(ii) Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

(iii) Fuel Use: For thermal power plants:

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

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

(iv) Status of Surety Information: Documentation demonstrating that the 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).(OAR 345-026-0080) [Amendment #4]

9	<b>For Stateline 1, 2 and 3. General Condition</b> This condition removed by Amendment #4	
10	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder and the Office 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. (OAR 345-026-0105) [Amendment #4]	The certificate holder has complied with these requirements and will continue to do so if additional correspondence is exchanged (For Stateline 1 & 2, see correspondence dated February 16, 2005 from Anne Walsh to John White, Condition 10 documentation).
11	<b>For Stateline 1, 2 and 3. Meet Before Construction</b> Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020(5), the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: (a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or (b) The certificate holder would construct and operate part of a wind 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. (OAR 345-027-0020(5)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder acquired and has on file all necessary leases and easements that are required for construction rights. These agreements were in place before beginning Stateline 1, 2, and 3 constructions.
12	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> Following receipt of the 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 Office 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. (OAR 345-026-0048) [Amendment #4]	The certificate holder has complied with this requirement. In summary: <ul style="list-style-type: none"> <li>• Construction for Stateline 1 in Oregon began on September 15, 2001.</li> <li>• Construction for Stateline 2 began on August 16, 2002</li> <li>• Construction for the 5 remaining Stateline 2 turbines began in October 2004 (see September 7, 2004 correspondence from Anne Walsh to John White).</li> <li>• Construction of Stateline 3 began on June 9, 2009.</li> </ul>

13	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. (OAR 345-027-0020(2)) [Amendment #4]</p> <p>See Condition (84).</p>	<p>For the constructed phases of the project, the certificate holder has complied with this requirement.</p> <ul style="list-style-type: none"> <li>• The certificate holder submitted to the Office of Energy a legal description in the form of as-built drawings of the built portions of Stateline 1 and 2 with a revision date of 2/7/03.</li> <li>• In 2004, the five remaining Stateline 2 turbines were constructed and new as-built drawings were developed in 2005. The revised as-built drawings have a date of 4/7/05, and the title of the drawings is “Stateline Wind Project, Walla Walla Co., Washington, Umatilla Co., Oregon, Phase 1, 2 Reconfiguration and WS-A Relocation Projects Record Drawings” (See “Stateline 2004 Annual Report”, Attachment 1, “2005 Stateline Wind Project As-Built, submitted 4/29/05). The five turbines were listed as hgs 1 – hgs 5, specifically shown on Drawing P-26.</li> <li>• For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vanscycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.</li> </ul>
14	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-0020(6))</p>	<p>The certificate holder has complied with this requirement.</p> <p>For the constructed portions of Stateline 1 and Stateline 2, specific mitigation activities are addressed in the certificate holder’s responses to other site certificate conditions (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 14 documentation).</p> <p>At this time, no mitigation is required for Stateline 3.</p>
15	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. The certificate holder shall maintain the 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. (OAR 345-027-0020(8)) See Conditions (80) and (109). [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. See response to both conditions 80 (for Stateline 1 &amp; 2), and 109 (for Stateline 3) for additional details.</p>

16	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence. (OAR 345-027-0020(12))</p>	<p>The certificate holder has complied with this requirement. During construction of Stateline 1, 2 &amp; 3, and for the Stateline 2 (5 turbines) there was no condition of seismic hazard that differ significantly from those described in the application for a site certificate.</p>
17	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(13)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. During construction of Stateline 1, 2 &amp; 3, and for the Stateline 2 (5 turbines) there was no conditions in the foundation rocks that differ significantly from those described in the application for a site certificate.</p>
18	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(14)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. During construction of Stateline 1, 2, &amp; 3, and for the Stateline 2 (5 turbines) the certificate holder did not find any shear zones, artesian aquifers, deformations or clastic dikes at or in the vicinity of the site.</p>
19	<p><b>For Stateline 1, 2 &amp; 3. Meet Before Operations Begins</b> 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. (OAR 345-027-0020(9)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p>
20	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begins</b> Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape portions of the site disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall dispose of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. (OAR 345-027-0020(11)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. The certificate holder has restored vegetation and landscaping to those portions of the site disturbed by construction. The certificate holder conducted these activities consistent with the Re-Vegetation Plan (Revised March 27, 2009) approved by the Energy Facility Siting Council (Final Order on Amendment #4, Attachment B). The certificate holder has disposed of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p>

21	<p><b>For Stateline 1, 2 and 3. Meet Before Operations</b> If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor. (OAR 345-027-0023(5)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. The certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor. Additionally, as-built drawing of the Stateline 1 and 2 were submitted to OOE on June 15, 2003.</p> <p>With regard to Stateline 3, the certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor.</p>
22	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> Condition removed by Amendment #4.</p>	
23	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> 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"> <li>(a) There is an attempt by anyone to interfere with its safe operation;</li> <li>(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</li> <li>(c) There is any fatal injury at the facility.</li> </ul> <p>(OAR 345-026-0170) [Amendment #4]</p>	<p>On June 26, 2007, someone tried to cut cable outside the #25 box, causing a string of turbines to come off line. Repairs were made, and the turbines came back on line on June 27, 2007. No injuries were reported.</p> <p>On November 1, 2008, some college students trespassed and graffitied on 3 HGM turbines. The students were caught and performed community service on the landowner's property. A police report was filed. There were no injuries and no turbine interruptions.</p> <p>There have been no occurrences on Stateline 3 property.</p>
24	<p><b>For Stateline 1 Area Only. General</b> The certificate holder shall begin construction of the Stateline 1 within one year after the effective date of the site certificate. The certificate holder shall complete construction of Stateline 1 on or before two years from the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #4] See condition (3)</p>	<p>The certificate holder has complied with this requirement. The effective date of the site certificate is September 14, 2001. Construction began on Sept 15, 2001 and was completed December 21, 2001.</p>
25	<p><b>For Stateline 1, 2 and 3. General</b> Within 72 hours of discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. The certificate holder has not discovered any conditions or circumstances that may violate the site certificate.</p>

26	<b>For Stateline 1, 2 and 3. General</b> Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility and would increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-0020(3))	The certificate holder has complied with the condition.
27	<b>For Stateline 1 Area Only. General</b> Condition removed by Amendment #4.	
28	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall report promptly to the Department of Energy any change in its corporate relationship NextEra Energy Resources LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of NextEra Energy Resources LLC. (APP A-3,D-2, OAR 345-022-0010) [Amendment #4]	The certificate holder has complied with this requirement. No changes in the certificate holder's relationship with NextEra Energy Resources LLC have occurred and its access to the resources, expertise and personnel of that company has been and continues to be maintained. Paul Landers is the Stateline Wind Site Manager, and the Business Manager is Bill Hayduk.
29	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize erosion. (App B-11)	The certificate holder has complied and will continue to comply with this requirement.
30	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall carry out weed control and reseeding as necessary for the life of the facility, in consultation with the weed control board of Umatilla County. (App B-11)	The certificate holder is complying with this requirement. The certificate holder has implemented the revegetation plan developed in consultation with Umatilla County, which addresses weed control and reseeding. All disturbed construction areas in Stateline 1, 2, and 3 were seeded following construction activities with the seed mixture prescribed in the revegetation plan approved by the Office of Energy (See Condition 20). Areas requiring additional weed control applications and reseeding are identified annually and reapplication is applied during the appropriate season, as needed. See items # 65, 66 and 67 for additional information.
31	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)	The certificate holder has complied and will continue to comply with this requirement.
32	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall use hazardous materials in a manner that is protective of human health and the environment and shall comply with all applicable local, state, and federal environmental laws and regulations. The certificate holder shall make sure that accidental releases of hazardous materials will be prevented or minimized through the proper containment of these substances during transportation and use on the site. The certificate holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing items such as absorbent pads on equipment and in storage facilities to respond to accidental spills. If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the spill or release and shall treat or dispose of contaminated soil or other materials according to applicable regulations. (App G-2, V-3)	The certificate holder has complied and will continue to comply with this requirement.

33	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall provide to the Department of Energy a copy of the contract with the Milton-Freewater Rural Fire Department for fire protection services during construction and operation of the facility before beginning construction. (App U-25) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. A copy of the contract with the Milton-Freewater Rural Fire Department has been provided to Oregon Office of Energy. The contract is automatically renewed upon annual payment and Stateline 1 &amp; 2 was paid on August 4, 2010, and Stateline 3 was paid on August 3, 2010 (see Attachment I, Milton Freewater Rural Fire Department proof of payment).</p>
34	<p><b>For Stateline 1, 2 and 3. General</b> During construction and operation of the facility, the certificate holder shall have water-carrying trailers (“water buffaloes”) at appropriate locations around the facility. The certificate holder shall bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder shall coordinate with the fire chiefs of the Helix and Milton-Freewater. Rural Fire Departments as to the number, capacity and location of the water buffaloes. The certificate holder shall make sure that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose equipment, as approved by the local fire chiefs. The certificate holder shall have service trucks and pickup trucks capable of towing water buffaloes available in sufficient numbers at all times during construction and operation of the facility. (App B-12)</p>	<p>The certificate holder has:</p> <ol style="list-style-type: none"> <li>1. One water-carrying trailer located at the Vansycle project substation.</li> <li>2. Five, 400 gallon water-carrying trailers located at the Stateline III facility at the following locations: <ul style="list-style-type: none"> <li>1-Campbell substation</li> <li>1- A20</li> <li>1-WVS2-0029</li> <li>1- WVS2-0043</li> </ul> </li> <li>3. Five, 325 gallon water-carrying trailers located at the Stateline facility at the following locations: <ul style="list-style-type: none"> <li>1-Nine-mile substation</li> <li>1-Pipeline road between WS-A and PB (located in OR)</li> <li>1-Hatch Grade Road at the FPLE office</li> <li>1-Hatch Grade Road near HG-S entrance (located n OR)</li> <li>1-Butler Grade BG-C (located in OR.</li> </ul> </li> <li>3. Water buffalos are removed during winter months to the main shop for winterization. We will coordinate with the local fire depts.</li> <li>4. FPLE employs a representative with the local Fire Departments in Touchet who is in constant communication with the local Fire Departments. The fire chiefs of the Helix and Milton-Freewater Rural Fire Departments are aware of the FPLE equipment that is available at the site including the hoses, pumps and that vehicles are available to move water buffaloes as needed.</li> </ol>
35	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall take steps to protect the facility and property from unauthorized access and to reduce the risk of accidental injury during construction and operations by (App U-25, 26) [Amendment #3]:</p> <p>(a) Maintaining fencing and access gates around dangerous equipment or portions of the site as feasible. [Amendment #3 and #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

	<p>(b) Posting warning signs near high-voltage equipment.</p> <p>(c) Requiring construction contractors to provide specific job-related training to employees, including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and safety equipment inspection.</p> <p>(d) Requiring each worker to be familiar with site safety.</p> <p>(e) Assigning safety officers to monitor construction activities and methods during each work shift.</p> <p>(f) Ensuring that workers on each shift are certified in first aid.</p> <p>(g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each worker knows its location.</p> <p>(h) Conducting periodic safety meetings for construction and maintenance staff.</p>	
36	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall notify the Department of Energy and the Umatilla County Planning Department of any accidents including mechanical failures on the site associated with the operation of the wind power facility that may result in public health and safety concerns. (ORS 469.310) [Amendment #4]</p>	<p>In 2008, a blade failure occurred on PB-92, causing the blade to fracture and strike the tower. The fallen blade was removed and disposed of. The cause of failure was determined to be blade root (bolted metal insert) failure. The root cracked horizontally across the leading edge and failed under full load. Due to the failure type, special tooling was needed to remove the hub. In January of 2009, a 2<sup>nd</sup> blade fractured during a wind storm, caused by damage it sustained from the original failure. ½ of the blade was cast off the tower, and has been removed and disposed of. After several failed attempts to have a tower made, a new one has been manufactured and arrived on 5/19/2010. The tower and nacelle have already been assembled and final repairs to the rotor set are in process. Repairs are expected to be complete by 7/1/2010.</p> <p>4/13/2010 pb-16 experienced failure causing a fire and a significant oil spill of ~300 gallons. The oil spill was caused by an explosion of the transformer at the base of the turbine, casting oil and debris downwind, covering approximately a 20'x50' area. The oil spill was reported to Washington State, since the turbine was located in Washington. An emergency response team removed and disposed of contaminated soil. At this time, the root cause has not been identified, and the Facility is working with the Manufacture to determine the root cause. The turbine has been fully repaired, and was operational within a week of the failure.</p>
37	<p><b>For Stateline 1, 2 and 3. General</b> To reduce the visual impact of the facility, the certificate holder shall:</p> <p>(a) Design, construct and operate a facility consisting of the major structures and related or supporting facilities described in the Site Certificate. [Amendments #1, #2 and #4]</p> <p>(b) Group the turbines in strings of 2 to 37. [Amendments #1, #2 and #4]</p>	<p>The certificate holder has complied with this requirement.</p>

	<p>(c) Construct each turbine to be not more than 263 feet tall at the turbine hub and with a total height of not more than 416 feet with the nacelle and blades mounted (App B-5) [Amendment #4]</p> <p>(d) Mount nacelles on smooth, hollow steel towers. [Amendment #4]</p> <p>(e) Paint all towers uniformly in a neutral light gray or white color. [Amendments #2 and #4]</p> <p>(f) Not allow any advertising to be used on any part of the facility or on any signs posted at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles. (App BB-2)</p> <p>(g) Use only the minimum lighting on its turbine strings required by the Federal Aviation Administration, except:</p> <p>(i) The Stateline 1&amp;2 satellite operations and maintenance building may have a small amount of low-impact exterior lighting for security purposes (App BB 2).</p> <p>(ii) Low-impact lighting may be used for occasional nighttime repairs, operations or maintenance at the substation (at other times this lighting would be turned off).</p> <p>(iii) Security lighting may be used at the Stateline 3 O&amp;M building and substation if it is shielded or downward-directed to reduce glare.[Amendments #2 and #4]</p> <p>(h) Use only those signs required for facility safety or required by law and comply with Umatilla County design requirements for signs as described in UCDC Sections 152.545 through 152.548. (App BB-2) [Amendment #4]</p> <p>(i) Design and construct the operation and maintenance building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers. Upon retirement of the energy facility, the operations and maintenance building must be removed or converted to farm use, in accordance with Cond 19.[Amendment #3 and #4]</p>	
38	<b>For Stateline 1, 2 and 3. General</b> To restrict public access to turbine towers, the certificate holder shall install locked access doors accessible only to authorized project staff. (App BB-3)	The certificate holder has complied with this requirement. The certificate holder has installed a locked access door on each turbine accessible only to authorized project staff.
39	<b>For Stateline 1 Area Only. General</b> If any state-listed threatened, endangered or candidate plant species are found during the pre-construction surveys described in condition (55), the certificate holder shall use appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. See condition (55)	The certificate holder has complied with this requirement.
40	<b>For Stateline 1, 2 and 3. General</b> In constructing and operating the facility, the certificate holder shall make reasonable efforts not to disturb the farming and ranching activities on adjacent lands. (App K-6)	The certificate holder has complied and will continue to comply with this requirement.
41	<b>For Stateline 1, 2 and 3. General</b> If the certificate holder elects to use a bond to meet the requirements of Conditions (80) or (109), 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 assure 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. [Amendments #1, #2 and #4]	The certificate holder has complied with this requirement. For Stateline 1 & 2, a Site Certificate Bond was issued on August 17, 2010 for \$5,808,000. For Stateline 3, a Site Certificate Bond was issued on May 7, 2010 for \$4,053,000. Please see conditions 80 and 109 for additional information.

42	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy in advance of any initial road improvement work that does not meet the definition of "construction" in OAR 345-001-0010(10) or ORS 469.300(6) and shall provide to the Department plans of the work and evidence that its value is less than \$250,000. (App B-21) [Amendment #4]	The certificate holder has complied with this requirement.
43	<b>Meet Before Construction Begins</b> Condition removed by Amendment #4.	
44	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall locate roads to minimize disturbance and maximize transportation efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall use existing county roads and private farm roads to the maximum extent feasible. The certificate holder shall coordinate farm road improvements with landowners to minimize crop impacts and to assure that the final road provides useful access, where possible, to the landowners' fields. (App B-6)	The certificate holder has complied with this requirement (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 44 for Stateline 1 & 2).
45	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall videotape all Umatilla County roads used as access to the facility and shall require construction contractors to enter into a written agreement with Umatilla County stating that all roads used by the contractor will be restored to as good or better condition than they were before construction. (App U-24)	The certificate holder has complied with this requirement for the constructed portions of Stateline 1 and Stateline 2 and related facilities. (See correspondence dated July 22, 2008 between Umatilla County and Bill Hayduk confirming restoration. Attached to 2008 Annual Report).  For Stateline 3, please see condition 81, confirming Umatilla County considers restoration complete.
46	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy of the identity and qualifications of major construction contractors for the facility. The certificate holder shall select major construction contractors based on a proven record of environmental compliance and stewardship, a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3,4) [Amendment #4]	The certificate holder has complied with this requirement for Stateline 1 and 2. D. H. Blattner and Sons, Inc. was contracted as the major construction contractor for the built Stateline 1 and 2 facilities including the five Stateline 2 turbines constructed in 2004 (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 46 documentation).  The certificate holder has complied with this requirement for Stateline 3. D. H. Blattner and Sons, Inc. was the contracted as the major construction contractor for the built Stateline 3.
47	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. See condition (2).	The certificate holder has complied with this requirement for Stateline 1, 2, and 3.
48	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall require that all on-site construction contractors prepare a site health and safety plan before beginning construction activities. The certificate holder shall ensure that the plan informs employees and others onsite what to do in case of emergencies and includes the locations	The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.

	of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)	
49	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility in accordance with seismic design provisions given in the Oregon Building Code. The certificate holder shall identify localized areas of $S_C$ and $S_D$ soil types and assure that any structures to be built in those areas are designed according to the code. The certificate holder shall design all components constructed after 2008 to meet current Oregon Structural Specialty Code (OSSC2007) and the 2006 International Building Code. [Amendment #4]	The certificate holder has complied with this requirement.  For Stateline 3, see condition 50 below.
50	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall provide the Department of Energy with design specifications showing the locations of turbines and type of foundations to be employed and demonstrating that the following conditions have been satisfied (OAR 345-022-0020): (a) If a turbine is located within 50 feet of a slope steeper than $30^\circ$ , the stability of the slope has been reviewed by the foundation designer to confirm that either (i) the slope has a safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is less than 1.1, but ground displacements will not adversely affect the stability of the wind turbine. Slopes shall be evaluated in the field for each proposed turbine location. (b) The foundation designer's review of slope displacement during a seismic event has been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is less than 1.1, the foundation designer has shown that (i) the movement will not intersect the turbine, (ii) the movement will intersect the turbine but will not affect its stability, or (iii) additional stabilization measures, such as anchor tie-downs or ground support systems, will be employed to maintain stability. (c) If a turbine is located where power generating or other requirements preclude sufficient setback distances to avoid intersection of a moving slope with the turbine foundation, the foundation designer has demonstrated that the turbine foundation will withstand loads from the moving soil or has been equipped with ground support systems that will withstand loads from moving soil. (d) The foundation designer has confirmed that the turbines and conduit can tolerate some movement without instability or breakage if a mapped fault were to rupture. [Amendment #4]	The certificate holder has complied with this requirement for Stateline 1 & 2.  For the recent construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.  On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the email was attached to the 2010 Annual Report as Attachment #3.
51	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> In modifying slope angles for roads or other facilities, the certificate holder shall assure that the foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)	The certificate holder has complied with this requirement.  (For Stateline 1 & 2, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 51 for documentation of the 2004 construction activities).  (For Stateline 3, a slope evaluation and stability analysis was performed for the Stateline 3 project by Mr. Imran Magsi, PE, Senior Geotechnical Engineer (Oregon Registered Professional Engineer 17677), GN Northern

		Inc. This report was provided to Mr. Bill Burns of DOGAMI in May 2009 (See response to 50). The report concluded that the facility would achieve a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. )
52	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility to avoid or minimize adverse impacts to wildlife by measures including but not limited to the following (App P-41):</p> <p>(a) Siting the turbines on ridges outside of migration flyways.</p> <p>(b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird use is typically higher).</p> <p>(c) Avoiding the use of overhead collector lines. [Amendments #2 and #4]</p>	The certificate holder has complied with this requirement.
53	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall survey the status of known Swainson's hawk nests within the vicinity of proposed construction before the projected date for construction to begin. If active nests are found, and construction is scheduled to begin before the end of the sensitive nesting and breeding season (June 1 to August 31), the certificate holder shall develop a no-construction buffer in consultation with ODFW and shall not engage in construction activities within the buffer until the sensitive season has ended. If construction continues into the sensitive nesting and breeding season for the following year, the certificate holder shall not engage in construction activities within the buffer around active nests until the sensitive season has ended. [Amendments #2 and #4]</p>	<p>For Stateline 1, the certificate holder complied with this requirement. Construction took place outside of the sensitive nesting and breeding season during the construction of Stateline 1.</p> <p>For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (2010 Annual Report, Attachment #4, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby)for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p>

54	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing owls if construction is scheduled to occur during the sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction buffer, developed in consultation with ODFW, around any active nests during the sensitive period. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and the site avoided during the sensitive period.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
55	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction surveys for state-listed threatened, endangered or candidate plant species in all areas not included in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder will notify the Department of Energy and consult with the Oregon Department of Agriculture regarding appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. (App Q-7) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for small areas where the facility corridor had changed. None were found during either survey.</p>
56	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 and 3.</p> <p>For the recent construction of STL 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and avoided. No WGS activity was found in 2009 in the approved construction corridors.</p>
57	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall report to the Council any change of major construction contractors. See condition (8).</p>	<p>The certificate holder has complied with this requirement during Stateline 1 and 2 construction years 2001, 2002 and 2004. (Condition 47). D.H. Blattner and Sons, Inc. constructed STL 1 &amp; 2 phases of the Stateline Wind Project.</p> <p>D.H. Blattner and Sons, Inc. constructed the STL 3 phase of the Stateline Wind Project.</p>

58	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall take steps to prevent fires during construction including but not limited to (App U-25):</p> <ul style="list-style-type: none"> <li>(a) Establishing roads before accessing the site to allow vehicles to stay away from grass</li> <li>(b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters</li> <li>(c) Avoiding idling vehicles in grassy areas</li> <li>(d) Keeping cutting torches and similar equipment away from grass</li> <li>(e) Making sure that all construction personnel receive appropriate fire-safety instruction from qualified local fire departments or qualified fire-fighting trainers on the job site</li> <li>(f) Making sure that fire-fighting equipment is available at all active parts of the job site.</li> </ul>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
59	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require the foundation designer to inspect excavations during construction of foundations for the turbines and other facilities to confirm that geologic conditions are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-022-0020)</p>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
60	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the facility's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements. (App B-7, 13, E-3, P-41)</p>	The certificate holder has complied with this requirement. An Erosion and Sediment Control Plan is in place as part of NPDES permit requirements and construction operations were undertaken in compliance with the plan/permit in 2001, 2002, 2004 and 2009.
61	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion and compaction by measures including but not limited to the following:</p> <ul style="list-style-type: none"> <li>(a) Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters</li> <li>(b) Installing sediment fence/straw bale barriers at locations shown on the plans</li> <li>(c) Wherever feasible, constructing roadways so that surface drainage continues along natural drainage patterns with minimal diversions through ditches and culverts</li> <li>(d) Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads</li> <li>(e) Straw mulching and disking at locations adjacent to the road that have been impacted</li> <li>(f) Providing temporary sediment traps downstream of intermittent stream crossings</li> <li>(g) Providing sediment type mats downstream of perennial stream crossings</li> <li>(h) Planting designated seed mixes at impacted areas adjacent to the roads</li> <li>(i) Installing sediment fencing along the downslope side of construction equipment staging areas</li> <li>(j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a healthy cover crop</li> <li>(k) Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated</li> <li>(l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road</li> </ul>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.

	<p>surfaces, and thereby limiting soil compaction and disturbances</p> <p>(m) Scarifying and reseeded compacted areas after construction is completed</p> <p>(n) Using appropriate erosion control methods to limit soil loss due to water and wind action</p> <p>(o) Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion (App I-2, 3)</p> <p>(p) Using water for dust suppression during construction (App O-1)</p>	
62	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall place underground electrical and communications cables at a minimum depth of three feet below grade in trenches along the length of each turbine string corridor and in some cases in trenches from the end of one turbine string to the end of an adjacent turbine string. The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After installing the electrical or communications cables and within two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
63	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Preparing maps to show sensitive areas that are off-limits during the construction phase, distributing the maps to construction staff and having a biologist flag sensitive areas as needed</p> <p>(b) Minimizing road construction and vehicle use where possible</p> <p>(c) Posting speed limit signs throughout the construction zone</p> <p>(d) Instructing construction personnel (including all construction contractors and their personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</p> <p>(e) Instructing construction personnel (including all construction contractors and their personnel) to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</p> <p>(f) Requiring all construction personnel to report any injured or dead wildlife detected at the facility site</p> <p>(g) Requiring all construction personnel to respect all staked wildlife areas and associated no-construction buffer areas</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
64	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread gravel on all above ground portions of the turbine pads to reduce the potential for weed infestation. (App BB-5)</p>	<p>The certificate holder has complied with this requirement. Gravel has been spread on all built turbine pads.</p>
65	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Avoiding vegetation removal wherever possible</p>	<p>The certificate holder has complied with (a) through (c) during construction years 2001, 2002, 2004, and 2009. All Oregon construction in 2004 occurred on agriculture land.</p>

	<p>(b) Limiting construction activities to within public road right-of-ways where possible</p> <p>(c) Using best management practices to prevent erosion of soil into stream channels</p> <p>(d) Controlling invasive, weedy plant species during maintenance of project facilities</p> <p>(e) Restoring temporarily disturbed sites to pre-construction condition or better with native seed mixes as described for temporarily disturbed habitats in the Revegetation Plan included in the Final Order on Amendment #4 as Attachment B and as revised from time to time. [Amendment #1 and #4]</p> <p>(f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation with ODFW and the Umatilla County weed control board</p> <p>(g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</p> <p>(h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread of noxious weeds</p> <p>(i) Developing measures to reduce the potential spread of noxious weeds in consultation with the weed control board of Umatilla County.</p>	<p>For (d) through (i) weed control and reseeding is continued as needed and monitored per the Revegetation Plan.</p> <p>For Stateline 1 &amp; 2, revegetation monitoring for the temporarily disturbed areas was complete in 2006, and will continue per the Revegetation Plan</p> <p>For Stateline 3, the first year of the 5-year revegetation monitoring plan was started in December 2010 and finished in January 2011. The 2010 vegetation monitoring was conducted per the Revegetation Plan. Results are attached in this 2011 Annual Report as Attachment 2.</p> <p>(See Condition #91 for further information)</p>
66	<p><b>For Stateline 1 Area Only. Meet During Construction</b> To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one acre of weed-infested upland habitat with native plants. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).</p>

67	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendment #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).</p>
68	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall use measures including but not limited to the following (App P-45):</p> <ul style="list-style-type: none"> <li>(a) Replacing agricultural topsoil to its pre-construction condition</li> <li>(b) Using best management practices to prevent loss of topsoil during construction</li> <li>(c) Reseeding native habitats with a native seed mix that includes at least some seed collected from the area as described for temporarily disturbed habitats in the Revegetation Plan referenced in Condition 65. [Amendments #1 and #4]</li> <li>(d) Controlling noxious weeds in areas disturbed by construction activities</li> </ul>	<p>The certificate holder has complied with this requirement and continues meeting these measures during operations. Responses to each subsection of this condition are as follows:</p> <ul style="list-style-type: none"> <li>(a) Agricultural topsoil replacement completed.</li> <li>(b) Topsoil loss prevented through water application and dust control measures.</li> <li>(c) Completed, ongoing reapplication conducted as needed.</li> <li>(d) Herbicide application used in disturbed areas where necessary to control noxious weeds, ongoing reapplication is conducted by an Oregon certified applicator as needed.</li> </ul> <p>The certificate holder has complied with this requirement during construction years 2001, 2002 and 2004, and 2009 (Stateline 3).</p>
69	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall not</p>	<p>The certificate holder has complied with this requirement</p>

	place any part of the facility within any Washington ground squirrel (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall have an on-site wildlife monitor who will flag habitat required for WGS survival (Category 1), conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that construction personnel do not enter the area. The monitor shall conduct post construction monitoring to document distribution of the WGS in the area. [Amendments #2 and #4]	during construction years 2001, 2002, 2004, and 2009.
70	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To reduce potential injury or fatality of migratory birds, the certificate holder shall App Q-10): (a) Locate turbines away from saddles in long ridges (b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the upwind (prevailing) side (c) Use monopole design for all turbine and meteorological towers	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
71	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures (App V-2): (a) Collecting steel scrap and transporting it to a recycling facility (b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of scrap or leftover materials (c) Using concrete waste as fill on-site or at another site or, if no reuse option is available, transporting it to a local landfill (d) Recycling packaging wastes (such as paper and cardboard) (e) Collecting non-recyclable waste and transporting it to a local landfill	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
72	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require that disposal of waste concrete on-site is conducted in accordance with OAR 340-093-0080, other applicable regulations and this condition. The construction contractor may bury waste concrete on-site with the permission of the landowner in the following manner: by placing the waste concrete in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours so that all buried concrete is at least three feet below grade. (App V-3, 4).	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
73	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall provide portable toilets for onsite sewage handling during construction and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices. The certificate holder shall recycle any wastes generated during construction as much as feasible and shall collect any non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2)	The certificate holder has complied with this requirement. On-site portable toilets were provided and maintained regularly by a licensed plumber during construction activities.
74	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall have a full-time on-site assistant construction manager, qualified in environmental compliance and familiar with all site certificate conditions, to observe contractor waste management practices and to assure compliance with applicable regulations and construction site policy. (App V-4)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
75	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall post	The certificate holder has complied with this requirement

	<p>high-visibility no-entry barriers around recorded cultural and archaeological sites and shall to ensure that construction workers stay away from the vicinity of the sites. The certificate holder shall locate barriers to create a buffer with a minimum width of 30 meters between the sites and construction activities. The certificate holder shall have a qualified cultural resource expert to monitor the avoidance of the no-entry areas by construction workers and to monitor ground disturbing activities. The certificate holder shall select a cultural resource expert chosen by the Confederated Tribes of the Umatilla Indian Reservation, if available, or shall select a qualified cultural resource expert, subject to Department approval, to conduct the monitoring.</p> <p>[Amendment #4]</p>	<p>during construction years 2001, 2002, 2004 and 2009.</p> <p>Specifically for Stateline 3 in 2009, CTUIR was contracted to provide cultural resources monitoring during construction activities. A CTUIR cultural resources expert was on site to monitor ground-disturbing activities during facility construction.</p>
76	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> If previously unidentified cultural resources are encountered during construction, the certificate holder shall halt earth-disturbing activities in the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and 358.920), and shall notify the Department of Energy, the Oregon State Historic Preservation Officer (SHPO) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The certificate holder shall have a qualified archaeologist evaluate the discovery and recommend subsequent courses of action in consultation with the CTUIR and the SHPO. If human remains are discovered, the certificate holder shall halt all construction activities in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical Examiner and the State Police.</p> <p>[Amendment #4]</p>	<p>The certificate holder has complied with this requirement for STL 1 and 2, during construction years 2001, 2002 and 2004. Additionally, please refer to correspondence dated February 16, 2005 from FPL Energy Vansycle LLC to the ODOE.</p> <p>For STL 3 construction, the certificate holder has complied with this requirement.</p>
77	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall include traffic control procedures in contract specifications for construction of the facility. The certificate holder shall require flaggers to be at appropriate locations at appropriate times during construction to direct traffic and to ensure minimal conflicts between harvest and construction vehicles. (App U-24)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
78	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall confine the noisiest construction activities to the daylight hours. (App X-8)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
79	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> This condition does not apply to Stateline 3. The certificate holder shall construct the cable crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove no more than approximately 7.5 cubic yards of material from the streambed crossing and shall replace a like amount of fill material after the cable has been laid, restoring the area similar to the original contours of the streambed. (Linehan, July 23 letter, 3)</p> <p>[Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p>
80	<p><b>For Stateline 1 and 2 Area Only. Meet Before Operations Begin</b> This condition applies to Stateline 1 &amp; 2 only. Within 90 days after the effective date of the Fourth Amended Site Certificate, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount of \$6.160 million (1<sup>st</sup> Quarter 2009 dollars), to be adjusted to the date of issuance as described in (a), naming the State of Oregon, acting by and through the Council, as beneficiary or payee.</p> <p>(a) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal (1<sup>st</sup> Quarter 2009 dollars) shown in Table 1 of the Final Order</p>	<p>The certificate holder has complied with this requirement. The certificate holder exchanged the initial letter of credit required by condition 41 for a letter of credit in the amount of \$1,161,120 (in 2001 dollars) on December 21, 2001. The letter of credit was renewed automatically each year and was maintained in an amount adequate to meet the conditions of this provision.</p> <p>On August 17, 2009, the letter of credit was exchanged for</p>

	<p>on Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Service's "Oregon Economic and Revenue Forecast", or by any successor agency (the "Index"), and using the index value for 1<sup>st</sup> Quarter 2009 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 1<sup>st</sup> Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting year.</p> <p>(b) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(d) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility.</p> <p>(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 (8).</p> <p>See Conditions (19) and (41). [Amendment #4]</p>	<p>a Site Certificate Bond in the amount of \$5,745,000, and is continuous in nature until canceled as provided in the Site Certificate.</p> <p>The Site Certificate Bond was renewed on August 17, 2010 in the amount of \$5,808,000.00. (See Attachment 3).</p>
81	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> After construction is complete, the certificate holder shall restore the county roads to at least their pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.</p> <p>For the most recent Stateline 3 construction in 2009, all designated haul roads were inspected by Hal Phillips of the Umatilla Co Road Department on 11/09/2009. Mr. Phillips verified "that after inspecting all the roads, all the roads met the conditions of the road use agreement between Umatilla County and FPL Energy Inc." (See attachment #7 of the 2010 Annual Report).</p>
82	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> The certificate holder shall grade and reseed laydown areas to wheat or native grasses as necessary to restore those areas to their pre-construction condition (App B-10).</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009. No construction was conducted in 2003. Reseeding and weed spraying continues on an as needed basis as recommended by revegetation monitoring. Specifically, for the newly constructed STL 3, the Campbell laydown area has been reclaimed back to a field. The Hindman drive lay down area has been reseeded.</p>
83	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For any materials disposed of</p>	<p>The certificate holder has complied with this requirement</p>

	as fill on site, the certificate holder shall conduct such disposal with the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. (App G-3, V-3)	during construction years 2001, 2002, 2004, and 2009.
84	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For the purposes of this site certificate, wind turbine tower locations are analogous to location of permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5). The Council approves the corridor described in the final order for construction of turbine strings. As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to the Department of Energy a legal description of the location where the certificate holder has built turbine towers and other parts of the facility. Within 90 days after beginning operation of any turbines that are added to the facility by amendment of the site certificate, the certificate holder shall submit to the Department a legal description of the location of any additional turbine towers and related or supporting facilities allowed by the amendment. The site of the facility is the area identified by the legal descriptions required by this condition. Within 90 days after beginning facility operation, the certificate holder shall provide to the Department and the Umatilla County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments #1 and #4] See Condition (13).	The as-built drawings for Stateline 1 and the fifty-five Stateline 2 turbines constructed in 2001 and 2002 were sent to OOE on June 12, 2003. To document the 2004 relocation project new as-built drawings for the Stateline Wind Project were sent with the 2004 Annual Report.  For the actual legal description of the five Stateline 2 turbines, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, and Condition 13 documentation.  For Stateline 3, included at Attachment 1 to the 2010 Annual Report were the GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vanscycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.
85	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall prepare and maintain a site health and safety plan that informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)	The certificate holder has complied with this requirement.
86	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall recycle solid waste generated during operation of the facility as much as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)	The certificate holder has complied with this requirement.
87	<b>For Stateline 1 and 2 Only. Meet During Operations</b> This condition applies to Stateline 1 and 2 only. The certificate holder shall provide portable toilets for use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder must contact the Oregon Department of Environmental Quality if the on-site septic system is to be used. (App O-2) [Amendment #4]	The certificate holder has complied with this requirement. The Oregon Department of Environmental Quality has been contacted about the portable toilet. A satellite O&M building has not been established, only the portable toilet whereby its limited usage is appropriate under OAR 340-071-0330 (2). Additionally, it is serviced Bi monthly by a qualified maintenance pumper.
88	<b>For Stateline 1, 2 and 3. Meet During Operations</b> If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right. The certificate holder shall use high-pressure cold water only and shall not use chemicals or additives in the wash water. (App O-2) [Amendment #1]	The certificate holder has complied with this requirement. No blade washing has been necessary to date.
89	<b>For Stateline 1, 2 and 3. Meet During Operations</b> if any new nesting or denning sites for wildlife species of concern are located, the certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall minimize road construction and vehicle use where possible. (P-42)	The certificate holder has complied with this requirement, and will continue to comply with this requirement.  Attached to this 2011 Annual Report is the STL 3 Wildlife

		Monitoring Report (Attachment 4) for the 2010 Study Year, which required nesting surveys of the recently constructed STL 3. Attachment 4 provides methods and results for the required 2010 wildlife monitoring. It provides a figure for ODOE/ODFW use only, of the known ferruginous hawk nests, great horned owl nest, red-tail hawk nests, and burrowing owl dens. This map is on file at the operations office and is a reference for the ops staff when working in the areas during the spring nesting/denning period.
90	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-43, Q-10):</p> <p>(a) Instructing all personnel on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</p> <p>(b) Instructing all personnel to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</p> <p>(c) Requiring all personnel to report any injured or dead wildlife detected at the facility site</p>	The certificate holder has complied with this requirement, and will continue to comply with this requirement.
91	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-43, Q-10):</p> <p>(a) Using best management practices to prevent erosion of soil into stream channels</p> <p>(b) Controlling invasive, weedy plant species during maintenance of project facilities</p> <p>(c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</p>	<p>The certificate holder has complied with this requirement. Responses to each subsection of this condition are as follows:</p> <p>(a) Erosion of soil into stream channels is prevented by using measures recommended in NPDES permits and Erosion and Sediment Control Plans.</p> <p>(b) Mowing and herbicide applications were used as necessary to control invasive weedy plant species. Ongoing herbicide reapplication is conducted as needed by an Oregon certified applicator. Herbicide applications are conducted as recommend by the annual revegetation monitoring plan</p> <p>(c) Restoration of disturbed areas is done on a continuing basis. Reseeding is conducted as recommended by the Revegetation Plan (3/27/09). The 2011 Annual Report will include the first Revegetation Monitoring Report for Stateline 3 (2010 vegetative growth), as Attachment # 2. Stateline 1 &amp; 2 Revegetation Monitoring of the construction zones was completed in 2006 (see Condition #65)</p>
92	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate	The certificate holder has complied with this requirement.

	<p>potential adverse impacts to soils from erosion by measures including but not limited to the following (App I-3 through 5):</p> <p>(a) Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials</p> <p>(b) Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs</p> <p>(c) If areas of erosion are observed during operation, implementing mitigation and reclamation measures</p>	<p>Proper road grating and reclamation measures are used on an ongoing basis to mitigate areas of potential adverse soil erosion.</p>
93	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan, included in the Final Order on Amendment #4 as Attachment A and as revised from time to time. Subject to approval by the Department of Energy as to professional qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the monitoring. (OAR 345--22-0060) [Amendment #1 and #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 1 &amp; 2, the compilation of 2001-2003 wildlife monitoring data was prepared for presentation to the Oregon Energy Facility Siting Council at the end of 2005 (it was presented on January 20, 2006). The Oregon Wildlife Monitoring Plan did not require wildlife monitoring to be carried out by qualified wildlife consultants during the 2005 year; however, maintenance personnel implemented incidental reporting as described in the Wildlife Response and Reporting System. Wildlife monitoring by a third party was conducted in 2006 and monitoring results were submitted in the "Stateline Wind Project Wildlife Monitoring Annual Report", dated September 4, 2007. Wildlife monitoring for the year 2007, 2008, 2009 and 2010 consisted of monitoring off-site artificial raptor nest structures and the Wind and Wildlife Response and Reporting System (WRRS), as summarized in Section 1.5 of the attached 2011 Annual Report, and Attachment 7.</p> <p>For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 is included in this 2011 Annual Report as Attachment 4. Avian and bat fatality monitoring will occur during the 2011 year. A report is anticipated to be available by late April 2012. If a complete report of the 2011 monitoring is not available prior to the required date of the 2012 Annual Report, summary of the fatalities found during the 2011 study year will be made available with the 2012 Annual Report.</p>
94	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat quantity</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Currently, no additional mitigation is required. For Stateline 1 &amp; 2, mitigation was</p>

	<p>or quality, the certificate holder shall mitigate for the loss of habitat quality by measures approved by the Oregon Department of Energy. (OAR 345-022-0060) [Amendment #4]</p>	<p>performed for raptor fatality threshold exceedance and monitoring was conducted. See Condition 93 and Section 1.5 of the 2011 Annual Report for additional details.</p> <p>For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 is included in this 2011 Annual Report as Attachment 4. Avian and bat fatality monitoring will occur during the 2011 year, and will be included with the 2012 Annual Report, as noted in Condition 93 text above. At that time, if the monitoring data indicates impacts to wildlife or wildlife habitat, the certificate holder shall discuss mitigation with the Oregon Department of Energy.</p>
95	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential failure. (App BB-1)</p>	<p>The certificate holder has complied with this requirement. Technicians regularly conduct inspections and do preventative maintenance work on the equipment. Currently, for the 2010 and 2011 years, the original equipment manufacturer (OEM) is completing blade root inspections.</p>
96	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall make sure that all on-site employees receive annual fire prevention and response training by a professional fire-safety training firm. The certificate holder shall prohibit employees from smoking outside of company vehicles during dry summer months and shall require employees to keep vehicles on roads and off dry grassland during the dry months unless necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding or other flame or spark-producing operations near the turbines. The certificate holder shall equip each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency Response procedures book and a two-way radio for immediate communications with the O&amp;M facility. The certificate holder shall have staff in the local area on call at all times to respond in case of fire or other emergency. The certificate holder shall supply all local fire departments with maps of and gate keys to the facility. (App B-12)</p>	<p>FPL's State Line facility has and will continue to follow the training processes as proscribed by FPL's KDS (Knowledge Delivery System) Department. This training includes comprehensive fire training through the entirety of FPL's Power Generation Division Fleet.</p> <p>2007 Refresher and training for new employees regarding fire prevention and response was completed 10/26/2007.</p> <p>Petco was contracted in 2009 and 2010. Training was performed by Petco in August 2009 and August 2010.</p> <p>Primary communication is through direct connect phones and cell service. Substations have phone and two-way service with O&amp;M.</p> <p>All other condition requirements are adhered to and are standard operational procedures at the Stateline Wind Project.</p>
97	<p><b>For Stateline 2 Area Only. General</b> The certificate holder shall begin construction of Stateline 2 within six months after the effective date of the First Amended Site Certificate. The certificate holder shall complete construction of Stateline 2 before March 1, 2005.</p>	<p>The certificate holder has complied with this requirement for 55 of the approved 60 turbines, whereby, construction began on August 16, 2002 and they became operational on</p>

	Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2 and #4]	December 10, 2002. Site certificate Amendment #2 was approved by EFSC on June 6, 2003, which authorizes an extension of the construction completion date for the five remaining Stateline 2 turbines. The date was extended to March 1, 2005. Construction of the 5 turbines began in October 2004 and they became operational on December 15, 2004.
98	<b>For Stateline 1, 2 and 3. General</b> Condition removed by Amendment #4	
99	<b>For Stateline 1, 2 and 3. General</b> 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. (OAR 345-027-0020(15)) [Amendment #4]	The certificate holder acknowledges this requirement. Ownership continues as per the Site Certificate, Amendment #4.
100	<b>For Stateline 1, 2 and 3. General</b> If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy 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. (OAR 345-027-0020(16)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
101	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a 1/4-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller, conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the	The certificate holder has complied with this requirement for the constructed portion of the Stateline 2 facilities (fifty-five turbines), and will continue to comply with this requirement. Construction of the five remaining Oregon turbines commenced in October 2004, which was outside of the construction restriction period (see correspondence dated September 7, 2004 from Anne Walsh to John White, Attachment 1 - Northwest Wildlife Consultants, Inc. Survey Report of the Ferruginous Hawk Nest Near Stateline 2).

	ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment #2 and #4]	
102	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> This condition removed by Amendment #4	
103	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize the risk of fire, the certificate holder shall: (a) Construct turbines, towers and pads of fire retardant materials (b) Bury electrical cables (c) Use enclosed, locked pad-mounted transformer structures (d) Include built-in fire prevention measures in turbines (e) Not store combustible materials at the Stateline site.	The certificate holder has complied with this requirement for the project facilities that have been constructed to date. Construction has been completed for the Stateline 1, 2 and 3.
104	<b>For Stateline 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 1 acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat enhancement area described in Condition (67) by 1 acre. [Amendment #4]	The habitat enhancement area described in Condition (67) has been enlarged to include the 1-acre.
105	<b>For Stateline 2 Area Only. Meet During Operations</b> This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain uninhabited during construction. The certificate holder shall continue the no-occupation agreement until retirement of the facility unless the certificate holder demonstrates to the satisfaction of the Department that the facility complies with the applicable noise control regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with the regulations as to the increase in ambient statistical noise levels by entering into a legally effective easement or real covenant with the owner of the property identified as 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of the facility to increase ambient statistical noise level L <sub>10</sub> and L <sub>50</sub> by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. If such easement or real covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the Department, based on modeling or measurements performed in compliance with OAR 340-035-0035, that an easement or real covenant is not necessary to comply with those regulations. [Amendment #3 and #4]	The certificate holder has complied with this requirement. A Declaration of Covenants was entered into with the land owner, Barnett-Rugg, Inc on June 30, 2005. The Declaration of Covenants was included as Attachment 3 of the Stateline 2006 Annual Report, titled "2005 Annual Report", which was submitted on May 5, 2006.

106	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 3 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #3 and #4]</p>	<p>The certificate holder has complied with this requirement. Construction began on June 9, 2009 and completion of construction was December 16, 2009.</p>
107	<p><b>For Stateline 3 Only- General Condition</b> Condition removed by Amendment #4</p>	
108	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:</p> <p>(a) Designing and operating the transmission lines so that maximum current (amps per conductor) would not exceed the following levels: For 34.5-kV underground lines, 560 amps; and for 230-kV transmission lines, 753 amps. [Amendment #4]</p> <p>(b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks.</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p> <p>The locations of underground and overhead transmission lines are included in the Exhibit B of the land lease agreements.</p>
109	<p><b>For Stateline 3 Only. Meet Before Construction Begins</b> Before Construction begins of Stateline 3, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$5.911 million (in 1st Quarter 2009 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).</p> <p>(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of Stateline 3 by applying the unit costs and general costs illustrated in Table 3 in the Final Order on Amendment #4 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.</p> <p>(b) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal component of the initial bond or letter of credit amount (expressed in 1st Quarter 2009 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 index value for 1st Quarter 2009 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 1st Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p>	<p>On June 9, 2009, FPL Energy Stateline II, Inc., in consultation with ODOE, obtained a Site Certificate Bond in the amount of \$4,014,000.00. The bond is automatically renewed for the total amount annually.</p> <p>The renewal of the above bond occurred on May 7, 2010, in the amount of \$4,053,000.00 (See Attachment 5)</p>

	<p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.</p> <p>(c) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(d) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council, as required by Condition (8).</p> <p>(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the Stateline 3 site.[Amendment #4]</p>	
110	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards.</p>	The certificate holder has complied with this condition.
111	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4</p>	
112	<p><b>For Stateline 3 Only- Meet During Construction and Operation</b> Before beginning construction and after considering all micro-siting factors, the certificate holder shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW) detailed maps of the facility site, showing the final design locations where the certificate holder proposes to build facility components and the habitat categories of all areas that would be affected during construction. In addition, the certificate holder shall provide a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection. Based on the approved habitat assessment, the certificate holder shall calculate the mitigation area requirement and shall carry out enhancement activities as described in the Stateline 3 Habitat Mitigation Plan included in the Final Order on Amendment #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. [Amendment #4]</p>	<p>Final design locations of the Stateline 3 components and final habitat assessment table were submitted via an email attachment from Karl Kosciuch of Tetra Tech on May 1, 2009. A memo describing the habitat assessment was subsequently revised via an email from Karl Kosciuch on May 12, 2009. The Department approved the final habitat assessment via an email from John White on May 15, 2009.</p> <p>The certificate holder calculated the mitigation area requirement, and it was attached to the 2010 annual report as Attachment 12, As-Built Analysis for Habitat Mitigation Area. As part of Attachment 12, Figure 1 shows the As-Built Facility Comparison by Habitat Category.</p> <p>On October 22, 2009, the certificate holder provided a copy of the "Short Form Conservation Easement Agreement", showing the certificate holder has acquired legal right to create and maintain the enhancement area.</p> <p>The certificate holder, in conjunction with ODFW and the</p>

		<p>landowners, determined the location of the habitat enhancement area as described in the "Short Form Conservation Easement Agreement".</p> <p>With the exception of the Operations and Maintenance building, which was not constructed, no other adjustments to the final design and habitat categories were made prior to constructing the Facility. It should be noted that the Facility uses the existing O&amp;M building in Touchet, WA.</p> <p>The Habitat Enhancement Area (HEA) is being monitored per the Stateline 3 Habitat Mitigation Plan (3/27/09). First year monitoring occurred in 2010, and is attached to this 2011 Annual Report as Attachment 6.</p>
113	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect the public from electrical hazards including electric and magnetic field exposure, the certificate holder shall:</p> <p>(a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the top pointing out at a 45-degree angle.</p> <p>(b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two wooden poles connected by cross-members with a typical overall height of 61 feet and a minimum design ground clearance of 25 feet to the lowest conductor as described in the Request for Amendment #4.</p> <p>(c) Design and construct the transmission lines so that:</p> <p>(i) Alternating current electric fields during operation do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public, and</p> <p>(ii) Induced voltages during operation are as low as reasonably achievable. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
114	<p><b>For Stateline 3 Only- Meet During Construction</b> To deter raptors from perching on transmission support structures near the wind turbines, the certificate holder shall install anti-perching devices on all proposed support structures within one-half mile of any turbine, unless the top of the support structure is below the base of the turbine tower due to topography. Wherever feasible, the certificate holder shall use "spike-type" devices instead of "triangle-type" devices. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
115	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to conform to the guidelines of the Avian Power Line Interaction Committee so that electrical conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
116	<p><b>For Stateline 3 Only- Meet During Construction</b> Condition removed by Amendment #4</p>	

117	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall not engage in construction activities for Stateline 3 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15, if the young are fledged.	For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, no ferruginous hawks were observed on site. The area was monitored for activity periodically throughout the nesting period during 10-day intervals. No postponement of construction was necessary due to this requirement, since no ferruginous hawks were observed.  Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.
118	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall construct stream crossings substantially as described in the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the state or add new fill material to waters of the state such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
119	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall perform frequent maintenance to keep the substation transformer in good repair and in reliable operating condition.	Transmission services will maintain in accordance with NERC reliability standard and records are maintained in the Transmission Serviced Reporting and documenting program (AMP).
120	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall verify that the actual sound power level output of the wind turbines constructed for Stateline 3 meets the manufacturer's warranty. This verification may consist of field measurement or other means of verification satisfactory to the Department of Energy. The certificate holder shall include the verification in the first annual report following construction of any Stateline 3 turbines. [Amendment #4]	The certificate holder provided the Department of Energy and its noise consultants protocols for conducting noise verifications for review and approval.  A Noise Verification Analysis was completed and the report was submitted to ODOE on 02/22/2011.
121	<b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4	
122	<b>For Stateline 3 Only – Meet Before Construction Begins</b> Condition removed by Amendment #4	
123	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall design and construct Stateline 3 in compliance with the County design requirements as described in Umatilla County Development code Sections 152.010, 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.

124	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall ensure that construction contractors use a transportation route reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy load transport vehicles. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
125	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall record a Covenant Not to Sue with regard to generally accepted farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E). [Amendment #4]	Attached the 2010 Annual Report as Attachment #10, was a copy of the Covenant Not To Sue.
126	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall construct all Stateline 3 components in compliance with the following setback requirements: (a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential. (b) Where (a) does not apply, 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. (c) Where (a) does not apply, 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. (d) Where (a) does not apply, 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. (e) The certificate holder shall not locate equipment associated with the temporary batch plant within 50 feet of a public road, county road or utility right of way.[Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
127	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall deliver a copy of the annual report required under Condition 8 to the Umatilla County Planning Commission on an annual basis unless specifically discontinued by the County. [Amendment #4]	The certificate holder shall submit its annual report, as specified in condition 8, to the Umatilla County Planning Commission by April 30 of each year in operation. The annual report will be submitted to Carol Johnson, Senior Planner, Umatilla County Planning Department.
128	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall position a 3,000-gallon water truck on-site while personnel are present and actively working. [Amendment #4]	The certificate holder has complied with this requirement.
129	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate shall discharge sanitary wastewater generated at the Stateline 3 O&M building to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall locate the septic system more than 100 feet from any streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge capacity of less than 2,500 gallons per day. [Amendment #4]	Construction and Operations use only portable systems. Operations do not use an onsite well.

130	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate holder shall obtain water for on-site uses from a wells located at the Stateline 3 O&amp;M building, subject to compliance with applicable permit requirements. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. [Amendment #4]</p>	<p>There is no onsite well used by operations. Operations do have a private well in WA and irrigation rights at the operations building.</p>
131	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
132	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology &amp; Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports.” [Amendment #4]</p>	<p>For the recent construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the June 8, 2009, email was attached to the 2010 Annual Report as Attachment #6.</p>
133	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall provide to the Department:</p> <p>(a) Information that identifies the final design locations of all Stateline 3 wind turbines to be built.</p> <p>(b) The maximum sound power level for the Stateline 3 substation transformers and the maximum sound power level and octave band data for the turbines selected for the Stateline 3 based on manufacturers’ warranties or confirmed by other means acceptable to the Department.</p> <p>(c) The results of noise analysis of the facility, including the Stateline 3 components to be built according to the final design, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.</p> <p>(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder’s operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder;</p>	<p>The certificate holder has complied with this condition as follows:</p> <p>a) For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were As-Built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vanscycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations per land owner;</p> <p>b) through c) The certificate holder submitted the noise analysis based on the final design of Stateline 3 on May 4, 2009 (attachment to email from Karl Koschiuch, May 4, 2009). The Department reviewed the analysis and notified the certificate holder of approval (email from John White, June 3, 2009). Accordingly, the certificate holder has complied with this Condition 133.</p>

	expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.[Amendment #4]	
134	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> 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 the facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulation. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
135	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall not install any transmission line support structures within 800 feet of any active Swainson's hawk nest identified in 2008 or later. [Amendment #4]	<p>The certificate holder complied with this condition during construction of Stateline 3 as follows: For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (201 Annual Report, Attachment #7, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
136	<b>For Stateline 1, 2 and 3 – Conditions Added by Amendment #4</b> This condition applies to all phases of the Stateline Wind Project. When any third-party lien or security interest in the facility's wind turbine towers is created, the certificate holder shall notify such third party in writing that the wind turbines and towers are components of an energy facility that is subject to the terms and conditions of a Site Certificate and subject to the rules of the Oregon Energy Facility Siting Council. The certificate holder shall provide to the Department a copy of each written notification required under this condition and the name and contact information for each third party so notified. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement

# **ATTACHMENT 1**

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# **ATTACHMENT 2**

**STL 3 Revegetation Monitoring Report  
for the 2010 Vegetative Growing Season**

**Stateline 3  
Revegetation Monitoring Report  
for the  
2010 Vegetative Season**

*Prepared for:*

**FPL Energy Vansycle, LLC**

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March 23, 2011

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## **1.0 INTRODUCTION**

FPL Energy, Vansycle L.L.C. (FPLE) owns and operates the Stateline 3 Wind Power Project (Stateline 3, the "Project"), located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The Project consists of a number of wind turbines that are arranged in strings along ridge tops. The site is closest to the towns of Helix, Oregon and Touchet, Washington. In addition to wind turbines, access roads, overhead and underground electrical lines, operation and maintenance facilities, and a project substation are associated with the project.

As part of the permit requirements for the project, FPL has revegetated the areas temporarily disturbed by the Project. This work was carried out according to the specifications outlined in the Revegetation Plan (Revised March 27, 2009) for the Project. The plan specified seed mixes and planning methods applicable to the project and set out the framework for the monitoring plan to evaluate revegetation success. Habitats of the proposed construction zones are described in detail in the "Request for Fourth Amended Site Certificate for Stateline 3" dated October 24, 2009 and "Response to Requests for Additional Information for the Fourth Amended Site Certificate" dated January 26, 2009.

The Revegetation Plan and this monitoring report addresses only the portions of the project that are located in Oregon, although there are portions of the Project (transmission line only) in Washington. The turbine strings are spread out along several ridges located approximately six miles southwest of the Town of Touchet, Washington. In addition to the turbine strings, facilities such as access roads, underground and overhead transmission lines and a substation are part of the Project.

In the site certificate, the certificate holder agreed to mitigate impacts associated with the loss of grassland, shrub-steppe habitats and Conservation Reserve Program (CRP) lands (temporarily and permanently disturbed). No mitigation is required for the disturbance to agricultural areas. As part of the mitigation, habitats impacted during construction are to be successfully revegetated. Estimated construction-related temporary impacts are displayed in the Stateline 3 Habitat Mitigation Plan.

FPL Energy, Vansycle, LLC has obtained the services of Northwest Wildlife Consultants, Inc. (NWC) to implement revegetation monitoring at Stateline 3 Project. NWC staff has worked on the Project and nearby wind sites for several years so are familiar with the habitat and site-specific environmental conditions.

This report summarizes the methods and results of revegetation monitoring conducted by NWC for the first (2010) vegetative growing season; the first year of the 5-year monitoring planned for the Project. The Revegetation Plan included in the Final Order for the Stateline Wind Project forms the basis for this monitoring effort. The Revegetation Plan discusses habitat types, temporary and permanent impacts, and revegetation monitoring strategies. Some of the methods implemented for revegetation monitoring were improved over those specified in the plan and are mentioned in Section 2.1, where applicable.

## **2.0 METHODS**

### **2.1 Monitoring Design**

The methods used by NWC during the revegetation monitoring for Stateline 3 Wind Project for the 2010 vegetative growing season are discussed in detail in the Revegetation Plan Section 2.1. The information presented below explaining the methods for revegetation

monitoring are presented in the Revegetation Plan, but are updated to include dates of monitoring and any other pertinent information regarding the first year monitoring methods. Criteria for restoration success are outlined in the Revegetation Plan, (Sec. 5.3, page B-8). Methods outlined below are designed to fulfill those criteria. More than 20% of the minimum required revegetated acreage was examined. The objective of this first year monitoring effort was to determine whether the desired plant species have germinated and are growing, as well as to assess if there are any areas where there are problems with seeding or weed control as outlined in the final site restoration plan. Success cannot be determined after just one year of monitoring and, therefore, no statistical analysis is presented in this report. Based on NWC's field experience with monitoring elsewhere, initial comparisons can be made of plant density of the restored sites with the reference sites by the end of the third year of monitoring. Depending upon weather/growing conditions and site-specific challenges such as soil type and land use, measurements of total plant cover should begin during the fifth year of monitoring and when appropriate, statistical analysis of monitoring data shall be employed in order to evaluate success criteria in a formal quantitative framework.

Reference sites near the revegetated areas to represent the target conditions for the revegetation efforts were selected by NWC staff on December 1 and 2, 2010. The targets for each revegetated area were conditions that were considered realistically attainable for the area. The reference sites will be used for comparison during all subsequent monitoring visits in subsequent years of study, unless some event (such as wildfire or intensive land use impacts) substantially changes vegetation conditions so that a particular reference site no longer represents a realistically attainable goal for the associated revegetated area. In that case, the qualified investigator shall choose a new reference site in the same habitat and disturbance type.

Revegetation efforts were monitored for three habitat types. The habitat types monitored were Native Grassland Steppe, Revegetated Grasslands (CRP), and Shrub-Steppe. These habitats were selected on the basis of acreage of disturbance, wildlife and/or ecosystem value, and potential to attain revegetation targets. Descriptions of these habitat types are found in the Site Certificate Amendment application.

A total of 62 permanent transects were selected and marked with buried sections of rebar to facilitate relocation for future monitoring. The transects were located in pairs, one each in disturbed (seeded construction zones) and in adjacent undisturbed representative examples of the habitats being monitored. Within the three habitat types, there were four general types of construction disturbance, depending on the type of facility: roadside (new roads), turbine site, underground electrical transmission collection line, and overhead transmission line disturbance. The disturbance activities impacted soil and vegetation in different ways such as intensive compaction (buried electrical collection lines), less intensive surface disturbance (roadside and overhead transmission line), and linear, narrow disturbance versus larger-scale turbine site intensive disturbance.

Desired species for the purpose of this monitoring program are the species included in the seed mixes used on the various habitats. As stated in the Revegetation Plan, "desired plant species" for this report are those species included in the recommended seed mixes and native grass, shrub, and forb species. The seed mixes applied are identified in Appendix B of the Revegetation Plan. In addition to providing soil stabilization and reducing potential erosion, native grass, shrub, and forb species are desirable for several reasons. They support a variety of vertebrate and invertebrate animals, are what is in the surrounding habitat and are generally what was present before construction. Undesired species are

exotic (non-native) annual grasses (e.g. cheatgrass, *Bromus tectorum*), and non-native forbs (e.g. yellow star thistle, *Centaurea solstitialis*).

Monitoring was conducted at the end of the 2010 vegetative growing/seed-producing season. Field data collection occurred on December 13–14, 2010, January 18–20, and 25, 2011. During the monitoring, vegetation structural stage (germination and growth of revegetation seeding success), degree of erosion potential, and percent ground cover measurement data were collected. Monitoring work included a combination of semi-permanent line-intercept 50-meter long transects and cover-frequency plot evaluations of both revegetated areas and chosen reference plots.

## 2.2 Field Data Collection

At each monitoring location along both the revegetated and reference transects, the investigator evaluated the following parameters and conducted the following evaluations along permanently installed 50-meter long transects—both within the revegetated areas and within the reference sites:

- Percent ground cover and average stems of desirable species per square foot measurements were made at 5 random locations along the 50-meter transect utilizing a square 1-meter inside area quadrat frame.
  - ❖ Percent cover measurements were taken for all individual species in the revegetation mix. This was accomplished utilizing the outside coverage polygon of the plant(s) ocularly projected to the ground surface as the standard for determining the individual percentages. The first quadrat location along the transect was determined using a random number generator choosing between 0 and 9. Thereafter the remaining 4 plot locations were at 10-meter intervals from this point. The lower left inside corner of the quadrat frame was placed at the chosen number along the tape
  - ❖ Percent cover measurements were also taken in identical fashion for undesirable species such as exotic annual grasses (e.g. cheat grass) and forbs. These species were lumped into broad exotic/undesirable grass, and forb categories to simplify the protocol.
  - ❖ In addition to individual species and species group cover, the percent bare soil was also ocularly estimated on each quadrat. Ocular estimates of bare ground were made without wetting the soil. If no cryptogamic crust was observed, the point was classified as bare ground.
  - ❖ Number of stems of desirable species per square foot were counted at each sample location and averaged for each transect.
  - ❖ Evidence of erosion were determined by ocular observations at each sample point. Such evidence included rills or gullies within the disturbed areas.
- A digital camera photo point was established on each revegetated and reference transect. At each of these points the following procedure was enacted to assure consistency of view on each measurement event.
  - ❖ The camera was used at its widest angle setting in order to maximize the view.
  - ❖ The photo point location chosen took into account the growth potential of shrubs so as not to obstruct the view in future events.

The photo point chosen was established to show the zero point rebar stake as the reference location for relocation. Photos were taken during the data collection portion of the project. Permanent photo locations were located 5 meters from the easternmost end of each transect. The decision to locate the points 5 meters from the easternmost end of the transect was made in order to show the end point of the transect in the photo. The end point is identified with a

pin flag. A sample photo is displayed on page 11. All photos from first year monitoring are available upon request.

## **3.0 RESULTS**

### **3.1 Average Stems of Desirable Species (per square foot)**

Average stems of desirable species per square foot is provided for each monitored habitat type. For the purposes of this report, stems per square foot were determined by the number of desirable plants per square foot. This definition was used as the desirable grasses are "bunch grasses" and a single plant will have many stems. A mature bunch grass will occupy approximately one square foot. Counting individual stems would bias the averages and will not portray the actual conditions on the ground. Table 1 shows the comparison in terms of stem density between the transects in disturbed and undisturbed areas. Desired species are those included in the revegetation seed mix and, as described in the methods, native grass, shrub, and forb species also considered desirable. Other species are classified as broad exotic/undesirable grass or forb.

#### **3.1.1 Revegetated Grass (CRP) Habitat**

A total of 16 sets of paired transects were located within the revegetated grass habitats. These monitoring transects are located within an existing revegetated grass plantings and represent the revegetation effort on an overhead transmission line. Seeded species averaged less than 3 inches in height. Stems per square foot of desired species in the revegetated areas averaged 0.6 stems per square foot. The average stems per square foot of desirable species identified in the adjacent reference transects averaged 0.7 stems per square foot.

#### **3.1.2 Shrub-Steppe Habitat**

Due to the limited disturbance in this habitat type, 2 sets of transects were established. These monitoring transects are located within an existing Shrub-Steppe habitat. Stems per square foot of desired species in the revegetated areas averaged 0.9 stems per square foot. The average stems per square foot of desirable species identified in the adjacent reference transects averaged 0.7 stems per square foot.

#### **3.1.3 Grassland-Steppe Habitat**

A total of 8 sets of monitoring transects were established within this habitat type. Stems per square foot of desired species in the revegetated areas averaged 1.1 stems per square foot. The average stems per square foot of desirable species identified in the adjacent reference transects averaged 0.9 stems per square foot.

#### **3.1.4 Turbine Disturbance**

A total of 5 sets of transects were established to monitor the revegetation efforts in the areas adjacent to turbine pad locations and associated roads. Stems per square foot of desired species in the revegetated areas averaged 0.6 stems per square foot. The average stems per square foot of desirable species identified in the adjacent reference transects averaged 0.8 stems per square foot.

### **3.2 Percent Ground Cover**

Percent ground cover and percent bare ground was estimated for each of the revegetation and reference transects. These percentages were averaged for each habitat and disturbance

type and are presented in Table 1. Percent ground cover may exceed 100% as the total aerial cover of each vegetative category is estimated separately.

### **3.2.1 Revegetated Grass (CRP) Habitat**

The percent cover of all desirable vegetation in the reference transects averaged 49%. The percent cover of all desirable vegetation in the revegetated transects averaged 37%. The percentages of exotic grasses and forbs in the reference transects compared to the revegetated transects was 62% to 72%. Differences in percent bare ground were 12% for the reference transects and 30% for the revegetated transects.

### **3.2.2 Shrub-Steppe Habitat**

The percent cover of all desirable vegetation in the reference transects averaged 55%. The percent cover of all desirable vegetation in the revegetated transects averaged 60%. The percentages of exotic grasses and forbs in the reference transects compared to the revegetated transects were similar, 75% to 75%. Differences in percent bare ground were 10% for the reference transects and 30% for the revegetated transects.

### **3.2.3 Grassland-Steppe Habitat**

The percent cover of all desirable vegetation in the reference transects averaged 65%. The percent cover of all desirable vegetation in the revegetated transects averaged 43%. The percentages of exotic grasses and forbs in the reference transects compared to the revegetated transects were similar, 56% to 56%. Differences in percent bare ground were 11% for the reference transects and 30% for the revegetated transects.

### **3.2.4 Turbine & Road Construction Disturbance**

The percent cover of all desirable vegetation in the reference transects averaged 51%. The percent cover of all desirable vegetation in the revegetated transects averaged 19%. The percentages of exotic grasses and forbs in the reference transects compared to the revegetated transects were 67% to 116%. Differences in percent bare ground were 5% for the reference transects and 12% for the revegetated transects.

## **4.0 DISCUSSION**

The native plant community in previously disturbed areas at Stateline 3 Wind Project will re-establish (assuming no future intensive impacting activities) through slow, but progressively steady vegetative growth resulting from successful seeding and control of noxious weed species. The differences observed between the undisturbed and disturbed transects in all habitat and disturbance types are to be expected at this stage of the revegetation effort (first monitoring year). As the plantings mature, it is expected that the vegetative structure and percent cover will more closely replicate the undisturbed conditions. The stem per square foot calculations for the revegetated transects in the shrub-steppe and grassland steppe habitats exceeds those in the reference transects. This does not account for any losses in density as the plants mature. The seedlings currently appear vigorous and exhibit excellent growth, but the plants are less than 3 inches in height and some loss of the planted sagebrush are expected as the sites mature. Drill rows from the seedings are evident on many of the planted transects. As the plants mature, some number of the existing plants will naturally be crowded out, lowering the overall stem density.

The stems per square foot of desirable species found in the revegetated grass habitat (CRP) and adjacent to the turbine pads are lower than the reference transects. The desired species are evident and exhibit good growth. It is expected that these areas will revegetate to an acceptable level in the future.

As this is the first year of monitoring for the revegetation efforts at Stateline 3 Wind Project, no statistical analysis is appropriate. Further monitoring will be performed to assure that this initial effort will result in successful revegetation of the disturbed areas.

### Summary

More than 20% of the revegetated acreage was examined. No evidence of rill or gully erosion was observed in the disturbed areas. Transects were located on steep slopes in the revegetated grass and grassland-steppe habitat types to determine potential erosion problems. A number of annual weed (undesirable) species were identified during the monitoring event, but it is assumed that these species will not out-compete the desired seeded and native species as the sites mature. It is not until the end of the second year that evaluation of whether or not the species in the seed mix are represented in the stands established in the seeded areas; however, in this report it is noted where such desired species are already present and details such as percent cover and stems per square foot for comparison with future measurements.

No reseeding is recommended at this time.

Another objective of revegetation monitoring is to identify problem areas for additional seeding or some weed control so that any can be promptly corrected. A weed control program should be followed to control the areas where noxious weedy species, especially yellow star thistle, are invading the revegetated areas.

*Action Item:* the infestation of yellow star thistle in the vicinity of the access road to the Stateline 1 BG-B and BG-C turbine strings should be controlled as soon as possible.

Further monitoring will occur, as specified in the Revegetation Plan.

## **5.0 REFERENCES**

Eagle Cap Consulting, Inc. 2006. Revegetation Monitoring Report - Stateline Wind Power Project - Umatilla County, Oregon and Walla Walla County, Washington.

Elzinga, C. L., Salzer, D. W., and Willoughby, J. W. Measuring & Monitoring Plant Populations, BLM Technical Reference 1730-1. Bureau of Land Management, National Business Center, Denver, Colorado.

Northwest Wildlife Consultants, Inc. 2008. Stateline 3 Wind Power Facility Transmission Line Biological Review

US Department of Agriculture (USDA). 2010. The PLANTS Database: Version 3.5. National Plant Data Center, Baton Rouge, LA. <http://plants.usda.gov>

## 6.0 TABLE

**Table 1. Revegetation monitoring results for Stateline 3 Wind Power Project, first year after construction (2010 vegetative season).**

Habitat Type	Disturbed/ Undisturbed	Site Description	Total # Transects	Total # Desired Species Stems/sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground
<b>Overhead Transmission Line</b>						
<b>Revegetated Grass (CRP)</b>	Disturbed	Overhead Transmission Line	16	0.6	37	30
	Undisturbed		16	0.7	49	12
<b>Shrub-Steppe</b>	Disturbed	Overhead Transmission Line	2	0.9	60	30
	Undisturbed		2	0.7	55	10
<b>Grassland - Steppe</b>	Disturbed	Overhead Transmission Line	8	1.1	43	30
	Undisturbed		8	0.9	65	11
<b>Turbine &amp; Road Construction Disturbance</b>						
<b>Revegetated Grass (CRP)</b>	Disturbed	Underground Transmission Line	2	0.8	30	20
	Undisturbed		2	1.2	85	7
<b>Grassland - Steppe</b>	Disturbed	Turbine Pad	2	0.5	15	5
	Undisturbed		2	0.5	30	5
<b>Revegetated Grass (CRP)</b>	Disturbed	Roadside	1	0.4	5	7
	Undisturbed		1	0.6	30	5

**7.0 APPENDIX**

**Appendix A. Sample Data Sheet**

**Stateline 3 Wind Power Project  
Revegetation Monitoring Form**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Transect & Sample Number: \_\_\_\_\_

Disturbed: Y N

Sample Site Habitat Type: \_\_\_\_\_

Percent Cover - Native Grasses: \_\_\_\_\_ Native Forbs: \_\_\_\_\_ Shrubs: \_\_\_\_\_

Percent Cover - Exotic Grasses: \_\_\_\_\_ Exotic Forbs: \_\_\_\_\_ Bare: \_\_\_\_\_

Species	Stems/sq. ft. Seeded Species	Stems/sq. ft.
---------	------------------------------	---------------

Total \_\_\_\_\_

Degree of Erosion Due to Construction (High, Moderate, Low):  
\_\_\_\_\_

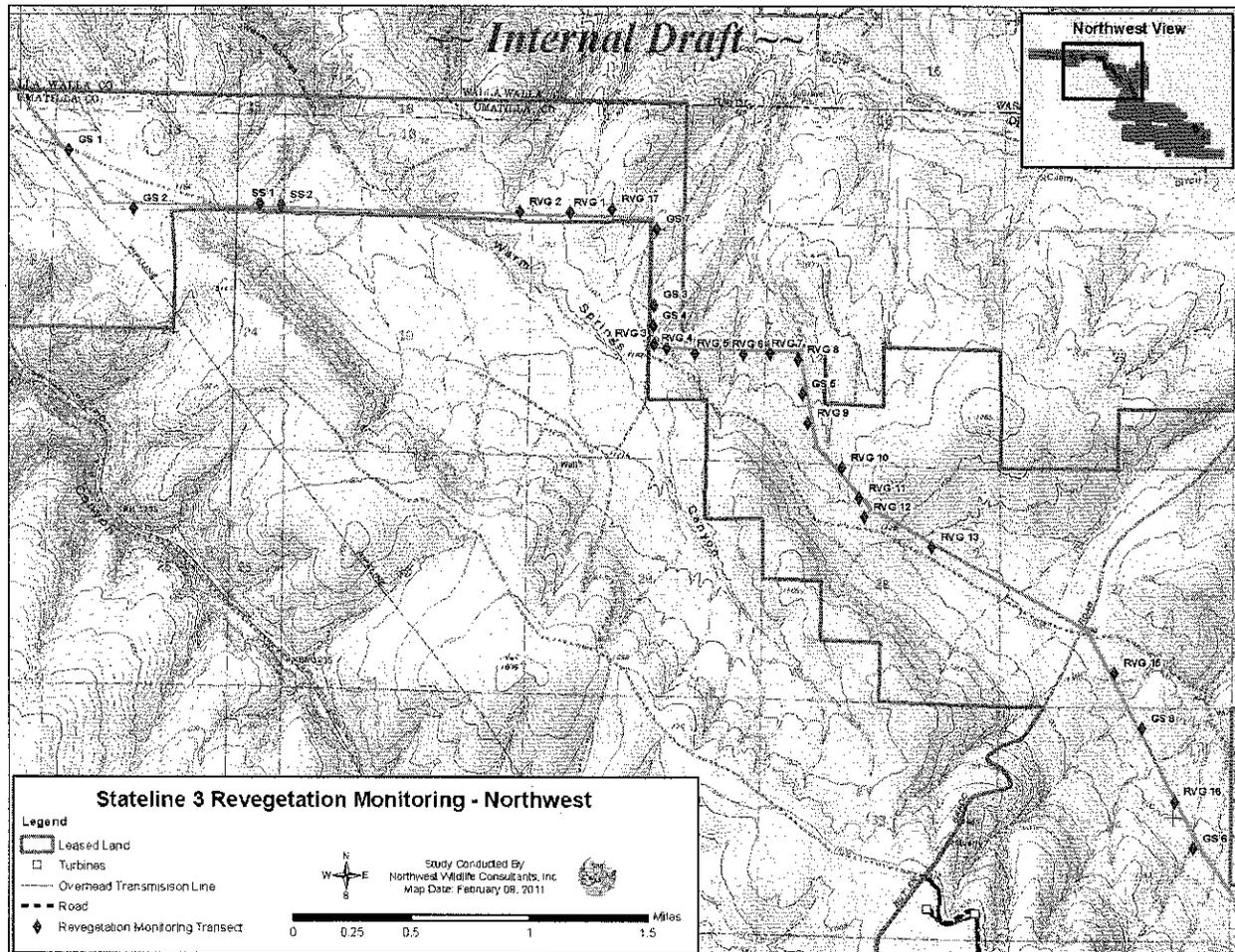
Meets Success Criteria? (Total Veg. Cover > 30% and that >25% are native species):  
\_\_\_\_\_

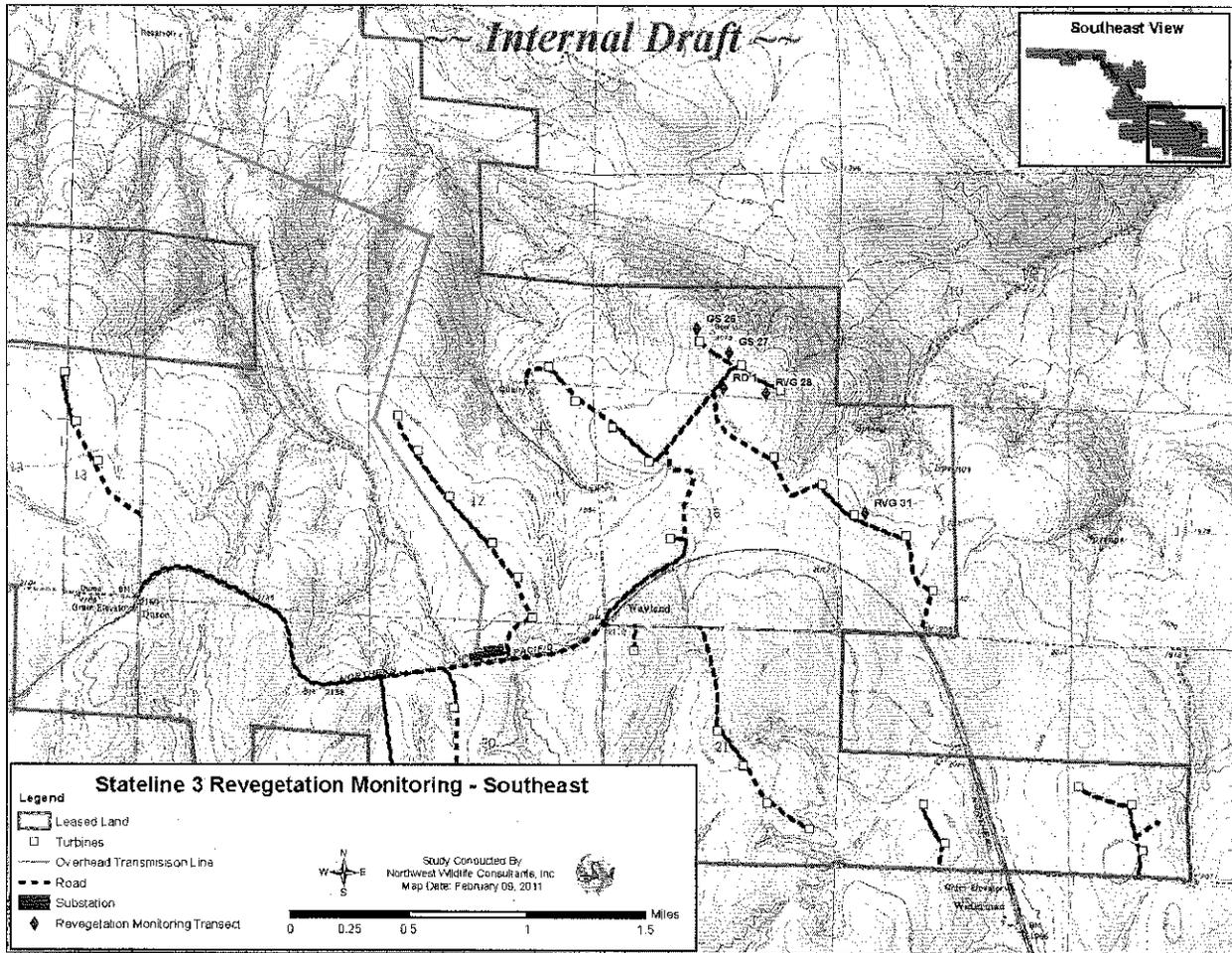
Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FIGURE**

**Figure 1. Revegetation Monitoring Transect Locations**

Two tiles: Northwest, pg. 9 and Southeast, pg 10 (a large portion of the southeast area is in active cropland and is not monitored)





## 8.0 PHOTOGRAPH

(Sample Photo)

**Transmission line construction traffic route through previously revegetated (CRP) habitat, seeded and recovering**



# **ATTACHMENT 3**

**Site Certificate Bond for Stateline 1 & 2**

**VERIFICATION OF BOND IN FORCE**  
**Form SB-3**

Type of Bond: Performance Bond

Name of Principal: FPL ENERGY VANSYCLE, L.L.C.

Obligee: STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL  
ADMINISTRATOR

Carrier: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Bond Number: 08936470

Effective Date: 8/17/2010

Limit: \$5,808,000.00

Premium: \$ 37,752.00

This Bond is continuous with no definite expiration date. Sufficient Premium has been paid to satisfy the requirements of the Carrier for this bond to 8/17/2011.

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND

By:   
Darella E. White Attorney in Fact

Date: 3/31/2011

# **ATTACHMENT 4**

## **STL 3 Wildlife Monitoring Report for the 2010 Study Year**

**Stateline 3  
Wildlife Monitoring Report  
For the 2010 Study Year**

*Prepared for:*

**FPL Energy Vansycle LLC  
P.O Box 409  
Touchet, Washington 99360**

*Prepared by:*

**Karen Kronner  
Northwest Wildlife Consultants, Inc.  
815 NW 4<sup>th</sup> St.  
Pendleton, Oregon 97801**



October 11, 2010

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Figure 1. 2010 Raptor Nest Survey Area and Results (CONFIDENTIAL)

## **1.0 BACKGROUND**

FPL Energy, Vansycle LLC owns and operates the Stateline Wind Project 1 and 2 and FPL Energy Stateline II ("Stateline 3") owns and operates Stateline 3. Stateline Wind Project (SWP) is located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The most recent phase, Stateline 3 (all in Oregon) was permitted by the State of Oregon (amendment #4 of the Stateline Site Certificate) and was constructed from mid to late 2009. It consists of 43 wind turbines installed on privately-owned land east of Stateline 1 and 2 and Vansycle I. The operating Combine Hills Phase I and II are near Stateline 3 and Vansycle I. Numerous maps and project permitting documents can be found on the Oregon Department of Energy's web site and at the Umatilla County Planning Department in Pendleton, Oregon.

As part of the permit requirements for the project, FPLE has been implementing several permit conditions. Monitoring requirements for wildlife fatalities and raptor nest use and other wildlife are described in the Permit Condition 93 and detailed in the "Stateline Wind Project Wildlife Monitoring and Mitigation Plan", dated November 20, 2009 (WMMP). The monitoring objectives are to determine whether the facility causes significant fatalities of birds and bats and to determine whether the facility results in a loss of habitat quality. Considerable monitoring has occurred for Stateline 1 and 2; Stateline 3 monitoring will occur over a two-year period, 2010–2011. In 2010, burrowing owl and other raptor nest surveys occurred and is the subject of this summary report. In the WMMP they are referred to as "Raptor nesting surveys" (item 3, page A-1) and "Burrowing owl surveys" (item 4, page A-2). No wildlife impact analysis is included at this stage of the monitoring study. Avian and bat fatality monitoring is scheduled to occur in 2011.

Northwest Wildlife Consultants, Inc (NWC), based in Pendleton Oregon was selected to conduct the study. NWC has been involved in wind power wildlife studies in the area since 1994. The same wildlife biologist that conducted many of the studies since the mid-a990's also managed the 2010 raptor nest survey and conducted all the burrowing owl surveys.

## **2.0 OBJECTIVES and METHODS**

### **2.1 Raptor Nesting Surveys**

As described in the WMMP "The objectives of raptor nest surveys are to estimate the size of the local breeding populations of tree-nesting raptor species in the vicinity of the facility and to determine whether operation of the facility results in a reduction of nesting activity or nesting success in the local populations of "target raptor species": Swainson's hawk and ferruginous hawk." And specifically for Stateline 3: "For Stateline 3, FPL Stateline shall conduct raptor nest surveys in 2010 during the nesting period (between April and June). FPL Stateline shall conduct an aerial survey within a 1-mile buffer of Stateline 3 turbines to determine nest occupancy by Swainson's hawks and ferruginous hawks. In addition, one known ferruginous hawk nest located more than one mile from Stateline 3 turbines will be surveyed. The certificate holder shall conduct a minimum of one ground survey of Swainson's and ferruginous hawk nests to determine number of young and nesting success.

For 2010, surveys were conducted within one mile of the turbines and one 2008-active ferruginous hawk nest was surveyed (Figure 1). Surveys were conducted on May 11 and 12 during the peak of nesting. The historic ferruginous hawk nest was

checked again on June 5. There were no Swainson's or ferruginous hawk nests found during the aerial survey so no ground-based monitoring occurred in 2010.

All active and inactive but likely "raptor" type nests were recorded. Trees, cliffs and other suitable structure was surveyed. Large sagebrush in Vansycle Canyon was checked for nesting ferruginous hawks because they are known to nest in large-stature sagebrush.

## **2.2 Burrowing Owl Surveys**

As described in the WMMP "The objectives of owl surveys are to estimate the size of the local breeding population of burrowing owls in the vicinity of the facility and to determine whether operation of the facility results in a reduction of nesting activity or nesting success in the local burrowing owl population." And specifically for Stateline 3 "For Stateline 3 facilities, FPL Stateline shall conduct a burrowing owl survey in 2010 for known active or historic burrowing owl nests and any newly discovered nests within 1,000 feet of the Stateline 3 wind turbines. In addition to checking all known historic burrowing owl sites, the certificate holder will search a buffer of 1,000 feet around each site to look for auxiliary burrows, new burrows or other signs of activity. Two burrowing owl nests were found within the project boundary during pre-construction in 2008 and will be checked for activity during the construction monitoring in 2009."

The two 2008 nests were the only known nests to monitor in 2010. Both were checked and an additional 1,000-foot buffer was checked for active dens. Surveys were conducted on two separate days from April through early June, the time period in which nest site use would have been most visible to the surveyor.

## **3.0 RESULTS**

### **3.1 Raptor Nesting Surveys**

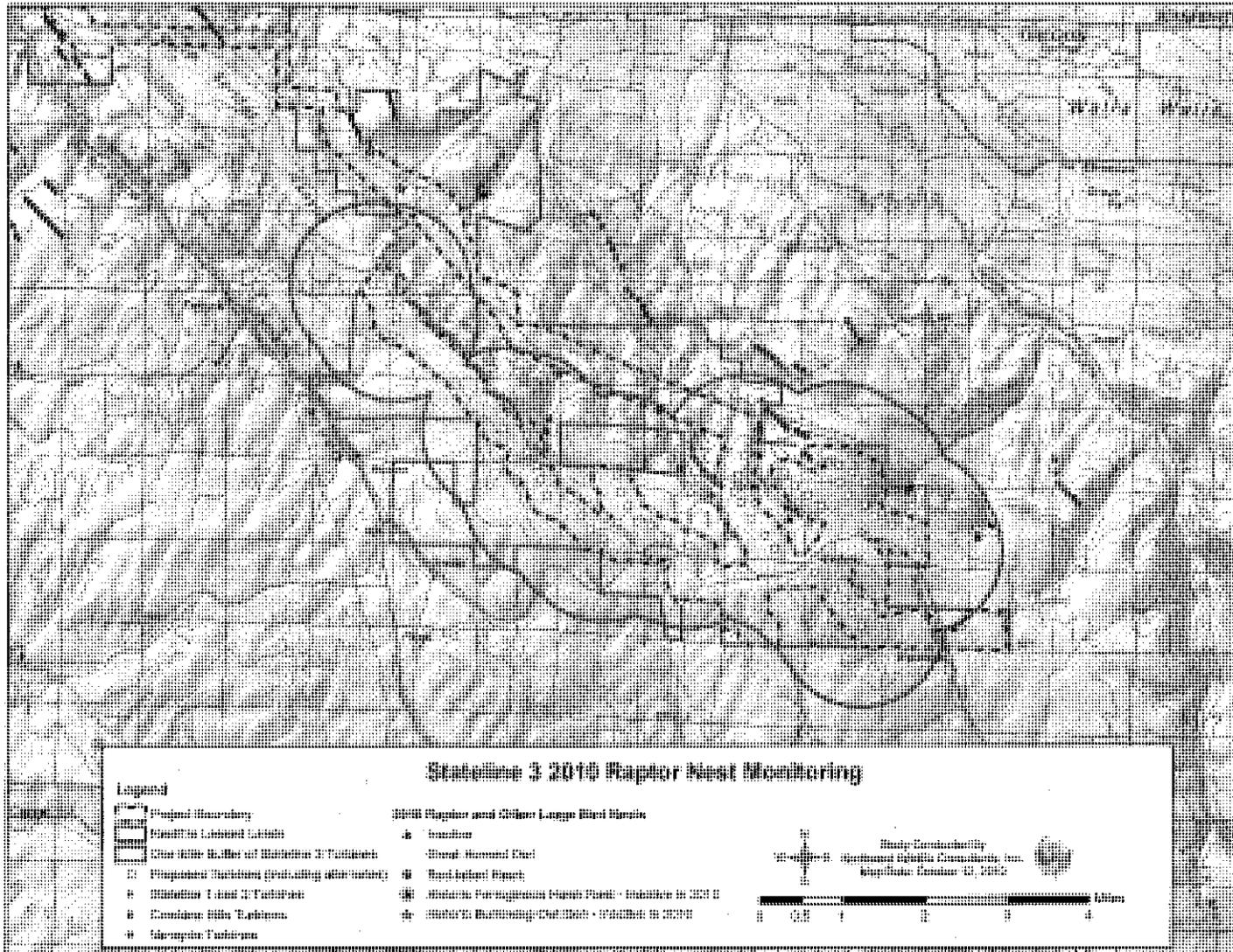
Figure 1 displays the nest survey area, the 2008 ferruginous hawk nest outside of the one-mile survey area, all the recorded nests and Stateline 3. There was one great-horned owl and 6 red-tailed hawk nests found.

### **3.2 Burrowing Owl Surveys**

Figure 1 displays the two burrowing owl nest sites monitored in 2010 and the results (no activity). No sign of prior-season use (pellets, white-wash) was noted either.

4.0 FIGURE 1

*CONFIDENTIAL DATA, not for public distribution*



# **ATTACHMENT 5**

**Site Certificate Bond for Stateline 3**

**VERIFICATION OF BOND IN FORCE**  
**Form SB-3**

Type of Bond: Performance Bond

Name of Principal: FPL ENERGY STATELINE II, INC.

Obligee: STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL  
ADMINISTRATOR

Carrier: FIDELITY AND DEPOSIT COMPANY OF MARYLAND

Bond Number: 08966919

Effective Date: 5/7/2010

Limit: \$4,053,000.00

Premium: \$ 26,345.00

This Bond is continuous with no definite expiration date. Sufficient Premium has been paid to satisfy the requirements of the Carrier for this bond to 5/7/2011.

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND

By: Darella E. White  
Darella E. White Attorney in Fact

Date: 3/31/2011

# **ATTACHMENT 6**

## **STL 3 Habitat Enhancement Area Monitoring 2010 Report**

**Stateline 3  
Habitat Enhancement Area  
2010 Monitoring Report**

*Prepared for:*

**FPL Energy Stateline II  
P.O Box 409  
Touchet, Washington 99360**

*Prepared by:*

**Karen Kronner  
Northwest Wildlife Consultants, Inc.  
815 NW 4<sup>th</sup> St.  
Pendleton, Oregon 97801**



March 9, 2011

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## 1.0 BACKGROUND

FPL Energy, Vansycle LLC owns and operates the Stateline Wind Project 1 and 2 and FPL Energy Stateline II, Inc. (FPLE) owns and operates Stateline 3. Stateline Wind Project (SWP, "Project") is located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The most recent phase, Stateline 3 (all turbines are in Oregon) was permitted by the State of Oregon (amendment #4 of the Stateline Site Certificate, dated March 27, 2009) and was constructed from mid to late 2009. A transmission line crosses into Walla Walla County. It consists of 43 wind turbines installed on privately-owned land east of Stateline 1 and 2 and Vansycle I and near Combine Hills Phase I and II (all operating wind projects). Numerous Stateline 3 maps and project permitting documents can be found on the Oregon Department of Energy's web site and at the Umatilla County Planning Department in Pendleton, Oregon. In addition, habitat mitigation concepts, plans, maps and all final documents are on file with the same agencies.

As part of the permit requirements for the project, FPLE has been implementing several permit conditions. Some are specifically for monitoring wildlife (raptor nesting and bird and bat fatalities) and for addressing revegetation of construction impact zones. Specifically for the non-agricultural habitat impacted during construction, a habitat mitigation area (HMA) was established in the vicinity and is being monitored (Permit Condition #112). The Stateline Wind Project Habitat Mitigation Plan (HMP) dated March 27, 2009, includes background information including habitats impacted by SWP and acres required for mitigation to meet ODFW's Fish and Wildlife Habitat Mitigation Policy (described in Oregon Administrative Rule # 635-415-0025). Rounded to the nearest whole acre, 11 acres is the size of the required habitat mitigation area (calculations in HMP pgs. C-2 and C-3). FPLE has voluntarily committed to a larger site (50 acres). It consists of native grassland steppe with prior records of the State endangered Washington ground squirrel. To be effective for long-term conservation of native vegetation and special status wildlife, more than 11 acres was determined by FPLE and NWC to be more desirable than the required 11 acres. Although the mitigation acreage requirement was for only 11 acres (not 50 acres), for enhancement actions and monitoring, the whole site is being addressed. The SWP HMP is more of a conservation of native biological values than an enhancement-intensive mitigation approach.

Enhancement activities conducted by FPLE and monitoring of the vegetation and wildlife was initiated in 2010 and is the subject of this report. One Enhancement Action, grazing, was voluntarily initiated by the landowner; in the past, there had been periodic intensive sheep grazing, no particular pattern of use.

Because this is the first year, this report does not analyze trends towards meeting success or the success criteria (HMP, pg. C-6). Where applicable, such as the condition of the vegetative structure as visually assessed (due to the absence of livestock grazing) is noted.

Northwest Wildlife Consultants, Inc (NWC), based in Pendleton Oregon was selected to conduct the monitoring in 2010 and 2011. NWC has been involved in wind power, wildlife studies in the area since 1994. The same wildlife biologist that conducted many of the Stateline 1, 2 and 3 studies since the mid-1990's also prepared all the background information on the HMA's values and ability to meet the mitigation objectives. NWC staff has informally and formally studied the site, observed periodic intensive sheep grazing and have studied the nearby landscape for special status wildlife since 1987.

## 2.0 ENHANCEMENT ACTIONS IMPLEMENTED

Section V of the HMP specifies four "Habitat Enhancement Actions". These are: 1) Modification of Livestock Grazing, 2) Weed Control and Area Seeding, 3) Fire Control, and 4) Habitat Protection. It is anticipated that removal of livestock grazing and spot-spraying for noxious weeds will result in noticeable higher quality habitat.

### Enhancement Accomplishments:

- 1) No livestock grazing has occurred in 2010 on the HMA or adjacent native or CRP habitat.
- 2) Inspections for target weed species (yellow star thistle in particular and any other Umatilla County-designated noxious weeds, List A and B) occurred twice in 2010 (May and July) and spot-spraying of weed patches was conducted by a commercial herbicide applicator under contract to FPLE. Figure 2 displays an area with persistent yellow star thistle (*Centaurea solstitialis*) that was sprayed. No other patches of weeds that are causing impacts on the native vegetation were noted. No native grass seeding was conducted, but may occur in the appropriate seeding period of 2011-2012 in the weed-sprayed areas. Inspection of the weed-spraying results occurred in October.
- 3) Fire control plans are in place as specified in permit condition #34.
- 4) The HMA is protected under a long-term conservation easement with the landowner. With the exception of active weed control conducted by FPLE, no human-activity land uses occurred.

## 3.0 MONITORING

The HMP specifies eight monitoring procedures that will begin in the first year after enhancement actions begin (HMP, pg. C-4). The first year after action items 1-4 were implemented is the 2011 vegetative growing season; monitoring is anticipated to occur in the May-June period. Monitoring procedures #7 and #8, however, specify that the avian survey and observations of special status plant and wildlife species will begin in the first year after beginning of construction. Construction began in 2009; therefore, these monitoring procedures began in 2010. Also in 2010, in preparation for the 2011 monitoring, preliminary photo plot placement was assessed and a few representative photos were taken of weed control areas and native bunchgrass habitat.

### Monitoring Accomplishments

Monitoring Item #7 (area search avian surveys) and #8 (observations of special status wildlife and plants) occurred together in May 2010. Although the mitigation requirement was for 11 acres (not 50 acres), for monitoring purposes, the whole site is being studied.

During early spring 2010, NWC designed an avian search plot layout, selected 5 plots for the 50-acre HMA, and discussed this with Mark Kirsch, ODFW District Biologist in Pendleton, Oregon. He agreed with the approach. The plots are all grassland steppe habitat; topography is variable.

The area search census is a method in which observers traverse throughout a plot for a fixed time and records all birds within and outside the plots. Figure 1 illustrates the plots. On May 21 and May 28, an experienced avian surveyor familiar with the site and the avian communities of the habitat (2001-2009) conducted 20-minute avian searches in each of the five plots. Earlier surveys were not possible due to extensive weather fronts/poor survey conditions. All wildlife was recorded, only special status species were plotted. Avian and other wildlife species recorded and the total number of each for the two surveys were: western meadowlark (1 at plot A), northern harrier (1

flyover of the site), 3 horned larks (1 at plot A, 2 at plot D), 5 grasshopper sparrows (heard or seen outside of plots) and 1 mule deer doe (plot C). The grasshopper sparrow is an Oregon Sensitive-Vulnerable status species and has been known to occur in the HMA and nearby grassland steppe (NWC formal and informal surveys 2001-2009).

After conducting the wildlife surveys, the surveyor looked for special status plants and wildlife throughout the site. The same target species list as was used for multiple years of Stateline 1, 2, 3 surveys was used (refer to extensive EFSC permit files). None of the species were found. Sign of possible past use by the Washington ground squirrel (diagnostic holes) were noted but none were heard and no confirmed sign (scat) was found.

#### **4.0 RECOMMENDATIONS**

In 2011, it is recommended that the following occur:

*Enhancement Actions #1, 2:*

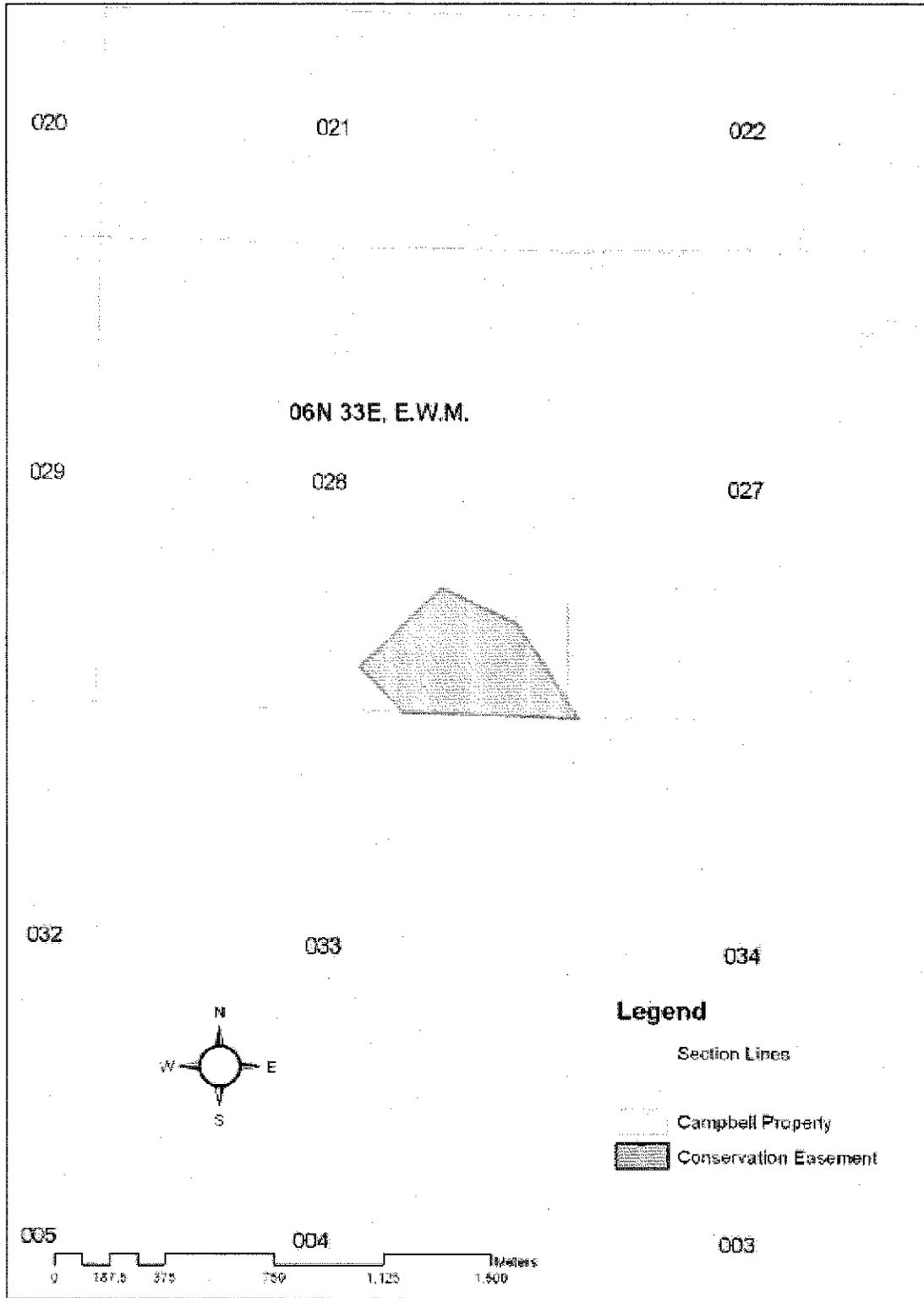
Request grazing plans from landowner. Inspect for noxious weeds in previously known weed patch (Figure 2) and the rest of the HMA. Spray weeds if needed, inspect for results in October. If sufficient bare ground exists, consider native grass seeding in the wet period from November 2011 through January 2012.

*Monitoring Procedures:*

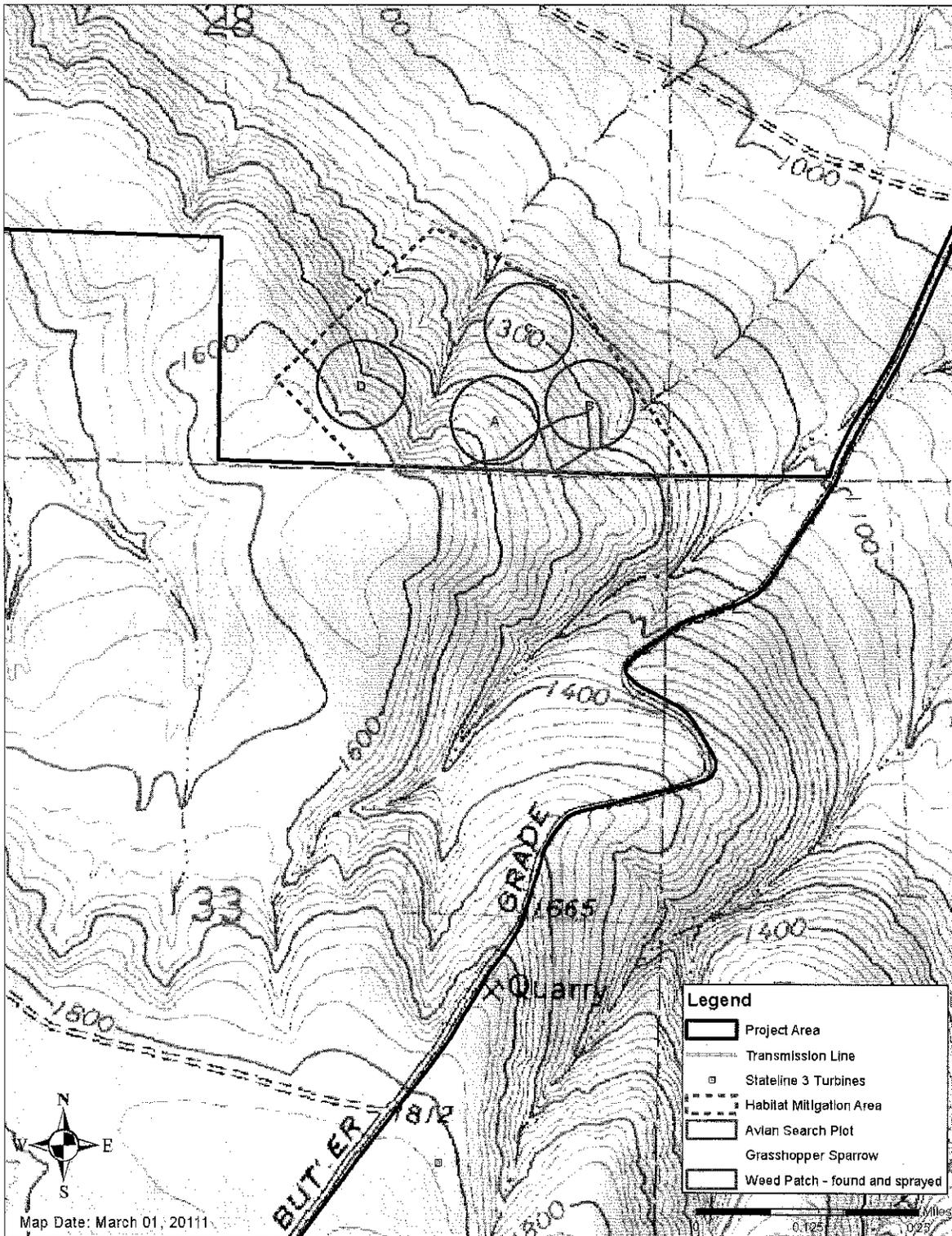
Implement Monitoring Procedures 1-8. Although another area search at plots A-D is not needed again until 2015 ("every five years"), we recommend conducting this in 2011; 2010 may have been a lower or higher-activity year due to weather or other factors. Two back-to-back survey years is suggested.

## 5.0 FIGURES

Figure 1. Stateline 3 50-acre Habitat Mitigation Area, Umatilla County Oregon.



**Figure 2. Stateline 3 Habitat Mitigation Area 2010 Monitoring**



## 6.0 PHOTOS

Photo 1. Looking north. Native bunchgrass slope of HMA, October 2010 (Stateline 1 turbines in background).



Photo 2. Yellow star thistle infestation (area sprayed in 2010, more scheduled for 2011).



# **ATTACHMENT 7**

**Stateline Wind Project  
WRRS Data for 2010**





April 25, 2012

**SENT VIA E-MAIL AND UPS**

Mr. John White  
Oregon Department of Energy  
625 Marion Street NE, Suite 1  
Salem, OR 97301-3742

**Re: "Stateline Wind Project" 2012 Annual Report  
FPLE Energy Vansycle, LLC, and FPL Energy Stateline II, Inc.**

Dear Mr. White:

Pursuant to OAR 345-026-0080, attached please find the 2012 annual report for FPL Energy Vansycle, LLC, ("Stateline 1 & 2") and FPL Energy Stateline II, Inc, ("Stateline 3") together known as "Stateline Wind Project". These two certificate holders fall under the Fourth Amended Site Certificate for the Stateline Wind Project. This annual report consists of the following components:

1. 2012 Annual Report
2. 2012 Compliance Plan Table
3. Attachments 1 through 7 that support the 2012 Annual Report and Compliance Plan table:
  - Attachment 1 - Milton Freewater Rural Fire Department: Record of Payment (#33)
  - Attachment 2 – STL 3 Revegetation Monitoring Report for the 2011 Vegetative Growing Season (#65, #91)
  - Attachment 3 – Site Certificate Bond for STL 1 & 2 (#80)
  - Attachment 4 – Stateline 3 Memorandum Regarding Wildlife Fatality Monitoring Estimated Annual Fatalities and Thresholds (#89, #93)
  - Attachment 5 - Site Certificate Bond for STL 3 (#109)
  - Attachment 6 – STL 3 Habitat Enhancement Area 2011 Monitoring Report (#112)
  - Attachment 7 – 2011 WRRS Data for Stateline Wind Project (report and #93)
  - Attachment 8 – STL 1 & 2 Offsite Artificial Nest Site Monitoring Memorandum (Section 1.5 of the Annual Report)

Also, as per Condition 127 of the Compliance Table, we have submitted a copy of this report to the Umatilla Planning Commission to the person listed below.

Should you have any questions regarding the 2011 annual report please feel free to call me.

Best regards,



*Rich Piper  
Water & Wildlife Section  
Environmental Services Department  
(561) 691-7058 office  
(561) 301-5621 cell*

Enclosures

cc: John Goodwin, NextEra Energy  
Paul Landers, NextEra Energy  
Brian Wysong, NextEra Energy  
Janine Bacquie, NextEra Energy  
Karen Kronner, Northwest Wildlife Consultants, Inc  
Duane Kilsdonk, Oregon Department of Energy

Carol Johnson, Senior Planner,  
Umatilla County Planning Department

**2012 Annual Report  
FPL Energy Vansycle LLC  
FPL Energy Stateline II, Inc  
Fourth Amended Site Certificate  
for the Stateline Wind Project**

**Submitted: April 25, 2012**

Pursuant to OAR 345-026-0080, FPL Energy Vansycle LLC (Stateline 1 & 2), and FPL Energy Stateline II, Inc. (Stateline 3), together known as the "Stateline Wind Project" or "certificate holder", submits this annual report on the operation of the Stateline Wind Project ("Facility") to the Energy Facility Siting Council ("Council"). As a condition in the Fourth Amended Site Certificate ("Amendment #4") and as required by OAR 345-026-0080(1)(b), the certificate holder must provide an annual report to the Council by April 30 of each year after beginning construction. The annual report must address the issues set forth at OAR 345-026-0080(2)(a)-(h). This annual report fulfills this requirement for the calendar year 2011 by addressing each issue and providing a table and supporting documents, attached hereto, demonstrating compliance with all applicable site certificate conditions.

**1.1 OAR 345-026-0080(2)(a)**

**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;

**Response:** Stateline 1 & 2 has been in commercial operation since December 21, 2001, with 186 turbines operating and providing wind-generated electricity for sale. FPL Stateline completed construction and commissioned 126 Stateline 1 turbines on December 21, 2001 and 55 Stateline 2 turbines on December 10, 2002 as provided in Amendment #1, and 5 turbines in the Stateline 2 area on December 15, 2004, as provided in Amendment #2. Those 5 turbines were moved in 2004, and are operating at the improved production and efficiency rates as projected in the 2004 report. No significant adverse impact occurred during 2011. There was a 5000 acre grassfire in Vansycle Canyon in August of 2011, but there was no structural damage and no injuries.

For Stateline 3, construction began on 43 turbines on June 9, 2009. Stateline 3 became operational on December 16, 2009. No significant adverse impact occurred during the years 2010 and 2011.

1.2 OAR 345-026-0080(2)(b)

**Reliability and Efficiency of Power Production:** For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors, and shall describe any actions taken to prevent the recurrence of such problems;

**Response:** Wind provides the sole means of power production. FPL Stateline continues to maintain capacity factor information as proprietary information for the reasons we explained in our 2002 annual report correspondence. However, FPL Stateline recognizes the Oregon Department of Energy's (ODOE) right to request such information in the future if it is found to be necessary as described under ORS 469.080.

1.3 OAR 345-026-0080 (2)(c)

**Fuel Use:**

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

**Response:** The Facility uses wind as fuel to produce electric energy. No power heat rate was evaluated when the facility was sited because this metric is not applicable to a wind facility; therefore, this requirement does not apply to the Facility.

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

**Response:** The Facility's sole fuel type is wind. For Stateline 1 & 2, Commercial Availability was 95.17 percent for the 2011 year. For Stateline 3, Commercial Availability data became available on 1/1/2010. Commercial Availability was 97.59 percent for Stateline 3 for the 2011 year. Commercial availability is defined as the percent of time that a turbine is available to produce energy when there is sufficient wind for generation, excluding outages outside of the plant's control, such as force majeure downtime, weather downtime, or utility downtime.

#### 1.4 OAR 345-026-0080(2)(d)

**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.

**Response:** For Stateline 1 & 2, FPL Energy Vansycle, in consultation with ODOE, replaced its Letter of Credit with a Site Certificate Bond in the amount of \$5,745,000 on August 17, 2009. The Bond is automatically renewed for the total amount annually. The Bond was renewed on June 30, 2011, in the amount of \$5,869,000.00 (See Attachment 3). For Stateline 3, FPL Energy Stateline II, Inc., in consultation with ODOE issued a Site Certificate Bond in the amount of \$4,053,000 issued on May 1, 2009. The Bond is automatically renewed for the total amount annually. The Bond was renewed on June 30, 2011, in the amount of \$4,099,000.00 (See Attachment 5).

#### 1.5 OAR 345-026-0080(2)(e)

**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.

**Response:** Monitoring of the Habitat Enhancement Area and wildlife monitoring are the significant monitoring and mitigation activities performed at the Stateline Wind project.

#### *Revegetation and Habitat Enhancement Area Monitoring*

##### Specific to Stateline 1 & 2

Revegetation monitoring for the temporarily disturbed areas for Stateline 1 & 2 was complete and reported in the 2006 Revegetation Report.

Oregon's Habitat Enhancement Area (HEA) five year vegetation monitoring for Stateline 1 and 2 was completed in June of 2010, and the final report was submitted with the modified 2010 Annual Report on October 4, 2010. This fulfilled the five year monitoring plan for Stateline 1 & 2 Oregon Habitat Enhancement Area. Under the monitoring plan, monitoring of the Enhancement Area will continue once every five years thereafter. The next monitoring for Stateline 1 and 2 HEA will occur in the spring of 2015, and will be submitted with the 2016 Annual Report.

### Specific to Stateline 3

For Stateline 3, the first year of the 5-year Revegetation Monitoring Plan was started December 2010/January 2011. The 2<sup>nd</sup> year monitoring occurred September/October 2011 per the Revegetation Plan. Results are attached in this 2012 Annual Report as Attachment 2. No reseeding is recommended at this time, although weed control for yellow star thistle was conducted; spraying occurred in 2011 and results are being monitored. In addition, for 2012, a weed control plan is being developed.

The first year vegetation monitoring and wildlife surveys in the Oregon Habitat Enhancement Area (HEA), also called the Habitat Mitigation Area (HMA) for Stateline 3 was performed during the May/June 2010 time frame. Recommendations for 2011 included confirming that no grazing would occur in 2011 (discussed with Stateline 3 manager and the landowner) and inspecting for noxious weeds and spraying if needed. The second year monitoring of the HEA occurred in May to early June of 2011. The STL 3 Habitat Mitigation Area monitoring report for 2011 is provided as Attachment 6 to this 2012 Annual Report. Photo points were taken and representative samples are included in the report. Wildlife surveys were conducted and results are provided in the report. Weed control (spraying) occurred in 2011 and if needed, will occur in 2012. The biologists will look for opportunities to seed with native grass species any bare or sparsely-vegetated areas resulting from the weed control treatment.

### Wildlife Monitoring

Wildlife monitoring has occurred per the Oregon Wildlife Monitoring Plan, revised on 11/20/09, ("Plan"). Compliance with the Plan can be summarized as follows, up to the current year of compliance for 2011:

1. Fatality monitoring for Stateline 1 and 2 was completed in 2006. One year of fatality monitoring for Stateline 3 was conducted from January 2011 – January 2012. The final monitoring report is being prepared, and is expected to be complete by early summer. A summary of findings is attached as Attachment 4 to this 2012 Annual Report.
2. Transect (displacement) surveys were completed for the Stateline 1 turbines in 2006. Expansion of Stateline did occur (Stateline 3) through Amendment #4 of the Site Certificate. As part of an amendment proceeding, the Wildlife Monitoring Plan was revised and approved on March 27, 2009. A grassland bird displacement study is not required for Stateline 3.
3. Raptor nest surveys for existing raptor nests for Stateline 1 and 2 were completed in 2006.
4. For Stateline 3, raptor nest surveys were required in 2010, and were performed and were reported in the STL 3 Wildlife Monitoring Report, Attachment 4 of the 2011 Annual Report.
5. Burrowing owl surveys for Stateline 1 and 2 were done in tandem with fatality monitoring for Stateline 1 and 2.

6. Burrowing owl surveys for Stateline 3 were required in 2010 for known active or historic burrowing owl nests and any newly-discovered nests within 1,000 ft of the Stateline 3 turbines. These surveys were performed and are reported in the 2011 Annual Report as Attachment 4.
7. For Stateline 1 & 2, avian use surveys have been done in conjunction with fatality monitoring (see above).
8. For Stateline 3, avian use surveys are not required but general observations of special status birds and mammals within the facility site and birds perched on transmission line conductors and support structures in the vicinity of the turbines were recorded while the carcass search contract personnel were on site. This information will be provided in the monitoring report expected to be available May 2012.
9. Compliance with the Wildlife Response and Reporting System (WRRS) is ongoing for Stateline 1, 2 and 3. Reporting of “incidental finds” is required for the life of the project, with annual reporting to the Oregon Department of Energy.
10. “Protocol searches” of a sample of Stateline 1 and Stateline 2 turbines have been completed. Protocol searches are required for Stateline 3 turbines as per Amendment #4 of the site certificate. For Stateline 3, this occurred from January 2011 to January 2012. The final report will be complete by early summer 2012. Attachment 4 of this Annual Report gives a brief summary of the results.

#### Specific to Stateline 1 & 2

For Stateline 1 & 2, wildlife monitoring and compliance for the year 2011 consisted of complying with Section 12. Mitigation, and performing Stateline’s WRRS. Per the Plan, three artificial nest sites (ANS) were constructed and installed in early 2007, with the focal species being ferruginous hawk. Monitoring of these three artificial nest sites was performed in May, 2007, May 2008, May 2009, April/May of 2010, and May of 2011. A five-year (2007-2011) ANS monitoring memorandum prepared by Northwest Wildlife Consultants, Inc. (NWC) is provided as Attachment 8, to this 2012 Annual Report. In summary, one site was used successfully in 2009 by a pair of ferruginous hawks. Two juveniles successfully fledged but unfortunately were found to have been killed by coyotes a few days later. No activity was observed during the spring 2010 or 2011 monitoring at this particular ANS. In 2011, one of the other ANS was used by the common raven (not a “raptor” species of interest). These three ANS are to be monitored yearly for 10 years after construction of the artificial nest sites and relocated if needed, as per the Plan. The plan specifies that “Department shall determine the need for ongoing maintenance of the ANS beyond the first five years based on the monitoring data on the success of the ANS in attracting raptor use”.

Stateline’s WRRS report for 2011 (which includes STL 1, 2 & 3) showed a total of 26 avian and 2 bat fatalities. Three were American Kestrels, one each found in January, October and December; fifteen passerines found and eight game birds found at various times of the year. In addition, one hoary bat and another unidentified bat were found. Attached to this report as Attachment 7 is the summary of the 2011 Stateline WRRS data.

The Oregon Wildlife Monitoring Plan, Section 12, Mitigation, also discussed the Birch Creek Project (“Project”) for mitigation measures. As of this date, the Project is complete, and as previously reported, Stateline contributed the entire \$9,000 budget for riparian and upland fencing to exclude cattle from the area. Fencing maintenance is the responsibility of the landowner. Periodically, the ODFW will be in the project area and will notify the land owner if there are any issues with the fencing. The ODFW has the responsibility for monitoring of The Project, and periodically assesses the vegetative cover condition from the air while conducting big game surveys. In April 2012 Mark Kirsch (ODFW) stated to Karen Kronner of NWC that the upland grasslands look good and are in better condition than outside the fence where cattle grazing occur. There has been some pre-commercial thinning of the fir trees which has likely resulted in better snowshoe hare populations, which is food for some raptors. The fence itself appears to be in good working order when the ODFW has viewed the property from the air or on-the-ground while in the area for other wildlife management activities.

Under the Mitigation Section, the Plan also requires contributions to the Blue Mountain Wildlife Rehabilitation Center. The Plan requires a payment of \$3,000 in 2006, and then \$1,500 annually thereafter for four years (2007 - 2010). The 2006 payment of \$3,000 was made in April of that year, and then the \$1,500 was paid in September 2007, April 2008, April 2009, and April 2010. In June of 2008, Stateline contributed an additional \$5,000 per a request for financial support of specific projects presented by Blue Mountain Wildlife. In 2010, Stateline contributed at additional \$22,020 for Blue Mountain Wildlife’s education program to schools in their local area. In 2011, Stateline continued their support of the education program with a contribution of \$20,000.

### Specific to Stateline 3

For Stateline 3, formal wildlife fatality monitoring study occurred from January 2011 to January 2012. A total of 7 birds and 16 bats were found. The birds consisted of 1 galliform (ring-necked pheasant), 4 passerines, 1 raptor and 1 woodpecker. No special status birds were found. Two bat species were found, hoary and silver-haired. Both are Oregon Sensitive status.

One of the 7 birds was found during the clean-up search and one of the bats was found as an incidental. Six birds and 15 bats were used for calculating the per-turbine and per-MW mean annual fatality estimates. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly accepted in the scientific community as a more precise estimator in certain circumstances). Both results will be provided in the final NWC report, expected to be complete by early summer 2012. Attachment 4 provides a brief summary memorandum containing results for the Schoenfeld estimator method. Thresholds established in the Plan are addressed in this brief summary report. No mitigation thresholds were exceeded.

Stateline’s WRRS report for 2011 (which includes STL 1, 2 & 3) showed a total of 26 avian and 2 bat fatalities. Three were American Kestrels, one each found in January, October and December; fifteen passerines found and eight game birds found at various times of the year. In addition, one hoary bat and another unidentified bat were found. Attached to this report as Attachment 7 is the summary of the 2011 Stateline WRRS data.

**1.6 OAR 345-026-0080(2)(f)**

**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.

**Response:** There have been no instances of noncompliance with a site certificate condition. See the accompanying 2011 Compliance Plan Table.

**1.7 OAR 345-026-0080(2)(g)**

**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.

**Response:** No modifications requiring a facility modification report were conducted at the site.

**1.8 OAR 345-024-0630(h)**

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

**Response:** This requirement does not apply to the Facility.

**2012 Compliance Plan Table**  
**Stateline Wind Project**  
**Fourth Amended Site Certificate (Amendment #4)**  
Submitted : April 25, 2012

<b>General Conditions</b>		
<b>No.</b>	<b>Requirement</b>	<b>Response</b>
1	<b>For Stateline 1, 2 and 3. General Condition</b> The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27. (OAR 345-027-0020(1))	No request for change was submitted in the year 2011.
2	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(3))	The facility was designed, constructed, and currently is operated in compliance with the site certificate, statutory and regulatory requirements, and all applicable permit requirements. Construction has been completed for the Stateline 1 and the Stateline 2 facilities (the 5 remaining turbines were constructed in 2004). Construction was completed for Stateline 3 on December 16, 2009.
3	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate (345-027-0020(4)). See conditions (24), (97), and (106). [Amendment #4].	The certificate holder has complied with this requirement. Construction has been completed for the Stateline 1 and Stateline 2 facilities (the 5 remaining turbines were constructed in 2004).  For Stateline 3, construction began on June 9, 2009 and was completed on December 16, 2009.
4	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. (345-027-0020(7))	The certificate holder has complied and will continue to comply with this requirement. No conditions have developed that would preclude restoration of the site to a useful, non-hazardous condition. The certificate holder currently is operating the facility in compliance with the site certificate, all applicable statutory and regulatory requirements, and all applicable permit requirements to prevent the development of any such conditions.
5	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(10))	The certificate holder has complied with this requirement.

6	<p><b>For Stateline 1, 2 and 3. General Condition</b> For the related or supporting transmission lines:</p> <p>(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition); and</p> <p>(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. (OAR 345-027-0023(6)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with these requirements through the design, construction and operation of the facility.</p> <p>It was determined that it was not necessary to ground any fences, gates, cattle guards, trailers or any other structures of permanent nature.</p>
7	<p><b>For Stateline 1, 2 and 3. General Condition</b> The following general monitoring conditions apply:</p> <p>(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Office of Energy and receive Office approval before beginning construction or, as appropriate, operation of the facility.</p> <p>(b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.</p> <p>(c) For each monitoring program described in sections (a) and (b), the certificate holder shall have quality assurance measures approved by the Office before beginning construction or, as appropriate, before beginning commercial operation.</p> <p>(d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Office describing the impact on the facility and any affected site certificate conditions. (OAR 345-027-0028) [Amendment #4]</p>	<p>For the operating phases of the project, the certificate holder has complied with (a), currently is monitoring in compliance with (b), has complied with (c), and is unaware of any significant environmental change or impact attributable to the facility that would require the written report in (d).</p>
8	<p><b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall report according to the following requirements:</p> <p>(a) General reporting obligation for non-nuclear facilities under construction or operating:</p> <p>(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 Council. 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 this rule;</p> <p>(ii) By April 30 of each year after the beginning of construction, the certificate holder shall submit an annual report to the Council addressing the subjects listed in this rule. The Council secretary and the certificate holder may, by mutual agreement, change the reporting date.</p>	<p>For the construction and operating phases of Stateline 1, 2 &amp; 3, the certificate holder has complied with 8(a)(i).</p> <p>This table and the 2012 Annual Report it accompanies meet the requirements of 8(a)(ii) and 8(a)(iii).</p> <p>The 2012 Annual Report discusses requirements 8(b)(i) through 8(b)(viii), and therefore this table and the 2012 Annual Report meets this requirement</p>

(iii) To the extent that information required by this rule 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.

(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

(i) Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.

(ii) Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

(iii) Fuel Use: For thermal power plants:

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

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

(iv) Status of Surety Information: Documentation demonstrating that the 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).(OAR 345-026-0080) [Amendment #4]

9	<b>For Stateline 1, 2 and 3. General Condition</b> This condition removed by Amendment #4	
10	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder and the Office 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. (OAR 345-026-0105) [Amendment #4]	The certificate holder has complied with these requirements and will continue to do so if additional correspondence is exchanged (For Stateline 1 & 2, see correspondence dated February 16, 2005 from Anne Walsh to John White, Condition 10 documentation).
11	<b>For Stateline 1, 2 and 3. Meet Before Construction</b> Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020(5), the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: (a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or (b) The certificate holder would construct and operate part of a wind 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. (OAR 345-027-0020(5)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder acquired and has on file all necessary leases and easements that are required for construction rights. These agreements were in place before beginning Stateline 1, 2, and 3 constructions.
12	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> Following receipt of the 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 Office 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. (OAR 345-026-0048) [Amendment #4]	The certificate holder has complied with this requirement. In summary: <ul style="list-style-type: none"> <li>• Construction for Stateline 1 in Oregon began on September 15, 2001.</li> <li>• Construction for Stateline 2 began on August 16, 2002</li> <li>• Construction for the 5 remaining Stateline 2 turbines began in October 2004 (see September 7, 2004 correspondence from Anne Walsh to John White).</li> <li>• Construction of Stateline 3 began on June 9, 2009.</li> </ul>

13	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. (OAR 345-027-0020(2)) [Amendment #4]</p> <p>See Condition (84).</p>	<p>For the constructed phases of the project, the certificate holder has complied with this requirement.</p> <ul style="list-style-type: none"> <li>• The certificate holder submitted to the Office of Energy a legal description in the form of as-built drawings of the built portions of Stateline 1 and 2 with a revision date of 2/7/03.</li> <li>• In 2004, the five remaining Stateline 2 turbines were constructed and new as-built drawings were developed in 2005. The revised as-built drawings have a date of 4/7/05, and the title of the drawings is “Stateline Wind Project, Walla Walla Co., Washington, Umatilla Co., Oregon, Phase 1, 2 Reconfiguration and WS-A Relocation Projects Record Drawings” (See “Stateline 2004 Annual Report”, Attachment 1, “2005 Stateline Wind Project As-Built, submitted 4/29/05). The five turbines were listed as hgs 1 – hgs 5, specifically shown on Drawing P-26.</li> <li>• For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.</li> </ul>
14	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-0020(6))</p>	<p>The certificate holder has complied with this requirement.</p> <p>For the constructed portions of Stateline 1 and Stateline 2, specific mitigation activities are addressed in the certificate holder’s responses to other site certificate conditions (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 14 documentation).</p> <p>At this time, no mitigation is required for Stateline 3.</p>
15	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. The certificate holder shall maintain the 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. (OAR 345-027-0020(8)) See Conditions (80) and (109). [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. See response to both conditions 80 (for Stateline 1 &amp; 2), and 109 (for Stateline 3) for additional details.</p>

16	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence. (OAR 345-027-0020(12))</p>	<p>The certificate holder has complied with this requirement. During construction of Stateline 1, 2 &amp; 3, and for the Stateline 2 (5 turbines) there was no condition of seismic hazard that differ significantly from those described in the application for a site certificate.</p>
17	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(13)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. During construction of Stateline 1, 2 &amp; 3, and for the Stateline 2 (5 turbines) there was no conditions in the foundation rocks that differ significantly from those described in the application for a site certificate.</p>
18	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(14)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. During construction of Stateline 1, 2, &amp; 3, and for the Stateline 2 (5 turbines) the certificate holder did not find any shear zones, artesian aquifers, deformations or clastic dikes at or in the vicinity of the site.</p>
19	<p><b>For Stateline 1, 2 &amp; 3. Meet Before Operations Begins</b> 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. (OAR 345-027-0020(9)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p>
20	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begins</b> Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape portions of the site disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall dispose of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. (OAR 345-027-0020(11)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. The certificate holder has restored vegetation and landscaping to those portions of the site disturbed by construction. The certificate holder conducted these activities consistent with the Re-Vegetation Plan (Revised March 27, 2009) approved by the Energy Facility Siting Council (Final Order on Amendment #4, Attachment B). The certificate holder has disposed of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p>

<p>and 3. Meet During Operations Condition removed by</p>	<p>transmission lines for the facility within an approved corridor.</p>
<p><b>and 3. Meet During Operations</b> The certificate holder shall notify the energy within 72 hours of any occurrence involving the facility if:      attempt by anyone to interfere with its safe operation;      event such as an earthquake, flood, tsunami or tornado, or a human-caused event or explosion affects or threatens to affect the public health and safety; or      fatal injury at the facility.      (70) [Amendment #4]</p>	<p>On June 26, 2007, someone tried to cut cable outside the #25 box, causing a string of turbines to come off line. Repairs were made, and the turbines came back on line on June 27, 2007. No injuries were reported.</p> <p>On November 1, 2008, some college students trespassed and graffitied on 3 HGM turbines. The students were caught and performed community service on the landowner's property. A police report was filed. There were no injuries and no turbine interruptions.</p> <p>WA February 4, 2011. The substation yard had been broken into and approximately 200 ft of copper wire had been stolen. In addition, approximately \$17,000 worth of High Voltage tools had been stolen from the HV trailer.</p> <p>OR April 3, 2011. Crew went to WTG BGB-21 to perform maintenance and discovered that WTG door lock had been shot off. Crew found numerous shell casings on the ground surrounding the turbine. Crew stated that nothing seemed to be missing.</p> <p>WA June 16, 2011. Technician informed FPDC that two trespassers were attempting to remove scrap cable. Trespassers dropped cable and vacated site grounds when approached by site crew. Local law enforcement has been contacted and is investigating the event.</p>

		<p>WA August 2, 2011. There was a 5000 acre grass fire in Vansycle canyon. No facility equipment was damaged.</p> <p>WA August 12, 2011. Suspects hot wired a backhoe and used it to force the gate open in an attempt to steal a roll of 750 MCM copper cable. While trying to leave the scene of the crime, the suspect's vehicle tire blew out and the roll of copper flew off the bed of the truck. The suspects fled the scene and left their vehicle behind.</p> <p>There have been no occurrences on Stateline 3 property.</p>
24	<p><b>For Stateline 1 Area Only. General</b> The certificate holder shall begin construction of the Stateline 1 within one year after the effective date of the site certificate. The certificate holder shall complete construction of Stateline 1 on or before two years from the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #4] See condition (3)</p>	<p>The certificate holder has complied with this requirement. The effective date of the site certificate is September 14, 2001. Construction began on Sept 15, 2001 and was completed December 21, 2001.</p>
25	<p><b>For Stateline 1, 2 and 3. General</b> Within 72 hours of discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. The certificate holder has not discovered any conditions or circumstances that may violate the site certificate.</p>
26	<p><b>For Stateline 1, 2 and 3. General</b> Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility and would increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-0020(3))</p>	<p>The certificate holder has complied with the condition.</p>
27	<p><b>For Stateline 1 Area Only. General</b> Condition removed by Amendment #4.</p>	
28	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall report promptly to the Department of Energy any change in its corporate relationship NextEra Energy Resources LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of NextEra Energy Resources LLC. (APP A-3,D-2, OAR 345-022-0010) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. No changes in the certificate holder's relationship with NextEra Energy Resources LLC have occurred and its access to the resources, expertise and personnel of that company has been and continues to be maintained. Paul Landers is the Stateline Wind Site Manager, and the Business Manager is John Goodwin.</p>
29	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize erosion. (App B-11)</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
30	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall carry out weed control and reseeded as necessary for the life of the facility, in consultation with the weed control board of Umatilla County. (App B-11)</p>	<p>The certificate holder is complying with this requirement. The certificate holder has implemented the revegetation plan developed in consultation with Umatilla County, which addresses weed control and reseeded. All disturbed construction areas in Stateline 1, 2, and 3 were seeded following construction activities with the seed mixture</p>

		prescribed in the revegetation plan approved by the Office of Energy (See Condition 20). Areas requiring additional weed control applications and reseeding are identified annually and reapplication is applied during the appropriate season, as needed. See items # 65, 66 and 67 for additional information.
31	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)	The certificate holder has complied and will continue to comply with this requirement.
32	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall use hazardous materials in a manner that is protective of human health and the environment and shall comply with all applicable local, state, and federal environmental laws and regulations. The certificate holder shall make sure that accidental releases of hazardous materials will be prevented or minimized through the proper containment of these substances during transportation and use on the site. The certificate holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing items such as absorbent pads on equipment and in storage facilities to respond to accidental spills. If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the spill or release and shall treat or dispose of contaminated soil or other materials according to applicable regulations. (App G-2, V-3)	The certificate holder has complied and will continue to comply with this requirement.
33	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall provide to the Department of Energy a copy of the contract with the Milton-Freewater Rural Fire Department for fire protection services during construction and operation of the facility before beginning construction. (App U-25) [Amendment #4]	The certificate holder has complied with this requirement. A copy of the contract with the Milton-Freewater Rural Fire Department has been provided to Oregon Office of Energy. The contract is automatically renewed upon annual payment and Stateline 1 & 2 was paid on August 15, 2011, and Stateline 3 was paid on August 15, 2011 (see Attachment 1, Milton Freewater Rural Fire Department proof of payment).
34	<b>For Stateline 1, 2 and 3. General</b> During construction and operation of the facility, the certificate holder shall have water-carrying trailers (“water buffaloes”) at appropriate locations around the facility. The certificate holder shall bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder shall coordinate with the fire chiefs of the Helix and Milton-Freewater. Rural Fire Departments as to the number, capacity and location of the water buffaloes. The certificate holder shall make sure that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose equipment, as approved by the local fire chiefs. The certificate holder shall have service trucks and pickup trucks capable of towing water buffaloes available in sufficient numbers at all times during construction and operation of the facility. (App B-12)	The certificate holder has: 1. One water-carrying trailer located at the Vansycle project substation. 2. Five, 400 gallon water-carrying trailers located at the Stateline III facility at the following locations: 1-Campbell substation 1- A20 1-WVS2-0029 1- WVS2-0043 3. Five, 325 gallon water-carrying trailers located at the Stateline facility at the following locations: 1-Nine-mile substation 1-Pipeline road between WS-A and PB (located in OR) 1-Hatch Grade Road at the FPLE office 1-Hatch Grade Road near HG-S entrance (located n OR) 1-Butler Grade BG-C (located in OR).

		<p>3. Water buffalos are removed during winter months to the main shop for winterization. We will coordinate with the local fire depts.</p> <p>4. FPLE employs a representative with the local Fire Departments in Touchet who is in constant communication with the local Fire Departments. The fire chiefs of the Helix and Milton-Freewater Rural Fire Departments are aware of the FPLE equipment that is available at the site including the hoses, pumps and that vehicles are available to move water buffaloes as needed.</p>
35	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall take steps to protect the facility and property from unauthorized access and to reduce the risk of accidental injury during construction and operations by (App U-25, 26) [Amendment #3]:</p> <p>(a) Maintaining fencing and access gates around dangerous equipment or portions of the site as feasible. [Amendment #3 and #4]</p> <p>(b) Posting warning signs near high-voltage equipment.</p> <p>(c) Requiring construction contractors to provide specific job-related training to employees, including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and safety equipment inspection.</p> <p>(d) Requiring each worker to be familiar with site safety.</p> <p>(e) Assigning safety officers to monitor construction activities and methods during each work shift.</p> <p>(f) Ensuring that workers on each shift are certified in first aid.</p> <p>(g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each worker knows its location.</p> <p>(h) Conducting periodic safety meetings for construction and maintenance staff.</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
36	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall notify the Department of Energy and the Umatilla County Planning Department of any accidents including mechanical failures on the site associated with the operation of the wind power facility that may result in public health and safety concerns. (ORS 469.310) [Amendment #4]</p>	<p>In 2008, a blade failure occurred on PB-92, causing the blade to fracture and strike the tower. The fallen blade was removed and disposed of. The cause of failure was determined to be blade root (bolted metal insert) failure. The root cracked horizontally across the leading edge and failed under full load. Due to the failure type, special tooling was needed to remove the hub. In January of 2009, a 2<sup>nd</sup> blade fractured during a wind storm, caused by damage it sustained from the original failure. ½ of the blade was cast off the tower, and has been removed and disposed of. After several failed attempts to have a tower made, a new one has been manufactured and arrived on 5/19/2010. The tower and nacelle have already been assembled and final repairs to the rotor set are in process. Repairs are expected to be complete by 7/1/2010.</p>

		<p>4/13/2010 pb-16 experienced failure causing a fire and a significant oil spill of ~300 gallons. The oil spill was caused by an explosion of the transformer at the base of the turbine, casting oil and debris downwind, covering approximately a 20'x50' area. The oil spill was reported to Washington State, since the turbine was located in Washington. An emergency response team removed and disposed of contaminated soil.</p> <p>No significant adverse impact occurred during 2011. There was a 5000 acre grassfire in Vansycle canyon in August of 2011, but there was no structural damage and no injuries.</p>
37	<p><b>For Stateline 1, 2 and 3. General</b> To reduce the visual impact of the facility, the certificate holder shall:</p> <p>(a) Design, construct and operate a facility consisting of the major structures and related or supporting facilities described in the Site Certificate. [Amendments #1, #2 and #4]</p> <p>(b) Group the turbines in strings of 2 to 37. [Amendments #1, #2 and #4]</p> <p>(c) Construct each turbine to be not more than 263 feet tall at the turbine hub and with a total height of not more than 416 feet with the nacelle and blades mounted (App B-5) [Amendment #4]</p> <p>(d) Mount nacelles on smooth, hollow steel towers. [Amendment #4]</p> <p>(e) Paint all towers uniformly in a neutral light gray or white color. [Amendments #2 and #4]</p> <p>(f) Not allow any advertising to be used on any part of the facility or on any signs posted at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles. (App BB-2)</p> <p>(g) Use only the minimum lighting on its turbine strings required by the Federal Aviation Administration, except:</p> <p>(i) The Stateline 1&amp;2 satellite operations and maintenance building may have a small amount of low-impact exterior lighting for security purposes (App BB 2).</p> <p>(ii) Low-impact lighting may be used for occasional nighttime repairs, operations or maintenance at the substation (at other times this lighting would be turned off).</p> <p>(iii) Security lighting may be used at the Stateline 3 O&amp;M building and substation if it is shielded or downward-directed to reduce glare.[Amendments #2 and #4]</p> <p>(h) Use only those signs required for facility safety or required by law and comply with Umatilla County design requirements for signs as described in UCDC Sections 152.545 through 152.548. (App BB-2) [Amendment #4]</p> <p>(i) Design and construct the operation and maintenance building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers. Upon retirement of the energy facility, the operations and maintenance building must be removed or converted to farm use, in accordance with Cond 19.[Amendment #3 and #4]</p>	<p>The certificate holder has complied with this requirement.</p>

38	<b>For Stateline 1, 2 and 3. General</b> To restrict public access to turbine towers, the certificate holder shall install locked access doors accessible only to authorized project staff. (App BB-3)	The certificate holder has complied with this requirement. The certificate holder has installed a locked access door on each turbine accessible only to authorized project staff.
39	<b>For Stateline 1 Area Only. General</b> If any state-listed threatened, endangered or candidate plant species are found during the pre-construction surveys described in condition (55), the certificate holder shall use appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. See condition (55)	The certificate holder has complied with this requirement.
40	<b>For Stateline 1, 2 and 3. General</b> In constructing and operating the facility, the certificate holder shall make reasonable efforts not to disturb the farming and ranching activities on adjacent lands. (App K-6)	The certificate holder has complied and will continue to comply with this requirement.
41	<b>For Stateline 1, 2 and 3. General</b> If the certificate holder elects to use a bond to meet the requirements of Conditions (80) or (109), 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 assure 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. [Amendments #1, #2 and #4]	The certificate holder has complied with this requirement. For Stateline 1 & 2, a Site Certificate Bond was issued on August 17, 2010 for \$5,808,000. For Stateline 3, a Site Certificate Bond was issued on May 7, 2010 for \$4,053,000. Please see conditions 80 and 109 for additional information.
42	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy in advance of any initial road improvement work that does not meet the definition of "construction" in OAR 345-001-0010(10) or ORS 469.300(6) and shall provide to the Department plans of the work and evidence that its value is less than \$250,000. (App B-21) [Amendment #4]	The certificate holder has complied with this requirement.
43	<b>Meet Before Construction Begins</b> Condition removed by Amendment #4.	
44	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall locate roads to minimize disturbance and maximize transportation efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall use existing county roads and private farm roads to the maximum extent feasible. The certificate holder shall coordinate farm road improvements with landowners to minimize crop impacts and to assure that the final road provides useful access, where possible, to the landowners' fields. (App B-6)	The certificate holder has complied with this requirement (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 44 for Stateline 1 & 2).
45	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall videotape all Umatilla County roads used as access to the facility and shall require construction contractors to enter into a written agreement with Umatilla County stating that all roads used by the contractor will be restored to as good or better condition than they were before construction. (App U-24)	The certificate holder has complied with this requirement for the constructed portions of Stateline 1 and Stateline 2 and related facilities. (See correspondence dated July 22, 2008 between Umatilla County and Bill Hayduk confirming restoration. Attached to 2008 Annual Report).  For Stateline 3, please see condition 81, confirming Umatilla County considers restoration complete.

46	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy of the identity and qualifications of major construction contractors for the facility. The certificate holder shall select major construction contractors based on a proven record of environmental compliance and stewardship, a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3,4) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 and 2. D. H. Blattner and Sons, Inc. was contracted as the major construction contractor for the built Stateline 1 and 2 facilities including the five Stateline 2 turbines constructed in 2004 (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 46 documentation).</p> <p>The certificate holder has complied with this requirement for Stateline 3. D. H. Blattner and Sons, Inc. was the contracted as the major construction contractor for Stateline 3.</p>
47	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. See condition (2).</p>	<p>The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.</p>
48	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall require that all on-site construction contractors prepare a site health and safety plan before beginning construction activities. The certificate holder shall ensure that the plan informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)</p>	<p>The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.</p>
49	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility in accordance with seismic design provisions given in the Oregon Building Code. The certificate holder shall identify localized areas of S<sub>C</sub> and S<sub>D</sub> soil types and assure that any structures to be built in those areas are designed according to the code. The certificate holder shall design all components constructed after 2008 to meet current Oregon Structural Specialty Code (OSSC2007) and the 2006 International Building Code. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 3, see condition 50 below.</p>
50	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall provide the Department of Energy with design specifications showing the locations of turbines and type of foundations to be employed and demonstrating that the following conditions have been satisfied (OAR 345-022-0020):</p> <p>(a) If a turbine is located within 50 feet of a slope steeper than 30°, the stability of the slope has been reviewed by the foundation designer to confirm that either (i) the slope has a safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is less than 1.1, but ground displacements will not adversely affect the stability of the wind turbine. Slopes shall be evaluated in the field for each proposed turbine location.</p> <p>(b) The foundation designer's review of slope displacement during a seismic event has been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is</p>	<p>The certificate holder has complied with this requirement for Stateline I &amp; 2.</p> <p>For the recent construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p>

	<p>less than 1.1, the foundation designer has shown that</p> <ul style="list-style-type: none"> <li>(i) the movement will not intersect the turbine,</li> <li>(ii) the movement will intersect the turbine but will not affect its stability, or</li> <li>(iii) additional stabilization measures, such as anchor tie-downs or ground support systems, will be employed to maintain stability.</li> </ul> <p>(c) If a turbine is located where power generating or other requirements preclude sufficient setback distances to avoid intersection of a moving slope with the turbine foundation, the foundation designer has demonstrated that the turbine foundation will withstand loads from the moving soil or has been equipped with ground support systems that will withstand loads from moving soil.</p> <p>(d) The foundation designer has confirmed that the turbines and conduit can tolerate some movement without instability or breakage if a mapped fault were to rupture.</p> <p>[Amendment #4]</p>	<p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the email was attached to the 2010 Annual Report as Attachment #3.</p>
51	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> In modifying slope angles for roads or other facilities, the certificate holder shall assure that the foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)</p>	<p>The certificate holder has complied with this requirement.</p> <p>(For Stateline 1 &amp; 2, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 51 for documentation of the 2004 construction activities).</p> <p>(For Stateline 3, a slope evaluation and stability analysis was performed for the Stateline 3 project by Mr. Imran Magsi, PE, Senior Geotechnical Engineer (Oregon Registered Professional Engineer 17677), GN Northern Inc. This report was provided to Mr. Bill Burns of DOGAMI in May 2009 (See response to 50). The report concluded that the facility would achieve a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. )</p>
52	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility to avoid or minimize adverse impacts to wildlife by measures including but not limited to the following (App P-41):</p> <ul style="list-style-type: none"> <li>(a) Siting the turbines on ridges outside of migration flyways.</li> <li>(b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird use is typically higher).</li> <li>(c) Avoiding the use of overhead collector lines. [Amendments #2 and #4]</li> </ul>	<p>The certificate holder has complied with this requirement.</p>
53	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall survey the status of known Swainson's hawk nests within the vicinity of proposed construction before the projected date for construction to begin. If active nests are found, and construction is scheduled to begin before the end of the sensitive nesting and breeding season (June 1 to August 31), the certificate holder shall develop a no-construction buffer in consultation with ODFW and shall not engage in construction activities within the buffer until the sensitive season has ended. If construction continues into the sensitive nesting and breeding season for the</p>	<p>For Stateline 1, the certificate holder complied with this requirement. Construction took place outside of the sensitive nesting and breeding season during the construction of Stateline 1.</p> <p>For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site</p>

	<p>following year, the certificate holder shall not engage in construction activities within the buffer around active nests until the sensitive season has ended. [Amendments #2 and #4]</p>	<p>was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (2010 Annual Report, Attachment #4, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was conducted from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p>
54	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing owls if construction is scheduled to occur during the sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction buffer, developed in consultation with ODFW, around any active nests during the sensitive period. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and the site avoided during the sensitive period.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
55	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction surveys for state-listed threatened, endangered or candidate plant species in all areas not included in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder will notify the Department of Energy and consult with the Oregon Department of Agriculture regarding appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. (App Q-7) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for small areas where the facility corridor had changed. None were found during either survey.</p>
56	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If</p>	<p>The certificate holder has complied with this requirement for Stateline 1 and 3.</p> <p>For the recent construction of STL 3, surveys were conducted for the amendment application (data already on</p>

	<p>squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2 and #4]</p>	<p>file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and avoided. No WGS activity was found in 2009 in the approved construction corridors.</p>
57	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall report to the Council any change of major construction contractors. See condition (8).</p>	<p>The certificate holder has complied with this requirement during Stateline 1 and 2 construction years 2001, 2002 and 2004. (Condition 47). D.H. Blattner and Sons, Inc. constructed STL 1 &amp; 2 phases of the Stateline Wind Project.</p> <p>D.H. Blattner and Sons, Inc. constructed the STL 3 phase of the Stateline Wind Project.</p>
58	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall take steps to prevent fires during construction including but not limited to (App U-25):</p> <ul style="list-style-type: none"> <li>(a) Establishing roads before accessing the site to allow vehicles to stay away from grass</li> <li>(b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters</li> <li>(c) Avoiding idling vehicles in grassy areas</li> <li>(d) Keeping cutting torches and similar equipment away from grass</li> <li>(e) Making sure that all construction personnel receive appropriate fire-safety instruction from qualified local fire departments or qualified fire-fighting trainers on the job site</li> <li>(f) Making sure that fire-fighting equipment is available at all active parts of the job site.</li> </ul>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
59	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require the foundation designer to inspect excavations during construction of foundations for the turbines and other facilities to confirm that geologic conditions are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-022-0020)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
60	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the facility's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements. (App B-7, 13, E-3, P-41)</p>	<p>The certificate holder has complied with this requirement. An Erosion and Sediment Control Plan is in place as part of NPDES permit requirements and construction operations were undertaken in compliance with the plan/permit in 2001, 2002, 2004 and 2009.</p>
61	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion and compaction by measures including but not limited to the following:</p> <ul style="list-style-type: none"> <li>(a) Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters</li> <li>(b) Installing sediment fence/straw bale barriers at locations shown on the plans</li> <li>(c) Wherever feasible, constructing roadways so that surface drainage continues along</li> </ul>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>

	<p>natural drainage patterns with minimal diversions through ditches and culverts</p> <p>(d) Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads</p> <p>(e) Straw mulching and discing at locations adjacent to the road that have been impacted</p> <p>(f) Providing temporary sediment traps downstream of intermittent stream crossings</p> <p>(g) Providing sediment type mats downstream of perennial stream crossings</p> <p>(h) Planting designated seed mixes at impacted areas adjacent to the roads</p> <p>(i) Installing sediment fencing along the down slope side of construction equipment staging areas</p> <p>(j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a healthy cover crop</p> <p>(k) Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated</p> <p>(l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces, and thereby limiting soil compaction and disturbances</p> <p>(m) Scarifying and reseeding compacted areas after construction is completed</p> <p>(n) Using appropriate erosion control methods to limit soil loss due to water and wind action</p> <p>(o) Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion (App I-2, 3)</p> <p>(p) Using water for dust suppression during construction (App O-1)</p>	
62	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall place underground electrical and communications cables at a minimum depth of three feet below grade in trenches along the length of each turbine string corridor and in some cases in trenches from the end of one turbine string to the end of an adjacent turbine string. The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After installing the electrical or communications cables and within two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
63	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Preparing maps to show sensitive areas that are off-limits during the construction phase, distributing the maps to construction staff and having a biologist flag sensitive areas as needed</p> <p>(b) Minimizing road construction and vehicle use where possible</p> <p>(c) Posting speed limit signs throughout the construction zone</p> <p>(d) Instructing construction personnel (including all construction contractors and their personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</p> <p>(e) Instructing construction personnel (including all construction contractors and their personnel) to watch out for wildlife while driving through the project area, to maintain</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>

	<p>reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</p> <p>(f) Requiring all construction personnel to report any injured or dead wildlife detected at the facility site</p> <p>(g) Requiring all construction personnel to respect all staked wildlife areas and associated no-construction buffer areas</p>	
64	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread gravel on all above ground portions of the turbine pads to reduce the potential for weed infestation. (App BB-5)</p>	<p>The certificate holder has complied with this requirement. Gravel has been spread on all built turbine pads.</p>
65	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Avoiding vegetation removal wherever possible</p> <p>(b) Limiting construction activities to within public road right-of-ways where possible</p> <p>(c) Using best management practices to prevent erosion of soil into stream channels</p> <p>(d) Controlling invasive, weedy plant species during maintenance of project facilities</p> <p>(e) Restoring temporarily disturbed sites to pre-construction condition or better with native seed mixes as described for temporarily disturbed habitats in the Revegetation Plan included in the Final Order on Amendment #4 as Attachment B and as revised from time to time. [Amendment #1 and #4]</p> <p>(f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation with ODFW and the Umatilla County weed control board</p> <p>(g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</p> <p>(h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread of noxious weeds</p> <p>(i) Developing measures to reduce the potential spread of noxious weeds in consultation with the weed control board of Umatilla County.</p>	<p>The certificate holder has complied with (a) through (c) during construction years 2001, 2002, 2004, and 2009. All Oregon construction in 2004 occurred on agriculture land.</p> <p>For (d) through (i) weed control and reseeding is continued as needed and monitored per the Revegetation Plan.</p> <p>For Stateline 1 &amp; 2, revegetation monitoring for the temporarily disturbed areas was complete in 2006, and will continue per the Revegetation Plan</p> <p>For Stateline 3, the first year of the 5-year revegetation monitoring plan was started December 2010/January 2011. The 2<sup>nd</sup> year monitoring occurred September/October 2011 per the Revegetation Plan. Results are attached in this 2012 Annual Report as Attachment 2.</p> <p>(See Condition #91 for further information)</p>
66	<p><b>For Stateline 1 Area Only. Meet During Construction</b> To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one acre of weed-infested upland habitat with native plants. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was</p>

		<p>postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).</p>
67	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendment #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).</p>
68	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall use measures including but not limited to the following (App P-45):</p>	<p>The certificate holder has complied with this requirement and continues meeting these measures during operations. Responses to each subsection of this condition are as</p>

	<ul style="list-style-type: none"> <li>(a) Replacing agricultural topsoil to its pre-construction condition</li> <li>(b) Using best management practices to prevent loss of topsoil during construction</li> <li>(c) Reseeding native habitats with a native seed mix that includes at least some seed collected from the area as described for temporarily disturbed habitats in the Revegetation Plan referenced in Condition 65. [Amendments #1 and #4]</li> <li>(d) Controlling noxious weeds in areas disturbed by construction activities</li> </ul>	<p>follows:</p> <ul style="list-style-type: none"> <li>(a) Agricultural topsoil replacement completed.</li> <li>(b) Topsoil loss prevented through water application and dust control measures.</li> <li>(c) Completed, ongoing reapplication conducted as needed.</li> <li>(d) Herbicide application used in disturbed areas where necessary to control noxious weeds, ongoing reapplication is conducted by an Oregon certified applicator as needed.</li> </ul> <p>The certificate holder has complied with this requirement during construction years 2001, 2002 and 2004, and 2009 (Stateline 3).</p>
69	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall not place any part of the facility within any Washington ground squirrel (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall have an on-site wildlife monitor who will flag habitat required for WGS survival (Category 1), conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that construction personnel do not enter the area. The monitor shall conduct post construction monitoring to document distribution of the WGS in the area. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
70	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To reduce potential injury or fatality of migratory birds, the certificate holder shall App Q-10):</p> <ul style="list-style-type: none"> <li>(a) Locate turbines away from saddles in long ridges</li> <li>(b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the upwind (prevailing) side</li> <li>(c) Use monopole design for all turbine and meteorological towers</li> </ul>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
71	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures (App V-2):</p> <ul style="list-style-type: none"> <li>(a) Collecting steel scrap and transporting it to a recycling facility</li> <li>(b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of scrap or leftover materials</li> <li>(c) Using concrete waste as fill on-site or at another site or, if no reuse option is available, transporting it to a local landfill</li> <li>(d) Recycling packaging wastes (such as paper and cardboard)</li> <li>(e) Collecting non-recyclable waste and transporting it to a local landfill</li> </ul>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
72	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require that disposal of waste concrete on-site is conducted in accordance with OAR 340-093-0080, other applicable regulations and this condition. The construction contractor may bury waste concrete on-site with the permission of the landowner in the following manner: by placing the waste concrete in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours so that all buried concrete is at least three feet below grade. (App V-3, 4).</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>

73	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall provide portable toilets for onsite sewage handling during construction and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices. The certificate holder shall recycle any wastes generated during construction as much as feasible and shall collect any non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2)</p>	<p>The certificate holder has complied with this requirement. On-site portable toilets were provided and maintained regularly by a licensed plumber during construction activities.</p>
74	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall have a full-time on-site assistant construction manager, qualified in environmental compliance and familiar with all site certificate conditions, to observe contractor waste management practices and to assure compliance with applicable regulations and construction site policy. (App V-4)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
75	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall post high-visibility no-entry barriers around recorded cultural and archaeological sites and shall to ensure that construction workers stay away from the vicinity of the sites. The certificate holder shall locate barriers to create a buffer with a minimum width of 30 meters between the sites and construction activities. The certificate holder shall have a qualified cultural resource expert to monitor the avoidance of the no-entry areas by construction workers and to monitor ground disturbing activities. The certificate holder shall select a cultural resource expert chosen by the Confederated Tribes of the Umatilla Indian Reservation, if available, or shall select a qualified cultural resource expert, subject to Department approval, to conduct the monitoring. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.</p> <p>Specifically for Stateline 3 in 2009, CTUIR was contracted to provide cultural resources monitoring during construction activities. A CTUIR cultural resources expert was on site to monitor ground-disturbing activities during facility construction.</p>
76	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> If previously unidentified cultural resources are encountered during construction, the certificate holder shall halt earth-disturbing activities in the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and 358.920), and shall notify the Department of Energy, the Oregon State Historic Preservation Officer (SHPO) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The certificate holder shall have a qualified archaeologist evaluate the discovery and recommend subsequent courses of action in consultation with the CTUIR and the SHPO. If human remains are discovered, the certificate holder shall halt all construction activities in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical Examiner and the State Police. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for STL 1 and 2, during construction years 2001, 2002 and 2004. Additionally, please refer to correspondence dated February 16, 2005 from FPL Energy Vansycle LLC to the ODOE.</p> <p>For STL 3 construction, the certificate holder has complied with this requirement.</p>
77	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall include traffic control procedures in contract specifications for construction of the facility. The certificate holder shall require flaggers to be at appropriate locations at appropriate times during construction to direct traffic and to ensure minimal conflicts between harvest and construction vehicles. (App U-24)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
78	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall confine the noisiest construction activities to the daylight hours. (App X-8)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>

79	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> This condition does not apply to Stateline 3. The certificate holder shall construct the cable crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove no more than approximately 7.5 cubic yards of material from the streambed crossing and shall replace a like amount of fill material after the cable has been laid, restoring the area similar to the original contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4]</p>	The certificate holder has complied with this requirement.
80	<p><b>For Stateline 1 and 2 Area Only. Meet Before Operations Begin</b> This condition applies to Stateline 1 &amp; 2 only. Within 90 days after the effective date of the Fourth Amended Site Certificate, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount of \$6.160 million (1<sup>st</sup> Quarter 2009 dollars), to be adjusted to the date of issuance as described in (a), naming the State of Oregon, acting by and through the Council, as beneficiary or payee.</p> <p>(a) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal (1<sup>st</sup> Quarter 2009 dollars) shown in Table 1 of the Final Order on Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Service's "Oregon Economic and Revenue Forecast", or by any successor agency (the "Index"), and using the index value for 1<sup>st</sup> Quarter 2009 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 1<sup>st</sup> Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting year.</p> <p>(b) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(d) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility.</p> <p>(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 (8). See Conditions (19) and (41). [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>The certificate holder exchanged the initial letter of credit required by condition 41 for a letter of credit in the amount of \$1,161,120 (in 2001 dollars) on December 21, 2001. The letter of credit was renewed automatically each year and was maintained in an amount adequate to meet the conditions of this provision.</p> <p>On August 17, 2009, the letter of credit was exchanged for a Site Certificate Bond in the amount of \$5,745,000, and is continuous in nature until canceled as provided in the Site Certificate.</p> <p>The Site Certificate Bond was renewed on June 30, 2011, in the amount of \$5,869,000.00. (See Attachment 3).</p>

81	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> After construction is complete, the certificate holder shall restore the county roads to at least their pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.</p> <p>For the most recent Stateline 3 construction in 2009, all designated haul roads were inspected by Hal Phillips of the Umatilla Co Road Department on 11/09/2009. Mr. Phillips verified "that after inspecting all the roads, all the roads met the conditions of the road use agreement between Umatilla County and FPL Energy Inc." (See attachment #7 of the 2010 Annual Report).</p>
82	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> The certificate holder shall grade and reseed laydown areas to wheat or native grasses as necessary to restore those areas to their pre-construction condition (App B-10).</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009. No construction was conducted in 2003. Reseeding and weed spraying continues on an as needed basis as recommended by revegetation monitoring. Specifically, for the newly constructed STL 3, the Campbell laydown area has been reclaimed back to a field. The Hindman drive lay down area has been reseeded.</p>
83	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For any materials disposed of as fill on site, the certificate holder shall conduct such disposal with the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. (App G-3, V-3)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
84	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For the purposes of this site certificate, wind turbine tower locations are analogous to location of permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5). The Council approves the corridor described in the final order for construction of turbine strings. As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to the Department of Energy a legal description of the location where the certificate holder has built turbine towers and other parts of the facility. Within 90 days after beginning operation of any turbines that are added to the facility by amendment of the site certificate, the certificate holder shall submit to the Department a legal description of the location of any additional turbine towers and related or supporting facilities allowed by the amendment. The site of the facility is the area identified by the legal descriptions required by this condition. Within 90 days after beginning facility operation, the certificate holder shall provide to the Department and the Umatilla County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments #1 and #4] See Condition (13).</p>	<p>The as-built drawings for Stateline 1 and the fifty-five Stateline 2 turbines constructed in 2001 and 2002 were sent to OOE on June 12, 2003. To document the 2004 relocation project new as-built drawings for the Stateline Wind Project were sent with the 2004 Annual Report.</p> <p>For the actual legal description of the five Stateline 2 turbines, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, and Condition 13 documentation.</p> <p>For Stateline 3, included at Attachment 1 to the 2010 Annual Report were the GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.</p>
85	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall prepare and maintain a site health and safety plan that informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)</p>	<p>The certificate holder has complied with this requirement.</p>

86	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall recycle solid waste generated during operation of the facility as much as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)	The certificate holder has complied with this requirement.
87	<b>For Stateline 1 and 2 Only. Meet During Operations</b> This condition applies to Stateline 1 and 2 only. The certificate holder shall provide portable toilets for use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder must contact the Oregon Department of Environmental Quality if the on-site septic system is to be used. (App O-2) [Amendment #4]	The certificate holder has complied with this requirement. The Oregon Department of Environmental Quality has been contacted about the portable toilet. A satellite O&M building has not been established, only the portable toilet whereby its limited usage is appropriate under OAR 340-071-0330 (2). Additionally, it is serviced Bi monthly by a qualified maintenance pumper.
88	<b>For Stateline 1, 2 and 3. Meet During Operations</b> If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right. The certificate holder shall use high-pressure cold water only and shall not use chemicals or additives in the wash water. (App O-2) [Amendment #1]	The certificate holder has complied with this requirement. No blade washing has been necessary to date.
89	<b>For Stateline 1, 2 and 3. Meet During Operations</b> if any new nesting or denning sites for wildlife species of concern are located, the certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall minimize road construction and vehicle use where possible. (P-42)	The certificate holder has complied with this requirement, and will continue to comply with this requirement.  Attached to the previous 2011 Annual Report was the STL 3 Wildlife Monitoring Report (Attachment 4) for the 2010 Study Year, which required nesting surveys of the recently constructed STL 3. Attachment 4 provided methods and results for the required 2010 wildlife monitoring. It provided a figure for ODOE/ODFW use only, of the known ferruginous hawk nests, great horned owl nest, red-tail hawk nests, and burrowing owl dens. This map is on file at the operations office and is a reference for the ops staff when working in the areas during the spring nesting/denning period. No new nests were found during the 2011 wildlife monitoring.
90	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-43, Q-10): (a) Instructing all personnel on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife (b) Instructing all personnel to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active (c) Requiring all personnel to report any injured or dead wildlife detected at the facility site	The certificate holder has complied with this requirement, and will continue to comply with this requirement.
91	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the	The certificate holder has complied with this requirement. Responses to each subsection of this condition are as

	<p>following (App P-43, Q-10):</p> <ul style="list-style-type: none"> <li>(a) Using best management practices to prevent erosion of soil into stream channels</li> <li>(b) Controlling invasive, weedy plant species during maintenance of project facilities</li> <li>(c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</li> </ul>	<p>follows:</p> <ul style="list-style-type: none"> <li>(a) Erosion of soil into stream channels is prevented by using measures recommended in NPDES permits and Erosion and Sediment Control Plans.</li> <li>(b) Mowing and herbicide applications were used as necessary to control invasive weedy plant species. Ongoing herbicide reapplication is conducted as needed by an Oregon certified applicator. Herbicide applications are conducted as recommend by the annual revegetation monitoring plan</li> <li>(c) Restoration of disturbed areas is done on a continuing basis. Reseeding is conducted as recommended by the Revegetation Plan (3/27/09). The 2012 Annual Report will include the 2nd Revegetation Monitoring Report for Stateline 3 (2011 vegetative growth), as Attachment 2. Stateline 1 &amp; 2 Revegetation Monitoring of the construction zones was completed in 2006 (see Condition #65)</li> </ul>
92	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion by measures including but not limited to the following (App I-3 through 5):</p> <ul style="list-style-type: none"> <li>(a) Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials</li> <li>(b) Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs</li> <li>(c) If areas of erosion are observed during operation, implementing mitigation and reclamation measures</li> </ul>	<p>The certificate holder has complied with this requirement. Proper road grating and reclamation measures are used on an ongoing basis to mitigate areas of potential adverse soil erosion.</p>
93	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan, included in the Final Order on Amendment #4 as Attachment A and as revised from time to time. Subject to approval by the Department of Energy as to professional qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the monitoring. (OAR 345--22-0060) [Amendment #1 and #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 1 &amp; 2, the compilation of 2001-2003 wildlife monitoring data was prepared for presentation to the Oregon Energy Facility Siting Council at the end of 2005 (it was presented on January 20, 2006). The Oregon Wildlife Monitoring Plan did not require wildlife monitoring to be carried out by qualified wildlife consultants during the 2005 year; however, maintenance personnel implemented incidental reporting as described in the Wildlife Response and Reporting System. Wildlife monitoring by a third party was conducted in 2006 and monitoring results were submitted in the "Stateline Wind Project Wildlife Monitoring Annual Report", dated September 4, 2007. Wildlife monitoring for the year 2007, 2008, 2009, 2010, and 2011 consisted of monitoring off-</p>

		<p>site artificial raptor nest structures and the Wind and Wildlife Response and Reporting System (WRRS), as summarized in Section 1.5 of the attached 2011 Annual Report. The WRRS summary is provided as Attachment 7.</p> <p>For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly acceptable as a more precise estimator in certain circumstances). Both results will be provided in the final NWC report. Attachment 4 gives a brief summary report containing results for the Schoenfeld estimator method. Thresholds established in the Plan are addressed in this brief summary report. No thresholds were exceeded. ). Both results will be provided in the final NWC report, which is anticipated to be complete by early summer 2012. Attachment 4 of this 2012 Annual Report gives a brief summary containing results for the Schoenfeld estimator method. Thresholds established in the Plan are addressed in this brief summary report. No thresholds were exceeded.</p>
94	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat quantity or quality, the certificate holder shall mitigate for the loss of habitat quality by measures approved by the Oregon Department of Energy. (OAR 345-022-0060) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Currently, no additional mitigation is required.</p> <p>For Stateline 1 &amp; 2, mitigation was performed for raptor fatality threshold exceedance and monitoring is conducted per the Oregon Wildlife Monitoring Plan (revised 11/20/09). See Condition 93 and Section 1.5 of the 2012 Annual Report for additional details.</p> <p>For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January</p>

		<p>2012. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly acceptable as a more precise estimator in certain circumstances). Both results will be provided in the final NWC report, which is anticipated to be complete by early summer 2012. Attachment 4 of this 2012 Annual Report gives a brief summary containing results for the Schoenfeld estimator method. Thresholds established in the Plan are addressed in this brief summary report. No thresholds were exceeded.</p>
95	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential failure. (App BB-1)</p>	<p>The certificate holder has complied with this requirement. Technicians regularly conduct inspections and do preventative maintenance work on the equipment. For the 2010 and 2011 years, the original equipment manufacturer (OEM) has completed blade root inspections in 2011. Blade root inspections will continue on an as needed basis.</p>
96	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall make sure that all on-site employees receive annual fire prevention and response training by a professional fire-safety training firm. The certificate holder shall prohibit employees from smoking outside of company vehicles during dry summer months and shall require employees to keep vehicles on roads and off dry grassland during the dry months unless necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding or other flame or spark-producing operations near the turbines. The certificate holder shall equip each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency Response procedures book and a two-way radio for immediate communications with the O&amp;M facility. The certificate holder shall have staff in the local area on call at all times to respond in case of fire or other emergency. The certificate holder shall supply all local fire departments with maps of and gate keys to the facility. (App B-12)</p>	<p>FPL's State Line facility has and will continue to follow the training processes as proscribed by FPL's LMS (Leaning Management System) Department. This training includes comprehensive fire training through the entirety of FPL's Power Generation Division Fleet.</p> <p>2007 Refresher and training for new employees regarding fire prevention and response was completed 10/26/2007.</p> <p>Petco was contracted in 2009. Training was performed by Petco in August 2009.</p> <p>Advance Fire Protection was contacted in 2010 and 2011. Training was performed in August of 2010, and July 2011.</p> <p>Primary communication is through direct connect phones and cell service. Substations have phone and two-way service with O&amp;M.</p> <p>All other condition requirements are adhered to and are standard operational procedures at the Stateline Wind Project.</p>
97	<p><b>For Stateline 2 Area Only. General</b> The certificate holder shall begin construction of Stateline 2 within six months after the effective date of the First Amended Site Certificate. The certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the</p>	<p>The certificate holder has complied with this requirement for 55 of the approved 60 turbines, whereby, construction began on August 16, 2002 and they became operational on December 10, 2002. Site certificate Amendment #2 was</p>

	<p>Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2 and #4]</p>	<p>approved by EFSC on June 6, 2003, which authorizes an extension of the construction completion date for the five remaining Stateline 2 turbines. The date was extended to March 1, 2005. Construction of the 5 turbines began in October 2004 and they became operational on December 15, 2004.</p>
98	<p><b>For Stateline 1, 2 and 3. General</b> Condition removed by Amendment #4</p>	
99	<p><b>For Stateline 1, 2 and 3. General</b> 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. (OAR 345-027-0020(15)) [Amendment #4]</p>	<p>The certificate holder acknowledges this requirement. Ownership continues as per the Site Certificate, Amendment #4.</p>
100	<p><b>For Stateline 1, 2 and 3. General</b> If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy 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. (OAR 345-027-0020(16)) [Amendment #4]</p>	<p>The certificate holder acknowledges this requirement. Operations continue at the facility.</p>
101	<p><b>For Stateline 2 Area Only. Meet Before Construction Begins</b> The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a 1/4-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller, conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment #2 and #4]</p>	<p>The certificate holder has complied with this requirement for the constructed portion of the Stateline 2 facilities (fifty-five turbines), and will continue to comply with this requirement. Construction of the five remaining Oregon turbines commenced in October 2004, which was outside of the construction restriction period (see correspondence dated September 7, 2004 from Anne Walsh to John White, Attachment 1 - Northwest Wildlife Consultants, Inc. Survey Report of the Ferruginous Hawk Nest Near Stateline 2).</p>

102	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> This condition removed by Amendment #4	
103	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize the risk of fire, the certificate holder shall: (a) Construct turbines, towers and pads of fire retardant materials (b) Bury electrical cables (c) Use enclosed, locked pad-mounted transformer structures (d) Include built-in fire prevention measures in turbines (e) Not store combustible materials at the Stateline site.	The certificate holder has complied with this requirement for the project facilities that have been constructed to date. Construction has been completed for the Stateline 1, 2 and 3.
104	<b>For Stateline 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 1 acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat enhancement area described in Condition (67) by 1 acre. [Amendment #4]	The habitat enhancement area described in Condition (67) has been enlarged to include the 1-acre.
105	<b>For Stateline 2 Area Only. Meet During Operations</b> This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain uninhabited during construction. The certificate holder shall continue the no-occupation agreement until retirement of the facility unless the certificate holder demonstrates to the satisfaction of the Department that the facility complies with the applicable noise control regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with the regulations as to the increase in ambient statistical noise levels by entering into a legally effective easement or real covenant with the owner of the property identified as 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of the facility to increase ambient statistical noise level L <sub>10</sub> and L <sub>50</sub> by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. If such easement or real covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the Department, based on modeling or measurements performed in compliance with OAR 340-035-0035, that an easement or real covenant is not necessary to comply with those regulations. [Amendment #3 and #4]	The certificate holder has complied with this requirement. A Declaration of Covenants was entered into with the land owner, Barnett-Rugg, Inc on June 30, 2005. The Declaration of Covenants was included as Attachment 3 of the Stateline 2006 Annual Report, titled "2005 Annual Report", which was submitted on May 5, 2006.
106	<b>For Stateline 3 Only- General Condition</b> The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 3 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #3 and #4]	The certificate holder has complied with this requirement. Construction began on June 9, 2009 and completion of construction was December 16, 2009.

107	<b>For Stateline 3 Only- General Condition</b> Condition removed by Amendment #4	
108	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:</p> <p>(a) Designing and operating the transmission lines so that maximum current (amps per conductor) would not exceed the following levels: For 34.5-kV underground lines, 560 amps; and for 230-kV transmission lines, 753 amps. [Amendment #4]</p> <p>(b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks.</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p> <p>The locations of underground and overhead transmission lines are included in the Exhibit B of the land lease agreements.</p>
109	<p><b>For Stateline 3 Only. Meet Before Construction Begins</b> Before Construction begins of Stateline 3, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$5.911 million (in 1st Quarter 2009 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).</p> <p>(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of Stateline 3 by applying the unit costs and general costs illustrated in Table 3 in the Final Order on Amendment #4 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.</p> <p>(b) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal component of the initial bond or letter of credit amount (expressed in 1st Quarter 2009 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 index value for 1st Quarter 2009 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 1st Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.</p> <p>(c) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(d) The certificate holder shall use an issuer of the bond or letter of credit approved by</p>	<p>On May 5, 2009, FPL Energy Stateline II, Inc., in consultation with ODOE, obtained a Site Certificate Bond in the amount of \$4,053,000.00. The bond is automatically renewed for the total amount annually.</p> <p>The renewal of the above bond occurred on June 30,2011, in the amount of \$4,099,000.00 (See Attachment 5)</p>

	<p>the Council.</p> <p>(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council, as required by Condition (8).</p> <p>(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the Stateline 3 site.[Amendment #4]</p>	
110	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards.</p>	<p>The certificate holder has complied with this condition.</p>
111	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4</p>	
112	<p><b>For Stateline 3 Only- Meet During Construction and Operation</b> Before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW) detailed maps of the facility site, showing the final design locations where the certificate holder proposes to build facility components and the habitat categories of all areas that would be affected during construction. In addition, the certificate holder shall provide a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection. Based on the approved habitat assessment, the certificate holder shall calculate the mitigation area requirement and shall carry out enhancement activities as described in the Stateline 3 Habitat Mitigation Plan included in the Final Order on Amendment #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. [Amendment #4]</p>	<p>Final design locations of the Stateline 3 components and final habitat assessment table were submitted via an email attachment from Karl Kosciuch of Tetra Tech on May 1, 2009. A memo describing the habitat assessment was subsequently revised via an email from Karl Kosciuch on May 12, 2009. The Department approved the final habitat assessment via an email from John White on May 15, 2009.</p> <p>The certificate holder calculated the mitigation area requirement, and it was attached to the 2010 annual report as Attachment 12, As-Built Analysis for Habitat Mitigation Area. As part of Attachment 12, Figure 1 shows the As-Built Facility Comparison by Habitat Category.</p> <p>On October 22, 2009, the certificate holder provided a copy of the “Short Form Conservation Easement Agreement”, showing the certificate holder has acquired legal right to create and maintain the enhancement area.</p> <p>The certificate holder, in conjunction with ODFW and the landowners, determined the location of the habitat enhancement area as described in the “Short Form Conservation Easement Agreement”.</p> <p>With the exception of the Operations and Maintenance building, which was not constructed, no other adjustments to the final design and habitat categories were made prior to constructing the Facility. It should be noted that the Facility uses the existing O&amp;M building in Touchet, WA.</p>

		The Habitat Enhancement Area (HEA) is being monitored per the Stateline 3 Habitat Mitigation Plan (3/27/09). Second year monitoring occurred in 2011, and is attached to this 2012 Annual Report as Attachment 6.
113	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect the public from electrical hazards including electric and magnetic field exposure, the certificate holder shall:</p> <p>(a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the top pointing out at a 45-degree angle.</p> <p>(b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two wooden poles connected by cross-members with a typical overall height of 61 feet and a minimum design ground clearance of 25 feet to the lowest conductor as described in the Request for Amendment #4.</p> <p>(c) Design and construct the transmission lines so that:</p> <p>(i) Alternating current electric fields during operation do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public, and</p> <p>(ii) Induced voltages during operation are as low as reasonably achievable. [Amendment #4]</p>	The certificate holder has complied and will continue to comply with this requirement.
114	<p><b>For Stateline 3 Only- Meet During Construction</b> To deter raptors from perching on transmission support structures near the wind turbines, the certificate holder shall install anti-perching devices on all proposed support structures within one-half mile of any turbine, unless the top of the support structure is below the base of the turbine tower due to topography. Wherever feasible, the certificate holder shall use “spike-type” devices instead of “triangle-type” devices. [Amendment #4]</p>	The certificate holder has complied and will continue to comply with this requirement.
115	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to conform to the guidelines of the Avian Power Line Interaction Committee so that electrical conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]</p>	The certificate holder has complied and will continue to comply with this requirement.
116	<p><b>For Stateline 3 Only- Meet During Construction</b> Condition removed by Amendment #4</p>	
117	<p><b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall not engage in construction activities for Stateline 3 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15, if the young are fledged.</p>	<p>The certificate holder has complied with this requirement. For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants (NWC). Based on Ms. Kronner’s findings, no ferruginous hawks were observed on site. The area was monitored for activity periodically throughout the nesting period during 10-day intervals. No postponement of construction was necessary due to this requirement, since no ferruginous hawks were observed.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of NWC.</p>

118	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall construct stream crossings substantially as described in the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the state or add new fill material to waters of the state such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
119	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall perform frequent maintenance to keep the substation transformer in good repair and in reliable operating condition.	Transmission services will maintain in accordance with NERC reliability standard and records are maintained in the Transmission Serviced Reporting and documenting program (AMP).
120	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall verify that the actual sound power level output of the wind turbines constructed for Stateline 3 meets the manufacturer's warranty. This verification may consist of field measurement or other means of verification satisfactory to the Department of Energy. The certificate holder shall include the verification in the first annual report following construction of any Stateline 3 turbines. [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder provided the Department of Energy and its noise consultants protocols for conducting noise verifications for review and approval.  A Noise Verification Analysis was completed and the report was submitted to ODOE on 02/22/2011.
121	<b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4	
122	<b>For Stateline 3 Only – Meet Before Construction Begins</b> Condition removed by Amendment #4	
123	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall design and construct Stateline 3 in compliance with the County design requirements as described in Umatilla County Development code Sections 152.010, 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
124	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall ensure that construction contractors use a transportation route reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy load transport vehicles. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
125	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall record a Covenant Not to Sue with regard to generally accepted farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E). [Amendment #4]	Attached the 2010 Annual Report as Attachment #10, was a copy of the Covenant Not To Sue.
126	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall construct all Stateline 3 components in compliance with the following setback requirements: (a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential.	The certificate holder has complied and will continue to comply with this requirement.

	<p>(b) Where (a) does not apply, 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.</p> <p>(c) Where (a) does not apply, 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.</p> <p>(d) Where (a) does not apply, 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.</p> <p>(e) The certificate holder shall not locate equipment associated with the temporary batch plant within 50 feet of a public road, county road or utility right of way. [Amendment #4]</p>	
127	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall deliver a copy of the annual report required under Condition 8 to the Umatilla County Planning Commission on an annual basis unless specifically discontinued by the County. [Amendment #4]	The certificate holder shall submit its annual report, as specified in condition 8, to the Umatilla County Planning Commission by April 30 of each year in operation. The annual report will be submitted to Carol Johnson, Senior Planner, Umatilla County Planning Department.
128	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall position a 3,000-gallon water truck on-site while personnel are present and actively working. [Amendment #4]	The certificate holder has complied with this requirement.
129	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate shall discharge sanitary wastewater generated at the Stateline 3 O&M building to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall locate the septic system more than 100 feet from any streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge capacity of less than 2,500 gallons per day. [Amendment #4]	Construction and Operations use only portable systems. Operations do not use an onsite well.
130	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate holder shall obtain water for on-site uses from a wells located at the Stateline 3 O&M building, subject to compliance with applicable permit requirements. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. [Amendment #4]	There is no onsite well used by operations. Operations do have a private well in WA and irrigation rights at the operations building.
131	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
132	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 "Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports." [Amendment #4]	The certificate holder has complied with this requirement. For the construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.

		<p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the June 8, 2009, email was attached to the 2010 Annual Report as Attachment #6.</p>
133	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall provide to the Department:</p> <p>(a) Information that identifies the final design locations of all Stateline 3 wind turbines to be built.</p> <p>(b) The maximum sound power level for the Stateline 3 substation transformers and the maximum sound power level and octave band data for the turbines selected for the Stateline 3 based on manufacturers’ warranties or confirmed by other means acceptable to the Department.</p> <p>(c) The results of noise analysis of the facility, including the Stateline 3 components to be built according to the final design, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.</p> <p>(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder’s operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder’s written approval.[Amendment #4]</p>	<p>The certificate holder has complied with this condition as follows:</p> <p>a) For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were As-Built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations per land owner;</p> <p>b) through c) The certificate holder submitted the noise analysis based on the final design of Stateline 3 on May 4, 2009 (attachment to email from Karl Koschiuch, May 4, 2009). The Department reviewed the analysis and notified the certificate holder of approval (email from John White, June 3, 2009). Accordingly, the certificate holder has complied with this Condition 133.</p>
134	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> 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 the facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulation. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

135	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall not install any transmission line support structures within 800 feet of any active Swainson’s hawk nest identified in 2008 or later. [Amendment #4]</p>	<p>The certificate holder complied with this condition during construction of Stateline 3 as follows: For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner’s findings, a nest site was selected for use by a Swainson’s hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (201 Annual Report, Attachment #7, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
136	<p><b>For Stateline 1, 2 and 3 – Conditions Added by Amendment #4</b> This condition applies to all phases of the Stateline Wind Project. When any third-party lien or security interest in the facility’s wind turbine towers is created, the certificate holder shall notify such third party in writing that the wind turbines and towers are components of an energy facility that is subject to the terms and conditions of a Site Certificate and subject to the rules of the Oregon Energy Facility Siting Council. The certificate holder shall provide to the Department a copy of each written notification required under this condition and the name and contact information for each third party so notified. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement</p>

# **ATTACHMENT 1**

**Milton Freewater Rural Fire Department  
Record of Payment for:**

**FPL Energy Vansycle, LLC**

**FPL Energy Stateline II, Inc.**



**Display Document: Line Item 001**

Additional Data Withholding Tax Data

Vendor  MILTON FREEWATER RURAL FIRE G/L Acc   
 Company Code  P.O. BOX 356  
 FFL Energy Vansycle, LLC MILTON-FREEWATER Doc. no.

Line Item 1 / Invoice 001  
 Amount  USD  
 Tax Code   
 W tax base  USD W tax exempt  W Tax Code

Additional Data  
 Disc. base  USD Disc. amount  USD  
 Payt Terms  Days/percent   %  %  
 Bill Date  Fixed   
 Prmt Block  Invoice ref  /  /   
 Pmt Method  Pmt meth suppl.   
 Clearing   Check cleared by bank on 7/15/11  
 Assignment   
 Text



Document Edit Opto Extras Environment System Help SAP

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**Display Document: Line Item 001**

Additional Data Withholding Tax Data

Vendor  MILTON FREEWATER RURAL FIRE G/L Acc

Company Code  P.O. BOX 356

FPL ENERGY STATELINE II MILTON-FREEWATER Doc. no.

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W-Tax Code	<input type="text" value="Z1"/>

Additional Data			
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# **ATTACHMENT 2**

**STL 3 Revegetation Monitoring Report  
for the 2011 Vegetative Growing Season**

**Stateline 3  
Revegetation Monitoring Report  
for the  
2011 Vegetative Season**

*Prepared for:*

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*Conducted by:*

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March 27, 2012

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## **1.0 INTRODUCTION**

FPL Energy Stateline II, Inc. (FPLE) owns and operates the Stateline 3 Wind Power Project (Project), located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The site is approximately five miles north of Helix, Oregon and six miles south of Touchet, Washington. The Project consists of 43 wind turbines that are arranged in strings along ridge tops. In addition to wind turbines, access roads, overhead and underground electrical lines, operation and maintenance facilities, and a substation are associated with the Project.

As part of the permit requirements for the Project, FPLE has revegetated those areas temporarily disturbed by the Project construction. This work was carried out according to the specifications outlined in the Stateline Wind Project: Revegetation Plan [Revised March 27, 2009]. The plan specified seed mixes and planting methods applicable to the Project and set out the monitoring framework for evaluating revegetation success.

The Revegetation Plan and this monitoring report address only the portions of the Project that are located in Oregon, although there are portions of the Project in Washington.

In the site certificate, the certificate holder agreed to mitigate impacts associated with the loss of Grass-steppe, Shrub-steppe, and Conservation Reserve Program (CRP)/Revegetated Grass habitats that were both temporarily (approximately 74 acres) and permanently disturbed. No mitigation was proposed for the long-term and temporary disturbance to agricultural areas. Mitigation and monitoring for permanently-impacted habitats are addressed in other reports.

FPL Energy Stateline II, Inc. has obtained the services of Northwest Wildlife Consultants, Inc. (NWC) to implement revegetation monitoring at the Project. NWC staff has worked on the Project and nearby wind sites for many years and are intimately familiar with the habitat and site-specific environmental conditions.

This report summarizes the methods and results of revegetation monitoring conducted by NWC in 2011; the second of five years of annual revegetation monitoring. The Revegetation Plan included in the Final Order for the Stateline Wind Project forms the basis for this monitoring effort. The Revegetation Plan discusses habitat types, temporary and permanent impacts, and revegetation monitoring strategies. Some of the methods implemented for revegetation monitoring were improved over those specified in the plan and were previously described in NWC, 2011.

## **2.0 METHODS**

### **2.1 Monitoring Design**

The methods used by NWC during the revegetation monitoring for Stateline 3 Wind Project in 2011 are discussed in detail in the Revegetation Plan. The information presented below explaining the methods for revegetation monitoring include dates of monitoring and other pertinent information regarding the 2011 methods.

Criteria for restoration success are outlined in the 2009 Revegetation Plan (Sec. 5.3, page B-8). Methods outlined below are designed to fulfill those criteria. The objectives of the multi-year monitoring effort were to determine whether desired plant species have germinated and are maturing, as well as to assess if there are areas where there were

problems with seeding or weed control as outlined in the Revegetation Plan. Restoration success will not be determined until the fifth year of monitoring has been completed.

As described in the previous year monitoring report (NWC, 2011), reference sites (undisturbed) adjacent to revegetated areas and serving to represent the target conditions for the revegetation efforts were selected by NWC staff in early December 2010. Reference sites will continue to be used for comparison during all monitoring visits in subsequent years of study, unless some event (such as wildfire or intensive land use impacts) substantially alters vegetation conditions so that a particular reference site no longer represents a realistically attainable goal for the associated revegetated area. In that case, the investigator will choose a new reference site in the same habitat and disturbance type.

Revegetation efforts were monitored for three habitat types. The habitat types monitored were CRP/Revegetated Grass, Shrub-steppe, and Grassland-steppe. The 62 semi-permanent transects selected and monitored during the first year of monitoring were again used during the 2011 monitoring effort (Figure 1, Table 1). Transects are paired adjacent to each other, one in a disturbed (revegetated) area and the other in an undisturbed (reference) area. In addition to the three habitat types, there were four types of disturbed sites: roadside (shoulders of new roads), turbine site, underground electrical transmission collection line, and overhead transmission line disturbance.

Desired species, for the purpose of this monitoring program, are the species included in the seed mixes used on the various habitats. As stated in the Revegetation Plan, "desired plant species" for this report are those species included in the seed mixes and native grass, shrub, and forb species. The seed mixes applied are identified in the revegetation plan. Most native grass, shrub, and forb species are desirable for several reasons. They support a variety of vertebrate and invertebrate animals, are prevalent in the surrounding habitat and are generally what was present historically, before construction. Undesired species are exotic (non-native) annual grasses (e.g. cheatgrass, *Bromus tectorum*), and non-native forbs, (e.g. yellow star thistle, *Centaurea solstitialis*).

The fieldwork to collect required data for the second vegetative season (2011) of construction related revegetation monitoring occurred on September 14 and 27 and October 7 at the end of the vegetative growing/seed-producing season. Throughout monitoring, vegetation structural stage (germination and growth of revegetation seeding success), degree of erosion potential, and percent ground cover measurement data were collected. Monitoring work included semi-permanent line-intercept 50-meter transects and cover-frequency plot evaluations of both revegetated areas and chosen reference plots.

## **2.2 Field Data Collection**

Table 1 displays the habitat types studied and the number of transects used for the first year as well as the second year (2011) monitoring. At each monitoring location along both the revegetated (seeded after construction) and reference transects, the investigator evaluated the same parameters and conducted the same evaluations along semi-permanently installed 50-meter transects—within revegetated (disturbed) areas and reference (undisturbed) areas as in the prior year monitoring (see NWC, 2011, page 3).

At the prior established camera photo points and using the same photo-documentation methods as previously, photos were taken on September 13, 2011 in conjunction with transect field data collection. Representative samples of these are displayed in Photographs (Section 9.0).

## **3.0 RESULTS**

### **3.1 Average Stems of Desirable Species per Square Foot**

Average stems per square foot of desirable species are provided for each monitored habitat type. Consistent with the prior monitoring, stems per square foot were determined by the number of desirable plants per square foot. Table 1 compares stem density among transects in disturbed and undisturbed areas. Data for both monitoring years is provided. Desired species are those included in the revegetation seed mix and, as described in the methods, native grass, shrub, and forb species also considered desirable. Other species are classified as broad exotic/undesirable grass or forb.

#### **3.1.1 CRP/Revegetated Grass Habitat**

Stems per square foot of desired species in the disturbed, CRP/Revegetated habitat areas to both the overhead and underground transmission lines averaged 1.2 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects for the overhead transmission line averaged 1.1 stems per square foot. Stems per square foot of desirable species in the undisturbed, reference transects adjacent to the underground transmission line averaged 2.5 stems per square foot.

The comparison between the disturbed, revegetated transect and the undisturbed, reference transect along the constructed road was an average of 0.4 stems per square foot in the disturbed, revegetated transect and 0.6 stems per square foot in the undisturbed, reference transect.

#### **3.1.2 Shrub-steppe Habitat**

Stems per square foot of desired species in the disturbed, revegetated areas averaged 0.9 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects averaged 0.7 stems per square foot.

#### **3.1.3 Grassland-steppe Habitat**

Stems per square foot of desired species in the disturbed, revegetated areas of the overhead transmission line averaged 1.0 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects averaged 1.3 stems per square foot.

Stems per square foot of desirable species in the revegetated area of the turbine pad averaged 0.5. The undisturbed, reference transects adjacent to the turbine pad averaged 0.5 stems per square foot.

### **3.2 Percent Ground Cover and Percent Bare Ground**

Percent ground cover for desired plant species and percent bare ground were estimated for each of the disturbed, revegetated and undisturbed, reference transects. These percentages were averaged for each habitat and disturbance type and are presented in Table 1. Percent ground cover may exceed 100% as the total aerial cover of each vegetative category is estimated separately.

#### **3.2.1 CRP/Revegetated Grass Habitat**

The percent cover of all desirable vegetation in the reference transects adjacent to the overhead transmission line averaged 45%. The percent cover of all desirable vegetation in the disturbed, revegetated transects disturbed by the overhead transmission line averaged

35%. Average percent bare ground were 10% for the undisturbed, reference transects and 30% for the disturbed, revegetated transects.

Percent ground cover of desirable species in the undisturbed, reference transects adjacent to the underground transmission line disturbance averaged 70%. The percent ground cover of desirable species in the areas disturbed by the installation of the underground transmission line averaged 46%. The percent of bare ground in the disturbed, revegetated transects averaged 30% and the percent bare ground in the undisturbed reference transects averaged 10%.

The average percent ground cover of desirable species in the area disturbed during road construction was 5% in the disturbed, revegetated transect and 30% in the undisturbed, reference transect. The average percent bare ground was 7% in the revegetated transect and 5% on the reference transect.

### **3.2.2 Shrub-steppe Habitat**

The percent cover of all desirable vegetation in the undisturbed, reference transects averaged 55%. The percent cover of all desirable vegetation in the disturbed, revegetated transects averaged 60%. The percentages of exotic grasses and forbs in the both sets of transects were similar, 75% to 75%. Average percent bare ground were 10% for the undisturbed, reference transects and 30% for the disturbed, revegetated transects.

### **3.2.3 Grassland-steppe Habitat**

The percent cover of all desirable vegetation in the undisturbed, reference transects for the overhead transmission line averaged 100%. The percent cover of all desirable vegetation in the disturbed, revegetated transects averaged 115%. Average percent bare ground were 10% for the undisturbed, reference transects and 20% for the disturbed, revegetated transects.

Percent ground cover of desirable species on the undisturbed, reference transects disturbed by turbine construction averaged 30%. The percent cover of desirable species in the disturbed, revegetated transects averaged 15%. There was no difference in the percent bare ground the undisturbed, reference transects and the disturbed, revegetated transects, both averaged 5%.

## **4.0 DISCUSSION**

The native plant community in previously disturbed areas at the Project will re-establish (assuming no future intensive impacting activities) through slow, but progressively steady vegetative growth resulting from successful seeding and weed control. The differences observed between the undisturbed and disturbed transects in all habitat and disturbance types are to be expected at this stage of the revegetation effort (second monitoring year). As the plantings mature, it is expected that the vegetative structure and percent cover will more closely replicate the undisturbed conditions. The stem per square foot calculations for the revegetated transects in the shrub-steppe and native grassland steppe habitats exceeds those in the reference transects. This does not account for any losses in density as the plants mature. The seedlings currently appear vigorous and exhibit excellent growth. Drill rows from the seedlings are evident on many of the planted transects. As the plants mature, some number of the existing plants will be crowded out, lowering the overall stem density.

The stems per square foot of desirable species found in the revegetated grass and adjacent to the turbine pads are lower than the reference transects. The desired species are evident

and exhibit good growth. It is expected that these areas will revegetate to an acceptable level in the future.

As this is the second year of monitoring for the revegetation efforts at the Project, no statistical analysis is required. Further monitoring will be performed to assure that this initial effort will result in successful revegetation of the disturbed areas.

### Summary

The criteria for restoration success, as set forth in the final site restoration plan for the second year, state that during the second year post-construction the site should not be eroding and becoming infested with weeds. No evidence of rill or gully erosion was observed in the disturbed areas. Transects were located on steep slopes in the CRP/Revegetated Grass and Grassland-steppe habitat types to determine potential erosion problems. As stated in the Revegetation Plan, at the end of the second year an evaluation of whether or not the species in the seed mix are represented in the stands established in the seeded areas; in this report it is noted that such desired species are present and details such as percent cover and stems per square foot are documented for comparison with future measurements.

Noxious weedy species, especially yellow star thistle, are continually invading the revegetated areas from lands within and outside the leased property of the Project. The infestation of yellow star thistle in the vicinity of the access road to the BG-B and BG-C turbine strings was identified and chemically controlled by FPLE in 2011. The chemical control did suppress the yellow star thistle. However, the surrounding, undisturbed areas are heavily infested with this noxious weed species providing a seed source. Continued chemical treatment will have a limited effect on the control of the weed infestation in this area. The chemical treatment will suppress weed invasion, but the surrounding seed source will continue to exacerbate the problem.

Monitoring of yellow star thistle should continue annually, in the April to June period to identify areas needing chemical control. Monitoring is scheduled for 2012.

## **5.0 REFERENCES**

Northwest Wildlife Consultants, Inc. 2011. Stateline 3 Revegetation Monitoring Report for the 2010 Vegetative Season. Report prepared for FPL Energy Vansycle, LLC.

Stateline Wind Project (SWP). 2009. Stateline Wind Project Revegetation Plan [Revised March 27, 2009].

## 6.0 TABLE

**Table 1. Revegetation monitoring results for Monitoring Year One and Two, Stateline 3 Wind Power Project.**

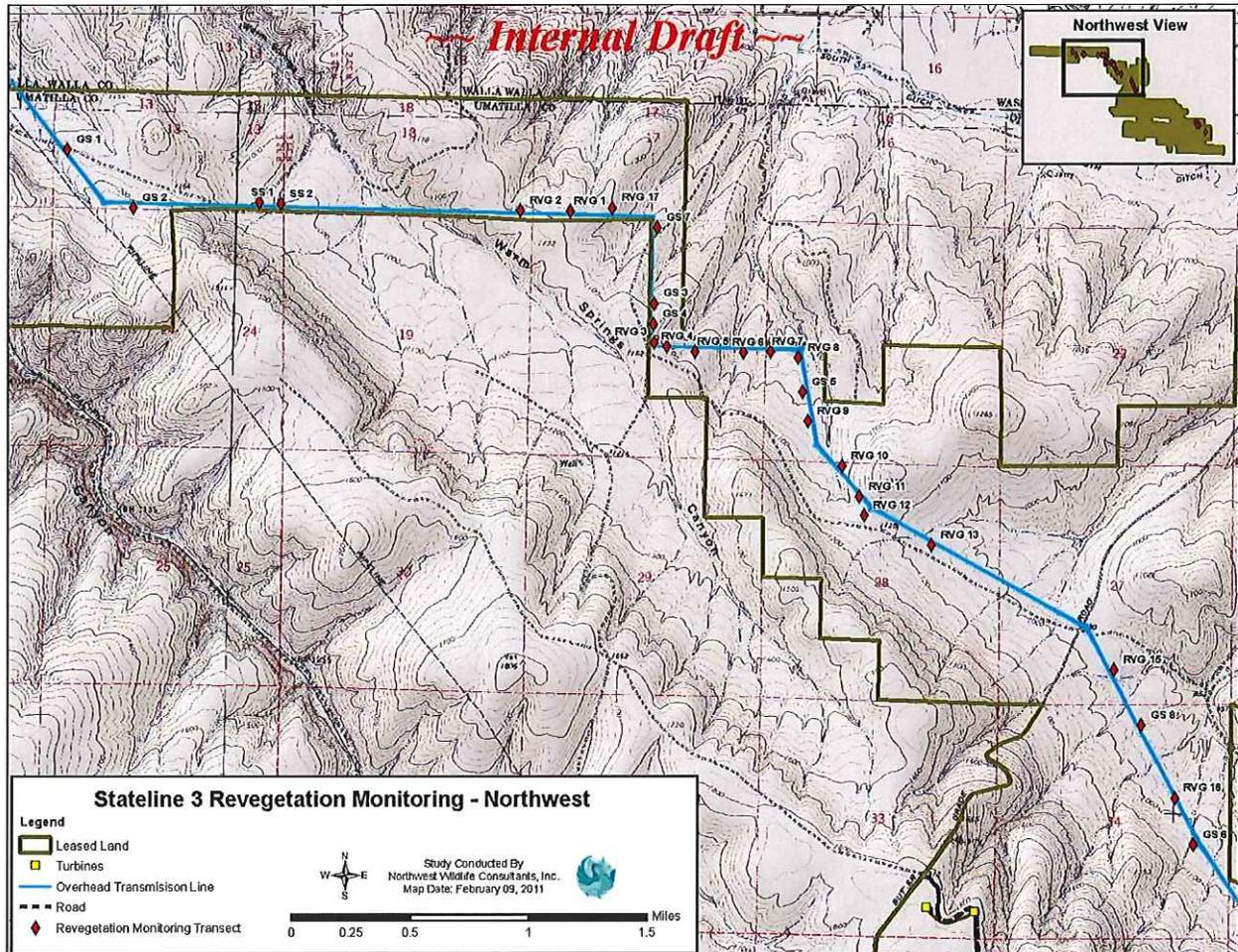
Habitat Type	Disturbed or Undisturbed	Site Description	# of Transects (62 total)	2010 Vegetative Growing Season			2011 Vegetative Growing Season		
				Total # Desired Species Stems/sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground	Total # Desired Species Stems/sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground
<b>CRP/ Revegetated Grass</b>	Disturbed	Overhead Transmission Line	16	0.6	37	30	1.2	35	30
	Undisturbed		16	0.7	49	12	1.1	45	10
	Disturbed	Underground Transmission Line	2	0.8	30	20	1.2	46	30
	Undisturbed		2	1.2	85	7	2.5	70	10
	Disturbed	Roadside	1	0.4	5	7	0.4	5	7
	Undisturbed		1	0.6	30	5	0.6	30	5
<b>Shrub-Steppe</b>	Disturbed	Overhead Transmission Line	2	0.9	60	30	0.9	60	30
	Undisturbed		2	0.7	55	10	0.7	55	10
<b>Grassland - Steppe</b>	Disturbed	Overhead Transmission Line	8	1.1	43	30	1.0	115	20
	Undisturbed		8	0.9	65	11	1.3	100	10
	Disturbed	Turbine Pad	2	0.5	15	5	0.5	15	5
	Undisturbed		2	0.5	30	5	0.5	30	5

## 7.0 FIGURE

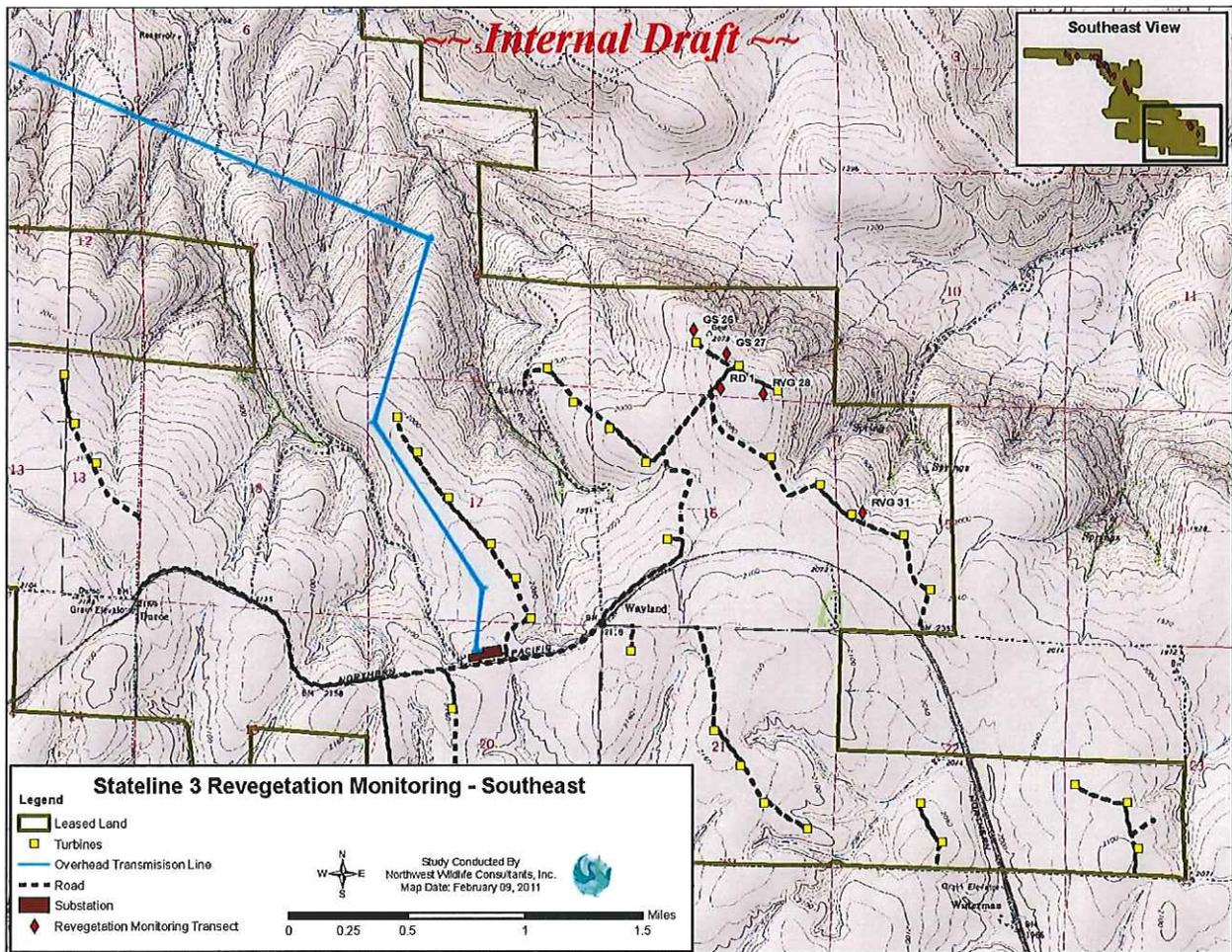
### Figure 1. Revegetation Monitoring Transect Locations

Two tiles: Northwest, pg. 7 and Southeast, pg. 8 (a large portion of the southeast area is in active cropland and is not monitored)

#### Northwest Tile



# Southeast Tile



## 8.0 PHOTOGRAPHS

### Photographs of Stateline 3 Wind Power Project revegetation monitoring sites



Disturbed (Revegetated) Transect GS 1 (Grassland-steppe Habitat)



Undisturbed (Reference) Transect GS 1 (Grassland-steppe Habitat)



Disturbed (Revegetated) Transect RVG 9 (CRP/Revegetated Grass Habitat)



Undisturbed (Reference) Transect RVG 9 (CRP/Revegetated Grass Habitat)



Disturbed (Revegetated) Transect SS 1 (Shrub-steppe Habitat)



Undisturbed (Reference) Transect SS 1 (Shrub-steppe Habitat)



Sagebrush (*Artemisia tridentata*) seedling on Transect SS 1 revegetated area.

# **ATTACHMENT 3**

**Site Certificate Bond for Stateline 1 & 2**

**RIDER**

To be attached to and form part of:

Bond Number 08936470  
dated 8/17/2009

issued by the FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
in the amount of \$5,745,000.00

on behalf of FPL ENERGY VANSYCLE, L.L.C.  
(Principal)

and in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY  
(Obligee) FACILITY SITING COUNCIL ADMINISTRATOR

Now therefore, it is agreed that in consideration of the premium charged, the attached bond shall be amended as follows:

**The bond amount shall be amended:**

**FROM: Five Million Eight Hundred Eight Thousand and 00/100 (\$5,808,000)**

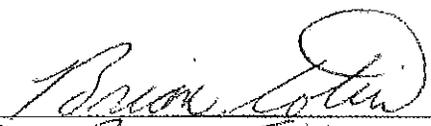
**TO: Five Million Eight Hundred Sixty Nine Thousand and 00/100 (\$5,869,000)**

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

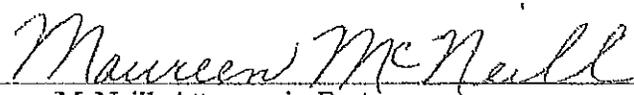
This Rider is to be Effective this 30th day of June, 2011.

Signed, Sealed & dated this 30th day of June, 2011.

FPL ENERGY VANSYCLE, L.L.C.

By:   
(Principal) Brian Tobin

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
(Surety)

By:   
Maureen McNeill, Attorney-in-Fact

**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Richard G. DICCIANI, Darella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen MCNEILL, Wayne G. MCVAUGH and Nancy K. WALLACE, all of Philadelphia, Pennsylvania, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed, any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Richard G. DICCIANI, Darella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen E. MCNEILL, Wayne G. MCVAUGH, Nancy K. WALLACE, dated June 13, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 20th day of June, A.D. 2006.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

By:

*M. P. Hammond*

*Gregory E. Murray* Assistant Secretary

*M. P. Hammond*

*M. P. Hammond* Vice President

State of Maryland }  
City of Baltimore } ss:

On this 20th day of June, A.D. 2006, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Maria D. Adamski*

*Maria D. Adamski*

Notary Public

My Commission Expires: July 8, 2011

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, and to affix the seal of the Company thereto."

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 30<sup>th</sup> day of June, 2011.

*Gerall F. Huby*  
Assistant Secretary

# **ATTACHMENT 4**

## **Stateline 3 Memorandum Wildlife Fatality Monitoring Estimated Annual Fatalities and Thresholds**



## MEMORANDUM

Northwest  
Wildlife  
Consultants, Inc.

Date: March 27, 2012  
To: FPL Energy Stateline II, Inc.  
From: NWC, Inc.  
Subject: Stateline 3 Wind Project Wildlife Fatality Monitoring Estimated Annual Fatalities and Thresholds

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### Background

Wildlife fatality monitoring was conducted at Stateline 3 Wind Project (Project) facility from January 2011–January 2012 by Northwest Wildlife Consultants, Inc. (NWC). The one-year wildlife fatality monitoring study was conducted according to methods outlined in the Stateline Wind Project Wildlife Monitoring and Mitigation Plan (WMMP; SWP, 2009). A final report on the wildlife fatality monitoring is being prepared by NWC. In the interim, this memorandum was prepared to present the estimated avian and bat fatality rates calculated for the 2011 wildlife fatality monitoring study for Stateline 3. In addition, a discussion on how the estimated fatality rates compare to threshold numbers (as defined in the Mitigation section of the 2009 WMMP) is provided.

The WMMP (pg A-5) specifies that fatality estimates be calculated for “each of eight categories; 1) all birds, 2) small birds, 3) large birds, 4) raptors, 5) bats, 6) grassland birds, 7) nocturnal migrants, and 8) State and federally listed threatened and endangered species and Sensitive species listed under OAR 635-100-0040.” Category 8 is referred to as Special Status Species in this memo. In addition to these eight categories, the WMMP calls for estimation of “facility-related fatalities separately for turbines that are located on land that does not support grassland steppe or low shrub/shrub steppe habitat and for turbines that are located on land that does support grassland steppe or low shrub/shrub steppe habitat.” In this memo, the terms “agricultural” habitat and “grassland” habitat are used for the two primary habitat types described in the WMMP. Estimated annual fatality rates presented in this March 2012 memorandum were calculated using the Schoenfeld (2004) estimator (as per the WMMP).

The WMMP outlines wildlife mitigation threshold levels for five different categories of wildlife fatalities for Stateline 3; grassland birds, state sensitive avian species, raptors, state sensitive raptor species and bats (SWP, 2009 Section 12). As specified on pg A-15, lines 33–35, “For Stateline 3 the certificate holder shall determine significant impact to raptors based on the fatality monitoring program data and any other raptor fatalities found.” This March 27 memo includes data only from the formal monitoring study conducted by NWC, not any found through the ongoing Stateline 3 WRRS.

### Study Results

There were 7 birds and 16 bats found (23 total). The birds consisted of 1 galliform (ring-necked pheasant), 4 passerines, 1 raptor and 1 woodpecker. No special status birds were found. Two bat species were found, hoary and silver-haired. Both are Oregon Sensitive status.

One of the 7 birds was found during the clean-up search and one of the bats was found as an incidental. Following standard protocol, these were not included in the analysis for mean annual fatalities. There were 6 birds and 15 bats used for conducting analysis for the per turbine and per MW mean annual fatality estimates.

Means for annual estimated fatality levels of birds and bats for the Stateline 3 one-year are reported in Table 1 along with their 90% confidence intervals. Estimated all bird fatality for the Project was 36 birds, 0.84 per turbine and 0.36 per Megawatt (MW). Estimated mean annual bat fatality for the Project was 107 bats, 2.72 per turbine and 1.08 per MW. Refer to Table 2 for means of other categories. For fatality categories that had less than five observed fatalities, the reader should use caution when interpreting estimates, as there is a lack of statistical confidence.

### Thresholds

The estimated annual fatality rates along with their wildlife mitigation threshold levels are presented in Table 2. Based on the data collected during the formal study, no category's mean estimated annual fatality rates exceeded the wildlife mitigation thresholds as defined in Section 12 of the SWP WMMP (SWP, 2009).

### **References**

- Kronner, K., B. Gritski, and S. Downes. 2012. Stateline 3 wildlife fatality monitoring study, 2011–2012. Report prepared for FPLE Energy Stateline II, Touchet, WA. Prepared by Northwest Wildlife Consultants, Inc., Pendleton, Oregon. (*in preparation*)
- Shoenfeld, P. 2004. Suggestions Regarding Avian Mortality Extrapolation. Technical memo provided to FPL Energy. West Virginia Highlands Conservancy, HC70, Box 553, Davis, West Virginia, 26260.
- Stateline Wind Project (SWP). 2009. Wildlife Monitoring and Mitigation Plan. Revised November 20, 2009. Oregon Energy Facility Siting Council of the State of Oregon. Fourth Amended Site Certificate for the Stateline Wind Project.

**Table 1.** Schoenfeld bootstrapped fatality estimates and 90% confidence intervals at Stateline 3 during one year of fatality monitoring, January 2011–January 2012.

Categories	# Found	Total Site Fatality Estimates		Estimates per Turbine		Estimates per MW	
		Estimate	90% Confidence Interval Range	Estimate	90% Confidence Interval Range	Estimate	90% Confidence Interval Range
1. All Birds	7	36	12–61	0.84	0.28–1.42	0.36	0.12–0.62
2. Large Birds <sup>1</sup>	3	14	5–28	0.33	0.12–0.65	0.14	0.05–0.28
3. Small Birds <sup>1</sup>	3	23	7–44	0.51	0.16–1.02	0.23	0.07–0.44
4. Raptors <sup>1</sup>	1	5	1–14	0.12	0.02–0.33	0.05	0.01–0.14
5. Bats	15	107	67–176	2.72	1.56–4.09	1.08	0.68–1.78
6. Grassland Birds	0	0	N/A	0.00	N/A	0.00	N/A
7. Nocturnal Migrants <sup>1</sup>	2	15	2–29	0.35	0.05–0.67	0.15	0.02–0.29
8. Special Status Species <sup>2</sup>	0	0	N/A	0.00	N/A	0.00	N/A
Agricultural Habitat <sup>3</sup>	18	122	62–194	2.84	1.44–4.51	1.23	0.63–1.96
Grassland Habitat <sup>1,3</sup>	3	20	4–39	0.47	0.09–0.91	0.20	0.04–0.39

<sup>1</sup> Less than five were found during the study. Reader should use caution when interpreting estimates, as there is a lack of statistical confidence.

<sup>2</sup> Includes federal threatened and endangered species and Oregon Sensitive status species, as defined in the Stateline WMMP, pg. A-5.

<sup>3</sup> Includes birds and bats.

**Table 2.** Schoenfeld bootstrapped fatality estimates (per MW) and 90% confidence intervals at Stateline 3 during one year of fatality monitoring<sup>1</sup>, January 2011–January 2012 compared to wildlife mitigation thresholds as defined in the WMMP (SWP, 2009).

Categories <sup>2</sup>	# Found	Estimates per MW		Stateline Mitigation Thresholds per MW
		Estimate	90% Confidence Interval Range	
Grassland Birds	0	0.00	N/A	0.59
State Sensitive Avian Species	0	0.00	N/A	0.20
Raptors <sup>3</sup>	1	0.05	0.01–0.14	0.09
State Sensitive Raptors	0	0.00	N/A	0.06
Bats	15	1.08	0.68–1.68	2.50

<sup>1</sup> Does not include findings for Stateline 2011 WRRS.

<sup>2</sup> Stateline WMMP, Section 12, pgs. A-14 through A-17.

<sup>3</sup> Less than five were found during the study. Reader should use caution when interpreting estimates, as there is a lack of statistical confidence.

# **ATTACHMENT 5**

**Site Certificate Bond for Stateline 3**

R I D E R

To be attached to and form part of:

Bond Number 08966919  
dated 5/1/2009

issued by the FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
in the amount of \$4,053,000.00

on behalf of FPL ENERGY STATELINE II, INC.  
(Principal)

and in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY  
(Obligee) FACILITY SITING COUNCIL ADMINISTRATOR

Now therefore, it is agreed that in consideration of the premium charged, the attached bond shall be amended as follows:

**The BOND AMOUNT shall be amended:**

**FROM: Four Million Fifty Three Thousand and 00/100 Dollars**  
**(\$4,053,000.00)**

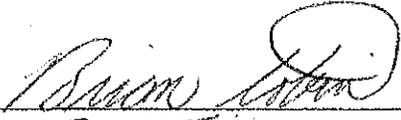
**TO: Four Million Ninety Nine Thousand and 00/100 Dollars**  
**(\$4,099,000.00)**

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

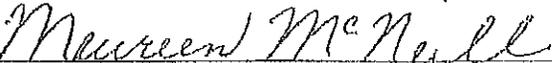
This Rider is to be Effective this 30th day of June, 2011.

Signed, Sealed & Dated this 30th day of June, 2011.

FPL ENERGY STATELINE II, INC.

By:   
(Principal) Brian Tobin

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
(Surety)

By:   
Maureen McNeill, Attorney-in-Fact

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint Richard G. DICCIANI, Dorella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen MCNEILL, Wayne G. MCVAUGH and Nancy K. WALLACE, all of Philadelphia, Pennsylvania, EACH its true and lawful agent and Attorney in fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Richard G. DICCIANI, Dorella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen E. MCNEILL, Wayne G. MCVAUGH, Nancy K. WALLACE, dated June 13, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 20th day of June, A.D. 2006.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

By:

*M. P. Hammond*

*Gregory E. Murray Assistant Secretary*

*M. P. Hammond*

*Vice President*

State of Maryland }  
City of Baltimore } ss:

On this 20th day of June, A.D. 2006, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Maria D. Adamski*

*Maria D. Adamski*

*Notary Public*

My Commission Expires: July 8, 2011

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, ...and to affix the seal of the Company thereto."

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 30<sup>TH</sup> day of JUNE, 2011.

*Donald F. Halley*  
Assistant Secretary

**FIDELITY AND DEPOSIT COMPANY**

OF MARYLAND

600 Red Brook Blvd., Suite 600, Owings Mills, MD 21117

Statement of Financial Condition  
As Of December 31, 2010

**ASSETS**

Bonds .....	\$ 167,717,443
Stocks .....	23,571,636
Cash and Short Term Investments .....	250,663
Reinsurance Recoverable .....	478,827
Other Accounts Receivable .....	44,516,527
<b>TOTAL ADMITTED ASSETS .....</b>	<b>\$ 236,535,096</b>

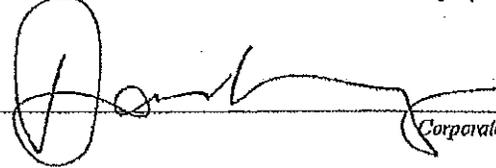
**LIABILITIES, SURPLUS AND OTHER FUNDS**

Reserve for Taxes and Expenses .....	\$ 225,295
Ceded Reinsurance Premiums Payable .....	39,963,782
Securities Lending Collateral Liability .....	3,077,700
<b>TOTAL LIABILITIES .....</b>	<b>\$ 43,266,777</b>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	188,268,319
Surplus as regards Policyholders .....	193,268,319
<b>TOTAL .....</b>	<b>\$ 236,535,096</b>

Securities carried at \$45,648,865 in the above statement are deposited as required by law.

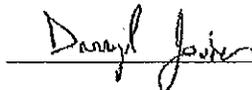
Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2010 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$245,239,534 and surplus as regards policyholders \$201,972,757.

I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2010.

  
Corporate Secretary

State of Illinois }  
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 31st day of March, 2011.

  
Notary Public



# **ATTACHMENT 6**

**STL 3 Habitat Enhancement Area**

**STL 3 Habitat Mitigation Area  
2011 Monitoring Report**

**Stateline 3  
Habitat Mitigation Area  
2011 Monitoring Report**

*Prepared for:*

**FPL Energy Stateline II, Inc.  
P.O Box 409  
Touchet, Washington 99360**

*Prepared by:*

Karen Kronner  
**Northwest Wildlife Consultants, Inc.  
815 NW 4<sup>th</sup> St.  
Pendleton, Oregon 97801**



March 27, 2012

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## 1.0 BACKGROUND

FPL Energy Vansycle, LLC owns and operates the Stateline 1 and 2 Wind Project and FPL Energy Stateline II, Inc. (FPLE) owns and operates Stateline 3 Wind Project. This report is for the Stateline 3 2011 Habitat Mitigation Area activities.

Stateline Wind Project (SWP, "Project") is located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The most recent phase, Stateline 3 (all turbines are in Oregon) was permitted by the State of Oregon (amendment #4 of the Stateline Site Certificate, dated March 27, 2009) and was constructed from mid to late 2009. A transmission line crosses into Walla Walla County. It consists of 43 wind turbines installed on privately-owned land east of Stateline 1 and 2 and Vansycle I and near Combine Hills Phase I and II (all operating wind projects). Numerous Stateline 3 maps and project permitting documents can be found on the Oregon Department of Energy's web site and at the Umatilla County Planning Department in Pendleton, Oregon. In addition, habitat mitigation concepts, plans, maps and all final documents are on file with the same agencies.

As part of the permit requirements for the project, FPLE has been implementing several permit conditions. Some are specifically for monitoring wildlife (raptor nesting and bird and bat fatalities) and for addressing revegetation of construction impact zones. Specifically for the non-agricultural habitat impacted during construction, a Habitat Mitigation Area (HMA) was established in the vicinity. Sometimes referred to as the Habitat Enhancement Area (HEA), habitat enhancements are required. The site is being monitored (Permit Condition #112). The Stateline Wind Project Habitat Mitigation Plan (HMP) dated March 27, 2009, includes background information including habitats impacted by SWP and acres required for mitigation to meet Oregon Department of Fish and Wildlife (ODFW) Fish and Wildlife Habitat Mitigation Policy (described in Oregon Administrative Rule # 635-415-0025). Rounded to the nearest whole acre, 11 acres is the required size of the Stateline 3 HMA (calculations in HMP pgs. C-2 and C-3). FPLE has voluntarily committed to a larger site (50 total acres). It consists of native grassland steppe with prior records of the State endangered Washington ground squirrel. To be effective for long-term conservation of native vegetation and special status wildlife, more than 11 acres was determined by FPLE and Northwest Wildlife Consultants, Inc. (NWC) to be more desirable than the required 11 acres. Although the mitigation acreage requirement was for only 11 acres (not 50 acres), for enhancement actions and monitoring, the whole site is being addressed. The SWP HMP is more of a conservation of native biological values than an enhancement-intensive mitigation approach.

Enhancement activities and monitoring of the vegetation and wildlife was initiated in 2010 (Kronner, 2011). The subject of this March 2012 report is the second year of the monitoring effort, 2011. One Enhancement Action, grazing, was voluntarily initiated by the landowner prior to 2010 and has continued through the 2011 season; in the past, there had been periodic intensive sheep grazing, no particular pattern of use. Weed control in one patch was initiated in 2011.

Because this is just the second year, this report does not analyze trends towards meeting success or the success criteria (HMP, pg. C-6). It should be noted that the 50-acre habitat quality was not degraded at the time of initiation of the conservation easement and is in overall good ecological condition, dominated by native vegetation.

NWC, based in Pendleton Oregon was selected to conduct the monitoring in 2010 and 2011 and will conduct it again in 2012. NWC has been involved in wind power wildlife

studies in the area since 1994. The same wildlife biologist that conducted many of the Stateline 1, 2 and 3 studies since the mid-1990's also prepared all the background information on the HMA's values and ability to meet the mitigation objectives. NWC staff has informally and formally studied the site. NWC staff have observed the land use since 1987, including periodic intensive sheep grazing and has studied the nearby landscape for special status wildlife the past fourteen years.

## **2.0 ENHANCEMENT ACTIONS IMPLEMENTED**

Section V of the HMP specifies four "Habitat Enhancement Actions". These are: 1) Modification of Livestock Grazing, 2) Weed Control and Area Seeding, 3) Fire Control, and 4) Habitat Protection. It is anticipated that removal of livestock grazing and spot-spraying for noxious weeds are the two primary enhancement action items that will result in noticeable higher quality habitat.

### 2011 Enhancement Accomplishments:

- 1) No livestock grazing occurred on the HMA or adjacent native or CRP habitat.
- 2) Inspections for target weed species (yellow star thistle in particular and any other Umatilla County-designated noxious weeds, List A and B) occurred twice in 2011 (May and June) and spot-spraying of weed patches was conducted by a commercial herbicide applicator under contract to FPLE. The herbicide application was conducted in compliance with all applicable pesticide application regulations. Figure 2 displays an area with persistent yellow star thistle (*Centaurea solstitialis*), same extent as noted in 2010. This is the extent of the 2011 chemical treatment area, none of which is within any waterways or near water areas. No other patches of noxious weeds that are causing impacts on the native vegetation were noted. No native grass seeding was conducted.
- 3) Fire control plans are still in place as specified in permit condition #34.
- 4) The HMA has been protected under a long-term conservation easement with the landowner. With the exception of active weed control conducted by FPLE, no human-activity land uses occurred.

## **3.0 MONITORING**

The HMP specifies eight monitoring procedures that will begin in the first year after enhancement actions begin (HMP, pg. C-4). The first year after enhancement action item #2 (weed control) was implemented is the 2011 vegetative growing season.

In 2011 monitoring occurred in the mid-May to early June period.

There are specific items to be recorded during the annual monitoring, shown as items 1-6, HMP pgs. C-4 and C-5. Most are general assessments and do not entail extensive measurements.

### 2011 Monitoring Accomplishments

#### Monitoring Items 1-6

General quality of vegetation cover noted during the May 13, 2011 monitoring: native bunchgrasses found onsite included bluebunch wheatgrass (*Pseudoroegneria spicata*) and big bluegrass (*Poa secunda*) and native forbs, such as arrow-leafed balsamroot (*Balsamorhiza sagittata*), yarrow (*Achillea millefolium*), and buckwheat species (*Eriogonium niveum* and *E. heracleoides*) are maturing and growing vigorously (Photos 1 and 2). Low shrubs such as green rabbitbrush (*Chrysothamnus viscidiflorus*) are present but not dominating the native bunchgrass and forbs. Evidence of seed

production, prevalence of seed heads, of the desired native plant species was observed.

Precipitation in late 2010 and the first half of 2011 (amount and timing) was conducive to producing good vegetative growth of desirable native vegetation in 2011, as noted by NWC biologists at the HMA and while working in similar native grassland and shrub-steppe habitats elsewhere in the Columbia Plateau Ecoregion.

Photo plots/points were originally selected during the 2010 monitoring and on May 13, 2011, photographs were taken by an NWC biologist at all five of the semi-permanent photo points (Figure 2), of each four primary cardinal directions. All 20 photos are not included in this report but selected samples illustrating subjects discussed in this report are provided on page 8.

There were no wildfire on the site or adjacent.

On May 24, 2011 NWC personnel met with Stateline 3 staff and their spraying contractor to discuss the locations within the HEA requiring chemical control of the yellow star thistle infestation in the eastern portion of the HEA. Containment of the species, in comparison to the 2010 extent, was noted on May 13 but chemical treatment (spraying) is necessary to reduce the density of the weed.

On June 20, 2011 the area infested by yellow star thistle that was suggested to be chemically controlled was checked. The control appeared to have an effect in reducing the 2011 vegetative growth of the weed species.

Monitoring Items #7 and #8 (area search avian surveys and observations of special status wildlife and plants). Wildlife and plant surveys occurred from mid-May through early June 2011. Although the mitigation requirement was for 11 acres (not 50 acres), for monitoring purposes, the whole site is being studied (Figure 2).

#### *Area Search and Observations of Special Status Plants and Animals*

As described in Kronner, 2011, during early spring 2010, NWC designed an area search plot layout consisting of 5 survey plots for the 50-acre HMA. Figure 2 illustrates the plots. On June 1, 2011, an experienced avian surveyor familiar with the site and the avian communities of the habitat (2001–2011) conducted 20-minute avian searches in each of the five plots. Earlier surveys were not possible due to extensive weather fronts/poor survey conditions. All wildlife was recorded, only special status species were plotted. Avian and other wildlife species recorded and the total number of each for the two surveys were: similar to the prior year's observations. Species were: western meadowlark (2 at plot A), northern harrier (1 flyover of the site), 4 horned larks (2 at plot B, 2 at plot D), and 6 grasshopper sparrows (heard outside of plots but inside the HMA, same general areas as recorded for the species during the prior year). The grasshopper sparrow is an Oregon Sensitive-Vulnerable status species. Refer to Figure 2 of Kronner, 2011 for 2010 locations (similar locations were noted in 2011). None were noted in the weed control patch.

On May 13, 2011, the surveyor surveyed the site for special status plants and wildlife. The target species list, that was used for multiple years of Stateline 1, 2, 3 surveys, was applied to this project (refer to extensive Stateline project permit files). Transects across the site at a spacing of 10 meters were surveyed. No special status species were observed. No sign of possible use (diagnostic holes) for one small mammal known to occur in the general area, the State endangered Washington ground squirrel, was found. The following avian and other wildlife species were observed: 2 horned larks, 1 western meadowlark, 9 gray partridge, 1 red-tailed hawk (flyover) and 1 mule

deer. There was evidence of fresh American badger digging throughout the HEA, possible digging for northern pocket gopher, a common small mammal on site.

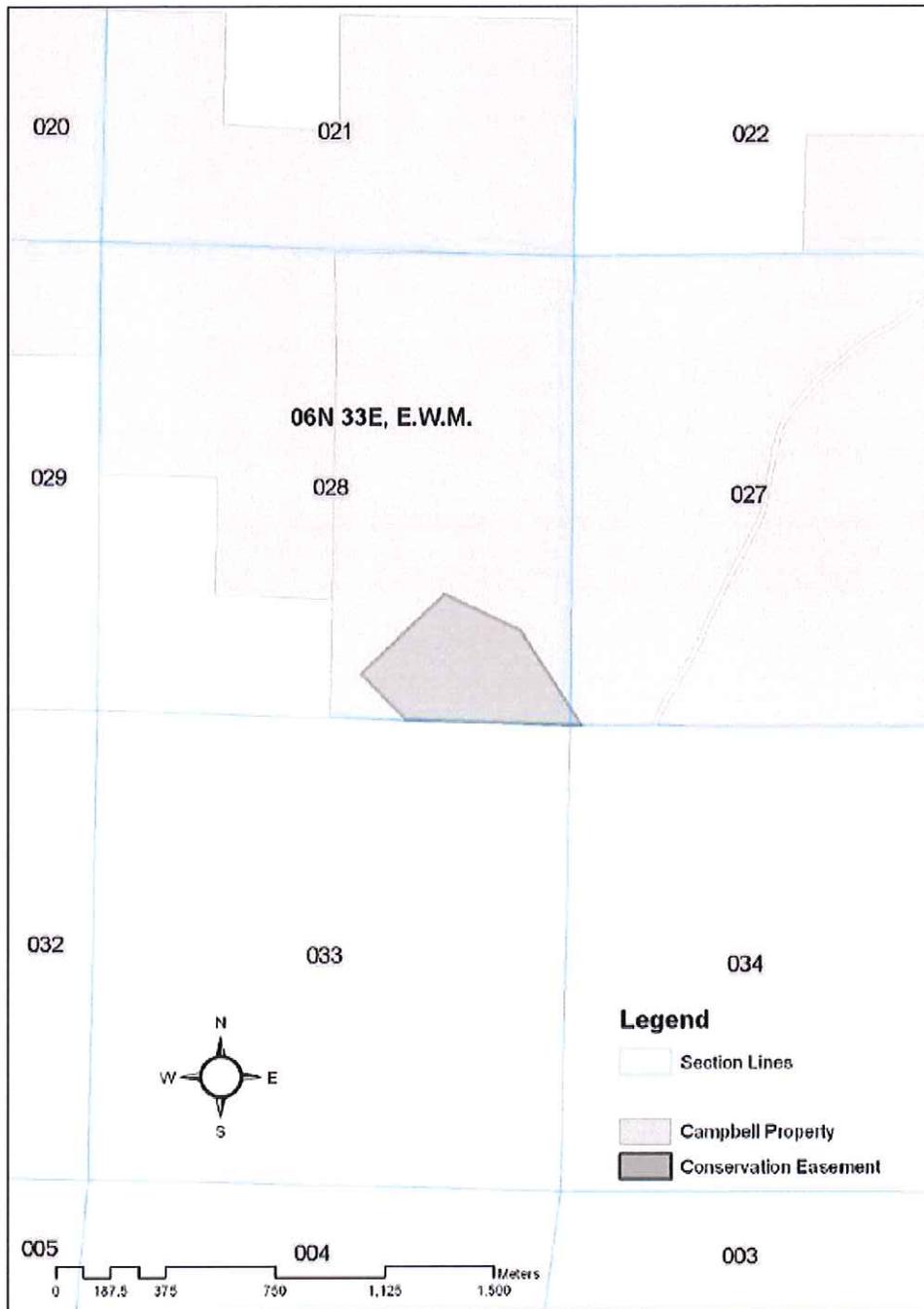
#### **4.0 RECOMMENDATIONS FOR 2012**

In addition to data/assessment required for each monitoring year (items 1–8, excluding taking photos in 2012), inspect for noxious weeds throughout, specifically within the previously known weed patch (Figure 2) and the rest of the HMA in early May 2012. Spray weeds if needed, inspect for results by early fall. Determine if native grass seeding would be advantageous in the weed control patch. If sufficient bare ground exists, consider native grass seeding in the wet period from November 2012 through January 2013. NWC is assisting Stateline 3 with their 2012 weed control plan.

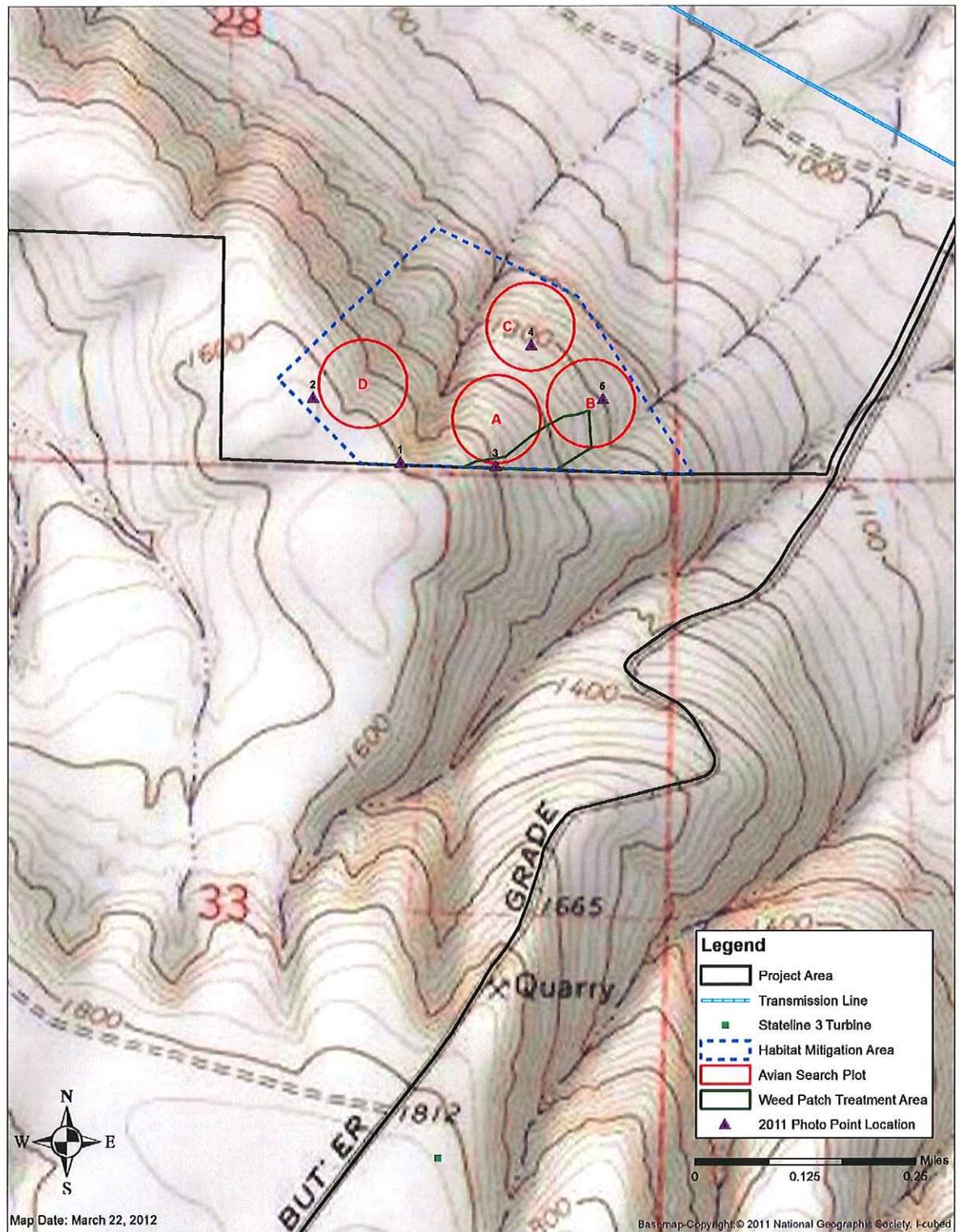
Conduct an ocular assessment of the vegetation quality (species and structural stage, etc.). Note extent of seed production of native grasses and forbs. Recovery of the native grass and forb species is less likely to be easily-discernable in 2012, as livestock grazing has not occurred for a few years. Take photos to document status of yellow star thistle in the chemically-controlled patch.

## 5.0 FIGURES

**Figure 1. Stateline 3 50-acre Habitat Mitigation Area, Umatilla County Oregon.**



**Figure 2. Stateline 3 Habitat Mitigation Area 2011 Monitoring**



## 6.0 PHOTOS

Photo 1. HMA site, native bunchgrass and forbs on slope (representative of most of HMA). Taken from Photo Point 1 on May 13, 2011.



Photo 2. HMA site (left of fence), weed patch in foreground illustrating limited native bunchgrass. Taken from Photo Point 3 on May 13, 2011.



# **ATTACHMENT 7**

**Stateline Wind Project  
WRRS Data for 2011**

**WASHINGTON / OREGON WIND PROJECTS  
2011 Annual Report**

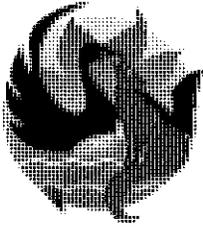
Date Reported	Species	WRRS ID #	Structure	Distance from Structure	Physical Condition	Specific Site	State	Final Disposition
1/18/2011	American Kestrel	SL11-01	BCG-14	Inside nacelle	Complete Carcass	Stateline	OR	Tagged / Bagged
2/17/2011	Sparrow	SL11-02	O&M	Inside nacelle	Complete Carcass	Stateline	WA	Tagged / Bagged
3/29/2011	Ring-necked Pheasant	SL11-03	HGJ-29	5 Feet SW	Complete Carcass	Stateline	OR	Tagged / Bagged
4/6/2011	Ring-necked Pheasant	SL11-04	HGJ-29	8 Feet SE	Wing only	Stateline	OR	Tagged / Bagged
4/11/2011	Starling	SL11-05	Road	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged
4/11/2011	Ring-necked Pheasant	SL11-06	HGL-05	30 Feet N	Complete Carcass	Stateline	OR	Tagged / Bagged
4/20/2011	Ring-necked Pheasant	SL11-07	HGJ-22	5 Feet	Scavenged	Stateline	OR	Tagged / Bagged
4/22/2011	Ring-necked Pheasant	SL11-08	HGJ-38	15 Feet E	Scavenged	Stateline	OR	Tagged / Bagged
4/22/2011	Partridge	VA11-01	A-16	41 Feet NW	Scavenged	Vansycle II	OR	Tagged / Bagged
6/15/2011	European Starling	SL11-09	O&M	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged
7/12/2011	Ring-necked Pheasant	SL11-10	Substation	N/A	Wing only	Stateline	WA	Tagged / Bagged
7/14/2011	Sparrow	SL11-11	Vehicle	N/A	Complete Carcass	Stateline	WA	Tagged / Bagged
7/28/2011	European Starling	SL11-12	PB-80	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged
8/1/2011	Hoary Bat	VS211-01	T-24	36 Feet NE	Complete Carcass	Vansycle II	OR	Tagged / Bagged
8/19/2011	Hummingbird	VS211-02	A-4	80 Feet	Complete Carcass	Vansycle II	OR	Tagged / Bagged
8/23/2011	Sparrow	SL11-13	HGM-4	9 Feet SE	Complete Carcass	Stateline	OR	Tagged / Bagged
8/30/2011	Hummingbird	SL11-14	O&M	N/A	Complete Carcass	Stateline	WA	Tagged / Bagged
8/31/2011	European Starling	SL11-15	HGW-5	N/A	Complete Carcass	Stateline	WA	Tagged / Bagged
9/20/2011	Warbler	SL11-16	Road	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged
10/4/2011	Unidentified Bat	VS211-01	T-41	4 Feet S	Complete Carcass	Vansycle II	OR	Tagged / Bagged
10/11/2011	European Starling	SL11-17	PB-86	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged
10/20/2011	European Starling	VS211-02	T-20	25 Feet NE	Complete Carcass	Vansycle II	OR	Tagged / Bagged
10/24/2011	House Wren	VS211-03	T-39	N/A	Complete Carcass	Vansycle II	OR	Tagged / Bagged
10/29/2011	American Kestrel	SL11-18	HGJ-25	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged

**WASHINGTON / OREGON WIND PROJECTS  
2011 Annual Report**

Date Reported	Species	WRRS ID #	Structure	Distance from Structure	Physical Condition	Specific Site	State	Final Disposition
11/15/2011	European Starling	SL11-19	PB-86	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged
11/23/2011	European Starling	SL11-20	WSA-34	N/A	Complete Carcass	Stateline	WA	Tagged / Bagged
12/8/2011	American Kestral	SL11-21	PB-65	N/A	Complete Carcass	Stateline	OR	Tagged / Bagged
12/28/2011	Ring-necked Pheasant	SL11-22	E-7	N/A	Scavenged	Stateline	OR	Tagged / Bagged

# **ATTACHMENT 8**

## **STL 1 & 2 Offsite ANS Monitoring 5 Year Summary Memorandum**



Northwest  
Wildlife  
Consultants, Inc.

## MEMORANDUM

Date: September 26, 2011

To: Rebecca Perree and Paul Landers, NextEra Energy Resources

From: Brett Anderson and Karen Kronner  
NWC, Inc.

Subject: Stateline 1-2 2007-2011 Offsite Artificial Raptor Nest Structure  
Monitoring

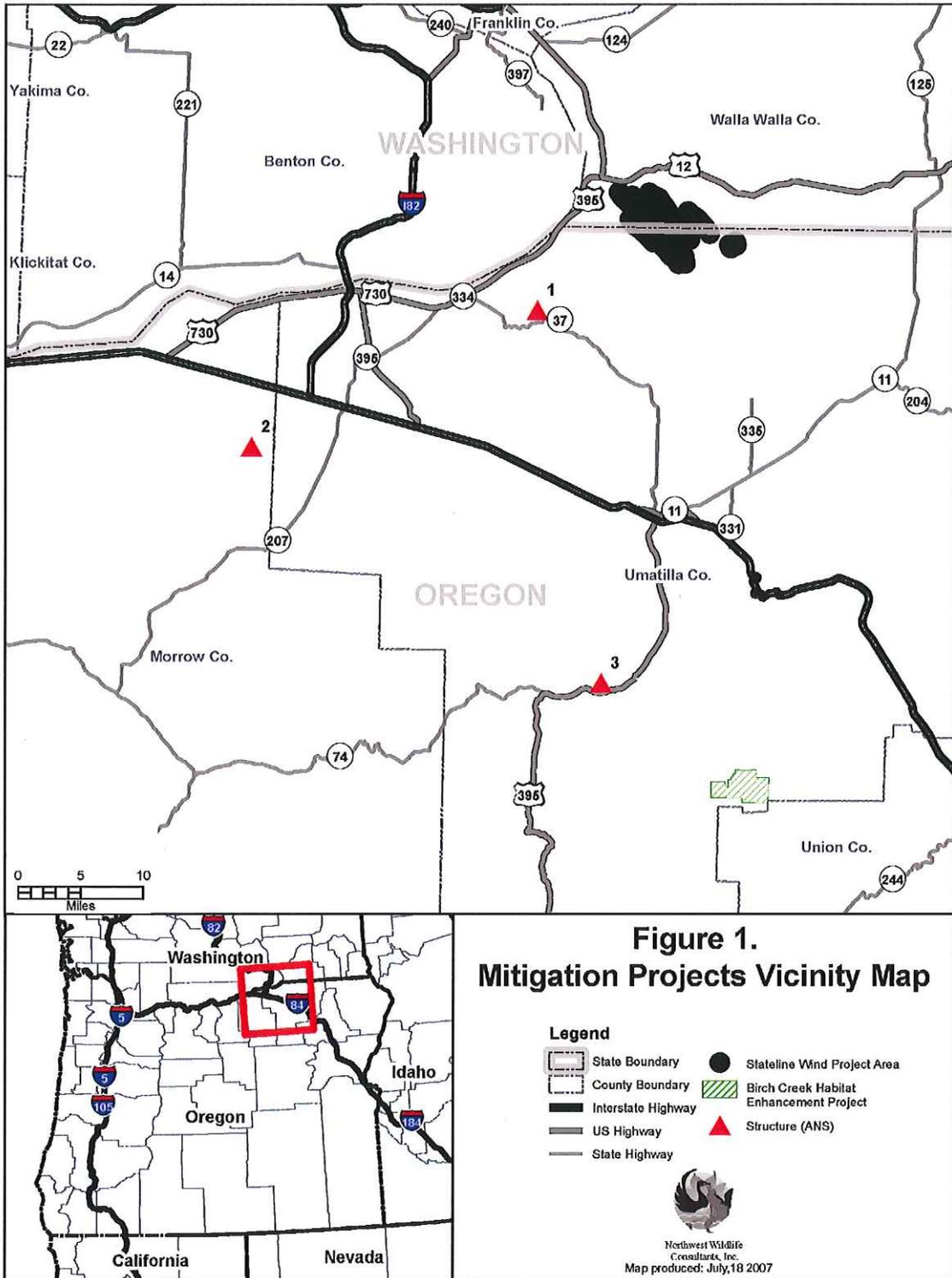
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This memo provides a summary of results for the 2011 NWC monitoring of the Artificial Nest Structures (ANS) as well as a brief five-year summary of results. These structures are located offsite (Figure 1). These are the three ANS platforms placed in suitable areas to mitigate for exceedance of the Stateline 1-2 EFSC permit established raptor fatality threshold. All three are located on privately-owned land with stable land ownership. Background information for the ANS project can be found in prior documents and is generally described in the current Stateline Wildlife Monitoring and Mitigation Plan dated November 2009 (pages A-15-A-17).

Three platforms were checked via ground or helicopter for use by raptor species in 2011. On May 19, 2011 ANS #1 was occupied by a pair of common ravens and contained 6 eggs. ANS #2 and ANS #3 were not occupied. None of the three platforms were used by the target species, ferruginous hawk, or other raptor species in 2011.

This was the fifth year that ANS monitoring was conducted. During this monitoring period, only one nest was utilized by raptor species. Nesting occurred by the target species ferruginous hawk at ANS #3 in 2009. As previously reported, two young fledged but were (assumed) killed by coyotes before leaving the general nest site area. ANS #1 and ANS #2 are not known to have had nesting attempts by raptor species since they were placed in 2007.

While monitoring will continue for at least another five years, 2011 is the benchmark fifth year for determining individual ANS usage and short-term success of the mitigation project. As specified in the WMMP, pg. A-16, lines 30-33, based on the monitoring results, moving two of the three ANS may be requested by the Oregon Department of Energy and the Oregon Department of Fish and Wildlife. WMMP lines 30-33 reads: "Annual monitoring of all ANS shall continue for at least 10 years after construction of the ANS in 2006. If there has been no use of an ANS by raptors during the first five years, the Department may require FPL Vansycle to relocate the ANS or construct an ANS at an alternative suitable site."



*Northwest Wildlife Consultants, Inc., is an Oregon Registered Woman Business Enterprise  
Specializing in Columbia and Great Basin Wildlife and Rare Plant Surveys,  
Environmental Permitting and Natural Resource Monitoring*



April 29, 2013

**SENT VIA E-MAIL AND UPS**

Mr. Duane Kilsdonk  
Senior Compliance Officer  
Oregon Department of Energy  
Hermiston Field Office  
395 East Highland Avenue  
Hermiston, Oregon 97838

**Re: "Stateline Wind Project" 2013 Annual Report  
FPLE Energy Vansycle, LLC, and FPL Energy Stateline II, Inc.**

Dear Mr. Kilsdonk:

Pursuant to OAR 345-026-0080, attached please find the 2013 Annual Report for FPL Energy Vansycle, LLC, ("Stateline 1 & 2") and FPL Energy Stateline II, Inc, ("Stateline 3") together known as "Stateline Wind Project". These two certificate holders fall under the Fourth Amended Site Certificate for the Stateline Wind Project. This annual report consists of information for the calendar year 2012 and is made up of the following components:

1. 2013 Annual Report
2. 2013 Compliance Plan Table
3. Attachments 1 through 7 that support the 2013 Annual Report and Compliance Plan table:
  - Attachment 1 - Milton Freewater Rural Fire Department: Record of Payment (#33)
  - Attachment 2 – STL 3 Revegetation Monitoring Report for the 2012 Vegetative Growing Season (Report and #65, #91)
  - Attachment 3 – Site Certificate Bond for STL 1 & 2 (Report and #80)
  - Attachment 4 – Stateline 3 Wildlife Fatality Monitoring January 2011 – January 2012 (Report and #93)
  - Attachment 5 - Site Certificate Bond for STL 3 (Report and #109)
  - Attachment 6 – 2012 WRRS Data for Stateline Wind Project (Report and #93)
  - Attachment 7 – STL 1 & 2, 2012 Offsite Artificial Nest Structure Monitoring Memorandum (Report)

Also, as per Condition 127 of the Compliance Table, we have submitted a copy of this report to the Umatilla Planning Commission to the person listed below.

Should you have any questions regarding the 2013 annual report please feel free to call me at the number below.

Best regards,



*Richard Piper  
Water & Wildlife Section  
Environmental Services Department  
(561) 691-7058 office  
(561) 301-5621 cell*

Enclosures

cc: John Goodwin, NextEra Energy  
Michael Odman, NextEra Energy  
Brian Wysong, NextEra Energy  
Janine Bacquie, NextEra Energy  
Karen Kronner, Northwest Wildlife Consultants, Inc  
  
Carol Johnson, Senior Planner,  
Umatilla County Planning Department

**2013 Annual Report  
FPL Energy Vansycle LLC  
FPL Energy Stateline II, Inc  
Fourth Amended Site Certificate  
for the Stateline Wind Project**

**Submitted: April 29, 2013**

Pursuant to OAR 345-026-0080, FPL Energy Vansycle LLC (Stateline 1 & 2), and FPL Energy Stateline II, Inc. (Stateline 3), together known as the “Stateline Wind Project” or “certificate holder”, submits this annual report on the operation of the Stateline Wind Project ("Facility") to the Energy Facility Siting Council ("Council"). As a condition in the Fourth Amended Site Certificate ("Amendment #4") and as required by OAR 345-026-0080(1)(b), the certificate holder must provide an annual report to the Council by April 30 of each year after beginning construction. The annual report must address the issues set forth at OAR 345-026-0080(2)(a)-(h). This annual report fulfills this requirement for the calendar year 2012 by addressing each issue and providing a table and supporting documents, attached hereto, demonstrating compliance with all applicable site certificate conditions.

**1.1 OAR 345-026-0080(2)(a)**

**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;

**Response:** Stateline 1 & 2 has been in commercial operation since December 21, 2001, with 186 turbines operating and providing wind-generated electricity for sale. FPL Stateline completed construction and commissioned 126 Stateline 1 turbines on December 21, 2001 and 55 Stateline 2 turbines on December 10, 2002 as provided in Amendment #1, and 5 turbines in the Stateline 2 area on December 15, 2004, as provided in Amendment #2. Those 5 turbines were moved in 2004, and are operating at the improved production and efficiency rates as projected in the 2004 report. No significant adverse impact occurred during 2012.

For Stateline 3, construction began on 43 turbines on June 9, 2009. Stateline 3 became operational on December 16, 2009. No significant adverse impact occurred during 2012.

1.2 OAR 345-026-0080(2)(b)

**Reliability and Efficiency of Power Production:** For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors, and shall describe any actions taken to prevent the recurrence of such problems;

**Response:** Wind provides the sole means of power production. FPL Stateline continues to maintain capacity factor information as proprietary information for the reasons we explained in our 2002 annual report correspondence. However, FPL Stateline recognizes the Oregon Department of Energy's (ODOE) right to request such information in the future if it is found to be necessary as described under ORS 469.080.

1.3 OAR 345-026-0080 (2)(c)

**Fuel Use:**

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

**Response:** The Facility uses wind as fuel to produce electric energy. No power heat rate was evaluated when the facility was sited because this metric is not applicable to a wind facility; therefore, this requirement does not apply to the Facility.

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

**Response:** The Facility's sole fuel type is wind. For Stateline 1 & 2, Commercial Availability was 93.8 percent for the 2012 year. For Stateline 3, Commercial Availability was 98.3 percent for the 2012 year. Commercial availability is defined as the percent of time that a turbine is available to produce energy when there is sufficient wind for generation, excluding outages outside of the plant's control, such as force majeure downtime, weather downtime, or utility downtime.

#### 1.4 OAR 345-026-0080(2)(d)

**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.

**Response:** Site Certificate Bonds have been issued based on dollar amounts determined in accordance with General Site Conditions #80 and #109. Bond #08936470 in the amount of \$5,989,000 is currently issued for Stateline 1 & 2 (Attachment #3) and bond #08966919 in the amount of \$4,193,000 is currently issued for Stateline 3 (Attachment #5).

#### 1.5 OAR 345-026-0080(2)(e)

**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.

**Response:** Monitoring of the Habitat Enhancement Area and wildlife monitoring are the significant monitoring and mitigation activities performed at the Stateline Wind project.

##### *Revegetation and Habitat Enhancement Area Monitoring*

##### Specific to Stateline 1 & 2

Revegetation monitoring for the temporarily disturbed areas for Stateline 1 & 2 was complete and reported in the 2006 Revegetation Report.

Oregon's Habitat Enhancement Area (HEA) five year vegetation monitoring for Stateline 1 and 2 was completed in June of 2010, and the final report was submitted with the modified 2010 Annual Report on October 4, 2010. This fulfilled the five year monitoring plan for Stateline 1 & 2 Oregon Habitat Enhancement Area. Under the monitoring plan, monitoring of the Enhancement Area will continue once every five years thereafter. The next monitoring for Stateline 1 and 2 HEA will occur in the spring of 2015, and will be submitted with the 2016 Annual Report.

### Specific to Stateline 3

For Stateline 3, the first monitoring period of the 5-year term specified in the Revegetation Plan was started December 2010/January 2011; the 2<sup>nd</sup> year occurred September/October 2011; and the 3<sup>rd</sup> year monitoring occurred in October of 2012. The results of this 3<sup>rd</sup> year monitoring are attached in this 2013 Annual Report as Attachment 2. No seeding is recommended at this time, although weed control for yellow star thistle was conducted; spraying occurred in 2012 and results are being monitored.

The first year vegetation monitoring and wildlife surveys in the Oregon Habitat Enhancement Area (HEA), also called the Habitat Mitigation Area (HMA) for Stateline 3 was performed during the May/June 2010 time frame. Recommendations for 2011 included confirming that no grazing would occur in 2011 (discussed with Stateline 3 manager and the landowner) and inspecting for noxious weeds and spraying if needed. The second year monitoring of the HEA occurred in May to early June of 2011 – and a copy of the report was included as an attachment in the 2012 Annual Report. Photo points were taken and representative samples were included in the report. Wildlife surveys were conducted and results were provided in the same report. Weed control (spot-spraying) of yellow starthistle occurred in 2011 and in 2012. The third year monitoring of the HEA occurred in May of 2012. As with the prior years' monitoring, the entire HEA site was reviewed. Northwest Wildlife Consultants, Inc. (NWC), reported that there were no areas at that time which needed seeding, and there was no indication of livestock grazing. In addition, NWC reported that the native bunch grass seed production/overall vigor and other vegetation/habitat cover looked the same as documented by NWC in 2011; therefore no additional report will be attached to this 2013 Annual Report.

### **Wildlife Monitoring**

Wildlife monitoring has occurred per the Oregon Wildlife Monitoring Plan, revised on 11/20/09, ("Plan"). Compliance with the Plan can be summarized as follows, up to the current year of compliance for 2012:

1. Fatality monitoring for Stateline 1 and 2 was completed in 2006. One year of fatality monitoring for Stateline 3 was conducted from January 2011 – January 2012. A memorandum of the findings was attached as Attachment 4 to the 2012 Annual Report. The final report is attached to this 2013 Annual Report as Attachment 4.
2. Transect (displacement) surveys were completed for the Stateline 1 turbines in 2006. Expansion of Stateline did occur (Stateline 3) through Amendment #4 of the Site Certificate. As part of an amendment proceeding, the Wildlife Monitoring Plan was revised and approved on March 27, 2009. A grassland bird displacement study is not required for Stateline 3.
3. Raptor nest surveys for existing raptor nests for Stateline 1 and 2 were completed in 2006.
4. For Stateline 3, raptor nest surveys were required in 2010, and were performed and were reported in the STL 3 Wildlife Monitoring Report, Attachment 4 of the 2011 Annual Report.

5. Burrowing owl surveys for Stateline 1 and 2 were done in tandem with fatality monitoring for Stateline 1 and 2.
6. Burrowing owl surveys for Stateline 3 were required in 2010 for known active or historic burrowing owl nests and any newly-discovered nests within 1,000 ft of the Stateline 3 turbines. These surveys were performed and are reported in the 2011 Annual Report as Attachment 4.
7. For Stateline 1 & 2, avian use surveys have been done in conjunction with fatality monitoring (see above).
8. For Stateline 3, avian use surveys are not required but general observations of special status birds and mammals within the facility site and birds perched on transmission line conductors and support structures in the vicinity of the turbines were recorded while the carcass search contract personnel were on site. This information can be found in this 2013 Annual Report, Attachment 4, Wildlife Fatality Monitoring, Section 3.8.2
9. Compliance with the Wildlife Response and Reporting System (WRRS) is ongoing for Stateline 1, 2 and 3. Reporting of “incidental finds” is required for the life of the project, with annual reporting to the Oregon Department of Energy (See Attachment 6).
10. “Protocol searches” of a sample of Stateline 1 and Stateline 2 turbines have been completed. Protocol searches are required for Stateline 3 turbines as per Amendment #4 of the site certificate. For Stateline 3, this occurred from January 2011 to January 2012. The summary of these protocol searches can be found in the completed Wildlife Fatality Monitoring report, Attachment 4, of this 2013 Annual Report.

#### Specific to Stateline 1 & 2

For Stateline 1 & 2, wildlife monitoring and compliance for the year 2012 consisted of complying with Section 12 Mitigation, and performing Stateline’s WRRS. Per the Plan, three artificial nest sites (ANS) were constructed and installed in early 2007, with the focal species being ferruginous hawk. Monitoring of these three artificial nest sites was performed in May, 2007, May 2008, May 2009, April/May of 2010, May of 2011, and May 2012. No nesting was reported for 2012 season. See the memorandum prepared by NWC, as Attachment 7 of this 2013 Annual Report; it includes information on all monitoring years.

Stateline’s WRRS report for 2012 (which includes STL 1, 2 & 3) showed a total of 9 avian and 1 bat fatalities. The avian fatalities included 1 corvid (American crow), 1 galliform (ring-necked pheasant), 1 barn swallow, 1 hummingbird, 1 unidentified bird, 4 raptors (American kestrel, screech owl, barn owl, an unidentified hawk), and 1 unidentified bat. Attached to this report as Attachment 6 is the full summary of the 2012 Stateline WRRS data.

The Oregon Wildlife Monitoring Plan, Section 12 Mitigation, also discussed the Birch Creek Project (“Project”) for mitigation measures. As of this date, the Project is complete, and as previously reported, Stateline contributed the entire \$9,000 budget for riparian and upland fencing to exclude cattle from the area. Fencing maintenance is the responsibility of the landowner. Periodically, the ODFW will be in the project area and will notify the land owner if there are any issues with the fencing. The ODFW has the responsibility for monitoring the Project, and periodically assesses the vegetative cover condition from the air while conducting big game surveys.

Under the Mitigation Section, the Plan’s final requirement relates to contributions to the Blue Mountain Wildlife Rehabilitation Center. The required \$9,000 in contributions has been fulfilled, including additional voluntary contributions from the project and its affiliates in excess of \$40,000.

In the spring of 2013, the project voluntarily committed to fund \$7,500 to the Oregon Eagle Foundation to assist in 2013 golden eagle aerial nest surveys and a 2013 juvenile golden eagle telemetry study in eastern Oregon.

### Specific to Stateline 3

For Stateline 3, NWC performed a formal wildlife fatality monitoring study from January 2011 to January 2012. A total of 7 birds and 16 bats were found. The birds consisted of 1 galliform (ring-necked pheasant), 4 passerines, 1 raptor and 1 woodpecker. No special status birds were found. Two bat species were found, hoary and silver-haired. Both are Oregon Sensitive species. This Wildlife Fatality Monitoring Study is attached to this 2013 Annual Report as Attachment 4.

One of the 7 birds was found during the clean-up search and one of the bats was found as an incidental. Six birds and 15 bats were used for calculating the per-turbine and per-MW mean annual fatality estimates. Two scientifically estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly accepted in the scientific community as a more precise estimator in certain circumstances). Both results are provided in the final NWC report, Attachment 4. No mitigation thresholds were exceeded.

Stateline’s WRRS report for 2012 (which includes STL 1, 2 & 3) showed a total of 9 avian and 1 bat fatalities. The avian fatalities included 1 corvid (American crow), 1 galliform (ring-necked pheasant), 1 barn swallow, 1 hummingbird, 1 unidentified bird, 4 raptors (American kestrel, screech owl, barn owl, an unidentified hawk), and 1 unidentified bat. Attached to this report as Attachment 6 is the full summary of the 2012 Stateline WRRS data.

1.6 **OAR 345-026-0080(2)(f)**

**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.

**Response:** There have been no instances of noncompliance with a site certificate condition. See the accompanying 2013 Compliance Plan Table.

1.7 **OAR 345-026-0080(2)(g)**

**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.

**Response:** No modifications requiring a facility modification report were conducted at the site.

1.8 **OAR 345-024-0630(h)**

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

**Response:** This requirement does not apply to the Facility.

<p><b>3. General Condition</b> The certificate holder shall design, retire the facility: described in the site certificate; with the requirements of ORS Chapter 469, applicable Council rules, and local laws, rules and ordinances in effect at the time the site and with all applicable permit requirements of other state agencies. (345-027-0020(7))</p>	<p>The facility was designed, constructed, and currently is operated in compliance with the site certificate, statutory and regulatory requirements, and all applicable permit requirements. Construction has been completed for the Stateline 1 and the Stateline 2 facilities (the 5 remaining turbines were constructed in 2004). Construction was completed for Stateline 3 on December 16, 2009.</p>
<p><b>3. General Condition</b> The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate (345-027-0020(24), (97), and (106). [Amendment #4].</p>	<p>The certificate holder has complied with this requirement. Construction has been completed for the Stateline 1 and Stateline 2 facilities (the 5 remaining turbines were constructed in 2004).</p> <p>For Stateline 3, construction began on June 9, 2009 and was completed on December 16, 2009.</p>
<p><b>3. General Condition</b> The certificate holder shall prevent the development of conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is a requirement of the site certificate holder. (345-027-0020(7))</p>	<p>The certificate holder has complied and will continue to comply with this requirement. No conditions have been developed that would preclude restoration of the site to a useful, non-hazardous condition. The certificate holder currently is operating the facility in compliance with the site certificate, all applicable statutory and regulatory requirements, and all applicable permit requirements to prevent the development of any such conditions.</p>
<p><b>3. General Condition</b> The Council shall include as conditions in the site certificate application and supporting documents the representations to be binding commitments made by the applicant. (OAR 345-027-0020(7))</p>	<p>The certificate holder has complied with this requirement.</p>

6	<p><b>For Stateline 1, 2 and 3. General Condition</b> For the related or supporting transmission lines:</p> <p>(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition); and</p> <p>(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. (OAR 345-027-0023(6)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with these requirements through the design, construction and operation of the facility.</p> <p>It was determined that it was not necessary to ground any fences, gates, cattle guards, trailers or any other structures of permanent nature.</p>
7	<p><b>For Stateline 1, 2 and 3. General Condition</b> The following general monitoring conditions apply:</p> <p>(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Office of Energy and receive Office approval before beginning construction or, as appropriate, operation of the facility.</p> <p>(b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.</p> <p>(c) For each monitoring program described in sections (a) and (b), the certificate holder shall have quality assurance measures approved by the Office before beginning construction or, as appropriate, before beginning commercial operation.</p> <p>(d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Office describing the impact on the facility and any affected site certificate conditions. (OAR 345-027-0028) [Amendment #4]</p>	<p>For the operating phases of the project, the certificate holder has complied with (a), currently is monitoring in compliance with (b), has complied with (c), and is unaware of any significant environmental change or impact attributable to the facility that would require the written report in (d).</p>
8	<p><b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall report according to the following requirements:</p> <p>(a) General reporting obligation for non-nuclear facilities under construction or operating:</p> <p>(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 Council. 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 this rule;</p> <p>(ii) By April 30 of each year after the beginning of construction, the certificate holder shall submit an annual report to the Council addressing the subjects listed in this rule. The Council secretary and the certificate holder may, by mutual agreement, change the reporting date.</p>	<p>For the construction and operating phases of Stateline 1, 2 &amp; 3, the certificate holder has complied with 8(a)(i).</p> <p>This table and the 2013 Annual Report it accompanies meet the requirements of 8(a)(ii) and 8(a)(iii).</p> <p>The 2013 Annual Report discusses requirements 8(b)(i) through 8(b)(viii), and therefore this table and the 2013 Annual Report meets this requirement</p>

(iii) To the extent that information required by this rule 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.

(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

(i) Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.

(ii) Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

(iii) Fuel Use: For thermal power plants:

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

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

(iv) Status of Surety Information: Documentation demonstrating that the 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).(OAR 345-026-0080) [Amendment #4]

9	<b>For Stateline 1, 2 and 3. General Condition</b> This condition removed by Amendment #4	
10	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder and the Office 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. (OAR 345-026-0105) [Amendment #4]	The certificate holder has complied with these requirements and will continue to do so if additional correspondence is exchanged.  <u>Archive</u> For Stateline 1 & 2, see correspondence dated February 16, 2005 from Anne Walsh to John White, Condition 10 documentation.
11	<b>For Stateline 1, 2 and 3. Meet Before Construction</b> Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020(5), the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: (a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or (b) The certificate holder would construct and operate part of a wind 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. (OAR 345-027-0020(5)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder acquired and has on file all necessary leases and easements that are required for construction rights. These agreements were in place before beginning Stateline 1, 2, and 3 constructions.
12	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> Following receipt of the 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 Office 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. (OAR 345-026-0048) [Amendment #4]	The certificate holder has complied with this requirement. In summary: <ul style="list-style-type: none"> <li>• Construction for Stateline 1 in Oregon began on September 15, 2001.</li> <li>• Construction for Stateline 2 began on August 16, 2002</li> <li>• Construction for the 5 remaining Stateline 2 turbines began in October 2004 (see September 7, 2004 correspondence from Anne Walsh to John White).</li> <li>• Construction of Stateline 3 began on June 9, 2009.</li> </ul>

13	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. (OAR 345-027-0020(2)) [Amendment #4]</p> <p>See Condition (84).</p>	<p>For the constructed phases of the project, the certificate holder has complied with this requirement.</p> <ul style="list-style-type: none"> <li>• The certificate holder submitted to the Office of Energy a legal description in the form of as-built drawings of the built portions of Stateline 1 and 2 with a revision date of 2/7/03.</li> <li>• In 2004, the five remaining Stateline 2 turbines were constructed and new as-built drawings were developed in 2005. The revised as-built drawings have a date of 4/7/05, and the title of the drawings is “Stateline Wind Project, Walla Walla Co., Washington, Umatilla Co., Oregon, Phase 1, 2 Reconfiguration and WS-A Relocation Projects Record Drawings” (See “Stateline 2004 Annual Report”, Attachment 1, “2005 Stateline Wind Project As-Built, submitted 4/29/05). The five turbines were listed as hgs 1 – hgs 5, specifically shown on Drawing P-26.</li> <li>• For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.</li> </ul>
14	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-0020(6))</p>	<p>The certificate holder has completed this requirement for Stateline 1 &amp; 2 (See Condition #93).</p> <p>No mitigation is required for Stateline 3 (See Condition #93).</p> <p><u>Archive</u> For the constructed portions of Stateline 1 and Stateline 2, specific mitigation activities are addressed in the certificate holder’s responses to other site certificate conditions (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 14 documentation).</p>
15	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. The certificate holder shall maintain the bond or letter of credit in effect at all</p>	<p>The certificate holder has complied with this requirement. See response to both conditions 80 (for Stateline 1 &amp; 2), and 109 (for Stateline 3) for additional details.</p>

	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. (OAR 345-027-0020(8)) See Conditions (80) and (109). [Amendment #4]	
16	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence. (OAR 345-027-0020(12))	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no condition of seismic hazard that differ significantly from those described in the application for a site certificate.
17	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(13)) [Amendment #4]	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no conditions in the foundation rocks that differ significantly from those described in the application for a site certificate.
18	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(14)) [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement. During construction of Stateline 1, 2, & 3, and for the Stateline 2 (5 turbines) the certificate holder did not find any shear zones, artesian aquifers, deformations or clastic dikes at or in the vicinity of the site.
19	<b>For Stateline 1, 2 &amp; 3. Meet Before Operations Begins</b> 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. (OAR 345-027-0020(9)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
20	<b>For Stateline 1, 2 and 3. Meet Before Operations Begins</b> Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape portions of the site disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall dispose of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. (OAR 345-027-0020(11)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder has restored vegetation and landscaping to those portions of the site disturbed by construction. The certificate holder conducted these activities consistent with the Re-Vegetation Plan (Revised March 27, 2009) approved by the Energy Facility Siting Council (Final Order on Amendment #4, Attachment B). The certificate holder has disposed of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

21	<p><b>For Stateline 1, 2 and 3. Meet Before Operations</b> If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor. (OAR 345-027-0023(5)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. The certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor. Additionally, as-built drawing of the Stateline 1 and 2 were submitted to OOE on June 15, 2003.</p> <p>With regard to Stateline 3, the certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor.</p>
22	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> Condition removed by Amendment #4.</p>	
23	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> 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"> <li>(a) There is an attempt by anyone to interfere with its safe operation;</li> <li>(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</li> <li>(c) There is any fatal injury at the facility.</li> </ul> <p>(OAR 345-026-0170) [Amendment #4]</p>	<p>On 2/20/2013, evidence was found that someone had shot the side of the building at our Campbell Substation along with a light above the entry door. This appears to be an isolated incident. A report was filed with the Umatilla County Sheriff.</p> <p><u>Archive</u> WA February 4, 2011. The substation yard had been broken into and approximately 200 ft of copper wire had been stolen. In addition, approximately \$17,000 worth of High Voltage tools had been stolen from the HV trailer.</p> <p>OR April 3, 2011. Crew went to WTG BGB-21 to perform maintenance and discovered that WTG door lock had been shot off. Crew found numerous shell casings on the ground surrounding the turbine. Crew stated that nothing seemed to be missing.</p> <p>WA June 16, 2011. Technician informed FPDC that two trespassers were attempting to remove scrap cable. Trespassers dropped cable and vacated site grounds when approached by site crew. Local law enforcement has been contacted and is investigating the event.</p> <p>WA August 2, 2011. There was a 5000 acre grass fire in Vansycle canyon. No facility equipment was damaged and there were no injuries. Although a final determination of cause was not concluded, the cause is believed to be related to the operation of site personnel trucks on dried grassy areas.</p>

		<p>WA August 12, 2011. Suspects hot wired a backhoe and used it to force the gate open in an attempt to steal a roll of 750 MCM copper cable. While trying to leave the scene of the crime, the suspect's vehicle tire blew out and the roll of copper flew off the bed of the truck. The suspects fled the scene and left their vehicle behind.</p> <p>There have been no occurrences on Stateline 3 property for 2011.</p> <p>On November 1, 2008, some college students trespassed and graffitied on 3 HGM turbines. The students were caught and performed community service on the landowner's property. A police report was filed. There were no injuries and no turbine interruptions.</p> <p>On June 26, 2007, someone tried to cut cable outside the #25 box, causing a string of turbines to come off line. Repairs were made, and the turbines came back on line on June 27, 2007. No injuries were reported.</p>
24	<p><b>For Stateline 1 Area Only. General</b> The certificate holder shall begin construction of the Stateline 1 within one year after the effective date of the site certificate. The certificate holder shall complete construction of Stateline 1 on or before two years from the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #4] See condition (3)</p>	<p>The certificate holder has complied with this requirement. The effective date of the site certificate is September 14, 2001. Construction began on Sept 15, 2001 and was completed December 21, 2001.</p>
25	<p><b>For Stateline 1, 2 and 3. General</b> Within 72 hours of discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. The certificate holder has not discovered any conditions or circumstances that may violate the site certificate.</p>
26	<p><b>For Stateline 1, 2 and 3. General</b> Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility and would increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-0020(3))</p>	<p>The certificate holder has complied with the condition.</p>
27	<p><b>For Stateline 1 Area Only. General</b> Condition removed by Amendment #4.</p>	
28	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall report promptly to the Department of Energy any change in its corporate relationship NextEra Energy Resources LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of NextEra Energy Resources LLC. (APP A-3,D-2, OAR 345-022-0010) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. No changes in the certificate holder's relationship with NextEra Energy Resources LLC have occurred and its access to the resources, expertise and personnel of that company has been and continues to be maintained. Michael Odman is the Stateline Wind Site Manager, and</p>

		the Business Manager is John Goodwin.
29	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize erosion. (App B-11)	The certificate holder has complied and will continue to comply with this requirement.
30	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall carry out weed control and reseeding as necessary for the life of the facility, in consultation with the weed control board of Umatilla County. (App B-11)	The certificate holder is complying with this requirement. The certificate holder has implemented the revegetation plan developed in consultation with Umatilla County, which addresses weed control and reseeding. All disturbed construction areas in Stateline 1, 2, and 3 were seeded following construction activities with the seed mixture prescribed in the revegetation plan approved by the Office of Energy (See Condition 20). Areas requiring additional weed control applications and reseeding are identified annually and reapplication is applied during the appropriate season, as needed. See items # 65, 66 and 67 for additional information.
31	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)	The certificate holder has complied and will continue to comply with this requirement.
32	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall use hazardous materials in a manner that is protective of human health and the environment and shall comply with all applicable local, state, and federal environmental laws and regulations. The certificate holder shall make sure that accidental releases of hazardous materials will be prevented or minimized through the proper containment of these substances during transportation and use on the site. The certificate holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing items such as absorbent pads on equipment and in storage facilities to respond to accidental spills. If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the spill or release and shall treat or dispose of contaminated soil or other materials according to applicable regulations. (App G-2, V-3)	The certificate holder has complied and will continue to comply with this requirement.
33	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall provide to the Department of Energy a copy of the contract with the Milton-Freewater Rural Fire Department for fire protection services during construction and operation of the facility before beginning construction. (App U-25) [Amendment #4]	The certificate holder has complied with this requirement. A copy of the contract with the Milton-Freewater Rural Fire Department has been provided to Oregon Office of Energy. The contract is automatically renewed upon annual payment and Stateline 1 & 2, and Stateline 3, were paid on July 5, 2012, (see Attachment 1, Milton Freewater Rural Fire Department proof of payment).
34	<b>For Stateline 1, 2 and 3. General</b> During construction and operation of the facility, the certificate holder shall have water-carrying trailers (“water buffaloes”) at appropriate locations around the facility. The certificate holder shall bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder shall coordinate with the fire chiefs of the Helix and Milton-Freewater. Rural Fire Departments as to the number, capacity and location of the water buffaloes. The certificate holder shall make sure that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose equipment, as approved by the local fire chiefs. The certificate holder shall have	The certificate holder has: 1. One water-carrying trailer located at the Vansycle project substation. 2. Five, 400 gallon water-carrying trailers located at the Stateline III facility at the following locations: 1-Campbell substation 1- A20 1-WVS2-0029

	<p>service trucks and pickup trucks capable of towing water buffaloes available in sufficient numbers at all times during construction and operation of the facility. (App B-12)</p>	<p>1- WVS2-0043</p> <p>3. Five, 325 gallon water-carrying trailers located at the Stateline facility at the following locations:  1-Nine-mile substation  1-Pipeline road between WS-A and PB (located in OR)  1-Hatch Grade Road at the FPLE office  1-Hatch Grade Road near HG-S entrance (located n OR)  1-Butler Grade BG-C (located in OR).</p> <p>3. Water buffalos are removed during winter months to the main shop for winterization. This is coordinated with the local fire depts.</p> <p>4. The Certificate Holder stays in contact with the Touchet Fire Department, who in turn stays in contact with the local Fire Departments. The Certificate Holder works with the Touchet Fire Department to coordinate their annual emergency drill. The fire chiefs of the Helix and Milton-Freewater Rural Fire Departments are aware of the Certificate Holder's equipment that is available at the site including the hoses, pumps and that vehicles are available to move water buffaloes as needed.</p>
35	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall take steps to protect the facility and property from unauthorized access and to reduce the risk of accidental injury during construction and operations by (App U-25, 26) [Amendment #3]:</p> <p>(a) Maintaining fencing and access gates around dangerous equipment or portions of the site as feasible. [Amendment #3 and #4]</p> <p>(b) Posting warning signs near high-voltage equipment.</p> <p>(c) Requiring construction contractors to provide specific job-related training to employees, including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and safety equipment inspection.</p> <p>(d) Requiring each worker to be familiar with site safety.</p> <p>(e) Assigning safety officers to monitor construction activities and methods during each work shift.</p> <p>(f) Ensuring that workers on each shift are certified in first aid.</p> <p>(g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each worker knows its location.</p> <p>(h) Conducting periodic safety meetings for construction and maintenance staff.</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
36	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall notify the Department of Energy and the Umatilla County Planning Department of any accidents including mechanical failures on the site associated with the operation of the wind power facility that may result in public health and safety concerns. (ORS 469.310) [Amendment #4]</p>	<p>There were no reportable accidents for Stateline 1,2, and 3 in the year 2012</p> <p><u>Archive</u>  No significant adverse impact occurred during 2011. There was a 5000 acre grassfire in Vansycle canyon in August of 2011, but there was no structural damage and no</p>

		<p>injuries.</p> <p>4/13/2010 pb-16 experienced failure causing a fire and a significant oil spill of ~300 gallons. The oil spill was caused by an explosion of the transformer at the base of the turbine, casting oil and debris downwind, covering approximately a 20'x50' area. The oil spill was reported to Washington State, since the turbine was located in Washington. An emergency response team removed and disposed of contaminated soil.</p> <p>In 2008, a blade failure occurred on PB-92, causing the blade to fracture and strike the tower. The fallen blade was removed and disposed of. The cause of failure was determined to be blade root (bolted metal insert) failure. The root cracked horizontally across the leading edge and failed under full load. Due to the failure type, special tooling was needed to remove the hub. In January of 2009, a 2<sup>nd</sup> blade fractured during a wind storm, caused by damage it sustained from the original failure. ½ of the blade was cast off the tower, and has been removed and disposed of. After several failed attempts to have a tower made, a new one has been manufactured and arrived on 5/19/2010. The tower and nacelle have already been assembled and final repairs to the rotor set are in process. Repairs are expected to be complete by 7/1/2010.</p>
37	<p><b>For Stateline 1, 2 and 3. General</b> To reduce the visual impact of the facility, the certificate holder shall:</p> <p>(a) Design, construct and operate a facility consisting of the major structures and related or supporting facilities described in the Site Certificate. [Amendments #1, #2 and #4]</p> <p>(b) Group the turbines in strings of 2 to 37. [Amendments #1, #2 and #4]</p> <p>(c) Construct each turbine to be not more than 263 feet tall at the turbine hub and with a total height of not more than 416 feet with the nacelle and blades mounted (App B-5) [Amendment #4]</p> <p>(d) Mount nacelles on smooth, hollow steel towers. [Amendment #4]</p> <p>(e) Paint all towers uniformly in a neutral light gray or white color. [Amendments #2 and #4]</p> <p>(f) Not allow any advertising to be used on any part of the facility or on any signs posted at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles. (App BB-2)</p> <p>(g) Use only the minimum lighting on its turbine strings required by the Federal Aviation Administration, except:</p> <p>(i) The Stateline 1&amp;2 satellite operations and maintenance building may have a small amount of low-impact exterior lighting for security purposes (App BB 2).</p> <p>(ii) Low-impact lighting may be used for occasional nighttime repairs, operations or</p>	<p>The certificate holder has complied with this requirement.</p>

	<p>maintenance at the substation (at other times this lighting would be turned off).</p> <p>(iii) Security lighting may be used at the Stateline 3 O&amp;M building and substation if it is shielded or downward-directed to reduce glare.[Amendments #2 and #4]</p> <p>(h) Use only those signs required for facility safety or required by law and comply with Umatilla County design requirements for signs as described in UCDC Sections 152.545 through 152.548. (App BB-2) [Amendment #4]</p> <p>(i) Design and construct the operation and maintenance building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers. Upon retirement of the energy facility, the operations and maintenance building must be removed or converted to farm use, in accordance with Cond 19.[Amendment #3 and #4]</p>	
38	<p><b>For Stateline 1, 2 and 3. General</b> To restrict public access to turbine towers, the certificate holder shall install locked access doors accessible only to authorized project staff. (App BB-3)</p>	<p>The certificate holder has complied with this requirement. The certificate holder has installed a locked access door on each turbine accessible only to authorized project staff.</p>
39	<p><b>For Stateline 1 Area Only. General</b> If any state-listed threatened, endangered or candidate plant species are found during the pre-construction surveys described in condition (55), the certificate holder shall use appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. See condition (55)</p>	<p>The certificate holder has complied with this requirement.</p>
40	<p><b>For Stateline 1, 2 and 3. General</b> In constructing and operating the facility, the certificate holder shall make reasonable efforts not to disturb the farming and ranching activities on adjacent lands. (App K-6)</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
41	<p><b>For Stateline 1, 2 and 3. General</b> If the certificate holder elects to use a bond to meet the requirements of Conditions (80) or (109), 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 assure 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. [Amendments #1, #2 and #4]</p>	<p>The certificate holder has complied with this requirement. Site Certificate Bonds have been issued based on dollar amounts determined in accordance with conditions #80 and #109. Bond #08936470 in the amount of \$5,989,000 is currently issued for Stateline 1 &amp; 2 (Attachment #3) and bond #08966919 in the amount of \$4,193,000 is current issued for Stateline 3 (Attachment #5). See conditions 80 and 109 for additional information.</p>
42	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy in advance of any initial road improvement work that does not meet the definition of "construction" in OAR 345-001-0010(10) or ORS 469.300(6) and shall provide to the Department plans of the work and evidence that its value is less than \$250,000. (App B-21) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p>
43	<p><b>Meet Before Construction Begins</b> Condition removed by Amendment #4.</p>	
44	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall locate roads to minimize disturbance and maximize transportation efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall use existing county roads and private farm roads to the maximum extent feasible. The certificate holder shall coordinate farm road improvements with landowners to minimize crop impacts and to assure that the final road provides useful access, where possible, to the landowners' fields. (App B-6)</p>	<p>The certificate holder has complied with this requirement (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 44 for Stateline 1 &amp; 2).</p>

45	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall videotape all Umatilla County roads used as access to the facility and shall require construction contractors to enter into a written agreement with Umatilla County stating that all roads used by the contractor will be restored to as good or better condition than they were before construction. (App U-24)</p>	<p>The certificate holder has complied with this requirement for the constructed portions of Stateline 1 and Stateline 2 and related facilities. (See correspondence dated July 22, 2008 between Umatilla County and Bill Hayduk confirming restoration. Attached to 2008 Annual Report).</p> <p>For Stateline 3, please see condition 81, confirming Umatilla County considers restoration complete.</p>
46	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy of the identity and qualifications of major construction contractors for the facility. The certificate holder shall select major construction contractors based on a proven record of environmental compliance and stewardship, a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3,4) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 and 2. D. H. Blattner and Sons, Inc. was contracted as the major construction contractor for the built Stateline 1 and 2 facilities including the five Stateline 2 turbines constructed in 2004 (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 46 documentation).</p> <p>The certificate holder has complied with this requirement for Stateline 3. D. H. Blattner and Sons, Inc. was the contracted as the major construction contractor for Stateline 3.</p>
47	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. See condition (2).</p>	<p>The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.</p>
48	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall require that all on-site construction contractors prepare a site health and safety plan before beginning construction activities. The certificate holder shall ensure that the plan informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)</p>	<p>The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.</p>
49	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility in accordance with seismic design provisions given in the Oregon Building Code. The certificate holder shall identify localized areas of S<sub>C</sub> and S<sub>D</sub> soil types and assure that any structures to be built in those areas are designed according to the code. The certificate holder shall design all components constructed after 2008 to meet current Oregon Structural Specialty Code (OSSC2007) and the 2006 International Building Code. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 3, see condition 50 below.</p>
50	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall provide the Department of Energy with design specifications showing the locations of turbines and type of foundations to be employed and demonstrating that the following</p>	<p>The certificate holder has complied with this requirement for Stateline 1 &amp; 2.</p>

	<p>conditions have been satisfied (OAR 345-022-0020):</p> <p>(a) If a turbine is located within 50 feet of a slope steeper than 30°, the stability of the slope has been reviewed by the foundation designer to confirm that either (i) the slope has a safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is less than 1.1, but ground displacements will not adversely affect the stability of the wind turbine. Slopes shall be evaluated in the field for each proposed turbine location.</p> <p>(b) The foundation designer’s review of slope displacement during a seismic event has been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is less than 1.1, the foundation designer has shown that</p> <ul style="list-style-type: none"> <li>(i) the movement will not intersect the turbine,</li> <li>(ii) the movement will intersect the turbine but will not affect its stability, or</li> <li>(iii) additional stabilization measures, such as anchor tie-downs or ground support systems, will be employed to maintain stability.</li> </ul> <p>(c) If a turbine is located where power generating or other requirements preclude sufficient setback distances to avoid intersection of a moving slope with the turbine foundation, the foundation designer has demonstrated that the turbine foundation will withstand loads from the moving soil or has been equipped with ground support systems that will withstand loads from moving soil.</p> <p>(d) The foundation designer has confirmed that the turbines and conduit can tolerate some movement without instability or breakage if a mapped fault were to rupture.</p> <p>[Amendment #4]</p>	<p>For the recent construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the email was attached to the 2010 Annual Report as Attachment #3.</p>
51	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> In modifying slope angles for roads or other facilities, the certificate holder shall assure that the foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 1 &amp; 2, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 51 for documentation of the 2004 construction activities.</p> <p>For Stateline 3, a slope evaluation and stability analysis was performed for the Stateline 3 project by Mr. Imran Magsi, PE, Senior Geotechnical Engineer (Oregon Registered Professional Engineer 17677), GN Northern Inc. This report was provided to Mr. Bill Burns of DOGAMI in May 2009 (See response to 50). The report concluded that the facility would achieve a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures.</p>
52	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility to avoid or minimize adverse impacts to wildlife by measures including but not limited to the following (App P-41):</p> <ul style="list-style-type: none"> <li>(a) Siting the turbines on ridges outside of migration flyways.</li> <li>(b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird use is typically higher).</li> <li>(c) Avoiding the use of overhead collector lines. [Amendments #2 and #4]</li> </ul>	<p>The certificate holder has complied with this requirement.</p>

53	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall survey the status of known Swainson's hawk nests within the vicinity of proposed construction before the projected date for construction to begin. If active nests are found, and construction is scheduled to begin before the end of the sensitive nesting and breeding season (June 1 to August 31), the certificate holder shall develop a no-construction buffer in consultation with ODFW and shall not engage in construction activities within the buffer until the sensitive season has ended. If construction continues into the sensitive nesting and breeding season for the following year, the certificate holder shall not engage in construction activities within the buffer around active nests until the sensitive season has ended. [Amendments #2 and #4]</p>	<p>For Stateline 1, the certificate holder complied with this requirement. Construction took place outside of the sensitive nesting and breeding season during the construction of Stateline 1.</p> <p>For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (2010 Annual Report, Attachment #4, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p>
54	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing owls if construction is scheduled to occur during the sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction buffer, developed in consultation with ODFW, around any active nests during the sensitive period. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and the site avoided during the sensitive period.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
55	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction surveys for state-listed threatened, endangered or candidate plant species in all areas not included in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder will notify the Department of Energy and consult with the Oregon Department of</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for small</p>

	Agriculture regarding appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. (App Q-7) [Amendment #4]	areas where the facility corridor had changed. None were found during either survey.
56	<b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2 and #4]	The certificate holder has complied with this requirement for Stateline 1 and 3.  For the recent construction of STL 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and avoided. No WGS activity was found in 2009 in the approved construction corridors.
57	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall report to the Council any change of major construction contractors. See condition (8).	The certificate holder has complied with this requirement during Stateline 1 and 2 construction years 2001, 2002 and 2004. (Condition 47). D.H. Blattner and Sons, Inc. constructed STL 1 & 2 phases of the Stateline Wind Project.  D.H. Blattner and Sons, Inc. constructed the STL 3 phase of the Stateline Wind Project.
58	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall take steps to prevent fires during construction including but not limited to (App U-25): (a) Establishing roads before accessing the site to allow vehicles to stay away from grass (b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters (c) Avoiding idling vehicles in grassy areas (d) Keeping cutting torches and similar equipment away from grass (e) Making sure that all construction personnel receive appropriate fire-safety instruction from qualified local fire departments or qualified fire-fighting trainers on the job site (f) Making sure that fire-fighting equipment is available at all active parts of the job site.	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
59	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require the foundation designer to inspect excavations during construction of foundations for the turbines and other facilities to confirm that geologic conditions are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-022-0020)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
60	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the facility's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements. (App B-7, 13, E-3, P-41)	The certificate holder has complied with this requirement. An Erosion and Sediment Control Plan is in place as part of NPDES permit requirements and construction operations were undertaken in compliance with the plan/permit in 2001, 2002, 2004 and 2009.

61	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion and compaction by measures including but not limited to the following:</p> <ul style="list-style-type: none"> <li>(a) Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters</li> <li>(b) Installing sediment fence/straw bale barriers at locations shown on the plans</li> <li>(c) Wherever feasible, constructing roadways so that surface drainage continues along natural drainage patterns with minimal diversions through ditches and culverts</li> <li>(d) Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads</li> <li>(e) Straw mulching and discing at locations adjacent to the road that have been impacted</li> <li>(f) Providing temporary sediment traps downstream of intermittent stream crossings</li> <li>(g) Providing sediment type mats downstream of perennial stream crossings</li> <li>(h) Planting designated seed mixes at impacted areas adjacent to the roads</li> <li>(i) Installing sediment fencing along the down slope side of construction equipment staging areas</li> <li>(j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a healthy cover crop</li> <li>(k) Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated</li> <li>(l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces, and thereby limiting soil compaction and disturbances</li> <li>(m) Scarifying and reseeding compacted areas after construction is completed</li> <li>(n) Using appropriate erosion control methods to limit soil loss due to water and wind action</li> <li>(o) Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion (App I-2, 3)</li> <li>(p) Using water for dust suppression during construction (App O-1)</li> </ul>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
62	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall place underground electrical and communications cables at a minimum depth of three feet below grade in trenches along the length of each turbine string corridor and in some cases in trenches from the end of one turbine string to the end of an adjacent turbine string. The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After installing the electrical or communications cables and within two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)</p>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
63	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <ul style="list-style-type: none"> <li>(a) Preparing maps to show sensitive areas that are off-limits during the construction phase, distributing the maps to construction staff and having a biologist flag sensitive areas as needed</li> </ul>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.

	<ul style="list-style-type: none"> <li>(b) Minimizing road construction and vehicle use where possible</li> <li>(c) Posting speed limit signs throughout the construction zone</li> <li>(d) Instructing construction personnel (including all construction contractors and their personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</li> <li>(e) Instructing construction personnel (including all construction contractors and their personnel) to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</li> <li>(f) Requiring all construction personnel to report any injured or dead wildlife detected at the facility site</li> <li>(g) Requiring all construction personnel to respect all staked wildlife areas and associated no-construction buffer areas</li> </ul>	
64	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread gravel on all above ground portions of the turbine pads to reduce the potential for weed infestation. (App BB-5)	The certificate holder has complied with this requirement. Gravel has been spread on all built turbine pads.
65	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <ul style="list-style-type: none"> <li>(a) Avoiding vegetation removal wherever possible</li> <li>(b) Limiting construction activities to within public road right-of-ways where possible</li> <li>(c) Using best management practices to prevent erosion of soil into stream channels</li> <li>(d) Controlling invasive, weedy plant species during maintenance of project facilities</li> <li>(e) Restoring temporarily disturbed sites to pre-construction condition or better with native seed mixes as described for temporarily disturbed habitats in the Revegetation Plan included in the Final Order on Amendment #4 as Attachment B and as revised from time to time. [Amendment #1 and #4]</li> <li>(f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation with ODFW and the Umatilla County weed control board</li> <li>(g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</li> <li>(h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread of noxious weeds</li> <li>(i) Developing measures to reduce the potential spread of noxious weeds in consultation with the weed control board of Umatilla County.</li> </ul>	<p>The certificate holder has complied with (a) through (c) during construction years 2001, 2002, 2004, and 2009. All Oregon construction in 2004 occurred on agriculture land.</p> <p>For (d) through (i) weed control and reseeding is continued as needed and revegetated construction zones were monitored per the Revegetation Plan.</p> <p>For Stateline 3, the first year of the 5-year revegetation monitoring plan was started December 2010/January 2011. The 2<sup>nd</sup> year monitoring occurred September/October 2011, and the 3<sup>rd</sup> year monitoring occurred October 2012, per the Revegetation Plan. Results are attached in this 2013 Annual Report as Attachment 2.</p> <p><u>Archive</u> For Stateline 1 &amp; 2, revegetation monitoring for the temporarily disturbed areas was complete in 2006.</p> <p>(See Condition #91 for further information)</p>
66	<b>For Stateline 1 Area Only. Meet During Construction</b> To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one acre of weed-infested upland habitat with native plants. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate	A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category

	<p>holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]</p>	<p>3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).</p>
67	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendment #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for</p>

		Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5). ). For periodic out year monitoring, the next monitoring is scheduled for 2015.
68	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall use measures including but not limited to the following (App P-45):</p> <ul style="list-style-type: none"> <li>(a) Replacing agricultural topsoil to its pre-construction condition</li> <li>(b) Using best management practices to prevent loss of topsoil during construction</li> <li>(c) Reseeding native habitats with a native seed mix that includes at least some seed collected from the area as described for temporarily disturbed habitats in the Revegetation Plan referenced in Condition 65. [Amendments #1 and #4]</li> <li>(d) Controlling noxious weeds in areas disturbed by construction activities</li> </ul>	<p>The certificate holder has complied with this requirement and continues meeting these measures during operations. Responses to each subsection of this condition are as follows:</p> <ul style="list-style-type: none"> <li>(a) Agricultural topsoil replacement completed.</li> <li>(b) Topsoil loss prevented through water application and dust control measures.</li> <li>(c) Completed, ongoing reapplication conducted as needed.</li> <li>(d) Herbicide application used in disturbed areas where necessary to control noxious weeds, ongoing reapplication is conducted by an Oregon certified applicator as needed.</li> </ul> <p>The certificate holder has complied with this requirement during construction years 2001, 2002 and 2004, and 2009 (Stateline 3).</p>
69	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall not place any part of the facility within any Washington ground squirrel (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall have an on-site wildlife monitor who will flag habitat required for WGS survival (Category I), conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that construction personnel do not enter the area. The monitor shall conduct post construction monitoring to document distribution of the WGS in the area. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
70	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To reduce potential injury or fatality of migratory birds, the certificate holder shall App Q-10):</p> <ul style="list-style-type: none"> <li>(a) Locate turbines away from saddles in long ridges</li> <li>(b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the upwind (prevailing) side</li> <li>(c) Use monopole design for all turbine and meteorological towers</li> </ul>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
71	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures (App V-2):</p> <ul style="list-style-type: none"> <li>(a) Collecting steel scrap and transporting it to a recycling facility</li> <li>(b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of scrap or leftover materials</li> <li>(c) Using concrete waste as fill on-site or at another site or, if no reuse option is available, transporting it to a local landfill</li> </ul>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>

	(d) Recycling packaging wastes (such as paper and cardboard) (e) Collecting non-recyclable waste and transporting it to a local landfill	
72	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require that disposal of waste concrete on-site is conducted in accordance with OAR 340-093-0080, other applicable regulations and this condition. The construction contractor may bury waste concrete on-site with the permission of the landowner in the following manner: by placing the waste concrete in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours so that all buried concrete is at least three feet below grade. (App V-3, 4).	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
73	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall provide portable toilets for onsite sewage handling during construction and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices. The certificate holder shall recycle any wastes generated during construction as much as feasible and shall collect any non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2)	The certificate holder has complied with this requirement. On-site portable toilets were provided and maintained regularly by a licensed plumber during construction activities.
74	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall have a full-time on-site assistant construction manager, qualified in environmental compliance and familiar with all site certificate conditions, to observe contractor waste management practices and to assure compliance with applicable regulations and construction site policy. (App V-4)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
75	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall post high-visibility no-entry barriers around recorded cultural and archaeological sites and shall to ensure that construction workers stay away from the vicinity of the sites. The certificate holder shall locate barriers to create a buffer with a minimum width of 30 meters between the sites and construction activities. The certificate holder shall have a qualified cultural resource expert to monitor the avoidance of the no-entry areas by construction workers and to monitor ground disturbing activities. The certificate holder shall select a cultural resource expert chosen by the Confederated Tribes of the Umatilla Indian Reservation, if available, or shall select a qualified cultural resource expert, subject to Department approval, to conduct the monitoring. [Amendment #4]	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.  Specifically for Stateline 3 in 2009, CTUIR was contracted to provide cultural resources monitoring during construction activities. A CTUIR cultural resources expert was on site to monitor ground-disturbing activities during facility construction.
76	<b>For Stateline 1, 2 and 3. Meet During Construction</b> If previously unidentified cultural resources are encountered during construction, the certificate holder shall halt earth-disturbing activities in the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and 358.920), and shall notify the Department of Energy, the Oregon State Historic Preservation Officer (SHPO) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The certificate holder shall have a qualified archaeologist evaluate the discovery and recommend subsequent courses of action in consultation with the CTUIR and the SHPO. If human remains are discovered, the certificate holder shall halt all construction activities in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical Examiner and the State Police. [Amendment #4]	The certificate holder has complied with this requirement for STL 1 and 2, during construction years 2001, 2002 and 2004. Additionally, please refer to correspondence dated February 16, 2005 from FPL Energy Vansycle LLC to the ODOE.  For STL 3 construction, the certificate holder has complied with this requirement.

77	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall include traffic control procedures in contract specifications for construction of the facility. The certificate holder shall require flaggers to be at appropriate locations at appropriate times during construction to direct traffic and to ensure minimal conflicts between harvest and construction vehicles. (App U-24)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
78	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall confine the noisiest construction activities to the daylight hours. (App X-8)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
79	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> This condition does not apply to Stateline 3. The certificate holder shall construct the cable crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove no more than approximately 7.5 cubic yards of material from the streambed crossing and shall replace a like amount of fill material after the cable has been laid, restoring the area similar to the original contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p>
80	<p><b>For Stateline 1 and 2 Area Only. Meet Before Operations Begin</b> This condition applies to Stateline 1 &amp; 2 only. Within 90 days after the effective date of the Fourth Amended Site Certificate, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount of \$6.160 million (1<sup>st</sup> Quarter 2009 dollars), to be adjusted to the date of issuance as described in (a), naming the State of Oregon, acting by and through the Council, as beneficiary or payee.</p> <p>(a) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal (1<sup>st</sup> Quarter 2009 dollars) shown in Table 1 of the Final Order on Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Service's "Oregon Economic and Revenue Forecast", or by any successor agency (the "Index"), and using the index value for 1<sup>st</sup> Quarter 2009 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 1<sup>st</sup> Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting year.</p> <p>(b) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(d) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility.</p>	<p>The certificate holder has complied with this requirement. A Site Certificate Bond has been issued based on a dollar amount determined in accordance with this condition #80. Bond #08936470 in the amount of \$5,989,000 is currently issued for Stateline 1 &amp; 2 (Attachment #3). See conditions 41 and 109 for additional information.</p>

	(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 (8). See Conditions (19) and (41). [Amendment #4]	
81	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> After construction is complete, the certificate holder shall restore the county roads to at least their pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.  For the most recent Stateline 3 construction in 2009, all designated haul roads were inspected by Hal Phillips of the Umatilla Co Road Department on 11/09/2009. Mr. Phillips verified "that after inspecting all the roads, all the roads met the conditions of the road use agreement between Umatilla County and FPL Energy Inc." (See attachment #7 of the 2010 Annual Report).
82	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> The certificate holder shall grade and reseed laydown areas to wheat or native grasses as necessary to restore those areas to their pre-construction condition (App B-10).	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009. No construction was conducted in 2003. Reseeding and weed spraying continues on an as needed basis as recommended by revegetation monitoring. Specifically, for the newly constructed STL 3, the Campbell laydown area has been reclaimed back to a field. The Hindman drive lay down area has been reseeded.
83	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For any materials disposed of as fill on site, the certificate holder shall conduct such disposal with the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. (App G-3, V-3)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
84	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For the purposes of this site certificate, wind turbine tower locations are analogous to location of permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5). The Council approves the corridor described in the final order for construction of turbine strings. As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to the Department of Energy a legal description of the location where the certificate holder has built turbine towers and other parts of the facility. Within 90 days after beginning operation of any turbines that are added to the facility by amendment of the site certificate, the certificate holder shall submit to the Department a legal description of the location of any additional turbine towers and related or supporting facilities allowed by the amendment. The site of the facility is the area identified by the legal descriptions required by this condition. Within 90 days after beginning facility operation, the certificate holder shall provide to the Department and the Umatilla County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments #1 and #4] See Condition (13).	The as-built drawings for Stateline 1 and the fifty-five Stateline 2 turbines constructed in 2001 and 2002 were sent to OOE on June 12, 2003. To document the 2004 relocation project new as-built drawings for the Stateline Wind Project were sent with the 2004 Annual Report.  For the actual legal description of the five Stateline 2 turbines, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, and Condition 13 documentation.  For Stateline 3, included at Attachment 1 to the 2010 Annual Report were the GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.

85	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall prepare and maintain a site health and safety plan that informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)	The certificate holder has complied with this requirement.
86	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall recycle solid waste generated during operation of the facility as much as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)	The certificate holder has complied with this requirement.
87	<b>For Stateline 1 and 2 Only. Meet During Operations</b> This condition applies to Stateline 1 and 2 only. The certificate holder shall provide portable toilets for use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder must contact the Oregon Department of Environmental Quality if the on-site septic system is to be used. (App O-2) [Amendment #4]	The certificate holder has complied with this requirement. The Oregon Department of Environmental Quality has been contacted about the portable toilet. A satellite O&M building has not been established, only the portable toilet whereby its limited usage is appropriate under OAR 340-071-0330 (2). Additionally, it is serviced Bi monthly by a qualified maintenance pumper.
88	<b>For Stateline 1, 2 and 3. Meet During Operations</b> If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right. The certificate holder shall use high-pressure cold water only and shall not use chemicals or additives in the wash water. (App O-2) [Amendment #1]	The certificate holder has complied with this requirement. No blade washing has been necessary to date.
89	<b>For Stateline 1, 2 and 3. Meet During Operations</b> if any new nesting or denning sites for wildlife species of concern are located, the certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall minimize road construction and vehicle use where possible. (P-42)	No new nests have been found since the 2010 wildlife monitoring.  <u>Archive</u> Attached to the 2011 Annual Report was the STL 3 Wildlife Monitoring Report (Attachment 4) for the 2010 Study Year, which required nesting surveys of the recently constructed STL 3. Attachment 4 provided methods and results for the required 2010 wildlife monitoring. It provided a figure for ODOE/ODFW use only, of the known ferruginous hawk nests, great horned owl nest, red-tail hawk nests, and burrowing owl dens. This map is on file at the operations office and is a reference for the ops staff when working in the areas during the spring nesting/denning period.
90	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-43, Q-10): (a) Instructing all personnel on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife (b) Instructing all personnel to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active	The certificate holder has complied with this requirement, and will continue to comply with this requirement.

	(c) Requiring all personnel to report any injured or dead wildlife detected at the facility site	
91	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-43, Q-10):</p> <ul style="list-style-type: none"> <li>(a) Using best management practices to prevent erosion of soil into stream channels</li> <li>(b) Controlling invasive, weedy plant species during maintenance of project facilities</li> <li>(c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</li> </ul>	<p>The certificate holder has complied with this requirement. Responses to each subsection of this condition are as follows:</p> <ul style="list-style-type: none"> <li>(a) Erosion of soil into stream channels is prevented by using measures recommended in NPDES permits and Erosion and Sediment Control Plans.</li> <li>(b) Mowing and herbicide applications were used as necessary to control invasive weedy plant species. Ongoing herbicide reapplication is conducted as needed by an Oregon certified applicator. Herbicide applications are conducted as recommend by the annual revegetation monitoring of restored constructed zones and on an as-needed basis elsewhere onsite.</li> <li>(c) Restoration of disturbed areas is done on a continuing basis. Reseeding is conducted as recommended by the Revegetation Plan (3/27/09). The 2013 Annual Report includes the 3rd Revegetation Monitoring Report for Stateline 3 (2012 vegetative growth), as Attachment 2.</li> </ul> <p><u>Archive</u> Stateline 1 &amp; 2 Revegetation Monitoring of the construction zones was completed in 2006.</p> <p>(See Condition #65)</p>
92	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion by measures including but not limited to the following (App I-3 through 5):</p> <ul style="list-style-type: none"> <li>(a) Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials</li> <li>(b) Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs</li> <li>(c) If areas of erosion are observed during operation, implementing mitigation and reclamation measures</li> </ul>	<p>The certificate holder has complied with this requirement. Proper road grating and reclamation measures are used on an ongoing basis to mitigate areas of potential adverse soil erosion.</p>
93	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan, included in the Final Order on Amendment #4 as Attachment A and as revised from time to time. Subject to approval by the Department of Energy as to professional qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the monitoring. (OAR 345--22-0060) [Amendment #1 and #4]</p>	<p>The certificate holder continues to comply with this requirement.</p> <p><u>Stateline 1 &amp; 2.</u> Current wildlife monitoring for Stateline 1 &amp; 2 consists of 10 year monitoring of off-site artificial raptor nest structures. Monitoring of artificial nest sites has occurred in 2007, 2008, 2009, 2010, 2011, and 2012. Monitoring also includes the Wind and Wildlife</p>

		<p>Response and Reporting System (WRRS). See Attachment #6 for the complete WRRS summary.</p> <p>For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly acceptable as a more precise estimator in certain circumstances). Both results are provided in the final NWC report, which was completed in the fall of 2012. Attachment 4 of this 2013 Annual Report provides the full report. No thresholds were exceeded.</p> <p><u>Archive</u> Stateline 1&amp;2 completed standardized fatality monitoring in 2006, as stated in the Revised Wildlife Monitoring and Mitigation Plan included in the Final Order, Amendment # 4. In summary, the compilation of 2001-2003 wildlife monitoring data was prepared for presentation to the Oregon Energy Facility Siting Council at the end of 2005 (it was presented on January 20, 2006). The Oregon Wildlife Monitoring Plan did not require wildlife monitoring to be carried out by qualified wildlife consultants during the 2005 year; however, maintenance personnel implemented incidental reporting as described in the Wildlife Response and Reporting System. Wildlife monitoring by a third party was conducted in 2006 and monitoring results were submitted in the “Stateline Wind Project Wildlife Monitoring Annual Report”, dated September 4, 2007.</p>
94	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat quantity or quality, the certificate holder shall mitigate for the loss of habitat quality by measures approved by the Oregon Department of Energy. (OAR 345-022-0060) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Currently, no additional mitigation is required.</p> <p>For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as</p>

		<p>Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly acceptable as a more precise estimator in certain circumstances). Both results are provided in the final NWC report, which was completed in the fall of 2012. Attachment 4 of this 2013 Annual Report provides the full report. No thresholds were exceeded. Therefore no mitigation is required.</p> <p><u>Archive</u> For Stateline 1 &amp; 2, mitigation was performed for raptor fatality threshold exceedance and monitoring is conducted per the Oregon Wildlife Monitoring Plan (revised 11/20/09). See Condition 93 and Section 1.5 of the 2012 Annual Report for additional details.</p>
95	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential failure. (App BB-1)</p>	<p>The certificate holder has complied with this requirement. Technicians regularly conduct inspections and do preventative maintenance work on the equipment. For the 2010 and 2011 years, the original equipment manufacturer (OEM) has completed blade root inspections in 2011. Blade root inspections will continue on an as needed basis.</p>
96	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall make sure that all on-site employees receive annual fire prevention and response training by a professional fire-safety training firm. The certificate holder shall prohibit employees from smoking outside of company vehicles during dry summer months and shall require employees to keep vehicles on roads and off dry grassland during the dry months unless necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding or other flame or spark-producing operations near the turbines. The certificate holder shall equip each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency Response procedures book and a two-way radio for immediate communications with the O&amp;M facility. The certificate holder shall have staff in the local area on call at all times to respond in case of fire or other emergency. The certificate holder shall supply all local fire departments with maps of and gate keys to the facility. (App B-12)</p>	<p>FPL's Stateline facility has and will continue to follow the training processes as described by FPL's LMS (Learning Management System) Department. This training includes comprehensive fire training through the entirety of FPL's Power Generation Division Fleet.</p> <p>2007 Refresher and training for new employees regarding fire prevention and response was completed 10/26/2007.</p> <p>Petco was contracted in 2009. Training was performed by Petco in August 2009.</p> <p>Advance Fire Protection was contacted in 2010 and 2011. Training was performed in August of 2010, July 2011, and July/August 2012.</p> <p>Primary communication is through direct connect phones and cell service. Substations have phone and two- way service with O&amp;M.</p>

		All other condition requirements are adhered to and are standard operational procedures at the Stateline Wind Project.
97	<b>For Stateline 2 Area Only. General</b> The certificate holder shall begin construction of Stateline 2 within six months after the effective date of the First Amended Site Certificate. The certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2 and #4]	The certificate holder has complied with this requirement for 55 of the approved 60 turbines, whereby, construction began on August 16, 2002 and they became operational on December 10, 2002. Site certificate Amendment #2 was approved by EFSC on June 6, 2003, which authorizes an extension of the construction completion date for the five remaining Stateline 2 turbines. The date was extended to March 1, 2005. Construction of the 5 turbines began in October 2004 and they became operational on December 15, 2004.
98	<b>For Stateline 1, 2 and 3. General</b> Condition removed by Amendment #4	
99	<b>For Stateline 1, 2 and 3. General</b> 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. (OAR 345-027-0020(15)) [Amendment #4]	The certificate holder acknowledges this requirement. Ownership continues as per the Site Certificate, Amendment #4.
100	<b>For Stateline 1, 2 and 3. General</b> If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy 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. (OAR 345-027-0020(16)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
101	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a 1/4-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder	The certificate holder has complied with this requirement for the constructed portion of the Stateline 2 facilities (fifty-five turbines), and will continue to comply with this requirement. Construction of the five remaining Oregon turbines commenced in October 2004, which was outside of the construction restriction period (see correspondence dated September 7, 2004 from Anne Walsh to John White, Attachment 1 - Northwest Wildlife Consultants, Inc.

	shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller, conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment #2 and #4]	Survey Report of the Ferruginous Hawk Nest Near Stateline 2).
102	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> This condition removed by Amendment #4	
103	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize the risk of fire, the certificate holder shall: <ul style="list-style-type: none"> <li>(a) Construct turbines, towers and pads of fire retardant materials</li> <li>(b) Bury electrical cables</li> <li>(c) Use enclosed, locked pad-mounted transformer structures</li> <li>(d) Include built-in fire prevention measures in turbines</li> <li>(e) Not store combustible materials at the Stateline site.</li> </ul>	The certificate holder has complied with this requirement for the project facilities that have been constructed to date. Construction has been completed for the Stateline 1, 2 and 3.
104	<b>For Stateline 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 1 acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat enhancement area described in Condition (67) by 1 acre. [Amendment #4]	The habitat enhancement area described in Condition (67) has been enlarged to include the 1-acre.
105	<b>For Stateline 2 Area Only. Meet During Operations</b> This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain uninhabited during construction. The certificate holder shall continue the no-occupation agreement until retirement of the facility unless the certificate holder demonstrates to the satisfaction of the Department that the facility complies with the applicable noise control regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with the regulations as to the increase in ambient statistical noise levels by entering into a legally effective easement or real covenant with the owner of the property identified as 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of the facility to increase ambient statistical noise level L <sub>10</sub> and L <sub>50</sub> by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. If such easement or real covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the Department, based on modeling or measurements performed in compliance with OAR 340-035-0035, that an easement or real covenant is not necessary to comply with those regulations. [Amendment #3 and #4]	The certificate holder has complied with this requirement. A Declaration of Covenants was entered into with the land owner, Barnett-Rugg, Inc on June 30, 2005. The Declaration of Covenants was included as Attachment 3 of the Stateline 2006 Annual Report, titled "2005 Annual Report", which was submitted on May 5, 2006.

106	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 3 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #3 and #4]</p>	<p>The certificate holder has complied with this requirement. Construction began on June 9, 2009 and completion of construction was December 16, 2009.</p>
107	<p><b>For Stateline 3 Only- General Condition</b> Condition removed by Amendment #4</p>	
108	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:</p> <p>(a) Designing and operating the transmission lines so that maximum current (amps per conductor) would not exceed the following levels: For 34.5-kV underground lines, 560 amps; and for 230-kV transmission lines, 753 amps. [Amendment #4]</p> <p>(b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks.</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p> <p>The locations of underground and overhead transmission lines are included in the Exhibit B of the land lease agreements.</p>
109	<p><b>For Stateline 3 Only. Meet Before Construction Begins</b> Before Construction begins of Stateline 3, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$5.911 million (in 1st Quarter 2009 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).</p> <p>(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of Stateline 3 by applying the unit costs and general costs illustrated in Table 3 in the Final Order on Amendment #4 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.</p> <p>(b) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal component of the initial bond or letter of credit amount (expressed in 1st Quarter 2009 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 index value for 1st Quarter 2009 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 1st Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p>	<p>The certificate holder has complied with this requirement. A Site Certificate Bond has been issued based on a dollar amount determined in accordance with this condition #109. Bond #08966919 in the amount of \$4,193,000 is current issued for Stateline 3 (Attachment #5). See conditions 41 and 80 for additional information.</p>

	<p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.</p> <p>(c) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(d) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council, as required by Condition (8).</p> <p>(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the Stateline 3 site.[Amendment #4]</p>	
110	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards.</p>	The certificate holder has complied with this condition.
111	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4</p>	
112	<p><b>For Stateline 3 Only- Meet During Construction and Operation</b> Before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW) detailed maps of the facility site, showing the final design locations where the certificate holder proposes to build facility components and the habitat categories of all areas that would be affected during construction. In addition, the certificate holder shall provide a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection. Based on the approved habitat assessment, the certificate holder shall calculate the mitigation area requirement and shall carry out enhancement activities as described in the Stateline 3 Habitat Mitigation Plan included in the Final Order on Amendment #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. [Amendment #4]</p>	<p>The Habitat Enhancement Area (HEA) is being monitored per the Stateline 3 Habitat Mitigation Plan (3/27/09). Third year monitoring occurred in 2012, and NWC reported that the native bunch grass seed production/overall vigor and other vegetation/habitat cover looked the same as documented by NWC in 2011. Therefore no report is attached, but the summary of finding can be found in Section 1.5 of the Annual Report.</p> <p><u>Archive</u> Final design locations of the Stateline 3 components and final habitat assessment table were submitted via an email attachment from Karl Kosciuch of Tetra Tech on May 1, 2009. A memo describing the habitat assessment was subsequently revised via an email from Karl Kosciuch on May 12, 2009. The Department approved the final habitat assessment via an email from John White on May 15, 2009.</p> <p>The certificate holder calculated the mitigation area requirement, and it was attached to the 2010 annual report as Attachment 12, As-Built Analysis for Habitat Mitigation Area. As part of Attachment 12, Figure I</p>

		<p>shows the As-Built Facility Comparison by Habitat Category.</p> <p>On October 22, 2009, the certificate holder provided a copy of the “Short Form Conservation Easement Agreement”, showing the certificate holder has acquired legal right to create and maintain the enhancement area.</p> <p>The certificate holder, in conjunction with ODFW and the landowners, determined the location of the habitat enhancement area as described in the “Short Form Conservation Easement Agreement”.</p> <p>With the exception of the Operations and Maintenance building, which was not constructed, no other adjustments to the final design and habitat categories were made prior to constructing the Facility. It should be noted that the Facility uses the existing O&amp;M building in Touchet, WA.</p>
113	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect the public from electrical hazards including electric and magnetic field exposure, the certificate holder shall:</p> <p>(a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the top pointing out at a 45-degree angle.</p> <p>(b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two wooden poles connected by cross-members with a typical overall height of 61 feet and a minimum design ground clearance of 25 feet to the lowest conductor as described in the Request for Amendment #4.</p> <p>(c) Design and construct the transmission lines so that:</p> <p>(i) Alternating current electric fields during operation do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public, and</p> <p>(ii) Induced voltages during operation are as low as reasonably achievable.[Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
114	<p><b>For Stateline 3 Only- Meet During Construction</b> To deter raptors from perching on transmission support structures near the wind turbines, the certificate holder shall install anti-perching devices on all proposed support structures within one-half mile of any turbine, unless the top of the support structure is below the base of the turbine tower due to topography. Wherever feasible, the certificate holder shall use “spike-type” devices instead of “triangle-type” devices. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
115	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to conform to the guidelines of the Avian Power Line Interaction Committee so that electrical conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
116	<p><b>For Stateline 3 Only- Meet During Construction</b> Condition removed by Amendment #4</p>	

117	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall not engage in construction activities for Stateline 3 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15, if the young are fledged.	The certificate holder has complied with this requirement. For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants (NWC). Based on Ms. Kronner's findings, no ferruginous hawks were observed on site. The area was monitored for activity periodically throughout the nesting period during 10-day intervals. No postponement of construction was necessary due to this requirement, since no ferruginous hawks were observed.  Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of NWC.
118	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall construct stream crossings substantially as described in the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the state or add new fill material to waters of the state such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
119	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall perform frequent maintenance to keep the substation transformer in good repair and in reliable operating condition.	Transmission services will maintain in accordance with NERC reliability standard and records are maintained in the Transmission Serviced Reporting and documenting program (AMP).
120	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall verify that the actual sound power level output of the wind turbines constructed for Stateline 3 meets the manufacturer's warranty. This verification may consist of field measurement or other means of verification satisfactory to the Department of Energy. The certificate holder shall include the verification in the first annual report following construction of any Stateline 3 turbines. [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder provided the Department of Energy and its noise consultants protocols for conducting noise verifications for review and approval.  A Noise Verification Analysis was completed and the report was submitted to ODOE on 02/22/2011.
121	<b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4	
122	<b>For Stateline 3 Only – Meet Before Construction Begins</b> Condition removed by Amendment #4	
123	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall design and construct Stateline 3 in compliance with the County design requirements as described in Umatilla County Development code Sections 152.010, 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.

124	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall ensure that construction contractors use a transportation route reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy load transport vehicles. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
125	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall record a Covenant Not to Sue with regard to generally accepted farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E). [Amendment #4]	Attached the 2010 Annual Report as Attachment #10, was a copy of the Covenant Not To Sue.
126	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall construct all Stateline 3 components in compliance with the following setback requirements: (a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential. (b) Where (a) does not apply, 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. (c) Where (a) does not apply, 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. (d) Where (a) does not apply, 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. (e) The certificate holder shall not locate equipment associated with the temporary batch plant within 50 feet of a public road, county road or utility right of way.[Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
127	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall deliver a copy of the annual report required under Condition 8 to the Umatilla County Planning Commission on an annual basis unless specifically discontinued by the County. [Amendment #4]	The certificate holder shall submit its annual report, as specified in condition 8, to the Umatilla County Planning Commission by April 30 of each year in operation. The annual report will be submitted to Carol Johnson, Senior Planner, Umatilla County Planning Department, 216 SE 4 <sup>th</sup> Street, Pendleton, OR 97801; 541-278-6252; carol@umatillacounty.net.
128	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall position a 3,000-gallon water truck on-site while personnel are present and actively working. [Amendment #4]	The certificate holder has complied with this requirement.
129	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate shall discharge sanitary wastewater generated at the Stateline 3 O&M building to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall locate the septic system more than 100 feet from any streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge capacity of less than 2,500 gallons per day. [Amendment #4]	Construction and Operations use only portable systems. Operations do not use an onsite well.

130	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate holder shall obtain water for on-site uses from a wells located at the Stateline 3 O&M building, subject to compliance with applicable permit requirements. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. [Amendment #4]	There is no onsite well used by operations. Operations do have a private well in WA and irrigation rights at the operations building.
131	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
132	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports.” [Amendment #4]	<p>The certificate holder has complied with this requirement. For the construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the June 8, 2009, email was attached to the 2010 Annual Report as Attachment #6.</p>
133	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall provide to the Department:</p> <p>(a) Information that identifies the final design locations of all Stateline 3 wind turbines to be built.</p> <p>(b) The maximum sound power level for the Stateline 3 substation transformers and the maximum sound power level and octave band data for the turbines selected for the Stateline 3 based on manufacturers’ warranties or confirmed by other means acceptable to the Department.</p> <p>(c) The results of noise analysis of the facility, including the Stateline 3 components to be built according to the final design, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.</p> <p>(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder’s operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be</p>	<p>The certificate holder has complied with this condition as follows:</p> <p>a) For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were As-Built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations per land owner;</p> <p>b) through c) The certificate holder submitted the noise analysis based on the final design of Stateline 3 on May 4, 2009 (attachment to email from Karl Koschiuch, May 4, 2009). The Department reviewed the analysis and notified the certificate holder of approval (email from John White, June 3, 2009). Accordingly, the certificate holder has complied with this Condition 133.</p>

	recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.[Amendment #4]	
134	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> 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 the facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulation. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
135	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall not install any transmission line support structures within 800 feet of any active Swainson's hawk nest identified in 2008 or later. [Amendment #4]	The certificate holder complied with this condition during construction of Stateline 3 as follows: For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (2010 Annual Report, Attachment #7, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.  Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.
136	<b>For Stateline 1, 2 and 3 – Conditions Added by Amendment #4</b> This condition applies to all phases of the Stateline Wind Project. When any third-party lien or security interest in the facility's wind turbine towers is created, the certificate holder shall notify such third party in writing that the wind turbines and towers are components of an energy facility that is subject to the terms and conditions of a Site Certificate and subject to the rules of the Oregon Energy Facility Siting Council. The certificate holder shall provide to the Department a copy of each written notification required under this condition and the name and contact information for each third party so notified. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.

# **ATTACHMENT 1**

**Milton Freewater Rural Fire Department  
Record of Payment for:**

**FPL Energy Vansycle, LLC**

**FPL Energy Stateline II, Inc.**

**Milton-Freewater Rural Fire Dept.  
 PO Box 356  
 Milton Freewater OR 97862-0356**

Invoice Date: 05/29/12  
 Customer Number: 2660  
 Invoice Number: 022496  
 Contract #: New 5/2010  
 Premise Phone: 561-304-5108  
 Due Date: 06/10/12  
 Amount Due: \$32,550.00

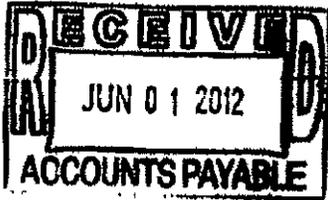
\*\*\*\*AUTO\*\*MIXED AADC 700  
 FPL Energy Vansycle LLC. 28 57  
 PO Box 88888  
 North Palm Beach FL 33408-8888 5900

**Milton-Freewater Rural Fire Dept.  
 PO Box 356  
 Milton Freewater OR 97862-0356**

Please detach and return this coupon with your payment.

**Milton-Freewater Rural Fire Dept.**

Invoice Number: 022496

2660 FPL Energy Vansycle LLC. @ West Of Butler Grade		
<u>Date</u>	<u>Current Account Activity</u>	<u>Amount</u>
	Previous Balance	32,550.00
	Last Payment Received -	- 32,550.00
	Balance Forward	0.00
	<b>*** New Charges ***</b>	
06/10/12	One Year Fire Coverage At: 186 Turbines	32550.00
		
<i>Do you have a fire extinguisher? Need one call us now.</i>		
<i>All Charges are Billed Annually for Service Provided From June 2012 Thru May 2013</i>		
<b>Please pay on or before June 10, 2012</b>		<b>\$32,550.00</b>

AN  
6017

For billing questions please call customer service at (541)938-7146



### Display Check Information

Check recipient | Check issuer... | Accompanying docs | Payment document

Paying company code: 6017 | Payment document no.: 2000016812

#### Bank details

House Bank	B0ATX	Bank Key	111000012
Account ID	4040	Bank Account	3751824040
Bank name	BANK OF AMERICA, NA		
City	76116 FORT WORTH		

#### Check information

Check number	5000005001	Currency	USD
Payment date	06/29/2012	Amount paid	32,550.00
Check encashment	07/05/2012	Cash discount amount	0.00

#### Check recipient

Name	MILTON FREEWATER RURAL FIRE
City	MILTON-FREEWATER
Payee's country	US
Regional code	OR

**Milton-Freewater Rural Fire Dept.  
PO Box 356  
Milton Freewater OR 97862-0356**

Invoice Date: 05/29/12  
Customer Number: 2611  
  
Invoice Number: 022477  
Contract #: May/2009  
Premise Phone: 561-304-5108  
  
Due Date: 06/10/12  
Amount Due: \$8,600.00



|||||  
\*\*\*\*AUTO\*\*MIXED AADC 700  
FPL Energy Stateline III, Inc. 28 57  
PO Box 88888  
North Palm Beach FL 33408-8888 5899

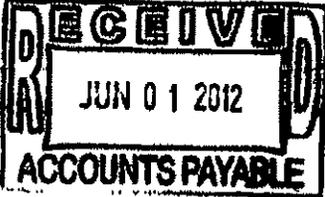
Milton-Freewater Rural Fire Dept.  
PO Box 356  
Milton Freewater OR 97862-0356



Please detach and return this coupon with your payment.

**Milton-Freewater Rural Fire Dept.**

Invoice Number: 022477

2611		FPL Energy Stateline III, Inc. @ FPL Energy Stateline III 43 Turbines	
<u>Date</u>	<u>Current Account Activity</u>	<u>Amount</u>	
	Previous Balance	8,600.00	
	Last Payment Received -	<u>- 8,600.00</u>	
	Balance Forward	0.00	
	<b>*** New Charges ***</b>		
06/10/12	One Year Fire Coverage At: FPL Energy Stateline III, Inc. 43 Turbines	8600.00	
			
	<i>Do you have a fire extinguisher? Need one call us now.</i>		
	<i>All Charges are Billed Annually for Service Provided From June 2012 Thru May 2013</i>		
<b>Please pay on or before June 10, 2012</b>			<b>\$ 8,600.00</b>

AN  
6/16/12

For billing questions please call customer service at (541)938-7146



### Display Check Information

Check recipient | Check issuer... | Accompanying docs | Payment document

Paying company code: 6167 | Payment document no.: 2000002935

#### Bank details

House Bank	BOAGA	Bank Key	061112788
Account ID	9102	Bank Account	3359169102
Bank name	BANK OF AMERICA, NA		
City	30308 ATLANTA		

#### Check information

Check number	5000000428	Currency	USD
Payment date	06/28/2012	Amount paid	8,600.00
Check encashment	07/05/2012	Cash discount amount	0.00

#### Check recipient

Name	MILTON FREEWATER RURAL FIRE
City	MILTON-FREEWATER
Payee's country	US
Regional code	OR

# **ATTACHMENT 2**

**STL 3 Revegetation Monitoring Report  
for the 2012 Vegetative Growing Season**

**Stateline 3  
Revegetation Monitoring Report  
for the  
2012 Vegetative Season**

*Prepared for:*

**FPLE Energy Stateline II**

P. O. Box 409  
365 Touchet Gardena Road  
Touchet, Washington 99360

*Conducted by:*

**Northwest Wildlife Consultants, Inc.**

815 NW 4<sup>th</sup> St.  
Pendleton, Oregon 97801



March 25, 2013

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## 1.0 INTRODUCTION

FPL Energy, Vansycle LLC owns and operates the Stateline Wind Project 1 and 2 and FPL Energy Stateline II ("Stateline 3") owns and operates Stateline 3 Wind Project. Stateline Wind Project (SWP) is located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The most recent phase, Stateline 3 ("Project") was permitted by the State of Oregon (Fourth Amended Site Certificate, dated March 27, 2009) and was constructed from mid to late 2009. It consists of 43 2.3-megawatt (MW) Siemens turbines (98.9 total MW) installed on privately-owned land in Oregon east of Stateline I and 2 and Vansycle I. Stateline 3 facilities are primarily on agricultural lands (dryland wheat) and Conservation Reserve Program (CRP) grassland and a very small amount of native grassland. Shrub-steppe habitat and scattered trees are near the facilities. The site is approximately five miles north of Helix, Oregon and six miles south of Touchet, Washington. The 43 wind turbines are arranged in strings along ridge tops. In addition to wind turbines, access roads, overhead and underground electrical lines, operation and maintenance facilities, and a substation are associated with the Project.

In the Site Certificate (Condition #65), the certificate holder is required to mitigate impacts associated with the loss of Grass-steppe, Shrub-steppe, and Conservation Reserve Program (CRP) habitats that were both temporarily (approximately 74 acres) and permanently disturbed. No mitigation was proposed for the long-term and temporary disturbance to agricultural areas. Mitigation and monitoring for permanently-impacted habitats are addressed in other reports. The mitigation for temporarily impacted habitats is revegetation, followed by monitoring for success.

As part of the permit requirements for the Project, FPLE has revegetated the habitat temporarily disturbed by the Project construction. This work was carried out according to the specifications outlined in the Stateline Wind Project: Revegetation Plan [Revised to include Stateline 3, dated March 27, 2009]. The plan specified seed mixes and planting methods applicable to the Project and set out the monitoring framework for evaluating revegetation success.

The Revegetation Plan and this monitoring report address only the portions of the Project that are located in Oregon, although there are portions of the Project located in Washington.

FPLE Energy Stateline II has obtained the services of Northwest Wildlife Consultants, Inc. (NWC) to implement revegetation monitoring at the Project. NWC staff has worked on the Project and nearby wind sites for 17 years and are intimately familiar with the habitat and site-specific environmental conditions.

This report summarizes the methods and results of revegetation monitoring conducted by NWC in 2012 for the 2012 vegetative growing season, the third of five years of annual revegetation monitoring prescribed in the Revegetation Plan. The Revegetation Plan included in the Final Order on Amendment #4 for the Stateline 3 Wind Project forms the basis for this monitoring effort. The Revegetation Plan discusses habitat types, temporary and permanent impacts, and revegetation monitoring strategies. Some of the methods implemented for revegetation monitoring were improved over those specified in the plan and these minor improvements were previously described in NWC, 2011, the first monitoring report (for the 2010 vegetative growing season).

## 2.0 METHODS

### 2.1 Monitoring Design

The methods used by NWC during revegetation monitoring at Stateline 3 Wind Project in 2012 are discussed in detail in the Revegetation Plan and further explained in the two prior monitoring reports, NWC, 2011 and NWC, 2012. The information presented below explaining the methods for revegetation monitoring include dates of monitoring and other pertinent information regarding the 2012 methods.

Criteria for restoration success are outlined in the 2009 Revegetation Plan (Sec. 5.3, page B-8). Methods outlined below are designed to fulfill those criteria. The objectives of the multi-year monitoring effort are to determine whether desired plant species have germinated and are maturing, as well as to assess if there are areas where there were problems with seeding or weed control as outlined in the Revegetation Plan. Restoration success will not be determined until the fifth year of monitoring has been completed.

As described in the first year's monitoring report (NWC, 2011), reference sites (undisturbed) adjacent to revegetated areas and serving to represent the target conditions for the revegetation efforts were selected by NWC staff in early December 2010. Reference sites will continue to be used for comparison during all monitoring visits in subsequent years of study, unless some event (such as wildfire or intensive land use impacts) substantially alters vegetation conditions so that a particular reference site no longer represents a realistically attainable goal for the associated revegetated area. In that case, the NWC investigator will choose a new reference site in the same habitat and disturbance type.

Revegetation efforts were monitored for three habitat types. The habitat types monitored were CRP, shrub-steppe, and grassland-steppe. The 62 semi-permanent transects selected during the 2010, initial monitoring and monitored in both 2010 and 2011 (NWC, 2012) were again used during the 2012 monitoring effort (Figure 1, Table 1). Transects are paired adjacent to each other, one in a disturbed (revegetated) area and the other in an undisturbed (reference) area. In addition to the three habitat types, there were four types of disturbed sites: roadside (shoulders of new roads), turbine site, underground electrical transmission collection line, and overhead transmission line disturbance.

Desired species, as stated in NWC, 2011 for the purpose of this monitoring program, are those species included in the seed mixes and native grass, shrub, and forb species. The seed mixes applied are identified in the Revegetation Plan. Most native grass, shrub, and forb species are desirable for several reasons. They support a variety of vertebrate and invertebrate animals, are prevalent in the surrounding habitat and are generally what was present historically, before construction. Undesired species are exotic (non-native) annual grasses (e.g. cheatgrass, *Bromus tectorum*), and non-native forbs, (e.g. yellow star thistle, *Centaurea solstitialis*).

The fieldwork to collect required data for the third vegetative season (2012) of construction related revegetation monitoring occurred on October 10–12 at the end of the vegetative growing/seed-producing season. Throughout monitoring, vegetation structural stage (germination and growth of revegetation seeding success), degree of erosion potential, and percent ground cover measurement data were collected. Monitoring work included semi-permanent line-intercept 50-meter transects and cover-frequency plot evaluations of both revegetated areas and chosen reference plots.

## **2.2 Field Data Collection**

Table 1 displays the habitat types studied and the number of transects used for the first three years (2010–2012) monitoring. At each monitoring location along both the revegetated (seeded after construction) and reference transects, the investigator evaluated the same parameters and conducted the same evaluations along semi-permanently installed 50-meter transects—within revegetated (disturbed) areas and reference (undisturbed) areas as in both previous monitoring years.

Photos were taken in conjunction with transect field data collection using established photo-documentation methods at the prior established camera points and are available upon request.

## **3.0 RESULTS**

### **3.1 Average Stems of Desirable Species per Square Foot**

Average stems per square foot of desirable species are provided for each monitored habitat type. Consistent with the prior monitoring, stems per square foot were determined by the number of desirable plants per square foot. Table 1 compares stem density among transects in disturbed and undisturbed areas. Data for all three monitoring years is provided. Desired species are those included in the revegetation seed mix and, as described in the methods, native grass, shrub, and forb species also considered desirable. Other species are classified as broad exotic/undesirable grass or forb.

#### **3.1.1 CRP Habitat**

Stems per square foot of desired species in the sixteen disturbed, overhead transmission line, CRP habitat sampling areas averaged 1.2 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects for the overhead transmission line averaged 1.3 stems per square foot. Stems per square foot of desired species in the two disturbed, underground transmission line, CRP habitat sampling areas averaged 1.4 stems per square foot. Stems per square foot of desirable species in the undisturbed, reference transects adjacent to the underground transmission line averaged 0.5 stems per square foot.

The comparison between the disturbed, revegetated transect and the undisturbed, reference transect in the CRP habitat sampling area along the constructed road was an average of 0.4 stems per square foot in the disturbed, revegetated transect and 0.5 stems per square foot in the undisturbed, reference transect.

#### **3.1.2 Shrub-steppe Habitat**

Stems per square foot of desired species in the two disturbed, overhead transmission line, shrub-steppe habitat sampling areas averaged 0.6 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects averaged 0.2 stems per square foot.

#### **3.1.3 Grassland-steppe Habitat**

Stems per square foot of desired species in the eight disturbed, overhead transmission line, grassland-steppe habitat sampling areas averaged 1.8 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects averaged 0.8 stems per square foot.

Stems per square foot of desirable species in the disturbed, turbine pad, grassland-steppe sampling area averaged 1.9. The undisturbed, reference transects adjacent to the turbine pad averaged 1.1 stems per square foot.

### **3.2 Percent Ground Cover and Percent Bare Ground**

Percent ground cover for desired plant species and percent bare ground were estimated for each of the disturbed, revegetated and undisturbed, reference transects. These percentages were averaged for each habitat and disturbance type and are presented in Table 1. Percent ground cover may exceed 100% as the total aerial cover of each vegetative category is estimated separately.

#### **3.2.1 CRP Habitat**

The percent cover of all desirable vegetation in the revegetated transects disturbed by the overhead transmission line averaged 31%. The percent cover of all desirable vegetation in the reference transects adjacent to the overhead transmission line averaged 41%. Average percent bare ground were 7% for the disturbed, revegetated transects and 3% for the undisturbed, reference transects.

The percent ground cover of desirable species in the areas disturbed by the installation of the underground transmission line averaged 30%. Percent ground cover of desirable species in the undisturbed, reference transects adjacent to the underground transmission line disturbance averaged 21%. The percent of bare ground in the disturbed, revegetated transects averaged 0% and the percent bare ground in the undisturbed reference transects averaged 0%.

The average percent ground cover of desirable species in the area disturbed during road construction was 2%. Percent ground cover of desirable species in the undisturbed, reference transect adjacent to the road averaged 15%. The average percent bare ground was 0% in the revegetated transect and 1% on the reference transect.

#### **3.2.2 Shrub-steppe Habitat**

The percent cover of all desirable vegetation in the disturbed, revegetated transects averaged 11%. The percent cover of all desirable vegetation in the undisturbed, reference transects averaged 19%. Average percent bare ground were 5% for the disturbed, revegetated transects and 4% for the undisturbed, reference transects .

#### **3.2.3 Grassland-steppe Habitat**

The percent cover of all desirable vegetation in the disturbed, revegetated transects averaged 37%. The percent cover of all desirable vegetation in the undisturbed, reference transects for the overhead transmission line averaged 37%. Average percent bare ground were 9% for the disturbed, revegetated transects and 4% for the undisturbed, reference transects.

The percent cover of desirable species in the disturbed, revegetated transects averaged 49%. Percent ground cover of desirable species on the undisturbed, reference transects disturbed by turbine construction averaged 40%. Average percent bare ground were 4% for the disturbed, revegetated transects and 1% for the undisturbed, reference transects.

## 4.0 DISCUSSION

The native plant community in previously disturbed areas at the Project will re-establish (assuming no future intensive impacting activities) through slow, but progressively steady vegetative growth resulting from successful seeding and weed control. The differences observed between the undisturbed and disturbed transects in all habitat and disturbance types are to be expected at this stage of the revegetation effort (third vegetation growing year after seeding). As the plantings mature, it is expected that the vegetative structure and percent cover will more closely replicate the undisturbed conditions. The stem per square foot calculations for the shrub-steppe and native grassland-steppe habitats exceeds those in the reference transects. Stems per square foot for the CRP transects at the underground transmission line sties also exceeded that of the reference transects. This does not account for any losses in density as the plants mature. The seedlings currently appear vigorous and exhibit excellent growth. Drill rows from the seeding are still evident on some of the planted transects. As the plants mature, some number of the existing plants will be crowded out, lowering the overall stem density.

The stems per square foot of desirable species found at the overhead transmission line and roadside sites for the CRP habitat are lower than the reference transects. The difference between reference and revegetated transects for these two disturbance types is only 0.1 stems per square foot which is well within normal variation for this sampling method. The desired species are evident and exhibit good growth. It is expected that these areas will continue to revegetate in the future.

As prescribed in the Revegetation Plan monitoring will be performed for another two years to assure that this effort will result in successful revegetation of the disturbed areas, as required in the Site Certificate condition.

### Summary

The criteria for habitat restoration success, as set forth in the final site Revegetation Plan, state that the site should not be eroding and becoming infested with weeds to the extent that it makes native vegetation establishment impossible. No evidence of rill or gully erosion was observed in either the disturbed or the undisturbed areas for any habitat type. Transects were located on steep slopes in the CRP and grassland-steppe habitat types to determine potential erosion problems.

Noxious weedy species, especially yellow star thistle, are continually invading the revegetated areas from lands within and outside the leased property of the Project. Previous chemical controls implemented by FPL Energy Stateline II have proven effective. However, the surrounding, undisturbed areas are heavily infested with this noxious weed species providing a seed source. Continued chemical treatment will have a limited effect on the control of the weed infestation in this area. The chemical treatment will suppress weed invasion, but the surrounding seed source will continue to exacerbate the problem. Limiting ground disturbance/soil surface disturbance so there is no exposed bare soil will aid in reducing seed beds for more non-native plants, including the yellow star thistle.

Monitoring of yellow star thistle should continue annually, in the April to June period to identify areas needing chemical control. NWC has briefed the site manager on areas needing attention or potential problem areas. Revegetation monitoring is scheduled for fall 2013.

## **5.0 REFERENCES**

Northwest Wildlife Consultants, Inc. 2011. Stateline 3 Revegetation Monitoring Report for the 2010 Vegetative Season. Report prepared for FPL Energy Vansycle, LLC.

Northwest Wildlife Consultants, Inc. 2012. Stateline 3 Revegetation Monitoring Report for the 2011 Vegetative Season. Report prepared for FPL Energy Vansycle, LLC.

Stateline Wind Project (SWP). 2009. Stateline Wind Project Revegetation Plan [Revised March 27, 2009].

## 6.0 TABLE

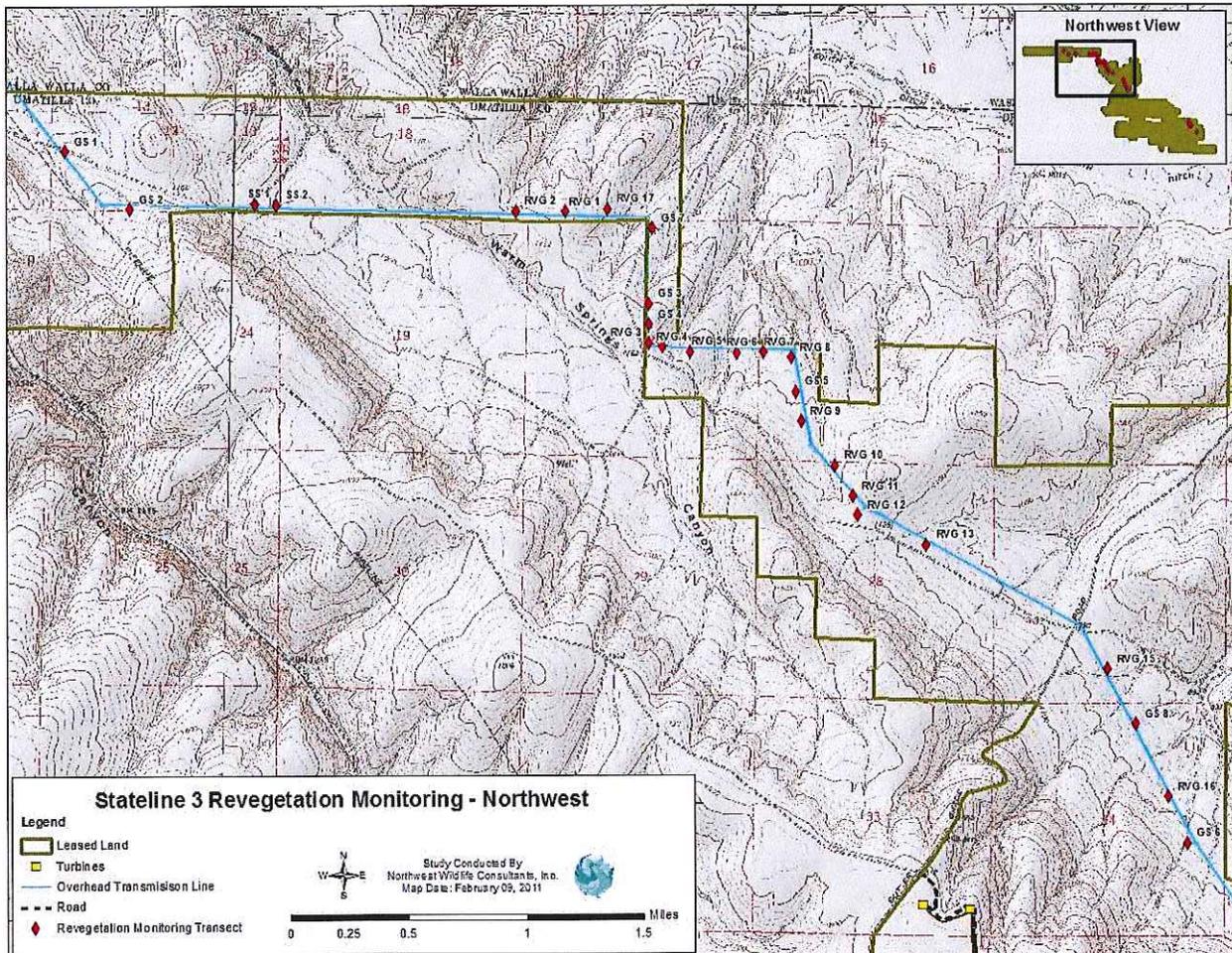
**Table 1. Revegetation monitoring results for 2010, 2011 and 2012 Monitoring Years, Stateline 3 Wind Project.**

Habitat Type	Disturbed or Undisturbed	Site Description	# of Transects (62 total)	2010 Vegetative Growing Season			2011 Vegetative Growing Season			2012 Vegetative Growing Season		
				Total # Desired Species Stems /sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground	Total # Desired Species Stems /sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground	Total # Desired Species Stems /sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground
<b>CRP</b>	Disturbed	Overhead Transmission Line	16	0.6	37	30	1.2	35	30	1.2	31	7
	Undisturbed		16	0.7	49	12	1.1	45	10	1.3	41	3
	Disturbed	Underground Transmission Line	2	0.8	30	20	1.2	46	30	1.4	30	0
	Undisturbed		2	1.2	85	7	2.5	70	10	0.5	21	0
	Disturbed	Roadside	1	0.4	5	7	0.4	5	7	0.4	2	0
	Undisturbed		1	0.6	30	5	0.6	30	5	0.5	15	1
<b>Shrub-Steppe</b>	Disturbed	Overhead Transmission Line	2	0.9	60	30	0.9	60	30	0.6	11	5
	Undisturbed		2	0.7	55	10	0.7	55	10	0.2	19	4
<b>Grassland - Steppe</b>	Disturbed	Overhead Transmission Line	8	1.1	43	30	1.0	115	20	1.8	37	9
	Undisturbed		8	0.9	65	11	1.3	100	10	0.8	37	4
	Disturbed	Turbine Pad	2	0.5	15	5	0.5	15	5	1.9	49	4
	Undisturbed		2	0.5	30	5	0.5	30	5	1.1	40	1

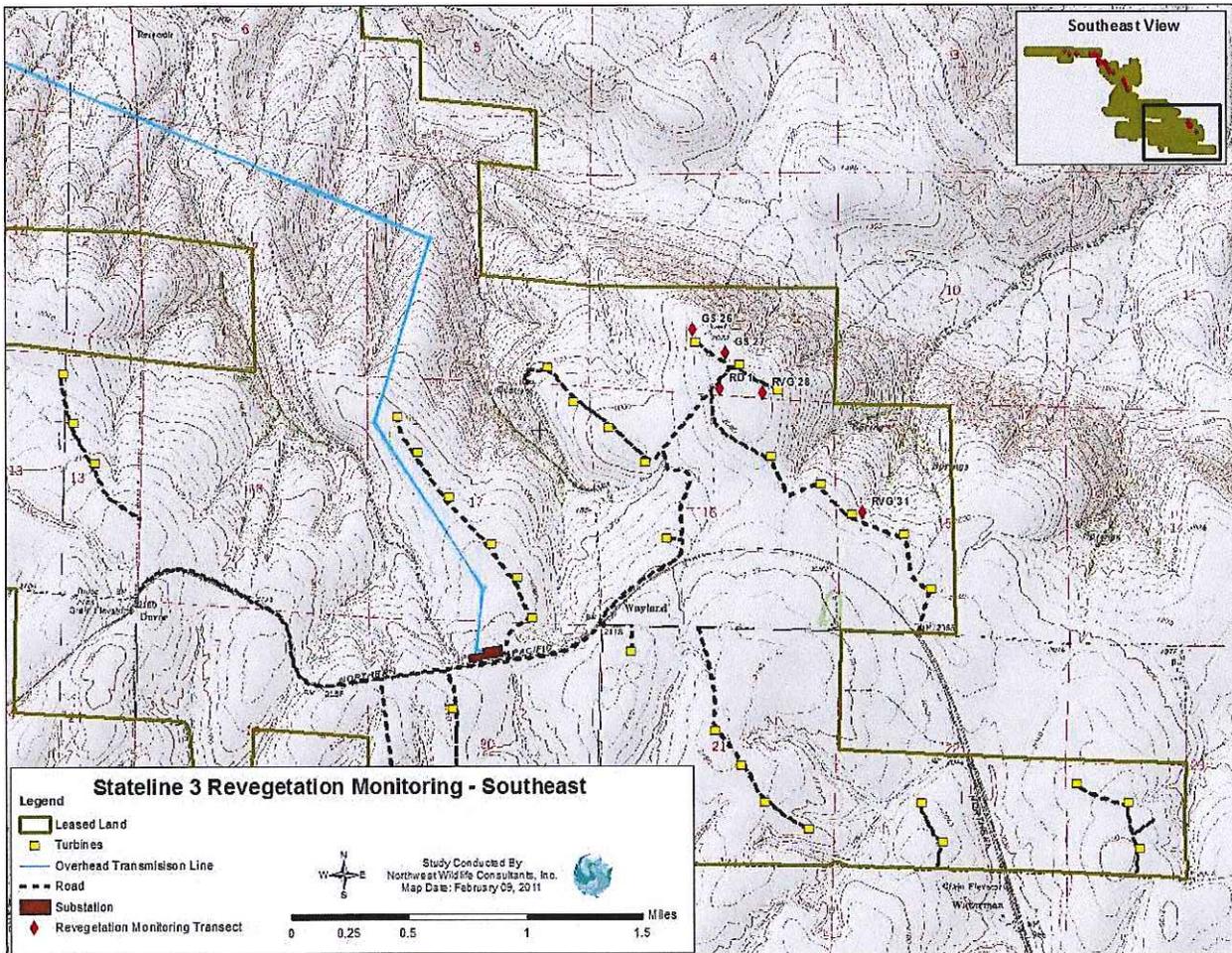
**Figure 1. Revegetation Monitoring Transect Locations**

Two tiles: Northwest, pg. 8 and Southeast, pg. 9 (a large portion of the southeast area is in active cropland and is not monitored)

**Northwest Tile**



# Southeast Tile



# **ATTACHMENT 3**

**Site Certificate Bond for Stateline 1 & 2**

**RIDER**

To be attached to and form part of:

Bond Number 08936470  
dated 8/17/2009

issued by the FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
in the amount of \$5,869,000.00

on behalf of FPL ENERGY VANSYCLE, L.L.C.  
(Principal)

and in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY  
(Obligee) FACILITY SITING COUNCIL ADMINISTRATOR

Now therefore, it is agreed that in consideration of the premium charged, the attached bond shall be amended as follows:

**The BOND AMOUNT shall be amended:**

**FROM: Five Million Eight Hundred Sixty Nine Thousand and 00/100 Dollars**  
**(\$5,869,000.00)**

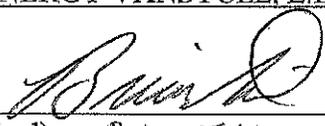
**TO: Five Million Nine Hundred Eighty Nine Thousand and 00/100 Dollars**  
**(\$5,989,000.00)**

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

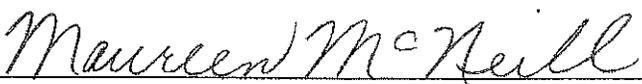
This Rider is to be Effective this 30th day of June, 2012.

Signed, Sealed & Dated this 24th day of April, 2012.

FPL ENERGY VANSYCLE, L.L.C.

By:   
(Principal) Brian Tobin  
V.P.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
(Surety)

By:   
Maureen McNeill, Attorney-in-Fact

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint **Richard G. DICCIANI, Darella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen MCNEIL, Wayne G. MCVAUGH and Nancy K. WALLACE, all of Philadelphia, Pennsylvania, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Richard G. DICCIANI, Darella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen E. MCNEIL, Wayne G. MCVAUGH, Nancy K. WALLACE, dated June 13, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 20th day of June, A.D. 2006.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

By:

*M. P. Hammond*

*Gregory E. Murray Assistant Secretary*

*M. P. Hammond*

*Vice President*

State of Maryland }  
City of Baltimore } ss:

On this 20th day of June, A.D. 2006, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Maria D. Adamski*

*Maria D. Adamski*

*Notary Public*

My Commission Expires: July 8, 2015

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, and to affix the seal of the Company thereto."

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 24TH day of APRIL, 2012.

*Gerald F. Halley*  
Assistant Secretary

# **ATTACHMENT 4**

**Stateline 3  
Wildlife Fatality Monitoring  
January 2011 – January 2012**

**Stateline 3 Wind Project  
Wildlife Fatality Monitoring  
January 2011–January 2012**

*Prepared for:*

**FPLE Energy Stateline II**  
P.O. Box 409  
Touchet, Washington 99360

*Prepared by:*

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815 NW 4<sup>th</sup> St.  
Pendleton, Oregon 97801



August 29, 2012

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## **1.0 INTRODUCTION**

### **1.1 Wind Project Description**

FPL Energy, Vansycle LLC owns and operates the Stateline Wind Project 1 and 2 and FPL Energy Stateline II ("Stateline 3") owns and operates Stateline 3 Wind Project. Stateline Wind Project (SWP) is located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The most recent phase, Stateline 3 (all in Oregon) was permitted by the State of Oregon (Fourth Amended Site Certificate) and was constructed from mid to late 2009. It consists of 43 2.3-megawatt (MW) Siemens turbines (98.9 total MW) installed on privately-owned land east of Stateline I and 2 and Vansycle I. The operating Combine Hills Phase I and II are near Stateline 3 and Vansycle I. Stateline 3 facilities are primarily on agricultural lands (dryland wheat) and revegetated grassland and a very small amount of native grassland. Shrub-steppe habitat and scattered trees are near the facilities.

### **1.2 Post-construction Wildlife Monitoring Study**

The Stateline Wind Project Wildlife Monitoring and Mitigation Plan (WMMP), revised in November 20, 2009 for Stateline 3, identifies two components of wildlife monitoring that pertain to Stateline 3. These components are wildlife fatality monitoring (and the associated bias correction trials) and raptor nesting surveys (SWP, 2009). Requirements for these components are described in the Permit Condition 93 and detailed in the WMMP (SWP, 2009). Raptor nesting surveys (including burrowing owl surveys) were completed in 2010 and results are presented in Kronner (2010) and in the 2011 Stateline Annual Report for permit compliance that was submitted to the Oregon Department of Energy in April 2011. Wildlife fatality monitoring is referred to in this report as "Avian and Bat Fatality Monitoring." Stateline 3 Wind Project is also referred to in this report as "Stateline 3" and "the Project." Northwest Wildlife Consultants, Inc (NWC), based in Pendleton Oregon, was selected to conduct the study. Prior to conducting fatality monitoring, NWC discussed the selected search plots with Mark Kirsch of the Oregon Department of Fish and Wildlife in Pendleton, Oregon. A map of the Project facilities on habitat types and the proposed search plots was provided. Approval of the selected plots was received.

## **2.0 METHODS**

### **2.1 Standardized Carcass Searches**

The goal of fatality monitoring is to estimate the number of avian and bat fatalities attributable to the operating wind facility by using the following components:

- Standardized carcass searches to record number of fatalities found from collisions
- Searcher efficiency trials to estimate percentage of carcasses located by searchers
- Carcass removal trials to estimate length of time a carcass remains (persists) in the field prior to removal or decay beyond searcher detection ability

### **2.2 Standardized Search Plots**

For standardized carcass searches, selected turbines (20) were systematically surveyed for avian and bat casualties. This resulted in 46.5% (20/43) of the Project's turbines being sampled during the one-year monitoring study (Figure 1). At each turbine selected for study, a 240-meter square search plot was established, with the turbine as the plot center. Due to the square nature of the search plot, the corners of each search plot were 170 meters from the turbine base (Figure 2). Turbines sampled were 1, 4, 7, 8, 9, 11, 12, 14, 15, 17, 21, 23, 26, 27, 32, 33, 35, 36, 42, and 43. Most plots were within agricultural

habitat (used for dryland wheat production). Plots 8, 9, 32, and 33 contained revegetated grassland. Plot 26 was primarily native grassland and plot 27 had both grassland types.

### **2.3 Search Schedule**

Standardized searches were conducted according to the search schedule outlined in the WMMP (SWP, 2009) and summarized below. Search periods were divided into two primary intervals—searches were conducted twice a month during spring and fall migration periods, and once a month during summer and winter seasons. Number of searches and season definitions are presented in Table 1. At the start of standardized searches, the plots were cleared of old carcasses through a clean-up search. The clean-up search is included in the term “standardized search” in this report unless otherwise noted.

Turbine searches were completed on the scheduled day of search. Exceptions were when weather-related events (freezing fog, high winds, lightning, or snow) were deemed to preclude safe or effective searching. If conditions improved in the days immediately following the planned search, a delayed search was completed. If conditions did not allow for a delayed search beyond the mid-point of the search interval, the search was canceled and turbine plots were not searched until the next available search period. No scheduled searches were canceled. One scheduled search (January 2012) was delayed a week due to snow. Occasionally, planned searches fell on major holidays such as Thanksgiving or Christmas; in such cases, the search day was moved to the date immediately preceding or following the scheduled date.

### **2.4 Search Protocol, Data Collection and Incidentals**

This section describes the methods applied for this study. If a specific method used for this type of study or was mentioned in the WMMP but not applicable to this study, notes are inserted. Experienced searchers and personnel trained in proper techniques searched for casualties by walking parallel transects spaced at 6-meter intervals across the search plots. Searchers walked at a rate of approximately 60 meters per minute, searching both sides of the transect out to three meters for casualties. Search speed was adjusted when a slower pace was warranted (safety issues, terrain, weather).

For each casualty found, observers recorded species, sex and age (when possible), date and time discovered, location, condition, and any information helpful for assessing cause or time since death. For carcasses where a different cause of death was not apparent, the fatality was attributed to the operation of the Project.

The discovered casualty was assigned to the turbine within the search plot. If other than a plot (not applicable to any findings in this study) the casualty would be assigned to the feature (i.e., parking lot, road with no turbine, other). The term “turbine” for this report refers to a turbine search plot, which consists of one turbine. All casualties are grouped with a turbine even if the turbine itself was not the cause of collision. This may be a vehicle strike or other project related item that was documented to have caused the collision. The terms “fatality” and “casualty” are generally interchangeable; however, in the strictest sense, fatality refers to dead birds/bats whereas casualty can refer to dead or injured birds/bats.

The condition criteria included the following four categories:

- Intact: a carcass that is completely intact, is not badly decomposed, and shows no sign of being fed upon by a predator or scavenger.
- Scavenged: an entire carcass that shows signs of being fed upon by a predator or scavenger, or a portion(s) of a carcass (e.g., wings, skeletal remains, legs, pieces of skin, etc.).

- Feather Spot: 10 or more feathers or 3 or more primaries (the outermost 9–12 wing feathers) at one location, indicating predation or scavenging.
- Dismembered: a carcass in 2 or more pieces, not readily attributable to scavengers; may not include all parts of the carcass.

Bird casualties were assigned to a taxonomic group. Taxonomic groups are defined by the American Ornithologist Union Checklist of North American Birds, Seventh Edition (AOU, 1998). Common names are listed in this report in convention with AOU (1998). Scientific names are available upon request. The basic definitions of the taxonomic groups used for this study are as follows:

- Galliformes – Any member of the order Galliformes.
- Passerine – Any member of the order Passeriformes, or perching birds.
- Raptor – Any diurnal or nocturnal bird of prey belonging to the orders Falconiformes or Strigiformes. This includes falcons, hawks, eagles, vultures, and owls (USFWS, 2002).
- Woodpecker – Any member of the order Piciformes.

Bird and bat fatalities were aged and sexed, and these data were entered into the database (Appendix A). The terms adult, immature, and juvenile are used in this report. The following definitions are applied to any mention of age:

- Birds - Birds were classified as immature if they were found as fatalities during the year of hatch. Birds were classified as adult if they were found as fatalities after the year of hatch. This follows the convention for aging birds as described in Pyle (1997, 2008). The exception to this rule is for taxa such as raptors that take multiple years to obtain adult status. Raptors classified as sub-adult birds (more than one year old but not an adult) were also classified as immature birds. Some fall and winter birds could not be aged; these were recorded as unknown.  
Birds were aged by a combination of techniques that included molt limits, feather wear, and other characteristics (Pyle, 1997, 2008). Juvenile birds are individuals that were still in nestling plumage and had not reached an immature plumage. Typically, juveniles obtain immature plumage within a month or two of leaving the nest.
- Bats - Bats were aged using ossification of wing joints. Bats were classified as immature if their wing joints were not fully developed. Bats were aged as adults if full ossification of wing joints was present or if timing of fatality (spring) led to the conclusion that the bat had to be an adult. Aging of bats during the fall can be difficult, as young of the year are in a transition period between immature and adult stage; the age of some fall bat fatalities was recorded as unknown.

All carcasses found were collected, labeled with a unique number, bagged, and frozen for future reference. A freezer tag or a copy of the data sheet for each carcass was inserted with the bagged specimen. All casualties located were photographed as found, and coordinates of the casualty were taken for plotting on Project maps. All carcasses were collected and stored in accordance with appropriate Oregon Department of Fish and Wildlife (ODFW) and U.S. Fish and Wildlife Service (USFWS) collection and salvage permits obtained by NWC prior to field activities.

At the end of the study, biologists experienced in fatality identification examined each fatality in detail to reconfirm or further identify species, age, and sex. Any discoveries that were suspected to be special status species were confirmed to species, when feasible, shortly after the discovery. Birds were classified as large if total length was greater than nine inches (Sibley, 2000) and classified as small if total length was less than or equal to nine inches. These two size classes matched those used in searcher efficiency trials and allowed for estimation of annual fatalities. Refer to Section 2.7 for information on carcass removal trials. All bats were classified under the small category.

#### Clean-up Search

Before the first standardized search at each plot, a clean-up search was conducted to clear the plot of old carcasses. Fatalities found during clean-up searches are not included in

fatality estimates due to the uncertainty about the timing when death occurred. However, the one bird found during the clean-up search is included in a few figures and tables in this report to provide greater sample sizes for discussion of all observed fatalities recorded during the study period.

Casualties found in non-search areas (e.g., Project road or a non-searched turbine) are recorded as incidental discoveries and documented in a fashion similar to those found during standardized searches (no casualties were found in non-search areas during this study). Incidental discoveries also included fatalities observed on search turbines but not during the scheduled searches; these may have been found either by NWC biologists or by FPL Energy Stateline employees (as discussed in Section 2.5). The specific permit compliance protocol for the handling and reporting of injured or dead birds and bats is included in the WMMP (SWP, 2009).

The one incidental found by NWC is noted in this report but was not used in the Figures or Tables (except where specifically noted), and was not used in calculating estimated annual fatality rates.

## **2.5 Wildlife Handling and Reporting**

Protocols for handling and for reporting of dead or injured wildlife found incidentally by operations personnel during the fatality monitoring study were described in detail in Section 9 of the WMMP (SWP, 2009). Any carcasses discovered by maintenance personnel were recorded, photographed, and reported to the Oregon Department of Energy (ODOE) through the annual Stateline permit compliance reporting process (Stateline Annual Report, Attachment 7 submitted to ODOE on April 25, 2012).

## **2.6 Searcher Efficiency Trials**

Searcher efficiency trials were conducted to estimate the percentage of avian/bat fatalities that were found by searchers. Carcasses were placed in search plots by a biologist not conducting the search, who subsequently documented the number of these carcasses found by searchers during standardized carcass searches. Personnel conducting the searches were not informed of the dates of the trials or the location of the carcasses. Searcher efficiency trials were conducted during multiple dates during each of the four seasons of wildlife fatality monitoring. Estimates of searcher efficiency were used to adjust the estimate of turbine fatalities, correcting for detection bias for the study.

Small carcasses (e.g., European starling, house sparrow, and juvenile ring-necked pheasant) were used to simulate small birds such as passerines, whereas large carcasses (e.g., ring-necked pheasant) were used to simulate large birds such as raptors, gamebirds, and waterfowl. Several small brown birds during the fall season to simulate bat carcasses.

Carcasses were distributed throughout two different habitat types present on the search plots (agriculture and grassland). Immediately following each search, the test administrator removed the carcasses and adjusted trial carcass numbers for any carcasses deemed to have been removed (as by scavengers) prior to the search.

## **2.7 Carcass Removal Trials**

Estimates of carcass removal are used to adjust carcass counts (carcasses found) for removal bias for the one-year monitoring period. Potential causes of carcass removal include predation, scavenging and/or agricultural practices (such as plowing). Carcass removal trial (CRT) data from avian and bat fatality monitoring at Stateline 1 and 2 (Erickson et al., 2004) were used for this Stateline 3 study (as specified in the WMMP).

During the Stateline 1 and 2 study, 390 (193 large sized and 197 small sized) trial carcasses were placed (Erickson et al., 2004). A minimum of 10 large and 10 small size trials were placed during each of the four seasons over that two-year study. Trials were placed in the two principle habitat types present on the Stateline I and 2 project area, agriculture (dryland wheat) and grassland/shrub-steppe.

Trials were located on non-searched turbines to avoid confusing CRT carcasses with actual wind facility related fatalities. Carcasses were checked every day for the first 4 days and again on day 7, 10, 14, 20, 30, and day 40. At the end of the 40-day trial period, any remaining birds and feathers were removed and stored or disposed of appropriately.

Small carcasses (e.g., house sparrow, juvenile duck species, juvenile ring-necked pheasant, and various species of native passerines) were used to simulate small birds such as passerines, whereas large carcasses (e.g. mallard, ring-necked pheasant, rock pigeon, and various legally obtained raptor species) were used to simulate large birds such as raptors, gamebirds, and waterfowl. Legally obtained native species were used when possible, but non-native species were also used to achieve the necessary sample sizes.

## **2.8 Statistical Methods for Estimating Fatalities**

Methods and processes for calculating estimates using the Schoenfeld estimator followed conventions outlined in Schoenfeld (2004). Methods and processes for calculating estimates using the Huso estimator followed conventions outlined in Huso (2010).

### **2.8.1 Searcher Efficiency Trials**

Estimates of the probability that a carcass was detected by an observer during a search (searcher efficiency) were used to adjust carcass counts for observer bias. The failure of an observer to detect a carcass that was on the search plot may have been due to its size or condition of the fatality (time since death) or to conditions in its immediate vicinity, such as vegetation density, shade, etc. In most fatality monitoring efforts, because time since death cannot be measured, it is assumed that a carcass' probability of being detected is constant over the period of the search interval.

Data from 109 searcher efficiency trial carcasses (56 large and 53 small) were fit to a logistic regression model. Potential covariates selected for modeling were carcass size, season, habitat, and their various interactions. Carcass size was included as a potential covariate because larger carcasses might be more readily observed by observers. Season was included as a potential covariate because seasonal changes in vegetation growth or other factors might affect searcher detection rates. Habitat was included as a potential covariate because searcher efficiency may differ between agricultural and native/revegetated habitats. Size, season, and habitat likely have some interaction, as sizes of birds may be more or less detectable during various seasons or in different habitats depending on changes in the vegetation layers.

Model selection for searcher efficiency (SE) trials was conducted through the Akaike Information Criterion (AIC) approach (Burnham and Anderson, 2002). The model having the lowest  $\Delta$ AIC by a  $\Delta$  of two was selected. If two models were similar in their scoring, the model with the most terms was selected in order to retain the greatest complexity possible. The model selected for the SE data included size and season-AIC 154.85. Bootstrap estimates and 90% confidence intervals were obtained for carcass removal data and used in calculating fatality estimates. Bootstrapping is a computer-based method for resampling and is typically used to assign measures of accuracy to estimates, particularly when sample sizes are low, as in this report.

### **2.8.2 Carcass Removal Trials**

Estimates of the probability that a carcass was not removed in the interval between searches were used to adjust carcass counts for removal bias. As part of an underlying assumption of calculating carcass removal rates, it is assumed that carcass removal occurs at a constant rate and is not dependent on the time since death. This simplifying assumption allows estimation of fatality when search intervals exceed one day.

The length of time a carcass remains in the study area before it is removed is typically modeled as an exponentially distributed random variable. The probability that a carcass persists an interval of length  $I$  given that its death might have occurred on any day ( $d$ ) in the interval can be roughly approximated as:

$$\hat{r} \cong \sum_{d=1}^I \exp(-(d - 0.5)/t) / I$$

If carcass removal rates are rapid and the search interval is long enough, then  $I$  is the length of the effective interval at the turbine, i.e. the length of time when 99% of carcasses can be expected to be removed.

Data from 390 (193 large and 197 small) carcass removal trials (CRT) that were placed as part of the Stateline I and 2 monitoring (Erickson et al., 2004) were used for estimation of CRT rates for Stateline 3 wildlife fatality monitoring results. While NWC biologists used a clear definition of large and small as defined in Section 2.4 of this report for the fatalities and searcher efficiency trials, no such definition was applied to the CRT trials when they were used for Stateline I and 2. The size class assigned to those trials was used for Stateline 3 estimates.

CRT trials were fit to an interval-censored parametric failure time model, with 'survival' rate modeled as a function of the covariates selected in modeling to account for a non-linear relationship between these factors. Survival rate is assumed to be interchangeable with removal rates for this estimation. Potential covariates selected for modeling were carcass size, season, habitat, and the interaction of size and season. The WMMP calls for carcass size, season, and habitat to be used as potential covariates. Size and season likely have some interaction as certain scavengers are more or less present depending on the season.

The CRT data were modeled using an exponential failure time distribution, as an exponential distribution was the best fit to the carcass removal time at Stateline 3. Model selection was conducted through the AIC approach (Burnham and Anderson, 2002). The model having the lowest  $\Delta$ AIC by a  $\Delta$  of two was selected. If two models were similar in their scoring, the model with the most terms was selected in order to retain the greatest complexity possible. The model selected for the CRT data included all potential covariates; size, season, habitat, and the interaction of size and season-AICc 1745.23. Bootstrap estimates and 90% confidence intervals were obtained for carcass removal data and used in calculating fatality estimates.

### **2.8.3 Fatality Estimates**

The annual estimated fatality rate is reported as an estimate of (assumed wind project related) bird and bat fatalities on a per turbine and per MW basis for each of eight categories, as specified in the WMMP (SWP, 2009 page A-5): 1) all birds, 2) small birds, 3) large birds, 4) raptors, 5) bats, 6) grassland birds, 7) nocturnal migrants, and 8) State and federally listed threatened and endangered species and State Sensitive species listed under OAR 635-100-0040. In addition to these eight categories, the WMMP calls for estimation of fatalities found on land that supports grassland/shrub-steppe habitat and for land that does not (agriculture; WMMP page A-13).

Fatality estimates were calculated using two estimators, Schoenfeld (2004) and Huso (2010). Schoenfeld estimator is required under the WMMP plan; however, a recent estimator developed by Huso (2010) has been used at several studies in the Columbia Plateau Ecoregion (CPE). Huso has shown the Schoenfeld estimator to be strongly biased under some conditions, but to have relatively little bias under others. In general, the Schoenfeld estimator is comparable to the Huso estimator when search intervals are long and carcass persistence times are short, conditions that generally prevailed in this study. Both estimators are presented in methods, results, and discussion. Schoenfeld is the estimator to be used for any discussion of mitigation thresholds as called for in the WMMP (SWP, 2009).

Schoenfeld estimator

This estimator adjusts the observed number of fatalities by dividing the number of observed carcasses by an estimate of the probability that a carcass is available to be picked up during a fatality search (i.e., the probability the carcass is not removed by a scavenger) and is observed (the probability of detection).

*Observed Number of Carcasses*

The estimated average number of carcasses ( $\bar{c}$ ) observed per turbine per year is:

$$\bar{c} = \frac{\sum_{i=1}^n c_i}{k}$$

The first estimator (referred to as the naïve estimator) of total number of annual facility-related fatalities ( $m_1$ ) is calculated by:

$$m_1 = \frac{\bar{c}}{\hat{\pi}_1}$$

$$\hat{\pi} = \frac{\bar{t} \cdot p}{I} \cdot \left[ \frac{\exp\left(\frac{I}{\bar{t}}\right) - 1}{\exp\left(\frac{I}{\bar{t}}\right) - 1 + p} \right]$$

This first estimator appears to provide an underestimate of true mortality when the interval between searches is similar to the mean carcass removal time. For this reason, the WMMP states that the certificate holder shall calculate the mean number of fatalities per turbine per year using a second estimator referred to as the Schoenfeld estimator (Schoenfeld, 2004), as follows:

$$m_2 = \frac{\bar{c}}{\hat{\pi}_2}$$

Where  $\hat{\pi}_2$  includes adjustments for both observer detection and scavenging bias and assuming that the carcass removal times  $t_i$  follow an exponential distribution.

This second estimator is believed to underestimate true mortality less than the naïve estimator when the mean removal time is similar to or larger than the interval between searches. As called for on page A-12 of the SWP WMMP, this estimator will be used for discussion of mitigation items and thresholds. The final estimate of  $c$  and the associated 90% confidence intervals (CI) were calculated using bootstrapping (Manly et al., 1997) and 5000 bootstrap estimates were used for calculation of the mean and associated CI as specified in the WMMP (SWP, 2009).

Where the variables in the above equations are defined as:

- $c_i$       Number of carcasses detected at plot  $i$  for the study period of interest for which the cause of death is either unknown or is attributed to the facility

$n$	Number of search plots
$k$	Number of turbines searched (includes the turbines centered within each search plot and a proportion of the number of turbines adjacent to search plots to account for the effect of adjacent turbines on the search plot buffer area)
$\bar{c}$	Average number of carcasses observed per turbine per year
$s$	Number of carcasses used in removal trials
$s_c$	Number of carcasses in removal trials that remain in the study area after 40 days
$se$	Standard error (square of the sample variance of the mean)
$I$	Interval between searches in days
$\hat{\pi}_i$	Estimated probability that a carcass is both available to be found during a search and is found ( $i = 1$ and $2$ ; two estimators)
$m_i$	Estimated annual average number of fatalities per turbine per year, adjusted for removal and observer detection bias ( $i = 1$ and $2$ ; two estimators)

Huso estimator

Fatality numbers were modified by estimates of searcher efficiency and carcass removal to arrive at estimates of actual number of carcasses in the  $k^{\text{th}}$  size class at the  $i^{\text{th}}$  turbine during the  $j^{\text{th}}$  search using the following equation:

$$\hat{m}_{ijk} = \frac{c_{ijk}}{\hat{p}_{jk} \hat{r}_{jk} \hat{f}_{jk}}$$

Where the variables in the above equation are defined as:

$\hat{m}_{ijk}$	Estimated mortality in the $k^{\text{th}}$ size class that occurred at the $i^{\text{th}}$ turbine during the $j^{\text{th}}$ search
$c_{ijk}$	Observed number of carcasses in the $k^{\text{th}}$ size class at the $i^{\text{th}}$ turbine during the $j^{\text{th}}$ search
$\hat{p}_{jk}$	Estimated probability that a carcass in the $k^{\text{th}}$ size class that is on the ground during the $j^{\text{th}}$ search will actually be seen by the observer
$\hat{t}_{jk}$	Estimated average time (in days) that a carcass in the $k^{\text{th}}$ size class that is killed during the $j^{\text{th}}$ interval will persist
$\hat{r}_{jk}$	Estimated probability that a carcass in the $k^{\text{th}}$ size class that died during the interval preceding the $j^{\text{th}}$ search will remain unscavenged and observable. This is a function of the average carcass persistence rate, $\bar{t}$ , estimated through searcher efficiency trials, and the length of the interval preceding the $j^{\text{th}}$ search
$\hat{f}_{jk}$	Estimated <i>effective</i> interval, i.e. the ratio of the length of time before 99% of carcasses can be expected to be removed to the length of the search interval, or 1, whichever is less
$\hat{t}_{jk}, \hat{r}_{jk}, \hat{f}_{jk}$ and $\hat{p}_{jk}$	are assumed not to differ among turbines, but differ with season (i.e. search ( $j$ ) and carcass size ( $k$ ))

The estimate of the total avian or bat mortality was calculated as:

$$\hat{m} = \frac{N \sum_{i=1}^n \sum_{j=1}^{s_i} \sum_{k=1}^2 \hat{m}_{ijk}}{n}$$

Where the variables in the above equation are defined as:

$s_i$	Number of searches carried out at turbine $i$
$n$	Number of turbines searched, $N$ Total number of turbines at the site

The variance in this estimate was due to sampling variance as well as to the uncertainty with which searcher efficiency and carcass persistence are estimated and to the adequacy of the model in capturing the actual fatality rates. No closed-form solution is yet available for the variance of this estimator, so 90% confidence intervals of this estimate were calculated by bootstrapping (Manly, 1997). The lower 5<sup>th</sup> and upper 95<sup>th</sup> quantiles from 5000 bootstrapped estimates form the 90% confidence limits of the estimated mortality using the equation described above.

### **3.0 RESULTS**

This section summarizes the results of Stateline 3 avian and bat fatality monitoring for the period from January 2011 through January 2012. Additional details for each casualty found during fatality monitoring can be found in Appendix A. Results from clean-up searches are used in tables and figures to obtain greater sample sizes of observed fatalities on searched turbines. Incidental fatalities are not used in figures or tables unless specifically noted. Neither incidental fatalities nor those found during clean-up searches are used in the estimation of annual fatality rates.

#### **3.1 Incidental Avian and Bat Fatalities**

No incidental avian fatalities. One incidental bat fatality was found. The bat was a hoary bat found on a searched turbine plot, but it was not found during a standardized search (Table 2). No incidental fatalities were reported to NWC biologists by FPL Energy Stateline employees.

#### **3.2 Avian and Bat Fatalities during Standardized Carcass Searches**

##### **3.2.1 Clean-up Searches**

One avian fatality and no bat fatalities were found during the clean-up search. The avian fatality was a horned lark.

##### **3.2.2 Standardized Searches used for Fatality Estimate Calculations**

Twenty-one fatalities—6 birds and 15 bats—were found during standardized searches and used in calculating fatality estimates (Table 2).

#### **3.3 Composition of Observed Avian and Bat Fatalities**

##### **3.3.1 Birds**

Six species of birds were found during standardized searches (Table 3). The six avian species found were represented by one fatality each, with a second horned lark found during the clean-up search. Passerines were the most frequently found taxon (57.1%) on standardized searches, with raptors, galliformes (gamebirds), and woodpeckers each representing 14.3% of fatalities (Figure 3).

##### **3.3.2 Bats**

Two species of bat (hoary and silver-haired), were found during standardized searches. Hoary bats comprised more of the observed fatalities than silver-haired bats during standardized searches (73.3% vs. 26.7%; Table 3).

#### **3.4 Seasonal Distribution of Observed Avian and Bat Fatalities**

Seasonal distribution of observed avian fatalities from standardized searches showed no peaks. Rather, the seven avian fatalities found during standardized searches (6 during scheduled standardized searches and one found during clean-up) were found in January (1),

July (1), August (2), October (2) and December (1) (Figure 4). Passerine fatalities were found in January (1), August (1) and October (2). The raptor fatality was found in August; the galliform fatality was found in July, and the woodpecker fatality was found in December.

Seasonal distribution of observed bat fatalities occurred from July through October (Figure 5). The peak for observed fatalities for hoary bats was in July. Sample sizes for silver-haired bats were too small to detect any peaks of occurrence.

### **3.5 Spatial Distribution of Observed Avian and Bat Fatalities**

Observed bird fatalities found on searched turbines ranged from zero to two fatalities per turbine (Table 4). There were no documented fatalities at 15 (75%) of the 20 turbines searched. Two avian fatalities were found at each of two turbines, turbines 14 and 21.

Observed bat fatalities found on searched turbine plots ranged from zero to four fatalities per turbine (Table 4). There were no documented fatalities at nine (45%) of the 20 turbines searched. Two or more bat fatalities were found at two turbines, 35 (4) and 36 (2).

### **3.6 Nocturnal Migrants**

Nocturnal migrants were defined as species that were found during the spring and fall migration season scheduled searches that do not breed or winter on the Project and are known to migrate during the nocturnal periods. Two avian fatalities were classified as nocturnal migrants, chipping sparrow (1) and house wren (1).

### **3.7 Avian Groups of Concern**

In the monitoring plan established for Stateline 3 (WMMP, pages A-14–A-18), several groups were specified in the WMMP as groups to assess for addressing where impact mitigation standards were identified. These groups included grassland birds, raptors, and raptor species of special concern. Numbers of observed fatalities in each of the groups of concern are summarized below.

#### Grassland birds

No grassland bird fatalities were found during standardized searches or as incidentals.

#### Raptors

One raptor fatality was documented during wildlife fatality monitoring. The raptor fatality was an immature red-tailed hawk found on turbine plot 21 on August 16, 2011.

#### Raptor species of special concern

No raptor species of special concern were found.

### **3.8 Special Status Wildlife Species**

#### **3.8.1 Special Status Wildlife Species Fatalities**

No federally listed species were found as fatalities. No Oregon State Sensitive avian species were found as fatalities. Two species of State Sensitive mammals were found, hoary bat (12) and silver-haired bat (4). Both bat species are Sensitive-Vulnerable status.

#### **3.8.2 Special Status Wildlife Species Live Observations**

Observers recorded observations of special status bird and mammal species while conducting wildlife fatality monitoring as required in the WMMP (page A-9). In addition, observers recorded observations of birds perching on above-ground transmission lines in the vicinity of turbines being searched, according to the WMMP.

Live observations of special status species recorded during wildlife fatality monitoring are listed in Appendix B. No federally listed species were observed. Three Oregon State Sensitive-Vulnerable avian species (grasshopper sparrow, peregrine falcon, and Swainson's hawk) and one State Sensitive-Vulnerable mammal species (white-tailed jackrabbit) were recorded. Two species with federal status were also recorded; these were golden eagle (Bald and Golden Eagle Protection Act) and short-eared owl (USFWS Bird of Conservation Concern). One observation of a special status raptor perching on a transmission line was noted; a Swainson's hawk perched on a pole near turbine 10 on September 20, 2011 (Appendix B).

### **3.9 Searcher Efficiency Trials**

Searcher efficiency (SE) trials had a wide range of searcher efficiency (percent found) among size classes and seasons, as demonstrated in the SE model used for fatality estimates (described in Section 2.8.1). The results of SE trials are expressed as percentages, and the means along with their associated 90% Confidence Intervals (CI) are presented in Table 5. There was variation between seasons, and both size classes showed a consistent pattern of variation, with the highest efficiency in the spring and the lowest in the summer season. Large and small size classes had relatively similar SE rates.

The highest SE among large size trials occurred in the spring, with a mean 71% of trials found by searchers. The lowest SE among large size trials occurred in the summer, with a mean 36% of trials found by searchers. The highest SE among small size trials occurred in the spring, with a mean 69% of trials found by searchers. The lowest SE among small size trials occurred in the summer, with a mean 35% of trials found by searchers.

### **3.10 Carcass Removal Trials**

Carcass removal trials (CRT) were characterized by differences in size class, season, and habitat as shown by these factors' contribution to the model for CRT rates outlined in Section 2.8.2. CRT rates are shown in terms of days, with means and their associated 90% Confidence Intervals (CI) presented in Table 6. Large size trials had consistently longer removal times (carcass took longer to be removed) than small size trials. For most seasons, large size trials had longer estimated mean times of removal than even the 28-day search interval used during summer and winter seasons. Large and small size trials had slightly longer mean removal times in summer and fall seasons than spring and winter, though considerable overlap existed in the associated CIs. Large sized trials in grassland habitats generally had longer mean removal times than agriculture habitats, though considerable overlap existed in the associated CIs. Differences in removal times among habitat types were not apparent for small size trials.

The longest CRT rate for large size trials was during summer in grassland habitat, with a mean removal time of 52.29 days. This is an estimated rate, as all trials were manually truncated (trial removed) at the end of the 40-day trial period if the trial still remained. The shortest CRT rate for large trials occurred in the winter in agriculture habitat, with a mean removal time of 26.23 days. The longest removal time for small size trials was during summer in grassland habitat, with a mean removal time of 19.46 days. The shortest removal time for small size trials was during winter in agriculture habitat, with a mean removal time of 13.90 days.

### **3.11 Estimated Annual Fatality Rates**

Factors used in building the model for annual fatality estimates (such as which co-variants were modeled for searcher efficiency and carcass removal) are outlined in methods (Section 2.8). Annual estimated fatalities were calculated for eight groups: 1) all birds, 2) small

birds, 3) large birds, 4) raptors, 5) bats, 6) grassland birds, 7) nocturnal migrants, and 8) State Sensitive species listed under OAR 635-100-0040. In addition to these eight categories, the WMMP calls for estimation of fatalities on land that supports grassland/shrub-steppe habitat and for land that does not (agriculture; WMMP page A-13). Tables 7a and 7b present estimates for the two habitat types. Appendix A includes the habitat type for each observed bird and bat fatality found during the study.

Schoenfeld estimates are considered the formal estimates for the study as specified in the WMMP and is the estimate used for discussion in this report. Huso and Schoenfeld estimates are presented in tables for comparative purposes. As stated in the methods, Huso is presented as a comparative estimator for this report.

#### Schoenfeld

Means for annual estimated fatality levels of birds and bats are reported in Table 7a along with their 90% confidence intervals. Estimated mean annual all bird fatality for the Project was 36 birds, 0.84 per turbine and 0.36 per Megawatt (MW). Estimated mean annual bat fatality for the Project was 117 bats, 2.72 per turbine and 1.18 per MW. Refer to Table 7a for means of other categories. Estimates of means are lacking in statistical confidence for those fatality categories for which less than five fatalities were observed.

The average number of observed fatalities found per year is also presented in Table 7a. For the all birds category, six birds were found by searchers representing 16.7% of the mean estimated fatalities (6/36). For the bats category, 15 bats were found by searchers representing 12.8% of the mean estimated fatalities (15/117).

#### Huso

Means for annual estimated fatality levels of birds and bats are reported in Table 7b along with their 90% confidence intervals. Estimated mean annual all bird fatality for the Project was 44 birds, 1.01 per turbine and 0.43 per Megawatt (MW). Estimated mean annual bat fatality for the Project was 143 bats, 3.31 per turbine and 1.44 per MW. Refer to Table 7b for means of other categories. Estimates of means are lacking in statistical confidence for those fatality categories for which less than five fatalities were observed.

The average number of observed fatalities found per year is also presented in Table 7b. For the all birds category, six birds were found by searchers representing 13.6% of the mean estimated fatalities (6/44). For the bats category, 15 bats were found by searchers representing 10.5% of the mean estimated fatalities (15/143).

## **4.0 DISCUSSION**

### **4.1 Comparison of Stateline 3 Fatalities with Existing Regional Wind Projects**

#### **4.1.1 Potential Biases in Estimated Fatality Rates**

A brief discussion of potential biases is warranted before comparing estimated fatality rates from this study with those at other wildlife fatality monitoring projects in the Columbia Plateau Ecoregion. Though methods employed at Stateline 3 during wildlife fatality monitoring were similar to methods employed at other CPE projects to which they are being compared, the biases may not be equal among projects. Among observed fatalities, there is a suite of potential positive biases (those that would over-estimate fatality estimates) and negative biases (those that would under-estimate fatality estimates).

The primary positive bias is the assumption that all fatalities found within standardized search plots are attributable to the Project unless overwhelming evidence suggests an alternative cause of death (such as a fledgling bird unable to fly found away from roads or

turbine pad). This background mortality is likely present at all projects, though it is rarely studied, and likely varies considerably among projects as predator population levels (and other natural causes of mortality) likely vary considerably from site to site. This background mortality is primarily a factor for bird fatality rates, as bat background mortality is believed to be very low to non-existent.

Another primary bias is that some projects include incidentally observed fatalities found on search plots in the calculation of fatality estimates while other projects do not. This discrepancy can create differences in estimated annual fatality rates. These discrepancies can affect comparisons between estimated fatality rates among projects.

Negative biases include factors such as crippling bias and search plot size. Crippling bias, the event where an injured bird or bat is struck by a turbine but manages to fly outside of the search plot prior to succumbing to injuries, is likely present in each project but is believed to be minimal in relation to the overall fatality levels. Search plot size can have a negative bias in that some fatalities may fall at distances greater than the search plot dimensions. Search plots for fatality monitoring projects conducted under the direction of the Oregon Department of Energy are often based on the maximum turbine height, which relates to a turbine plot size of 120-meters from the base of the turbine in the case of the model of turbines installed at Stateline 3. Some projects in the CPE have conducted searches at distances less than the maximum height of the turbine, likely to maximize the number of turbines being sampled when factoring in labor effort. Examples of these in the CPE include Big Horn (Kronner et al., 2008), Goodnoe Hills (URS, 2010), Hay Canyon (Gritski and Kronner, 2010b), Hopkins Ridge I (Young et al., 2007, 2009), Klondike II (NWC and West, 2007), Marengo I and II (URS, 2011a and b), Pebble Springs (Gritski and Kronner, 2010a), Rattlesnake Road (Gritski et al., 2011), Wheat Field (Gritski and Downes, 2011), and Willow Creek (NWC, 2011). Turbine characteristics for projects where completed fatality monitoring reports are public are listed in Table 8.

Another potential bias of fatality estimates is the selection of animals used for bias correction trials. For bats, most projects in the CPE have had to use small brown birds as surrogates for most SE and CRT trials. There is potentially bias in the detection and removal rates between bats and small birds, though the amount of bias in either CRT or SE rates is unknown. For comparative purposes, most projects in the CPE have used small brown birds as surrogates, thus making this bias (and likely their estimates) comparable between projects. For birds, many projects have had to rely on non-native species, such as house sparrow, and various species of gamebirds for SE and CRT trials. This is due to the fact that the supply of legally obtained native birds is highly variable. Bias may affect raptor estimates, particularly among CRT rates, as it is possible that raptors may not be scavenged at the same rates as gamebirds. Avian and bat fatality monitoring at Stateline 3 relied primarily on gamebirds for most large size SE. The same is true for the Stateline 1 and 2 CRT trials which were used for calculating the Stateline 3 estimates.

Regarding the CRT trial data used for the Stateline 3 analysis, the assumption must be made that the suite of factors/predators that are responsible for carcass removal was similar between when the trials were conducted on Stateline 1 and 2 in 2002 and 2003 and when avian and bat fatality monitoring occurred at Stateline 3 in 2011 and early 2012. It is beyond the scope of this study to test this assumption, but if removal rates are different this could be yet another potential bias to the estimated mean fatality rates.

#### **4.1.2 Birds**

##### Comparison of Bird Fatality Estimates to Other CPE Wind Projects

Mean annual estimates for the CPE wind projects included data calculated using several different estimators, including Schoenfeld (2004) and Huso (2010), which also introduces inconsistency and makes detailed comparisons more difficult. For the purpose of comparing Stateline 3 estimates to regional wind project study results, the Stateline 3 estimate derived using the Schoenfeld is used in this section. The per MW estimate is used for comparisons.

Estimated mean annual all bird fatalities at Stateline 3 (0.36 birds/MW/year; Table 7a) were lower than the reported mean for the CPE (2.33 birds/MW/year; Table 9). For all birds, the per MW/year 90% confidence interval ranged from 0.12 to 0.62, having no overlap with the CPE reported mean. For raptors, the estimated mean annual fatality rate at Stateline 3 (0.05 raptors/MW/year, Table 7a) were lower than the reported mean for the CPE (0.11 raptors/MW/year; Table 9). For raptors, the per MW/year 90% confidence interval ranged from 0.01 to 0.14, having overlap with the CPE reported mean.

##### Comparison of Bird Fatality Composition to Other CPE Wind Projects

A comparison between observed fatalities (species) found at Stateline 3 and other CPE studied projects is presented in Table 10. All of the species recorded as fatalities during Stateline 3 wildlife fatality monitoring have been recorded at other CPE Projects). Four of the six species (horned lark, ring-necked pheasant, red-tailed hawk and northern flicker) recorded as fatalities at Stateline 3 have been common (in the top 20 of species composition) fatalities found at other CPE monitored projects. Two other species recorded as fatalities at Stateline 3 (both nocturnal migrants) have been recorded multiple times as fatalities at other CPE projects; these are chipping sparrow (4) and house wren (6).

#### **4.1.3 Bats**

##### Comparison of Bat Fatality Estimates to Other CPE Wind Projects

Mean annual estimates for the CPE wind projects included data calculated using several different estimators, including Schoenfeld (2004) and Huso (2010). As described above for birds, this introduces inconsistency and makes detailed comparisons more difficult. For the purpose of comparing Stateline 3 estimates to regional wind project study results, the Stateline 3 estimate derived using the Schoenfeld is used in this section.

The per MW estimate is used for comparisons. Estimated mean annual bat fatalities at Stateline 3 (1.18 bats/MW/year, Table 7a) were similar to the reported mean for the CPE (1.03 bats/MW/year; Table 11). For bats, the per MW/year 90% confidence interval ranged from 0.68 to 1.78, having overlap with the CPE reported mean.

##### Comparison of Bat Fatality Composition to Other CPE Wind Projects

A comparison of percent composition between observed bat fatalities (species identified) found at Stateline 3 and other CPE studied projects is presented in Table 12. Hoary and silver-haired bat were the only identified bat species observed during standardized searches at Stateline 3. Hoary bats comprised a larger percentage of observed fatalities at Stateline 3 than at all other CPE wildlife fatality monitoring studies combined (73.3% vs. 47.4%), while silver-haired bats comprised a lower percentage of observed bat fatalities than at other CPE studies (26.7% vs. 47.9%; Table 12). The percent composition of bats at Stateline 3 is based on a relatively small sample size (n=15) compared to the sample size of bats from all CPE projects combined (n=605).

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## 7.0 TABLES

**Table 1.** Standardized carcass search periods at Stateline 3 Wind Project during one year of wildlife fatality monitoring, January 2011–January 2012.

Season	Search Period	# of Searches
Summer	May 16–August 15	3
Fall	August 16–October 31	5
Winter	November 1–March 15	4
Spring	March 16–May 15	4

**Table 2.** Cumulative list by taxon of all wildlife casualties found at Stateline 3 Wind Project during four seasons of wildlife fatality monitoring, January 2011–January 2012.

Taxa Group	Summer	Fall	Winter	Spring	Total # of Fatalities 2011–2012
Galliform	1	0	0	0	1
Passerine	0	3	1 Clean-up	0	3 +1 Clean-up
Raptor	0	1	0	0	1
Woodpecker	0	0	1	0	1
<b>Total Birds</b>	<b>1</b>	<b>4</b>	<b>1 +1 Clean-up</b>	<b>0</b>	<b>6 +1 Clean-up</b>
Bats	6	9 +1 Incidental	0	0	15 +1 Incidental
<b>Total Birds and Bats</b>	<b>7</b>	<b>13 + 1 Incidental</b>	<b>1 +1 Clean-up</b>	<b>0</b>	<b>21 +1 Incidental +1 Clean-up</b>

**Table 3.** Summary of observed avian and bat species and percent composition of all fatalities found at Stateline 3 during one year of wildlife fatality monitoring, January 2011–January 2012.

<i>Listed by highest to lowest % standardized search composition including incidentals (last column)</i>	<b>Total Found During Standardized Searches<sup>1</sup></b>	<b>% Composition</b>	<b>Total Including Incidental<sup>2</sup></b>	<b>% Composition Including Incidental</b>
<b>Avian Species</b>				
horned lark	2	28.6	2	28.6
chipping sparrow	1	14.3	1	14.3
house wren	1	14.3	1	14.3
northern flicker	1	14.3	1	14.3
red-tailed hawk	1	14.3	1	14.3
ring-necked pheasant ( <i>n</i> )	1	14.3	1	14.3
<b>Avian Total</b>	<b>7</b>	<b>100.00</b>	<b>7</b>	<b>100.00</b>
<b>Bat Species</b>				
hoary bat	11	73.3	12	75.0
silver-haired bat	4	26.7	4	25.0
<b>Bat Total</b>	<b>15</b>	<b>100.00</b>	<b>16</b>	<b>100.00</b>

<sup>1</sup>Includes findings during clean-up search (1 bird, 0 bats)

<sup>2</sup> One bat

*n* = non-native species

**Table 4.** Avian and bat fatalities observed at Stateline 3 turbine search plots during one year of wildlife fatality monitoring, January 2011–January 2012.

<b>Turbine Plot ID</b>	<b>Birds</b>	<b>Bats</b>	<b>Total</b>
1	0	0	0
4	1	0	1
7	0	1	1
8	0	0	0
9	1	0	1
11	0	0	0
12	0	0	0
14	2	1	3
15	0	1	1
17	0	1	1
21	2	1	3
23	0	0	0
26	0	1	1
27	0	0	0
32	0	0	0
33	0	1	1
35	1	4	5
36	0	2	2
42	0	1	1
43	0	1	1
<b>Total<sup>1</sup></b>	<b>7</b>	<b>15</b>	<b>22</b>

<sup>1</sup>Includes findings during clean-up searches (one bird)

**Table 5.** Bootstrapped Searcher Efficiency (SE) expressed as a % and associated 90% confidence interval (CI) at Stateline 3 during one year of fatality monitoring, January 2011–January 2012.

Season	Number	SE (%)	Lower CI <sup>1</sup>	Upper CI <sup>1</sup>
<b>Large Size</b>				
Spring	10	71	55	85
Summer	17	36	22	52
Fall	14	47	30	64
Winter	15	54	38	71
<b>Small Size</b>				
Spring	10	69	50	86
Summer	14	35	19	51
Fall	14	46	28	63
Winter	15	52	36	69

<sup>1</sup> Lower and upper limits of the 90% confidence interval (CI).

**Table 6.** Bootstrapped Carcass Removal Trial (CRT) rates expressed in days and associated 90% confidence interval (CI) for Stateline 1 and 2 as used for Stateline 3.

Season	Agriculture			Grassland		
	Number	CRT	CI <sup>1</sup>	Number	CRT	CI <sup>1</sup>
<b>Large Size</b>						
Spring	14	28.88	21.31–39.02	25	41.13	30.99–54.28
Summer	35	36.72	27.77–47.87	30	52.29	39.25–70.44
Fall	15	32.94	24.56–44.49	24	46.91	34.25–64.26
Winter	25	26.23	19.36–34.41	25	37.35	28.90–48.56
<b>Small Size</b>						
Spring	16	14.72	10.86–19.74	25	15.31	11.92–19.33
Summer	35	18.72	13.87–24.11	30	19.46	14.80–24.65
Fall	15	16.79	11.92–22.95	26	17.46	13.41–22.57
Winter	25	13.37	10.18–16.72	25	13.90	10.81–17.31

<sup>1</sup> Lower and upper limits of the 90% confidence interval (CI).

**Table 7a.** Schoenfeld bootstrapped fatality estimates and 90% confidence interval (CI) at Stateline 3 during one year of fatality monitoring, January 2011–January 2012.

Categories	# Found	Total Site Fatality Estimates		Estimates per Turbine		Estimates per MW	
		Estimate	CI <sup>1</sup>	Estimate	CI <sup>1</sup>	Estimate	CI <sup>1</sup>
All Birds	6	36	12–61	0.84	0.28–1.42	0.36	0.12–0.62
Large Birds <sup>2</sup>	3	14	5–28	0.33	0.12–0.65	0.14	0.05–0.28
Small Birds <sup>2</sup>	3	23	7–44	0.51	0.16–1.02	0.23	0.07–0.44
Raptors <sup>2</sup>	1	5	1–14	0.12	0.02–0.33	0.05	0.01–0.14
Bats	15	117	67–176	2.72	1.56–4.09	1.18	0.68–1.78
Grassland Birds	0	0	N/A	0.00	N/A	0.00	N/A
Nocturnal Migrants <sup>2</sup>	2	15	2–29	0.35	0.05–0.67	0.15	0.02–0.29
Special Status Avian Species <sup>3</sup>	0	0	N/A	0.00	N/A	0.00	N/A
Agricultural Habitat <sup>4</sup>	18	122	62–194	2.84	1.44–4.51	1.23	0.63–1.96
Grassland Habitat <sup>2,4</sup>	3	20	4–39	0.47	0.09–0.91	0.20	0.04–0.39

<sup>1</sup> Lower and upper limits of the 90% confidence interval (CI).

<sup>2</sup> Groups where number found is less than five lack statistical confidence in their estimates.

<sup>3</sup> As defined in the WMMP, this category includes State and federally listed species and State Sensitive Species. The two bat species (15 found during searches) are State Sensitive-Vulnerable status.

<sup>4</sup> Includes birds and bats.

**Table 7b.** Huso bootstrapped fatality estimates and 90% confidence interval at Stateline 3 during one year of fatality monitoring, January 2011–January 2012.

Categories	# Found	Total Site Fatality Estimates		Estimates per Turbine		Estimates per MW	
		Estimate	CI <sup>1</sup>	Estimate	CI <sup>1</sup>	Estimate	CI <sup>1</sup>
All Birds	6	44	18–83	1.01	0.42–1.92	0.43	0.18–0.83
Large Birds <sup>2</sup>	3	22	7–46	0.49	0.16–1.06	0.21	0.07–0.46
Small Birds <sup>2</sup>	3	23	7–52	0.52	0.16–1.20	0.23	0.07–0.52
Raptors <sup>2</sup>	1	7	6–22	0.16	0.12–0.49	0.07	0.05–0.21
Bats	15	143	80–267	3.31	1.86–6.20	1.44	0.81–2.70
Grassland Birds	0	0	N/A	0.00	N/A	0.00	N/A
Nocturnal Migrants <sup>2</sup>	2	15	7–39	0.34	0.14–0.90	0.15	0.06–0.39
Special Status Avian Species <sup>3</sup>	0	0	N/A	0.00	N/A	0.00	N/A
Agricultural Habitat <sup>4</sup>	18	160	85–299	3.71	1.97–6.94	1.61	0.86–3.02
Grassland Habitat <sup>2,4</sup>	3	27	8–61	0.62	0.17–1.40	0.27	0.07–0.61

<sup>1</sup> Lower and upper limits of the 90% confidence interval (CI).

<sup>2</sup> Groups where number found is less than five lack statistical confidence in their estimates.

<sup>3</sup> As defined in the WMMP, this category includes State and federally listed species and State Sensitive Species. The two bat species found are State Sensitive-Vulnerable status; fatality estimate information is listed above in Bats.

<sup>4</sup> Includes birds and bats.

**Table 8.** Project and turbine characteristics of regional wind energy facilities where wildlife fatality monitoring studies have been completed.

Columbia Plateau Ecoregion Wind Project*	Project Size		Turbine Characteristics		
	# Turbines	MW	RD** (meters)	Tip Height (max. meters)	MW
Big Horn, WA	133	199.5	77	118.5	1.5
Biglow Canyon I, OR	76	125.4	90	121	1.65
Combine Hills I/II, OR	104	104	61.4	84	1.0
Goodnoe Hills, WA	47	94	92.5	135	2.0
Harvest Wind, WA	43	98.9	93	126.5	2.3
Hay Canyon, OR	48	100.8	97	124	2.1
Hopkins Ridge I, WA	83	150	80	107	1.8
Klondike I, OR	16	24	65	100	1.5
Klondike II, OR	50	75	77	118.5	1.5
Klondike III, OR (Phase 1) (3 types of turbines)	80/44/1	120/101.2/2.4	77/93/100	118.5/126.5/127.5	1.5/2.3/2.4
Klondike IIIa, OR (Phase 2)	51	77	77	118.5	1.5
Leaning Juniper I, OR	67	100.5	77	118.5	1.5
Marengo I, WA	78	140.4	80	110	1.8
Marengo II, WA	39	70.2	80	110	1.8
Nine Canyon I, WA	37	48	62	91	1.3
Pebble Springs, OR	47	98.7	97	124	2.1
Rattlesnake Road, OR	49	102.9	88	123	2.1
Star Point, OR	47	98.7	97	124	2.1
Stateline I and 2, OR/WA	454	300	47	74/89 (20 turbines)	0.66
<b>Stateline 3, OR</b>	<b>43</b>	<b>98.9</b>	<b>93</b>	<b>126.5</b>	<b>2.3</b>
Tuolumne, WA (2 types of turbines)	42/20	136.6	93/92.5	126.5/135	2.3/2.0
Vansycle, OR	38	25	47	74	0.66
Wheat Field, OR	46	96.6	88	123	2.1
Windy Flats, WA	114	262.2	93	126.5	2.3
White Creek Wind I, WA	89	204.7	93	126.5	2.3
Wild Horse, WA	127	229	80	107	1.8
Willow Creek Winds, OR	48	72	77	118.5	1.5

\* Projects with similar study methods are listed and sorted alphabetically. Condon Wind Project (Gilliam Co., Oregon) carcass study omitted due to differences in study methods.

\*\* RD = Rotor Diameter

**Table 9.** Reported mean annual fatality estimates on a per MW and per turbine basis for all birds and raptors in the Columbia Plateau Ecoregion where wildlife fatality monitoring studies have been completed.

Columbia Plateau Ecoregion Wind Project <sup>1</sup>	All Bird Fatality Rates		Raptor Fatality Rates <sup>2</sup>	
	#/MW	#/Turbine	#/MW	#/Turbine
Windy Flats, WA (Year 1)	8.45	19.43	0.04	0.09
Leaning Juniper I, OR <sup>3</sup>	6.66	9.99	0.21	0.32
White Creek Wind I, WA <sup>3</sup>	4.05	9.31	0.47	1.09
Willow Creek Wind, OR <sup>3</sup>	3.22	4.82	0.38	0.57
Tuolumne, WA	3.20	7.06	0.29	0.63
Klondike III, OR (Phase 1) <sup>3</sup>	3.19	5.65	0.15	0.27
Klondike II, OR	3.14	4.71	0.11	0.17
Hopkins Ridge I, WA (Phase 1, Year 2)	2.99	5.38	0.07	0.12
Harvest Wind, WA <sup>3</sup>	2.94	6.76	0.23	0.52
Stateline 1 and 2, OR/WA (2001-2003 study)	2.92	1.93	0.09	0.06
Klondike IIIa, OR (Phase 2) <sup>3</sup>	2.80	4.20	0.06	0.09
Nine Canyon I, WA	2.76	3.59	0.05	0.07
Combine Hills I, OR (2004/2005 study year)	2.56	2.56	0.00	0.00
Big Horn, WA <sup>3</sup>	2.54	3.81	0.15	0.23
Biglow Canyon, OR (Phase I, Year 2)	2.47	4.07	0.04	0.06
Combine Hills I/II, OR (2011 study year)	2.33	2.33	0.08	0.08
Hay Canyon, OR <sup>3</sup>	2.21	4.65	0.00	0.00
Rattlesnake Road, OR <sup>3</sup>	2.16	4.54	0.06	0.13
Pebble Springs, OR <sup>3</sup>	1.93	4.06	0.04	0.08
Biglow Canyon, OR (Phase I, Year 1)	1.76	2.90	0.03	0.06
Wild Horse, WA	1.55	2.79	0.09	0.17
Wheat Field, OR <sup>3</sup>	1.42	2.99	0.28	0.60
Goodnoe Hills, WA	1.40	2.80	0.17	0.34
Hopkins Ridge I, WA (Phase 1, Year 1)	1.23	2.21	0.14	0.25
Stateline 1 and 2, OR/WA (2006)	1.23	0.81	0.11	0.07
Klondike I, OR	0.95	1.43	0.00	0.00
Vansycle, OR	0.95	0.63	0.00	0.00
Star Point, OR <sup>3</sup>	0.80	1.70	0.00	0.00
<b>Stateline 3, OR (Huso)</b>	<b>0.43</b>	<b>1.01</b>	<b>0.07</b>	<b>0.16</b>
<b>Stateline 3, OR (Schoenfeld)</b>	<b>0.36</b>	<b>0.84</b>	<b>0.05</b>	<b>0.12</b>
Marengo I, WA (Year 1)	0.27	0.49	0.00	0.00
Marengo I, WA (Year 2)	0.22	0.40	0.03	0.05
Marengo II, WA (Year 2)	0.17	0.31	0.00	0.00
Marengo II, WA (Year 1)	0.16	0.29	0.05	0.09
<b>Mean (without Stateline 3)</b>	<b>2.33</b>	<b>4.02</b>	<b>0.11</b>	<b>0.20</b>

<sup>1</sup> References for wind project studies: Big Horn (Kronner et al., 2008), Biglow Canyon Phase I (Jeffrey et al., 2009; Enk et al., 2010), Combine Hills I (Young et al., 2006), Combine Hills I/II (Enz et al., 2012), Goodnoe Hills (URS, 2010), Harvest Wind (Downes and Gritski 2012a), Hay Canyon (Gritski and Kronner, 2010b); Hopkins Ridge I (Young et al., 2007, 2009), Klondike I (Johnson et al., 2003), Klondike II (NWC and West, 2007), Klondike IIIa (Gritski et al., 2010b); Klondike III (Gritski et al., 2010a), Leaning Juniper I (Gritski et al., 2008), Marengo I and II (URS, 2011a and b), Nine Canyon (Erickson et al., 2003), Pebble Springs (Gritski and Kronner, 2010a), Rattlesnake Road (Gritski et al., 2011), Star Point (Gritski and Downes, 2011b), Stateline I and 2 (Erickson et al., 2004; Erickson et al., 2007), Stateline 3 (this report), Tuolumne (Enz and Bay, 2010), Vansycle (Erickson et al., 2000), Wheat Field (Gritski and Downes, 2011a), White Creek Wind I (Downes and Gritski 2012b), Wild Horse (Erickson et al., 2008), Willow Creek (NWC, 2011), Windy Flats (Enz et al., 2011).

<sup>2</sup> Raptor estimates include diurnal raptors and owls.

<sup>3</sup> Huso estimator was used to determine estimated fatality rates for these projects.

**Table 10.** Observed species composition and number of bird fatalities found on standardized searches at Columbia Plateau Ecoregion wind projects compared with those found at Stateline 3.

Species (in descending order of % Composition)	Columbia Plateau Ecoregion <sup>1,2</sup>		Stateline 3 <sup>2</sup>	
	% Composition (Only Standardized Searches)	Number of Fatalities Found on Standardized Searches	% Composition (Only Standardized Searches)	Number of Fatalities Found on Standardized Searches
horned lark	31.3	411	28.6	2
golden-crowned kinglet	5.0	66	0.0	0
gray partridge (n)	4.9	64	0.0	0
ring-necked pheasant (n)	4.6	61	14.3	1
western meadowlark	3.1	41	0.0	0
chukar (n)	2.8	37	0.0	0
European starling (n)	2.7	36	0.0	0
American kestrel	2.7	35	0.0	0
dark-eyed junco	2.4	32	0.0	0
mourning dove	2.1	28	0.0	0
unidentified bird	2.1	28	0.0	0
white-crowned sparrow	2.1	28	0.0	0
unidentified passerine	2.0	26	0.0	0
Townsend's warbler	1.9	25	0.0	0
red-tailed hawk	1.8	24	14.3	1
yellow-rumped warbler	1.6	21	0.0	0
ruby-crowned kinglet	1.4	19	0.0	0
rock pigeon (n)	1.3	17	0.0	0
Pacific wren	1.1	14	0.0	0
northern flicker	0.9	12	14.3	1
savannah sparrow	0.9	12	0.0	0
American robin	0.8	10	0.0	0
common nighthawk	0.8	10	0.0	0
red-breasted nuthatch	0.8	10	0.0	0
short-eared owl	0.8	10	0.0	0
unidentified kinglet	0.8	10	0.0	0
Vaux's swift	0.7	9	0.0	0
Swainson's hawk	0.6	8	0.0	0
warbling vireo	0.6	8	0.0	0
black-billed magpie	0.5	7	0.0	0
great-horned owl	0.5	7	0.0	0
common raven	0.5	6	0.0	0
house wren	0.5	6	14.3	1
unidentified sparrow	0.5	6	0.0	0
barn owl	0.4	5	0.0	0
Brewer's sparrow	0.4	5	0.0	0
California quail	0.4	5	0.0	0
golden-crowned sparrow	0.4	5	0.0	0
house sparrow (n)	0.4	5	0.0	0
Cassin's vireo	0.3	4	0.0	0
chipping sparrow	0.3	4	14.3	1
Lincoln's sparrow	0.3	4	0.0	0
unidentified warbler	0.3	4	0.0	0
American coot	0.2	3	0.0	0
American goldfinch	0.2	3	0.0	0
Canada goose	0.2	3	0.0	0
ferruginous hawk	0.2	3	0.0	0
great blue heron	0.2	3	0.0	0
house finch	0.2	3	0.0	0

Species (in descending order of % Composition)	Columbia Plateau Ecoregion <sup>1,2</sup>		Stateline 3 <sup>2</sup>	
	% Composition (Only Standardized Searches)	Number of Fatalities Found on Standardized Searches	% Composition (Only Standardized Searches)	Number of Fatalities Found on Standardized Searches
mountain bluebird	0.2	3	0.0	0
orange-crowned warbler	0.2	3	0.0	0
rough-legged hawk	0.2	3	0.0	0
song sparrow	0.2	3	0.0	0
spotted towhee	0.2	3	0.0	0
<i>Buteo spp.</i>	0.2	3	0.0	0
unidentified duck	0.2	3	0.0	0
<i>Vireo spp.</i>	0.2	3	0.0	0
vesper sparrow	0.2	3	0.0	0
western tanager	0.2	3	0.0	0
white-throated swift	0.2	3	0.0	0
Wilson's warbler	0.2	3	0.0	0
common yellowthroat	0.2	2	0.0	0
downy woodpecker	0.2	2	0.0	0
Hammond's flycatcher	0.2	2	0.0	0
hermit thrush	0.2	2	0.0	0
long-eared owl	0.2	2	0.0	0
MacGillivray's warbler	0.2	2	0.0	0
mallard	0.2	2	0.0	0
northern harrier	0.2	2	0.0	0
northern rough-winged	0.2	2	0.0	0
pacific-slope flycatcher	0.2	2	0.0	0
pine siskin	0.2	2	0.0	0
red-winged blackbird	0.2	2	0.0	0
rock wren	0.2	2	0.0	0
sage thrasher	0.2	2	0.0	0
sharp-shinned hawk	0.2	2	0.0	0
Virginia rail	0.2	2	0.0	0
<i>Accipiter spp.</i>	0.1	1	0.0	0
American crow	0.1	1	0.0	0
American pipit	0.1	1	0.0	0
ash-throated flycatcher	0.1	1	0.0	0
black-throated sparrow	0.1	1	0.0	0
Brewer's blackbird	0.1	1	0.0	0
brown creeper	0.1	1	0.0	0
brown-headed cowbird	0.1	1	0.0	0
burrowing owl	0.1	1	0.0	0
common poorwill	0.1	1	0.0	0
Cooper's hawk	0.1	1	0.0	0
eastern kingbird	0.1	1	0.0	0
<i>Empidonax</i> flycatcher spp.	0.1	1	0.0	0
golden eagle	0.1	1	0.0	0
grasshopper sparrow	0.1	1	0.0	0
gray flycatcher	0.1	1	0.0	0
hairy woodpecker	0.1	1	0.0	0
horned grebe	0.1	1	0.0	0
killdeer	0.1	1	0.0	0
Lewis's woodpecker	0.1	1	0.0	0
long-billed curlew	0.1	1	0.0	0
merlin	0.1	1	0.0	0
northern bobwhite	0.1	1	0.0	0
northern pintail	0.1	1	0.0	0
northern shrike	0.1	1	0.0	0

Species (in descending order of % Composition)	Columbia Plateau Ecoregion <sup>1,2</sup>		Stateline 3 <sup>2</sup>	
	% Composition (Only Standardized Searches)	Number of Fatalities Found on Standardized Searches	% Composition (Only Standardized Searches)	Number of Fatalities Found on Standardized Searches
peregrine falcon	0.1	1	0.0	0
purple finch	0.1	1	0.0	0
ring-billed gull	0.1	1	0.0	0
Say's phoebe	0.1	1	0.0	0
Swainson's thrush	0.1	1	0.0	0
Townsend's solitaire	0.1	1	0.0	0
tree swallow	0.1	1	0.0	0
turkey vulture	0.1	1	0.0	0
unidentified owl	0.1	1	0.0	0
unidentified swallow	0.1	1	0.0	0
unidentified thrush	0.1	1	0.0	0
varied thrush	0.1	1	0.0	0
western grebe	0.1	1	0.0	0
western kingbird	0.1	1	0.0	0
western screech-owl	0.1	1	0.0	0
western wood-pewee	0.1	1	0.0	0
white-breasted nuthatch	0.1	1	0.0	0
<b>Total</b>	<b>100</b>	<b>1,313</b>	<b>100</b>	<b>7</b>

*n* = non-native species

<sup>1</sup>Data are from the following formal monitoring studies. Studies with similar study protocols to Stateline 3 were included. These are observed fatalities and not final estimates of fatalities, which are higher. Big Horn (Kronner et al., 2008), Biglow Canyon Phase I (Jeffrey et al., 2009; Enk et al., 2010), Combine Hills I (Young et al., 2006), Combine Hills I/II (Enz et al., 2012), Goodnoe Hills (URS, 2010), Harvest Wind (Downes and Gritski, 2012a), Hay Canyon (Gritski and Kronner, 2010b); Hopkins Ridge I (Young et al., 2007, 2009), Klondike I (Johnson et al., 2003), Klondike II (NWC and West, 2007), Klondike IIIa (Gritski et al., 2010b); Klondike III (Gritski et al., 2010a), Leaning Juniper I (Gritski et al., 2008), Marengo I and II (URS, 2010a and b; URS 2011a and b), Nine Canyon (Erickson et al., 2003), Pebble Springs (Gritski and Kronner, 2010a), Rattlesnake Road (Gritski et al., 2011), Star Point (Gritski and Downes, 2011b), Stateline I and 2 (Erickson et al., 2004; Erickson et al., 2007), Tuolumne (Enz and Bay, 2010), Vansycle (Erickson et al., 2000), Wheat Field (Gritski and Downes, 2011a), White Creek Wind I (Downes and Gritski, 2012b), Wild Horse (Erickson et al., 2008), Willow Creek (NWC, 2011), Windy Flats (Enz et al., 2011).

<sup>2</sup>Includes clean-up searches.

**Table 11.** Reported mean annual fatality estimates on a per MW and per turbine basis for all bats in the Columbia Plateau Ecoregion where wildlife fatality monitoring studies have been completed.

<b>Wind Project<sup>1</sup></b> Listed in order of highest to lowest bat fatality rate per MW/year (first column)	<b>Number of Bat Fatalities per MW/Year</b> (mean)	<b>Number of Bat Fatalities per Turbine/Year</b> (mean)
Rattlesnake Road, OR <sup>2</sup>	2.87	6.03
Nine Canyon I, WA	2.47	3.21
White Creek Wind I, WA <sup>2</sup>	2.04	4.70
Biglow Canyon, OR (Phase I, Year 1)	1.99	3.29
Leaning Juniper I, OR <sup>2</sup>	1.98	2.97
Big Horn, WA <sup>2</sup>	1.90	2.86
Combine Hills I, OR (2004/2005 study year)	1.88	1.88
Stateline I and 2, OR/WA (2001-2003 study)	1.70	1.12
Pebble Springs, OR <sup>2</sup>	1.55	3.25
<b>Stateline 3, OR (Huso)<sup>2</sup></b>	<b>1.44</b>	<b>3.31</b>
Hopkins Ridge I, WA (Phase 1, Year 2)	1.39	2.50
Harvest Wind, WA <sup>2</sup>	1.28	2.94
<b>Stateline 3, OR (Schoenfeld)</b>	<b>1.18</b>	<b>2.72</b>
Klondike III, OR (Phase 1) <sup>2</sup>	1.17	2.07
Vansycle, OR	1.12	0.74
Stateline 1 and 2, OR/WA (2006)	0.95	0.63
Tuolumne, WA	0.94	2.07
Willow Creek Wind, OR <sup>2</sup>	0.81	1.22
Klondike I, OR	0.77	1.16
Combine Hills I/II, OR (2011 study year)	0.73	0.73
Wheat Field, OR <sup>2</sup>	0.69	1.46
Hopkins Ridge I, WA (Phase 1, Year 1)	0.63	1.13
Biglow Canyon, OR (Phase I, Year 2)	0.58	0.96
Hay Canyon, OR <sup>2</sup>	0.53	1.12
Star Point, OR <sup>2</sup>	0.48	1.00
Klondike II, OR	0.41	0.63
Windy Flats, WA (Year 1) <sup>3</sup>	0.41	0.95
Wild Horse, WA (Year 1)	0.39	0.70
Goodnoe Hills, WA	0.34	0.68
Marengo II, WA (Year 1)	0.27	0.49
Marengo I, WA (Year 1)	0.17	0.31
Klondike IIIa, OR (Phase 2) <sup>2</sup>	0.16	0.24
Marengo I, WA (Year 2)	0.15	0.27
Marengo II, WA (Year 2)	0.00	0.00
<b>Mean (without Stateline 3)</b>	<b>1.03</b>	<b>1.67</b>

<sup>1</sup> References for wind project studies: Big Horn (Kronner et al., 2008), Biglow Canyon Phase I (Jeffrey et al., 2009; Enk et al., 2010), Combine Hills I (Young et al., 2006), Combine Hills I/II (Enz et al., 2012), Goodnoe Hills (URS, 2010), Harvest Wind (Downes and Gritski 2012a), Hay Canyon (Gritski and Kronner, 2010b); Hopkins Ridge I (Young et al., 2007, 2009), Klondike I

*References for wind project studies continued:*

(Johnson et al., 2003), Klondike II (NWC and West, 2007), Klondike IIIa (Gritski et al., 2010b); Klondike III (Gritski et al., 2010a), Leaning Juniper I (Gritski et al., 2008), Marengo I and II (URS, 2011a and b), Nine Canyon (Erickson et al., 2003), Pebble Springs (Gritski and Kronner, 2010a), Rattlesnake Road (Gritski et al., 2011), Star Point (Gritski and Downes, 2011b), Stateline I and 2 (Erickson et al., 2004; Erickson et al., 2007), Stateline 3 (this report), Tuolumne (Enz and Bay, 2010), Vansycle (Erickson et al., 2000), Wheat Field (Gritski and Downes, 2011a), White Creek Wind I (Downes and Gritski 2012b), Wild Horse (Erickson et al., 2008), Willow Creek (NWC, 2011), Windy Flats (Enz et al., 2011).

<sup>2</sup> Huso estimator was used to determine estimated fatality rates for these projects: Big Horn, Hay Canyon, Harvest Wind, Klondike III, Klondike IIIa, Leaning Juniper I, Pebble Springs, Rattlesnake Road, Star Point, Wheat Field, White Creek Wind I and Willow Creek wind projects.

<sup>3</sup> Estimate is based on a single bat found incidentally in search plot.

**Table 12.** Observed species composition and number of bat fatalities found at Columbia Plateau Ecoregion wind projects compared to species composition found at Stateline 3 Wind Project on standardized searches.

<b>Species</b> (in descending order of % Composition for CPE Wind Projects)	<b>CPE Wind Projects<sup>1</sup></b>		<b>Stateline 3</b>	
	<b>% Composition Found</b> (Includes Standardized Searches Only)	<b>Number of Fatalities Found</b> (on Standardized Searches)	<b>% Composition Found</b> (Includes Standardized Searches Only)	<b>Number of Fatalities Found</b> (on Standardized Searches)
silver-haired bat	47.9	290	26.7	4
hoary bat	47.4	287	73.3	11
unidentified bat	2.3	14	0.0	0
big brown bat	1.2	7	0.0	0
little brown bat	0.8	5	0.0	0
myotis spp.	0.3	2	0.0	0
<b>Totals</b>	<b>100</b>	<b>605</b>	<b>100</b>	<b>15</b>

\* Incidentals are not included.

<sup>1</sup> Data are from the following formal monitoring studies. Studies with similar study protocols to Stateline 3 were included. Only projects with completed annual or final reports are included. These are observed fatalities and not final estimates of fatalities, which are higher. Big Horn (Kronner et al., 2008), Biglow Canyon Phase I (Jeffrey et al., 2009; Enk et al., 2010), Combine Hills I (Young et al., 2006), Combine Hills I/II (Enz et al., 2012), Goodnoe Hills (URS, 2010), Harvest Wind (Downes and Gritski, 2012a), Hay Canyon (Gritski and Kronner, 2010b), Hopkins Ridge I (Young et al., 2007, 2009), Klondike I (Johnson et al., 2003), Klondike II (NWC and West, 2007), Klondike III (Gritski et al., 2010a), Klondike IIIa (Gritski et al., 2010b), Leaning Juniper I (Gritski et al., 2008), Marengo I and II (URS, 2011a and b), Nine Canyon (Erickson et al., 2003), Pebble Springs (Gritski and Kronner, 2010a), Rattlesnake Road (Gritski et al., 2011), Star Point (Gritski and Downes, 2011b), Stateline I and 2 (Erickson et al., 2004, Erickson et al., 2007), Tuolumne (Enz and Bay, 2010), Vansycle (Erickson et al., 2000), Wild Horse (Erickson et al., 2008), Wheat Field (Gritski and Downes, 2011a), White Creek Wind I (Downes and Gritski, 2012b), Willow Creek (NWC, 2011), Windy Flats (Enz et al., 2011).

## 8.0 APPENDICES

### Appendix A. Avian and bat casualties at Stateline 3 during wildlife fatality monitoring, January 2011–January 2012.

Species (listed in order of date found)	Date Found	Turbine	Condition Found	Taxa Group	Sex <sup>1</sup>	Age <sup>2</sup>	Habitat	Found During <sup>3</sup>
<b>Birds</b>								
horned lark	1/24/2011	21	Feather Spot	Passerine	U	A	Agriculture	Clean-up
ring-necked pheasant	7/18/2011	15	Scavenged	Galliform	F	A	Grassland	Search
red-tailed hawk	8/16/2011	21	Feather Spot	Raptor	U	I	Agriculture	Search
chipping sparrow	8/31/2011	35	Scavenged	Passerine	U	I	Agriculture	Search
house wren	10/7/2011	14	Intact	Passerine	U	U	Agriculture	Search
horned lark	10/25/2011	4	Dismembered	Passerine	U	U	Disturbed	Search
northern flicker	12/22/2011	14	Feather Spot	Woodpecker	U	U	Agriculture	Search
<b>Bats</b>								
hoary bat	7/18/2011	15	Scavenged	Bat	U	I	Agriculture	Search
hoary bat	7/19/2011	33	Scavenged	Bat	U	U	Grassland	Search
hoary bat	7/19/2011	35	Scavenged	Bat	U	A	Agriculture	Search
silver-haired bat	7/19/2011	36	Scavenged	Bat	U	I	Agriculture	Search
hoary bat	7/19/2011	35	Scavenged	Bat	U	A	Agriculture	Search
hoary bat	7/19/2011	35	Scavenged	Bat	U	I	Agriculture	Search
hoary bat	8/16/2011	43	Intact	Bat	M	A	Agriculture	Search
hoary bat	8/16/2011	8	Intact	Bat	F	I	Turbine Pad	Incidental <sup>4</sup>
hoary bat	8/31/2011	36	Intact	Bat	M	A	Agriculture	Search
hoary bat	9/1/2011	14	Scavenged	Bat	U	I	Agriculture	Search
silver-haired bat	9/21/2011	42	Scavenged	Bat	U	U	Agriculture	Search
hoary bat	9/21/2011	35	Intact	Bat	F	I	Agriculture	Search
silver-haired bat	10/6/2011	17	Scavenged	Bat	F	I	Agriculture	Search
hoary bat	10/7/2011	26	Scavenged	Bat	U	A	Grassland	Search
hoary bat	10/25/2011	7	Scavenged	Bat	U	I	Agriculture	Search
silver-haired bat	10/26/2011	21	Dismembered	Bat	U	A	Agriculture	Search

<sup>1</sup> Sex: U = Unknown, F = Female, M = Male

<sup>2</sup> Age: A = Adult, I = Immature, U = Unknown

<sup>3</sup> "Found During" are Search (standardized carcass search), Clean-up (search), or Incidental

<sup>4</sup> Not used in calculation of fatality estimates

**Appendix B.** Special status wildlife live observations at Stateline 3 during one year of wildlife fatality monitoring, January 2011–January 2012.

<b>Species</b> (listed in alphabetical order)	<b>Status*</b>	<b>Date</b>	<b>Location</b> (Turbine or Other)	<b>Habitat</b>	<b>Comments</b>
<b>Birds</b>					
golden eagle	BGEPA	9/20/11	26/27	Grassland	Immature, flew through turbines 26 & 27 being harassed by two red-tailed hawks
		10/7/11	33	Grassland	Second year bird flew over turbine 33 headed east
grasshopper sparrow	SV	5/25/11	26	Grassland	Male singing
		5/25/11	27	Grassland	Male singing
peregrine falcon	SV	10/7/11	-	Agriculture	Perched on Wayland Road near turbine 33
short-eared owl	BoCC	5/25/11	35	Grassland	Perched 100 meters NE of turbine 35
		5/10/11	10	Agriculture	Soaring about 300m from turbine 10
Swainson's hawk	SV	5/25/11	5	Agriculture	Sitting on ground
		9/1/11	21	Agriculture	Adult soaring near gravel pit
		9/20/11	Substation	Agriculture	Perched on pole by substation south of turbine 10
		9/21/11	33	Grassland	Perched on south search plot stake.
<b>Mammals</b>					
white-tailed jackrabbit	SV	4/25/11	4	Agriculture	
		4/26/11	23	Agriculture	
		5/11/11	1	Agriculture	
		5/24/11	23	Agriculture	
		6/20/11	4	Agriculture	

\* Status:

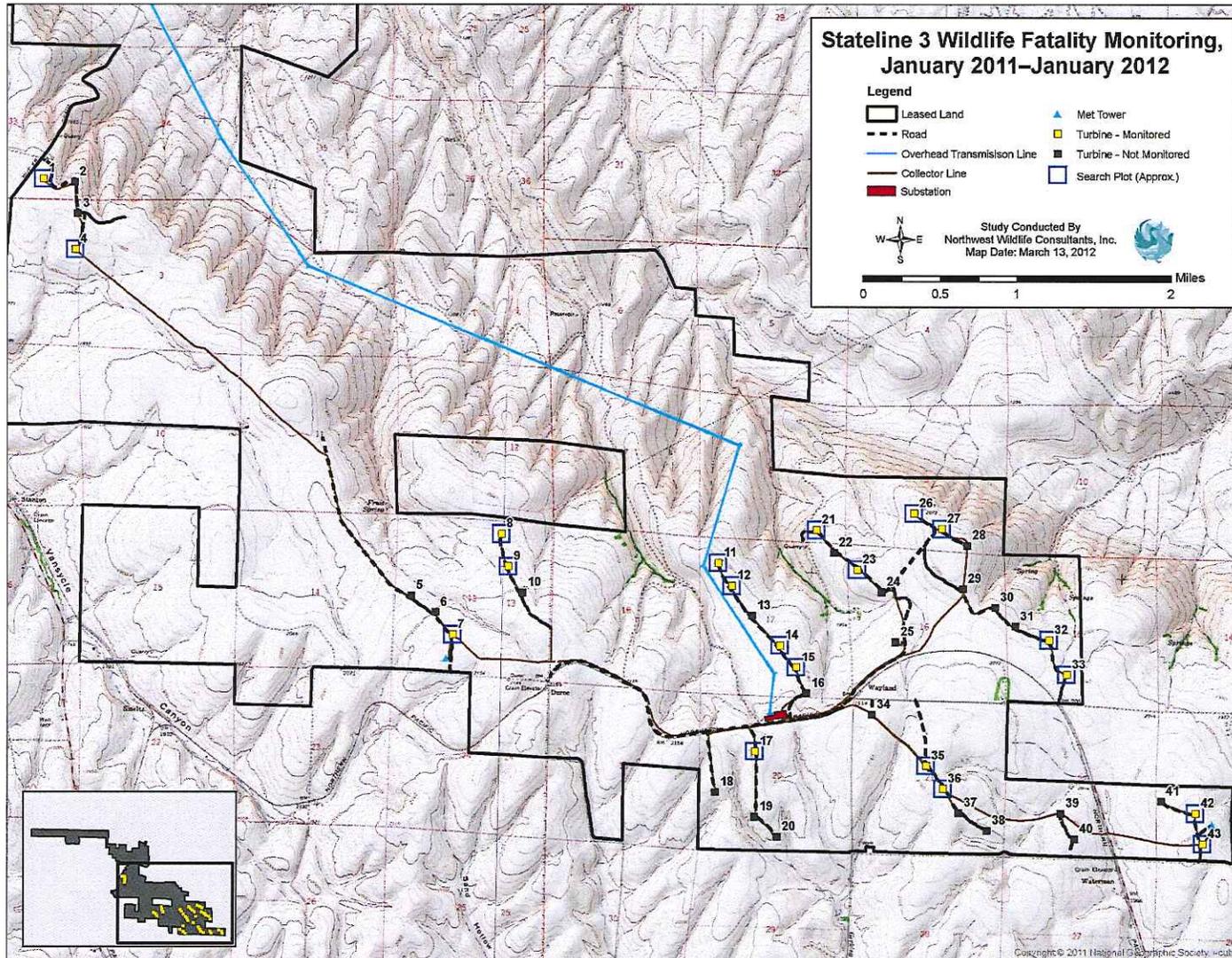
BGEPA = Bald and Golden Eagle Protection Act (USFWS, 1940)

SV = State of Oregon Sensitive Vulnerable (ODFW, 2008)

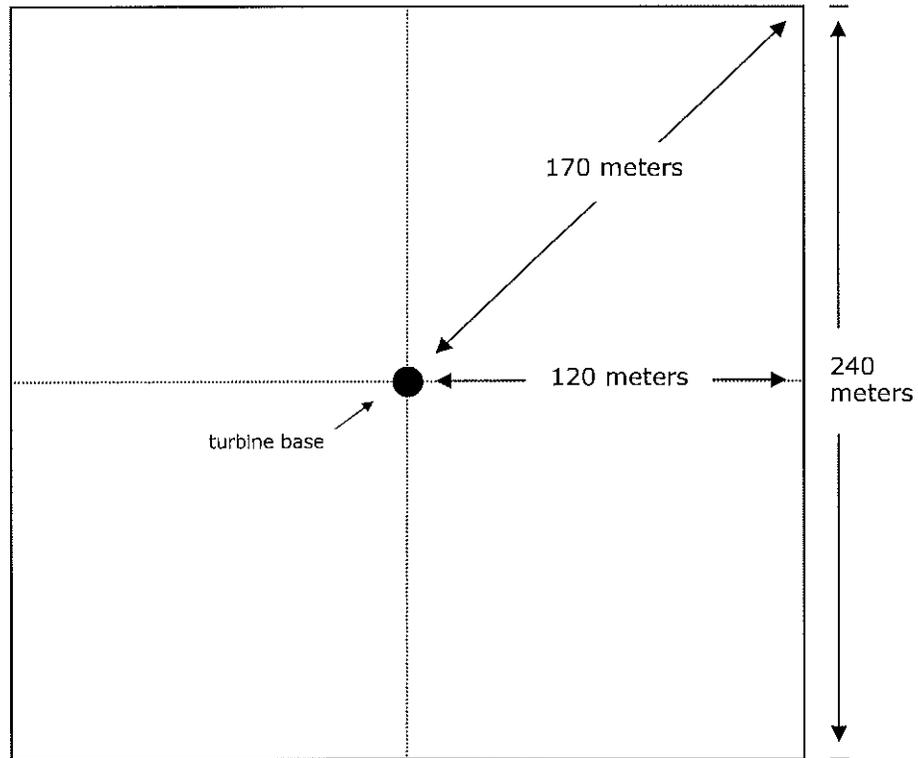
BoCC= USFWS Birds of Conservation Concern (BCR 9, Great Basin)

## 9.0 FIGURES

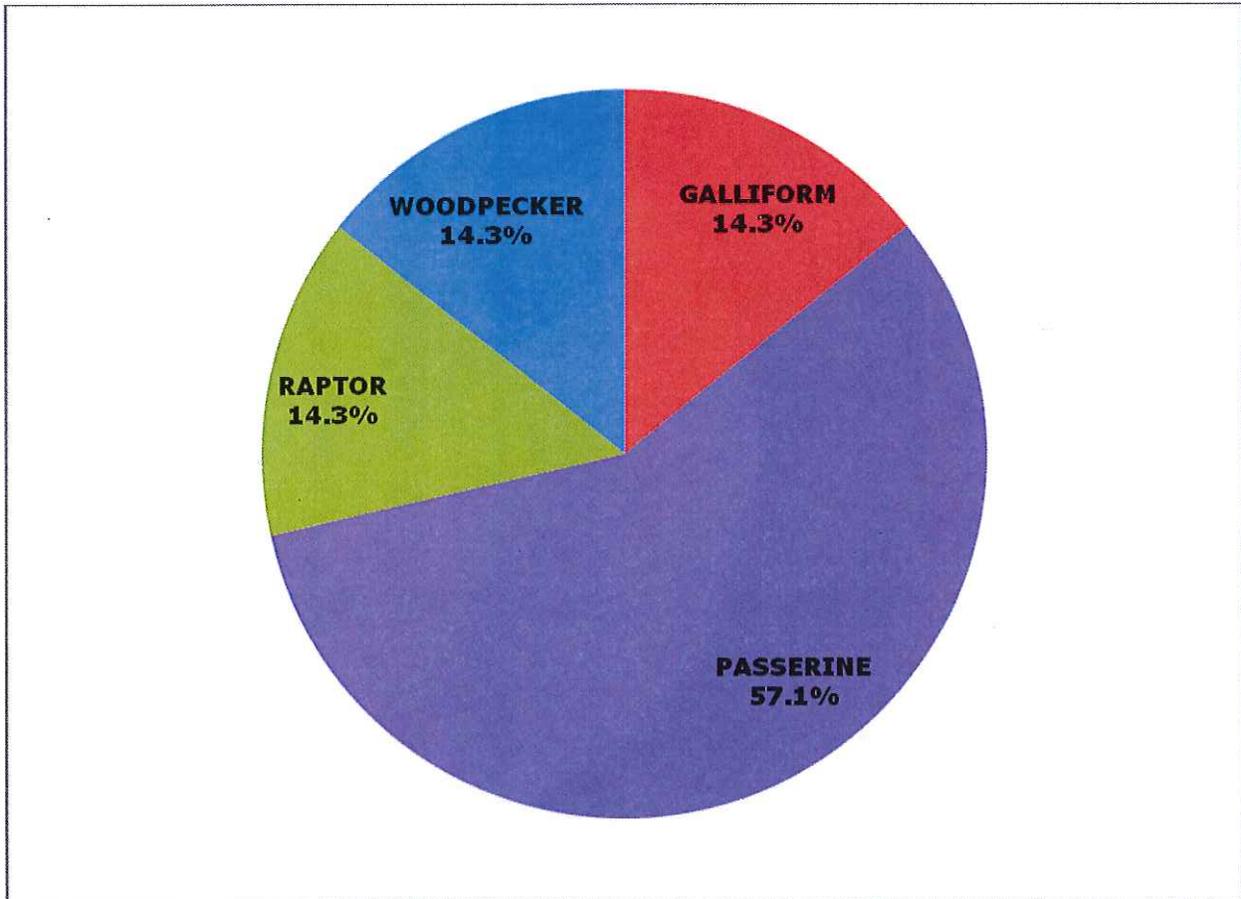
**Figure 1.** Stateline 3 wildlife fatality monitoring search plots during one year of wildlife fatality monitoring, January 2011–January 2012.



**Figure 2.** Graphical depiction of 240 x 240 meter wildlife fatality monitoring search plots at Stateline 3 Wind Project, January 2011–January 2012.

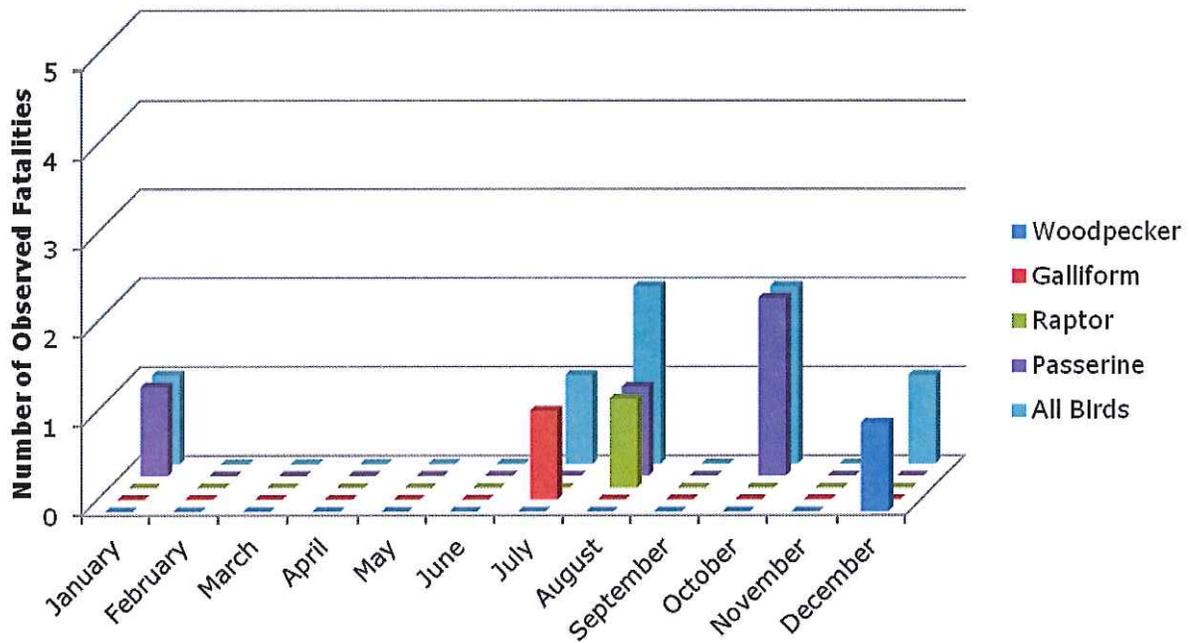


**Figure 3.** Stateline 3 observed avian fatality composition<sup>1</sup> during one year of fatality monitoring, January 2011–January 2012.



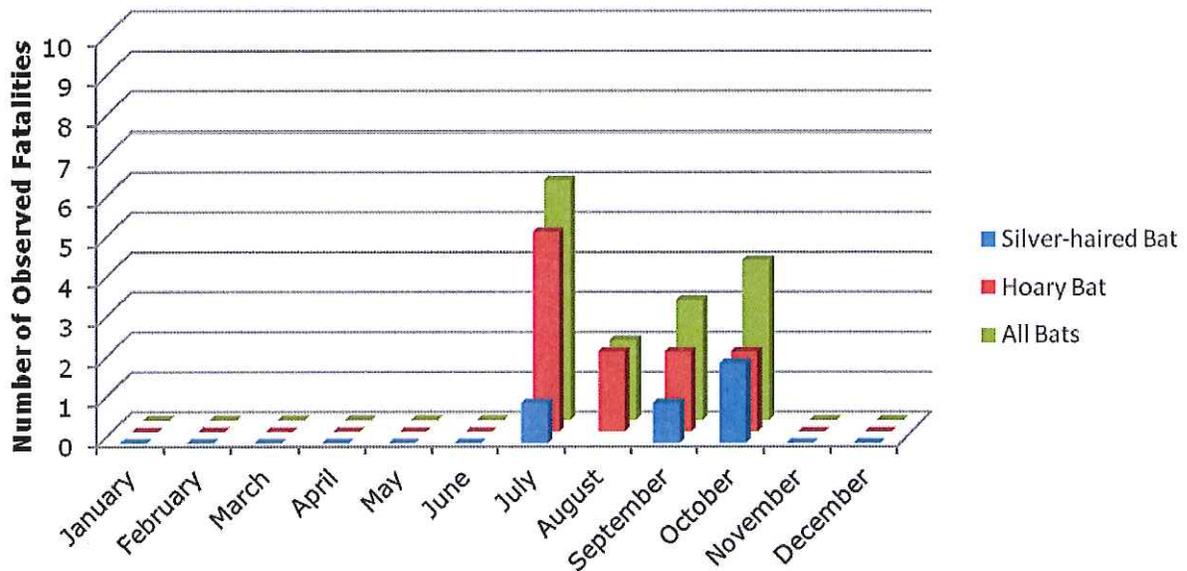
<sup>1</sup> Includes fatalities from the scheduled standardized searches and the one bird found during the clean-up search

**Figure 4.** Stateline 3 observed avian fatality seasonal composition<sup>1</sup> during one year of fatality monitoring, January 2011–January 2012.



<sup>1</sup> Also includes one bird found during the clean-up search

**Figure 5.** Stateline 3 observed bat fatality seasonal composition<sup>1</sup> during one year of fatality monitoring, January 2011–January 2012.



<sup>1</sup> Does not include the one incidental bat

# **ATTACHMENT 5**

**Site Certificate Bond for Stateline 3**

**RIDER**

To be attached to and form part of:

Bond Number 08966919  
dated 5/1/2009

issued by the FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
in the amount of \$4,099,000.00

on behalf of FPL ENERGY STATELINE II, INC.  
(Principal)

and in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY  
(Obligee) FACILITY SITING COUNCIL ADMINISTRATOR

Now therefore, it is agreed that in consideration of the premium charged, the attached bond shall be amended as follows:

**The BOND AMOUNT shall be amended:**

**FROM: Four Million Ninety Nine Thousand and 00/100 Dollars**  
**(\$4,099,000.00)**

**TO: Four Million One Hundred Ninety Three Thousand and 00/100 Dollars**  
**(\$4,193,000.00)**

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

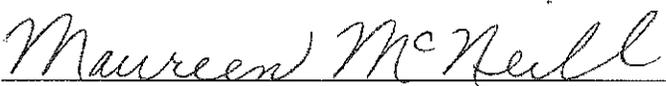
This Rider is to be Effective this 30th day of June, 2012.

Signed, Sealed & Dated this 24th day of April, 2012.

FPL ENERGY STATELINE II, INC.

By:   
(Principal) Brian Tobin  
V.P.

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
(Surety)

By:   
Maureen McNeill, Attorney-in-Fact

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Richard G. DICCIANI, Darella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen MCNEIL, Wayne G. MCVAUGH and Nancy K. WALLACE, all of Philadelphia, Pennsylvania, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed, **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Richard G. DICCIANI, Darella E. WHITE, Douglas R. WHEELER, Richard A. JACOBUS, Mary C. O'LEARY, Sandra E. BRONSON, Maureen E. MCNEIL, Wayne G. MCVAUGH, Nancy K. WALLACE, dated June 13, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 20th day of June, A.D. 2006.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

Gregory E. Murray Assistant Secretary

*M. P. Hammond*

By:

M. P. Hammond

Vice President

State of Maryland }  
City of Baltimore } ss:

On this 20th day of June, A.D. 2006, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Maria D. Adamski*

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2015

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 24TH day of APRIL, 2012.

*Ronald F. Halby*  
Assistant Secretary

# **ATTACHMENT 6**

**Stateline Wind Project  
WRRS Data for 2012**

**WASHINGTON / OREGON WIND PROJECTS  
2012 Annual Report**

Date Reported	Species	WRRS ID #	Structure	Distance from Structure	Physical Condition	Specific Site	State	Final Disposition
3/6/2012	American Crow	SL12-01	Pole	N/A	Complete carcass	Stateline	WA	Tagged and bagged
4/11/2012	American Kestrel	SL12-02	HGC-26	N/A	Complete carcass	Stateline	OR	Tagged and bagged
5/7/2012	Schreech Owl	SL12-05	WSB-45	N/A	Part of skull missing, with cut out eye. Broken leg	Stateline	WA	Tagged and bagged
5/16/2012	Unidentified Hawk	SL12-03	WVS-11-2	300'	Complete carcass	Stateline	OR	Tagged and bagged
5/16/2012	Bat, Unidentified	SL12-04	WVS-11-17	30'	Complete carcass	Stateline	OR	Tagged and bagged
6/12/2012	Barn Swallow	SL12-06	A-15	N/A	Complete carcass	Stateline	OR	Tagged and bagged
6/16/2012	Ring Necked Pheasant	SL12-07	WSB-45	N/A	Complete carcass	Stateline	WA	Tagged and bagged
8/20/2012	Hummingbird	SL12-08	O&M	N/A	Complete Carcass	Stateline	WA	Tagged and bagged
10/22/2012	Unidentified Bird	SL12-09	WSB-22	N/A	Complete Carcass	Stateline	WA	Tagged and bagged
12/18/2012	Barn owl	VS212-01	T-34	450'	Complete carcass	Stateline	OR	Bagged

# **ATTACHMENT 7**

**STL 1 & 2  
2012 Offsite ANS Monitoring**



Northwest  
Wildlife  
Consultants, Inc.

## MEMORANDUM

Date: April 10, 2013

To: Rebecca Perree and Mike Odman, NextEra Energy Resources

From: Brett Anderson and Karen Kronner  
NWC, Inc.

Subject: Stateline 1-2 2012 Offsite Artificial Raptor Nest Structure Monitoring

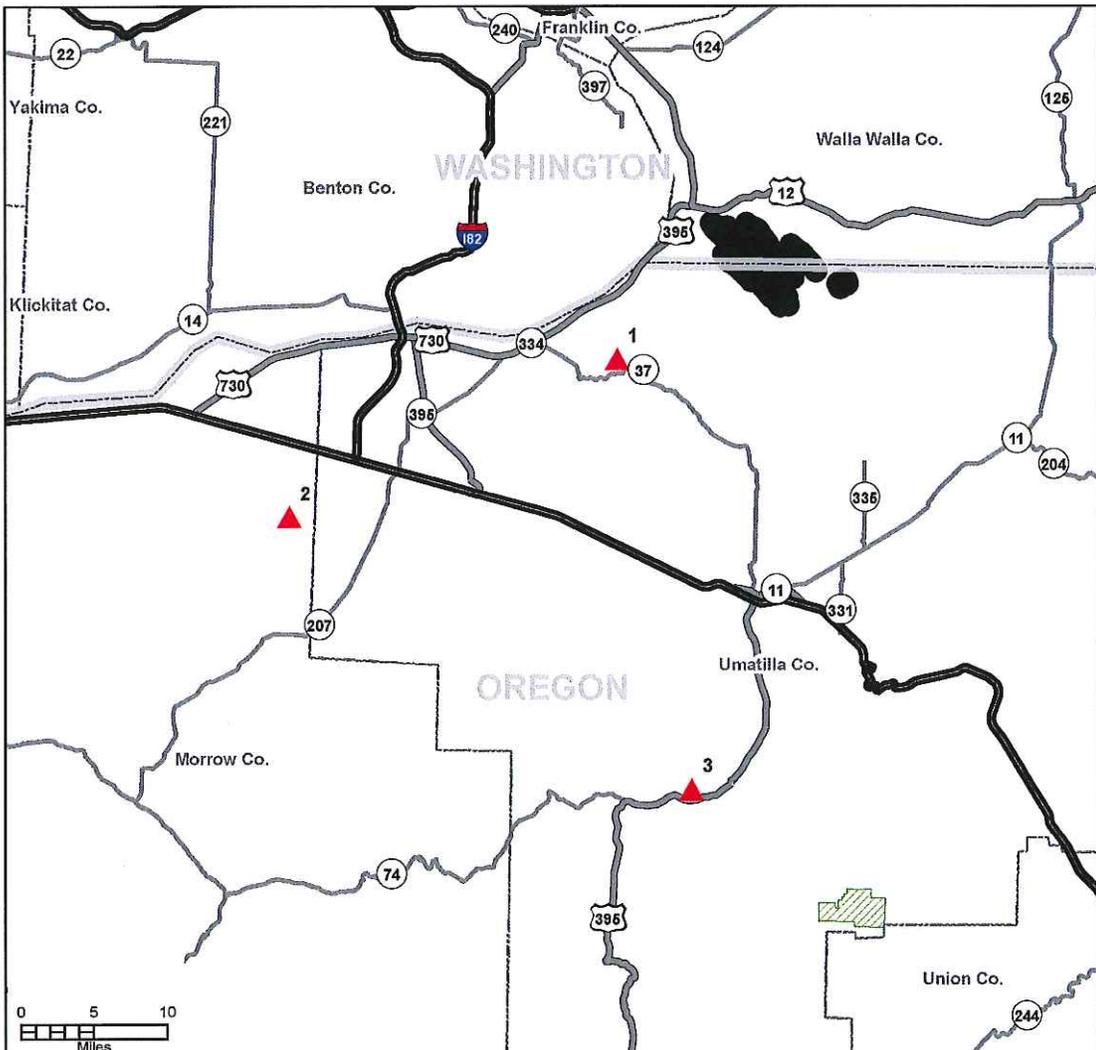
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This memo provides a summary of results for the 2012 NWC monitoring of the Artificial Nest Structures (ANS). These three ANS platforms were installed in suitable offsite areas to mitigate for exceedance of the Stateline 1-2 EFSC permit-established raptor fatality threshold (Figure 1). All three are located on privately-owned land with stable ownership (sites approved by the ODFW). Background information for the ANS project can be found in prior ANS monitoring documents and is generally described in the current Stateline Wildlife Monitoring and Mitigation Plan dated November 2009 (pages A-15-A-17).

The three platforms were checked via ground or helicopter for use by raptor species (or ravens) in 2012. None of the three platforms were used by the target species, ferruginous hawk, or other raptor or non-raptor avian species in 2012. Common ravens were seen at ANS #1 in May 2012, but they did not use the platform for nesting.

This was the sixth year that NWC monitored these ANS for nest use status and productivity (if used). During this monitoring period, only one nest was utilized by a raptor species. Nesting occurred by the target species ferruginous hawk (State Sensitive-Critical status) at ANS #3 in 2009. As previously reported, two young fledged (flew from nest, stayed in general area) but were assumed to have been killed by coyotes before leaving the general nest site area (as documented through telemetry of the individuals). ANS #1 and ANS #2 are not known to have had nesting attempts by raptor species since they were placed in 2007.

The ANS will be checked in 2013.



**Figure 1.**  
**Mitigation Projects Vicinity Map**

**Legend**

State Boundary	Stateline Wind Project Area
County Boundary	Birch Creek Habitat Enhancement Project
Interstate Highway	Structure (ANS)
US Highway	
State Highway	

Northwest Wildlife Consultants, Inc.  
Map produced: July 18 2007

*Northwest Wildlife Consultants, Inc., is an Oregon Registered Woman Business Enterprise  
Specializing in Columbia and Great Basin Wildlife and Rare Plant Surveys,  
Environmental Permitting and Natural Resource Monitoring*



April 29, 2014

**SENT VIA E-MAIL AND UPS**

Mr. Duane Kilsdonk  
Senior Compliance Officer  
Oregon Department of Energy  
Hermiston Field Office  
395 East Highland Avenue  
Hermiston, Oregon 97838

**Re: "Stateline Wind Project" 2014 Annual Report  
FPLE Energy Vansycle, LLC, and FPL Energy Stateline II, Inc.**

Dear Mr. Kilsdonk:

Pursuant to OAR 345-026-0080, attached please find the 2014 Annual Report for FPL Energy Vansycle, LLC, ("Stateline 1 & 2") and FPL Energy Stateline II, Inc, ("Stateline 3") together known as "Stateline Wind Project". These two certificate holders fall under the Fourth Amended Site Certificate for the Stateline Wind Project. This annual report consists of the following components:

1. 2014 Annual Report
2. 2014 Compliance Plan Table
3. Attachments 1 through 7 that support the 2014 Annual Report and Compliance Plan table:
  - Attachment 1 - Milton Freewater Rural Fire Department: Record of Payment (#33)
  - Attachment 2 – STL 3 Revegetation Monitoring Report for the 2013 Vegetative Growing Season (Report and #65, #91)
  - Attachment 3 – STL 3 Habitat Mitigation Area Monitoring Memorandum (Report)
  - Attachment 4 – Site Certificate Bond for STL 1 & 2 (Report and #80)
  - Attachment 5 - Site Certificate Bond for STL 3 (Report and #109)
  - Attachment 6 – 2013 WRRS Data for Stateline Wind Project (Report and #93)
  - Attachment 7 – STL 1 & 2 2013 Offsite Artificial Nest Structure Monitoring Memorandum (Report)

Also, as per Condition 127 of the Compliance Table, we have submitted a copy of this report to the Umatilla Planning Commission to the person listed below.

Should you have any questions regarding the 2014 annual report please feel free to call me at the number below.

Best regards,



*Emre Ergas  
Senior Business Manager  
Business Management - West Wind  
(561) 691-2866 office  
(561) 371-0992 cell*

Enclosures

cc: Michael Odman, NextEra Energy  
Brian Wysong, NextEra Energy  
Janine Bacquie, NextEra Energy  
Karen Kronner, Northwest Wildlife Consultants, Inc

Carol Johnson, Senior Planner,  
Umatilla County Planning Department

**2014 Annual Report  
FPL Energy Vansycle LLC  
FPL Energy Stateline II, Inc  
Fourth Amended Site Certificate  
for the Stateline Wind Project**

**Submitted: April 29, 2014**

Pursuant to OAR 345-026-0080, FPL Energy Vansycle LLC (Stateline 1 & 2), and FPL Energy Stateline II, Inc. (Stateline 3), together known as the "Stateline Wind Project" or "certificate holder", submits this annual report on the operation of the Stateline Wind Project ("Facility") to the Energy Facility Siting Council ("Council"). As a condition in the Fourth Amended Site Certificate ("Amendment #4") and as required by OAR 345-026-0080(1)(b), the certificate holder must provide an annual report to the Council by April 30 of each year after beginning construction. The annual report must address the issues set forth at OAR 345-026-0080(2)(a)-(h). This annual report fulfills this requirement for the calendar year 2013 by addressing each issue and providing a table and supporting documents, attached hereto, demonstrating compliance with all applicable site certificate conditions.

**1.1 OAR 345-026-0080(2)(a)**

**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;

**Response:** Stateline 1 & 2 has been in commercial operation since December 21, 2001, with 186 turbines operating and providing wind-generated electricity for sale. FPL Stateline completed construction and commissioned 126 Stateline 1 turbines on December 21, 2001 and 55 Stateline 2 turbines on December 10, 2002 as provided in Amendment #1, and 5 turbines in the Stateline 2 area on December 15, 2004, as provided in Amendment #2. Those 5 turbines were moved in 2004, and are operating at the improved production and efficiency rates as projected in the 2004 report. No significant adverse impact occurred during 2013.

For Stateline 3, construction began on 43 turbines on June 9, 2009. Stateline 3 became operational on December 16, 2009. No significant adverse impact occurred during 2013.

1.2 OAR 345-026-0080(2)(b)

**Reliability and Efficiency of Power Production:** For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors, and shall describe any actions taken to prevent the recurrence of such problems;

**Response:** Wind provides the sole means of power production. FPL Stateline continues to maintain capacity factor information as proprietary information for the reasons we explained in our 2002 annual report correspondence. However, FPL Stateline recognizes the Oregon Department of Energy's (ODOE) right to request such information in the future if it is found to be necessary as described under ORS 469.080.

1.3 OAR 345-026-0080 (2)(c)

**Fuel Use:**

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

**Response:** The Facility uses wind as fuel to produce electric energy. No power heat rate was evaluated when the facility was sited because this metric is not applicable to a wind facility; therefore, this requirement does not apply to the Facility.

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

**Response:** The Facility's sole fuel type is wind. For Stateline 1 & 2, Commercial Availability was 95.8 percent for the 2013 year. For Stateline 3, Commercial Availability was 98.1 percent for the 2013 year. Commercial availability is defined as the percent of time that a turbine is available to produce energy when there is sufficient wind for generation, excluding outages outside of the plant's control, such as force majeure downtime, weather downtime, or utility downtime.

#### 1.4 OAR 345-026-0080(2)(d)

**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.

**Response:** Site Certificate Bonds have been issued based on dollar amounts determined in accordance with General Site Conditions #80 and #109. Bond #08936470 in the amount of \$6,112,000 is currently issued for Stateline 1 & 2 (Attachment #4) and bond #08966919 in the amount of \$4,279,000 is currently issued for Stateline 3 (Attachment #5).

#### 1.5 OAR 345-026-0080(2)(e)

**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.

**Response:** Revegetation monitoring of the Stateline 3 construction zones and monitoring of the Habitat Enhancement Area are the significant monitoring and mitigation activities performed at the Stateline Wind project in 2013. The wildlife fatality monitoring study was completed in January 2012 and discussed in the 2013 Annual Report (full report was provided as Attachment 4).

#### *Revegetation and Habitat Enhancement Area Monitoring*

##### Specific to Stateline 1 & 2

Revegetation monitoring for the temporarily disturbed areas for Stateline 1 & 2 was complete and reported in the 2006 Revegetation Report.

Oregon's Habitat Enhancement Area (HEA) five year vegetation monitoring for Stateline 1 and 2 was completed in June of 2010, and the final report was submitted with the modified 2010 Annual Report on October 4, 2010. This fulfilled the five year monitoring plan for Stateline 1 & 2 Oregon Habitat Enhancement Area. Under the monitoring plan, monitoring of the Enhancement Area will continue once every five years thereafter. The next monitoring for Stateline 1 and 2 HEA will occur in the spring of 2015, and will be submitted with the 2016 Annual Report.

### Specific to Stateline 3

For Stateline 3, the first year of the 5-year Revegetation Monitoring Plan was started December 2010/January 2011; the 2<sup>nd</sup> year occurred September/October 2011; the 3<sup>rd</sup> year monitoring occurred in October of 2012; and the 4<sup>th</sup> year monitoring occurred in October of 2013. The results of this 4<sup>th</sup> year monitoring are attached in this 2014 Annual Report as Attachment 2. No evidence of rill or gully erosion was observed in either the disturbed or the undisturbed areas for any habitat type. NWC reported continued presence of noxious weed species, including the yellow star thistle, in some of the areas. Limiting ground disturbance/soil surface disturbance was recommended, and monitoring of yellow star thistle should continue annually, in the April to June period to identify areas needing chemical control. Although weeds continue to be a concern, the revegetated areas are trending as expected, with both total number of desired species and average percent cover of desirable species within the disturbed transects exceeding that of the undisturbed. No reseeding is recommended at this time.

The first year vegetation monitoring and wildlife surveys in the Oregon Habitat Enhancement Area (HEA), also called the Habitat Mitigation Area (HMA) for Stateline 3 was performed during the May/June 2010 time frame. Recommendations for 2011 included confirming that no grazing would occur in 2011 (discussed with Stateline 3 manager and the landowner) and inspecting for noxious weeds and spraying if needed. The second year monitoring of the HEA occurred in May to early June of 2011 – and a copy of the report was included as an attachment in the 2012 Annual Report. Photo points were taken and representative samples were included in the report. Wildlife surveys were conducted and results were provided in the same report. Weed control (spot-spraying) of yellow star thistle occurred in 2011 and in 2012. The third year monitoring of the HEA occurred in May of 2012. Northwest Wildlife Consultants, Inc. (NWC), reported that there were no areas at that time which needed seeding, and there was no indication of livestock grazing. In addition, NWC reported that the native bunch grass seed production/overall vigor and other vegetation/habitat cover looked the same as documented by NWC in 2011. The fourth year monitoring of the HEA/HMA occurred in November of 2013. NWC reported that the site appears to be in good condition with a high ratio of native plants despite the abnormally dry year, and there were no signs of livestock grazing. There were some areas within the site that have a continued presence of the yellow star thistle, the Russian thistle and non-native cheatgrass. It was recommended by NWC that the areas continue to be chemically treated for weeds utilizing a method that minimizes ground disturbance/soil surface disturbance. A copy of the 2013 Stateline 3 Habitat Mitigation Area Monitoring Report can be found in this 2014 Annual Report as Attachment 3.

### **Wildlife Monitoring**

Wildlife monitoring has occurred per the Oregon Wildlife Monitoring Plan, revised on 11/20/09, (“Plan”). Compliance with the Plan can be summarized as follows, up to the current year of compliance for 2013:

1. Fatality monitoring for Stateline 1 and 2 was completed in 2006. One year of fatality monitoring for Stateline 3 was conducted from January 2011 – January

2012. A memorandum of the findings was attached as Attachment 4 to the 2012 Annual Report. The final report is attached to the 2013 Annual Report as Attachment 4.
2. Transect (displacement) surveys were completed for the Stateline 1 turbines in 2006. Expansion of Stateline did occur (Stateline 3) through Amendment #4 of the Site Certificate. As part of an amendment proceeding, the Wildlife Monitoring Plan was revised and approved on March 27, 2009. A grassland bird displacement study is not required for Stateline 3.
  3. Raptor nest surveys for existing raptor nests for Stateline 1 and 2 were completed in 2006.
  4. For Stateline 3, raptor nest surveys were required in 2010, and were performed and were reported in the STL 3 Wildlife Monitoring Report, Attachment 4 of the 2011 Annual Report.
  5. Burrowing owl surveys for Stateline 1 and 2 were done in tandem with fatality monitoring for Stateline 1 and 2.
  6. Burrowing owl surveys for Stateline 3 were required in 2010 for known active or historic burrowing owl nests and any newly-discovered nests within 1,000 ft of the Stateline 3 turbines. These surveys were performed and are reported in the 2011 Annual Report as Attachment 4.
  7. For Stateline 1 & 2, avian use surveys have been done in conjunction with fatality monitoring (see above).
  8. For Stateline 3, avian use surveys are not required but general observations of special status birds and mammals within the facility site and birds perched on transmission line conductors and support structures in the vicinity of the turbines were recorded while the carcass search contract personnel were on site. This information can be found in the 2013 Annual Report, Attachment 4, Wildlife Fatality Monitoring, Section 3.8.2
  9. Compliance with the Wildlife Response and Reporting System (WRRS) is ongoing for Stateline 1, 2 and 3. Reporting of “incidental finds” is required for the life of the project, with annual reporting to the Oregon Department of Energy (See Attachment 6).
  10. “Protocol searches” of a sample of Stateline 1 and Stateline 2 turbines have been completed. Protocol searches are required for Stateline 3 turbines as per Amendment #4 of the site certificate. For Stateline 3, this occurred from January 2011 to January 2012. The summary of these protocol searches can be found in the completed Wildlife Fatality Monitoring report, Attachment 4, of the 2013 Annual Report.

#### Specific to Stateline 1 & 2

For Stateline 1 & 2, wildlife monitoring and compliance for the year 2013 consisted of complying with Section 12 Mitigation, and performing Stateline’s WRRS. Per the Plan, three

artificial nest sites (ANS) were constructed and installed in early 2007, with the focal species being ferruginous hawk. Monitoring of these three artificial nest sites was performed in May, 2007, May 2008, May 2009, April/May of 2010, May of 2011, May 2012, and May 2013. None of the three ANS platforms were used by the target species or other raptor or non-raptor avian species in 2013. Monitoring will continue for at least another 3 years. See the memorandum prepared by NWC, as Attachment 7 of this 2014 Annual Report.

Stateline's WRRS report for 2013 (which includes STL 1, 2 & 3) showed a total of 7 avian and 0 bat fatalities. The fatalities included one Rough Legged Hawk, one Red Tailed Hawk, One Unidentified Hawk, One Ring-necked Pheasant, and 3 Starlings. Attached to this report as Attachment 6 is the full summary of the 2013 Stateline WRRS data.

The Oregon Wildlife Monitoring Plan, Section 12 Mitigation, also discussed the Birch Creek Project ("Project") for mitigation measures. As of this date, the Project is complete, and as previously reported, Stateline contributed the entire \$9,000 budget for riparian and upland fencing to exclude cattle from the area. Fencing maintenance is the responsibility of the landowner. Periodically, the ODFWS will be in the project area and will notify the land owner if there are any issues with the fencing. The ODFWS has the responsibility for monitoring the Project, and periodically assesses the vegetative cover condition from the air while conducting big game surveys.

Under the Mitigation Section, the Plan's final requirement relates to contributions to the Blue Mountain Wildlife Rehabilitation Center. The required \$9,000 in contributions has been fulfilled, including additional voluntary contributions from the project and its affiliates in excess of \$40,000.

In the spring of 2013, the project voluntarily committed to fund \$7,500 to the Oregon Eagle Foundation to assist in aerial nest surveys and telemetry studies of golden eagles.

### Specific to Stateline 3

For Stateline 3, NWC performed a formal wildlife fatality monitoring study from January 2011 to January 2012. A total of 7 birds and 16 bats were found. The birds consisted of 1 galliform (ring-necked pheasant), 4 passerines, 1 raptor and 1 woodpecker. No special status birds were found. Two bat species were found, hoary and silver-haired. Both are Oregon Sensitive species. Two scientifically estimator analysis programs were used to evaluate the data. No mitigation thresholds were exceeded. Both results were provided in the final NWC report attached to the 2013 Annual Report as Attachment 4.

Stateline's WRRS report for 2013 (which includes STL 1, 2 & 3) showed a total of 7 avian and 0 bat fatalities. The fatalities included one Rough Legged Hawk, one Red Tailed Hawk, One Unidentified Hawk, One Ring-necked Pheasant, and 3 Starlings. Attached to this report as Attachment 6 is the full summary of the 2013 Stateline WRRS data.

**1.6 OAR 345-026-0080(2)(f)**

**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.

**Response:** There have been no instances of noncompliance with a site certificate condition. See the accompanying 2014 Compliance Plan Table.

**1.7 OAR 345-026-0080(2)(g)**

**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.

**Response:** No modifications requiring a facility modification report were conducted at the site.

**1.8 OAR 345-024-0630(h)**

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

**Response:** This requirement does not apply to the Facility.

**2014 Compliance Plan Table**  
**Stateline Wind Project**  
**Fourth Amended Site Certificate (Amendment #4)**  
 Submitted: April 29, 2014

<b>General Conditions</b>		
<b>No.</b>	<b>Requirement</b>	<b>Response</b>
1	<b>For Stateline 1, 2 and 3. General Condition</b> The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27. (OAR 345-027-0020(1))	No request for change was submitted in the year 2013.
2	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(3))	The facility was designed, constructed, and currently is operated in compliance with the site certificate, statutory and regulatory requirements, and all applicable permit requirements. Construction has been completed for the Stateline 1 and the Stateline 2 facilities (the 5 remaining turbines were constructed in 2004). Construction was completed for Stateline 3 on December 16, 2009.
3	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate (345-027-0020(4)). See conditions (24), (97), and (106). [Amendment #4].	The certificate holder has complied with this requirement. Construction has been completed for the Stateline 1 and Stateline 2 facilities (the 5 remaining turbines were constructed in 2004).  For Stateline 3, construction began on June 9, 2009 and was completed on December 16, 2009.
4	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. (345-027-0020(7))	The certificate holder has complied and will continue to comply with this requirement. No conditions have developed that would preclude restoration of the site to a useful, non-hazardous condition. The certificate holder currently is operating the facility in compliance with the site certificate, all applicable statutory and regulatory requirements, and all applicable permit requirements to prevent the development of any such conditions.
5	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(10))	The certificate holder has complied with this requirement.

holder shall consult with affected state agencies, local governments and develop specific monitoring programs for impacts to resources standards of divisions 22 and 24 of OAR Chapter 345 and resources applicable statutes, administrative rules and local ordinances. The certificate holder shall submit the monitoring programs to the Office of Energy and receive Office approval before beginning construction or, as appropriate, operation of the facility. The certificate holder shall implement the approved monitoring programs described in the certificate and monitoring programs required by permitting agencies and local governments. For the monitoring program described in sections (a) and (b), the certificate holder shall submit assurance measures approved by the Office before beginning construction and, as appropriate, before beginning commercial operation. If the certificate holder becomes aware of a significant environmental change or impact to the facility, the certificate holder shall, as soon as possible, submit a written report to the Office describing the impact on the facility and any affected site resources. (OAR 345-027-0028) [Amendment #4]

compliance with (b), has complied with (c), and is unaware of any significant environmental change or impact attributable to the facility that would require the certificate holder to submit a written report in (d).

**Section 3. General Condition** The certificate holder shall report according to the following requirements:  
 (a) Reporting obligation for non-nuclear facilities under construction or operation:  
 Within six months after beginning construction, and every six months thereafter until the completion of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Council. In each progress report, the certificate holder shall describe any significant milestones for construction. The certificate holder shall include such information as to construction as specified in the site certificate. When the reporting obligation is met, the certificate holder may include the construction progress report within the annual report. At the end of each year after the beginning of construction, the certificate holder shall submit an annual report to the Council addressing the subjects listed in this rule. The certificate holder and the certificate holder may, by mutual agreement, change the

For the construction and operating phases of Stateline 1, 2 & 3, the certificate holder has complied with 8(a)(i).  
  
 This table and the 2014 Annual Report it accompanies meet the requirements of 8(a)(ii) and 8(a)(iii).  
  
 The 2014 Annual Report discusses requirements 8(b)(i) through 8(b)(viii), and therefore this table and the 2014 Annual Report meets this requirement

(iii) To the extent that information required by this rule 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.

(b) In the annual report, the certificate holder shall include the following information for the calendar year preceding the date of the report:

(i) Facility Status: An overview of site conditions, the status of facilities under construction and a summary of the operating experience of facilities that are in operation. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or the like that occurred during the year and that had a significant adverse impact on the facility.

(ii) Reliability and Efficiency of Power Production: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.

(iii) Fuel Use: For thermal power plants:

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

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

(iv) Status of Surety Information: Documentation demonstrating that the 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.

(v) 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.

(vi) 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.

(vii) 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.

(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).(OAR 345-026-0080) [Amendment #4]

<p>ise allowed for wind energy facilities, transmission lines or pipelines 7-0020(5), the certificate holder shall not begin construction, as 5-001-0010, or create a clearing on any part of the site until the as construction rights on all parts of the site. For the purpose of this rights” means the legal right to engage in construction activities. For es, transmission lines or pipelines, if the certificate holder does not rights on all parts of the site, the certificate holder may nevertheless as defined in OAR 345-001-0010, or create a clearing on a part of the e holder has construction rights on that part of the site and: e holder would construct and operate part of the facility on that part of ange in the planned route of the transmission line or pipeline occurs e holder's negotiations to acquire construction rights on another part of e holder would construct and operate part of a wind facility on that part other parts of the facility were modified by amendment of the site ot built. (OAR 345-027-0020(5)) [Amendment #4]</p>	<p>The certificate holder acquired and has on file all necessary leases and easements that are required for construction rights. These agreements were in place before beginning Stateline 1, 2, and 3 constructions.</p>
<p><b>and 3. Meet Before Construction Begins</b> Following receipt of the site ificate holder shall implement a plan that verifies compliance with all s and conditions and applicable statutes and rules. As a part of the verify compliance with the requirement to begin construction by the e site certificate, the certificate holder shall report promptly to the hen construction begins. Construction is defined in OAR eporting the beginning of construction, the certificate holder shall n the site performed before beginning construction, including work e Council issued the site certificate, and shall state the cost of that ose of this exhibit, “work on the site” means any work within a site or surveying, exploration or other activities to define or characterize the e certificate holder shall document the compliance plan and maintain it e Department or the Council. (OAR 345-026-0048) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. In summary:</p> <ul style="list-style-type: none"> <li>• Construction for Stateline 1 in Oregon began on September 15, 2001.</li> <li>• Construction for Stateline 2 began on August 16, 2002</li> <li>• Construction for the 5 remaining Stateline 2 turbines began in October 2004 (see September 7, 2004 correspondence from Anne Walsh to John White).</li> <li>• Construction of Stateline 3 began on June 9, 2009.</li> </ul>

13	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. (OAR 345-027-0020(2)) [Amendment #4]</p> <p>See Condition (84).</p>	<p>For the constructed phases of the project, the certificate holder has complied with this requirement.</p> <ul style="list-style-type: none"> <li>• The certificate holder submitted to the Office of Energy a legal description in the form of as-built drawings of the built portions of Stateline 1 and 2 with a revision date of 2/7/03.</li> <li>• In 2004, the five remaining Stateline 2 turbines were constructed and new as-built drawings were developed in 2005. The revised as-built drawings have a date of 4/7/05, and the title of the drawings is “Stateline Wind Project, Walla Walla Co., Washington, Umatilla Co., Oregon, Phase 1, 2 Reconfiguration and WS-A Relocation Projects Record Drawings” (See “Stateline 2004 Annual Report”, Attachment 1, “2005 Stateline Wind Project As-Built, submitted 4/29/05). The five turbines were listed as hgs 1 – hgs 5, specifically shown on Drawing P-26.</li> <li>• For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.</li> </ul>
14	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-0020(6))</p>	<p>The certificate holder has completed this requirement for Stateline 1 &amp; 2 (See Condition #93).</p> <p>No mitigation is required for Stateline 3 (See Condition #93).</p> <p><u>Archive</u> For the constructed portions of Stateline 1 and Stateline 2, specific mitigation activities are addressed in the certificate holder’s responses to other site certificate conditions (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 14 documentation).</p>
15	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. The certificate holder shall maintain the bond or letter of credit in effect at all</p>	<p>The certificate holder has complied with this requirement. See response to both conditions 80 (for Stateline 1 &amp; 2), and 109 (for Stateline 3) for additional details.</p>

	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. (OAR 345-027-0020(8)) See Conditions (80) and (109). [Amendment #4]	
16	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence. (OAR 345-027-0020(12))	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no condition of seismic hazard that differ significantly from those described in the application for a site certificate.
17	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(13)) [Amendment #4]	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no conditions in the foundation rocks that differ significantly from those described in the application for a site certificate.
18	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(14)) [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement. During construction of Stateline 1, 2, & 3, and for the Stateline 2 (5 turbines) the certificate holder did not find any shear zones, artesian aquifers, deformations or clastic dikes at or in the vicinity of the site.
19	<b>For Stateline 1, 2 &amp; 3. Meet Before Operations Begins</b> 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. (OAR 345-027-0020(9)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
20	<b>For Stateline 1, 2 and 3. Meet Before Operations Begins</b> Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape portions of the site disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall dispose of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. (OAR 345-027-0020(11)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder has restored vegetation and landscaping to those portions of the site disturbed by construction. The certificate holder conducted these activities consistent with the Re-Vegetation Plan (Revised March 27, 2009) approved by the Energy Facility Siting Council (Final Order on Amendment #4, Attachment B). The certificate holder has disposed of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

<p><b>and 3. Meet During Operations</b> Condition removed by</p>	<p>corridor.</p>
<p><b>and 3. Meet During Operations</b> The certificate holder shall notify the energy within 72 hours of any occurrence involving the facility if:  atempt by anyone to interfere with its safe operation;  nt such as an earthquake, flood, tsunami or tornado, or a human-caused  or explosion affects or threatens to affect the public health and safety  ; or  fatal injury at the facility.  (0) [Amendment #4]</p>	<p>On 2/20/2013, evidence was found that someone had shot the side of the building at our Campbell Substation along with a light above the entry door. This appears to be an isolated incident. A report was filed with the Umatilla County Sheriff.</p> <p><u>Archive</u>  WA February 4, 2011. The substation yard had been broken into and approximately 200 ft of copper wire had been stolen. In addition, approximately \$17,000 worth of High Voltage tools had been stolen from the HV trailer.</p> <p>OR April 3, 2011. Crew went to WTG BGB-21 to perform maintenance and discovered that WTG door lock had been shot off. Crew found numerous shell casings on the ground surrounding the turbine. Crew stated that nothing seemed to be missing.</p> <p>WA June 16, 2011. Technician informed FPDC that two trespassers were attempting to remove scrap cable. Trespassers dropped cable and vacated site grounds when approached by site crew. Local law enforcement has been contacted and is investigating the event.</p> <p>WA August 2, 2011. There was a 5000 acre grass fire in Vansycle canyon. No facility equipment was damaged and there were no injuries. Although a final determination of cause was not concluded, the cause is believed to be related to the operation of site personnel trucks on dried grassy areas.</p>

	<p>caught and performed community service on the landowner's property. A police report was filed. There were no injuries and no turbine interruptions.</p> <p>On June 26, 2007, someone tried to cut cable outside the #25 box, causing a string of turbines to come off line. Repairs were made, and the turbines came back on line on June 27, 2007. No injuries were reported.</p>
<p><b>Area Only. General</b> The certificate holder shall begin construction of Stateline 1 within one year after the effective date of the site certificate. The certificate holder shall complete construction of Stateline 1 on or before two years from the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is required for any change in construction by the Council Chair and the applicant. Completion of construction shall occur upon the date commercial operation of the facility begins. The certificate holder may request an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request is submitted. [Amendment #4] See condition (3)</p>	<p>The certificate holder has complied with this requirement. The effective date of the site certificate is September 14, 2001. Construction began on Sept 15, 2001 and was completed December 21, 2001.</p>
<p><b>Condition 3. General</b> Within 72 hours of discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department of Energy. (OAR 345-027-0050(2)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. The certificate holder has not discovered any conditions or circumstances that may violate the site certificate.</p>
<p><b>Condition 3. General</b> Notwithstanding OAR 345-027-0050(2), an amendment to the site certificate is required if the proposed change would increase the capacity of the facility and would increase the number of wind turbine dimensions of existing wind turbines. (OAR 345-027-0020(3))</p>	<p>The certificate holder has complied with the condition.</p>
<p><b>Area Only. General</b> Condition removed by Amendment #4.</p>	
<p><b>Condition 3. General</b> The certificate holder shall report promptly to the Department of Energy any change in its corporate relationship with NextEra Energy Resources LLC. The certificate holder shall report promptly to the Department any change in its resources, expertise and personnel of NextEra Energy Resources LLC. (APP 345-022-0010) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. No changes in the certificate holder's relationship with NextEra Energy Resources LLC have occurred and its access to the resources, expertise and personnel of that company has been and continues to be maintained. Michael Odman is the Stateline Wind Site Manager, and</p>

<p>and 3. General The certificate holder shall not store fuel or chemicals (U-12)</p> <p>and 3. General The certificate holder shall use hazardous materials in protective of human health and the environment and shall comply with all state, and federal environmental laws and regulations. The certificate holder shall make sure that any oily waste, rags or dirty or used contractor. The certificate holder shall have spill kits containing absorbent pads on equipment and in storage facilities to respond to an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the spill or release and shall treat or dispose of other materials according to applicable regulations. (App G-2, V-3)</p> <p>and 3. General The certificate holder shall provide to the Department of Energy the contract with the Milton-Freewater Rural Fire Department for fire insurance during construction and operation of the facility before beginning (U-25) [Amendment #4]</p>	<p>weed control applications and reseedings are identified annually and reapplication is applied during the appropriate season, as needed.</p> <p>Revegetation monitoring of the Stateline 3 construction zone was conducted. The December 9, 2013 report is provided as Attachment 2. Monitoring of noxious weed control needs was conducted in the Stateline 3 Habitat Enhancement Area. The December 20, 2013 memorandum is provided as Attachment 3.</p> <p>See items # 65, 66 and 67 for additional information.</p>
	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
	<p>The certificate holder has complied with this requirement. A copy of the contract with the Milton-Freewater Rural Fire Department has been provided to Oregon Office of Energy. The contract is automatically renewed upon annual payment and Stateline 1 &amp; 2, and Stateline 3, were paid in July 2013, (see Attachment 1, Milton Freewater Rural Fire Department proof of payment).</p>

	<p>1-Pipeline road between WS-A and PB (located in OR)  1-Hatch Grade Road at the FPLE office  1-Hatch Grade Road near HG-S entrance (located in OR)  1-Butler Grade BG-C (located in OR).</p> <p>3. Water buffalos are removed during winter months to the main shop for winterization. This is coordinated with the local fire depts.</p> <p>4. The Certificate Holder stays in contact with the Touchet Fire Department, who in turn stays in contact with the local Fire Departments. The Certificate Holder works with the Touchet Fire Department to coordinate their annual emergency drill. The fire chiefs of the Helix and Milton-Freewater Rural Fire Departments are aware of the Certificate Holder's equipment that is available at the site including the hoses, pumps and that vehicles are available to move water buffaloes as needed.</p>
<p><b>and 3. General</b> The certificate holder shall take steps to protect the  y from unauthorized access and to reduce the risk of accidental injury  and operations by (App U-25, 26) [Amendment #3]:  encing and access gates around dangerous equipment or portions of the  endment #3 and #4]  ng signs near high-voltage equipment.  struction contractors to provide specific job-related training to  g cardiopulmonary resuscitation, first aid, tower climbing, rescue  y equipment inspection.  n worker to be familiar with site safety.  ty officers to monitor construction activities and methods during each  workers on each shift are certified in first aid.  ll-stocked first-aid supply kit is accessible on-site at all times and that  its location.</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

	(h) Conducting periodic safety meetings for construction and maintenance staff.	
36	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall notify the Department of Energy and the Umatilla County Planning Department of any accidents including mechanical failures on the site associated with the operation of the wind power facility that may result in public health and safety concerns. (ORS 469.310) [Amendment #4]</p>	<p>There were no reportable accidents for Stateline 1,2, and 3 in the year 2013</p> <p><u>Archive</u> There were no reportable accidents for Stateline 1,2, and 3 in the year 2012.</p> <p>No significant adverse impact occurred during 2011. There was a 5000 acre grassfire in Vansycle canyon in August of 2011, but there was no structural damage and no injuries.</p> <p>4/13/2010 pb-16 experienced failure causing a fire and a significant oil spill of ~300 gallons. The oil spill was caused by an explosion of the transformer at the base of the turbine, casting oil and debris downwind, covering approximately a 20'x50' area. The oil spill was reported to Washington State, since the turbine was located in Washington. An emergency response team removed and disposed of contaminated soil.</p> <p>In 2008, a blade failure occurred on PB-92, causing the blade to fracture and strike the tower. The fallen blade was removed and disposed of. The cause of failure was determined to be blade root (bolted metal insert) failure. The root cracked horizontally across the leading edge and failed under full load. Due to the failure type, special tooling was needed to remove the hub. In January of 2009, a 2<sup>nd</sup> blade fractured during a wind storm, caused by damage it sustained from the original failure. ½ of the blade was cast off the tower, and has been removed and disposed of. After several failed attempts to have a tower made, a new one has been manufactured and arrived on 5/19/2010. The tower and nacelle have already been assembled and final repairs to the rotor set are in process. Repairs are expected to be complete by 7/1/2010.</p>
37	<p><b>For Stateline 1, 2 and 3. General</b> To reduce the visual impact of the facility, the certificate holder shall:</p> <p>(a) Design, construct and operate a facility consisting of the major structures and related or supporting facilities described in the Site Certificate. [Amendments #1, #2 and #4]</p> <p>(b) Group the turbines in strings of 2 to 37. [Amendments #1, #2 and #4]</p> <p>(c) Construct each turbine to be not more than 263 feet tall at the turbine hub and with a total height of not more than 416 feet with the nacelle and blades mounted (App B-5)</p>	<p>The certificate holder has complied with this requirement.</p>

<p>ing may be used at the Stateline 3 O&amp;M building and substation if it ward-directed to reduce glare.[Amendments #2 and #4] signs required for facility safety or required by law and comply with sign requirements for signs as described in UCDC Sections 152.545 App BB-2) [Amendment #4] struct the operation and maintenance building to be generally consistent of similar buildings used by commercial farmers or ranchers. Upon energy facility, the operations and maintenance building must be ed to farm use, in accordance with Cond 19.[Amendment #3 and #4]</p>	
<p><b>and 3. General</b> To restrict public access to turbine towers, the shall install locked access doors accessible only to authorized project</p>	<p>The certificate holder has complied with this requirement. The certificate holder has installed a locked access door on each turbine accessible only to authorized project staff.</p>
<p><b>Area Only. General</b> If any state-listed threatened, endangered or species are found during the pre-construction surveys described in certificate holder shall use appropriate measures to protect the species impacts from construction, operation and retirement of the facility.</p>	<p>The certificate holder has complied with this requirement.</p>
<p><b>and 3. General</b> In constructing and operating the facility, the shall make reasonable efforts not to disturb the farming and ranching nt lands. (App K-6)</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
<p><b>and 3. General</b> If the certificate holder elects to use a bond to meet Conditions (80) or (109), the certificate holder shall ensure that the to comply with the requirements of applicable statutes, Council rules ate when the surety exercises any legal or contractual right it may have ion, operation or retirement of the energy facility. The certificate sure that the surety is obligated to notify the Council that it is nts and to obtain any Council approvals required by applicable statutes, his site certificate before the surety commences any activity to on, operate or retire the energy facility. [Amendments #1, #2 and #4]</p>	<p>The certificate holder has complied with this requirement. Site Certificate Bonds have been issued based on dollar amounts determined in accordance with conditions #80 and #109. Bond #08936470 in the amount of \$6,112,000 is currently issued for Stateline 1 &amp; 2 (Attachment #4) and bond #08966919 in the amount of \$4,279,000 is current issued for Stateline 3 (Attachment #5). See conditions 80 and 109 for additional information.</p>
<p><b>and 3. Meet Before Construction Begins</b> The certificate holder shall ent of Energy in advance of any initial road improvement work that definition of "construction" in OAR 345-001-0010(10) or ORS</p>	<p>The certificate holder has complied with this requirement.</p>

	469.300(6) and shall provide to the Department plans of the work and evidence that its value is less than \$250,000. (App B-21) [Amendment #4]	
43	<b>Meet Before Construction Begins</b> Condition removed by Amendment #4.	
44	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall locate roads to minimize disturbance and maximize transportation efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall use existing county roads and private farm roads to the maximum extent feasible. The certificate holder shall coordinate farm road improvements with landowners to minimize crop impacts and to assure that the final road provides useful access, where possible, to the landowners' fields. (App B-6)	The certificate holder has complied with this requirement (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 44 for Stateline 1 & 2).
45	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall videotape all Umatilla County roads used as access to the facility and shall require construction contractors to enter into a written agreement with Umatilla County stating that all roads used by the contractor will be restored to as good or better condition than they were before construction. (App U-24)	The certificate holder has complied with this requirement for the constructed portions of Stateline 1 and Stateline 2 and related facilities. (See correspondence dated July 22, 2008 between Umatilla County and Bill Hayduk confirming restoration. Attached to 2008 Annual Report).  For Stateline 3, please see condition 81, confirming Umatilla County considers restoration complete.
46	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy of the identity and qualifications of major construction contractors for the facility. The certificate holder shall select major construction contractors based on a proven record of environmental compliance and stewardship, a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3,4) [Amendment #4]	The certificate holder has complied with this requirement for Stateline 1 and 2. D. H. Blattner and Sons, Inc. was contracted as the major construction contractor for the built Stateline 1 and 2 facilities including the five Stateline 2 turbines constructed in 2004 (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 46 documentation).  The certificate holder has complied with this requirement for Stateline 3. D. H. Blattner and Sons, Inc. was the contracted as the major construction contractor for Stateline 3.
47	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. See condition (2).	The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.
48	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall require that all on-site construction contractors prepare a site health and safety plan before beginning construction activities. The certificate holder shall ensure that the plan informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid	The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.

	techniques. (App U-25)	
49	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility in accordance with seismic design provisions given in the Oregon Building Code. The certificate holder shall identify localized areas of S<sub>C</sub> and S<sub>D</sub> soil types and assure that any structures to be built in those areas are designed according to the code. The certificate holder shall design all components constructed after 2008 to meet current Oregon Structural Specialty Code (OSSC2007) and the 2006 International Building Code. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 3, see condition 50 below.</p>
50	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall provide the Department of Energy with design specifications showing the locations of turbines and type of foundations to be employed and demonstrating that the following conditions have been satisfied (OAR 345-022-0020):</p> <p>(a) If a turbine is located within 50 feet of a slope steeper than 30°, the stability of the slope has been reviewed by the foundation designer to confirm that either (i) the slope has a safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is less than 1.1, but ground displacements will not adversely affect the stability of the wind turbine. Slopes shall be evaluated in the field for each proposed turbine location.</p> <p>(b) The foundation designer's review of slope displacement during a seismic event has been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is less than 1.1, the foundation designer has shown that</p> <ul style="list-style-type: none"> <li>(i) the movement will not intersect the turbine,</li> <li>(ii) the movement will intersect the turbine but will not affect its stability, or</li> <li>(iii) additional stabilization measures, such as anchor tie-downs or ground support systems, will be employed to maintain stability.</li> </ul> <p>(c) If a turbine is located where power generating or other requirements preclude sufficient setback distances to avoid intersection of a moving slope with the turbine foundation, the foundation designer has demonstrated that the turbine foundation will withstand loads from the moving soil or has been equipped with ground support systems that will withstand loads from moving soil.</p> <p>(d) The foundation designer has confirmed that the turbines and conduit can tolerate some movement without instability or breakage if a mapped fault were to rupture. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 &amp; 2.</p> <p>For the recent construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the email was attached to the 2010 Annual Report as Attachment #3.</p>
51	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> In modifying slope angles for roads or other facilities, the certificate holder shall assure that the foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 1 &amp; 2, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 51 for documentation of the 2004 construction activities.</p> <p>For Stateline 3, a slope evaluation and stability analysis was performed for the Stateline 3 project by Mr. Imran Magsi, PE, Senior Geotechnical Engineer (Oregon Registered Professional Engineer 17677), GN Northern Inc. This report was provided to Mr. Bill Burns of</p>

certificate holder shall survey the status of known Swainson's hawk  
in. If active nests are found, and construction is scheduled to begin  
the sensitive nesting and breeding season (June 1 to August 31), the  
shall develop a no-construction buffer in consultation with ODFW and  
construction activities within the buffer until the sensitive season has  
on continues into the sensitive nesting and breeding season for the  
certificate holder shall not engage in construction activities within the  
the nests until the sensitive season has ended.  
and #4]

requirement. Construction took place outside of the  
sensitive nesting and breeding season during the  
construction of Stateline 1.

For Stateline 3, on-site construction monitoring was  
performed by Karen Kronner of Northwest Wildlife  
Consultants. Based on Ms. Kronner's findings, a nest site  
was selected for use by a Swainson's hawk in 2009 and  
periodically monitored until the juveniles had fledged in  
August, as required in the certificate (2010 Annual Report,  
Attachment #4, map with closed buffer area ). The map  
was prepared after incubation was confirmed. The nest  
was monitored for activity periodically throughout the  
nesting period during 10-day intervals. Monitoring  
frequency was stepped up to 3 to 7 day intervals in  
August. Monitoring was constructed from an appropriate  
distance with binoculars and spotting scope until the  
juveniles were not seen at or near the nest (no birds in  
sight anywhere nearby) for a 30-minute period morning  
and evening for three consecutive days. This nesting site  
did postpone some construction. Construction resumed  
on Sept 1, 2009 once the hawks had fledged.

54	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing owls if construction is scheduled to occur during the sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction buffer, developed in consultation with ODFW, around any active nests during the sensitive period. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and the site avoided during the sensitive period.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
55	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction surveys for state-listed threatened, endangered or candidate plant species in all areas not included in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder will notify the Department of Energy and consult with the Oregon Department of Agriculture regarding appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. (App Q-7) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for small areas where the facility corridor had changed. None were found during either survey.</p>
56	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 and 3.</p> <p>For the recent construction of STL 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and avoided. No WGS activity was found in 2009 in the approved construction corridors.</p>
57	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall report to the Council any change of major construction contractors. See condition (8).</p>	<p>The certificate holder has complied with this requirement during Stateline 1 and 2 construction years 2001, 2002 and 2004. (Condition 47). D.H. Blattner and Sons, Inc. constructed STL 1 &amp; 2 phases of the Stateline Wind Project.</p> <p>D.H. Blattner and Sons, Inc. constructed the STL 3 phase of the Stateline Wind Project.</p>
58	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall take</p>	<p>The certificate holder has complied with this requirement</p>

	<p>steps to prevent fires during construction including but not limited to (App U-25):</p> <ul style="list-style-type: none"> <li>(a) Establishing roads before accessing the site to allow vehicles to stay away from grass</li> <li>(b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters</li> <li>(c) Avoiding idling vehicles in grassy areas</li> <li>(d) Keeping cutting torches and similar equipment away from grass</li> <li>(e) Making sure that all construction personnel receive appropriate fire-safety instruction from qualified local fire departments or qualified fire-fighting trainers on the job site</li> <li>(f) Making sure that fire-fighting equipment is available at all active parts of the job site.</li> </ul>	during construction years 2001, 2002, 2004, and 2009.
59	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require the foundation designer to inspect excavations during construction of foundations for the turbines and other facilities to confirm that geologic conditions are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-022-0020)</p>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
60	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the facility's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements. (App B-7, 13, E-3, P-41)</p>	The certificate holder has complied with this requirement. An Erosion and Sediment Control Plan is in place as part of NPDES permit requirements and construction operations were undertaken in compliance with the plan/permit in 2001, 2002, 2004 and 2009.
61	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion and compaction by measures including but not limited to the following:</p> <ul style="list-style-type: none"> <li>(a) Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters</li> <li>(b) Installing sediment fence/straw bale barriers at locations shown on the plans</li> <li>(c) Wherever feasible, constructing roadways so that surface drainage continues along natural drainage patterns with minimal diversions through ditches and culverts</li> <li>(d) Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads</li> <li>(e) Straw mulching and discing at locations adjacent to the road that have been impacted</li> <li>(f) Providing temporary sediment traps downstream of intermittent stream crossings</li> <li>(g) Providing sediment type mats downstream of perennial stream crossings</li> <li>(h) Planting designated seed mixes at impacted areas adjacent to the roads</li> <li>(i) Installing sediment fencing along the down slope side of construction equipment staging areas</li> <li>(j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a healthy cover crop</li> <li>(k) Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated</li> <li>(l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces, and thereby limiting soil compaction and disturbances</li> </ul>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.

	<p>(m) Scarifying and reseeded compacted areas after construction is completed</p> <p>(n) Using appropriate erosion control methods to limit soil loss due to water and wind action</p> <p>(o) Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion (App I-2, 3)</p> <p>(p) Using water for dust suppression during construction (App O-1)</p>	
62	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall place underground electrical and communications cables at a minimum depth of three feet below grade in trenches along the length of each turbine string corridor and in some cases in trenches from the end of one turbine string to the end of an adjacent turbine string. The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After installing the electrical or communications cables and within two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)</p>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
63	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Preparing maps to show sensitive areas that are off-limits during the construction phase, distributing the maps to construction staff and having a biologist flag sensitive areas as needed</p> <p>(b) Minimizing road construction and vehicle use where possible</p> <p>(c) Posting speed limit signs throughout the construction zone</p> <p>(d) Instructing construction personnel (including all construction contractors and their personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</p> <p>(e) Instructing construction personnel (including all construction contractors and their personnel) to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</p> <p>(f) Requiring all construction personnel to report any injured or dead wildlife detected at the facility site</p> <p>(g) Requiring all construction personnel to respect all staked wildlife areas and associated no-construction buffer areas</p>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
64	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread gravel on all above ground portions of the turbine pads to reduce the potential for weed infestation. (App BB-5)</p>	The certificate holder has complied with this requirement. Gravel has been spread on all built turbine pads.
65	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Avoiding vegetation removal wherever possible</p> <p>(b) Limiting construction activities to within public road right-of-ways where possible</p>	The certificate holder has complied with (a) through (c) during construction years 2001, 2002, 2004, and 2009. All Oregon construction in 2004 occurred on agriculture land.

	<p>(c) Using best management practices to prevent erosion of soil into stream channels</p> <p>(d) Controlling invasive, weedy plant species during maintenance of project facilities</p> <p>(e) Restoring temporarily disturbed sites to pre-construction condition or better with native seed mixes as described for temporarily disturbed habitats in the Revegetation Plan included in the Final Order on Amendment #4 as Attachment B and as revised from time to time. [Amendment #1 and #4]</p> <p>(f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation with ODFW and the Umatilla County weed control board</p> <p>(g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</p> <p>(h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread of noxious weeds</p> <p>(i) Developing measures to reduce the potential spread of noxious weeds in consultation with the weed control board of Umatilla County.</p>	<p>For (d) through (i) weed control and reseeding is continued as needed and revegetated construction zones were monitored per the Revegetation Plan.</p> <p>For Stateline 3, the first year of the 5-year revegetation monitoring plan was started December 2010/January 2011. The 2<sup>nd</sup> year monitoring occurred September/October 2011, and the 3<sup>rd</sup> year monitoring occurred October 2012, per the Revegetation Plan. Results are attached in this 2013 Annual Report as Attachment 2.</p> <p><u>Archive</u> For Stateline 1 &amp; 2, revegetation monitoring for the temporarily disturbed areas was complete in 2006.</p> <p>(See Condition #91 for further information)</p>
66	<p><b>For Stateline 1 Area Only. Meet During Construction</b> To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one acre of weed-infested upland habitat with native plants. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).</p>
67	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> To mitigate for the</p>	<p>A conservation easement agreement is in place for a</p>

	<p>permanent elimination of approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendment #1 and #4]</p>	<p>habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision. The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5). ). For periodic out year monitoring, the next monitoring is scheduled for 2015.</p>
68	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall use measures including but not limited to the following (App P-45):</p> <ul style="list-style-type: none"> <li>(a) Replacing agricultural topsoil to its pre-construction condition</li> <li>(b) Using best management practices to prevent loss of topsoil during construction</li> <li>(c) Reseeding native habitats with a native seed mix that includes at least some seed collected from the area as described for temporarily disturbed habitats in the Revegetation Plan referenced in Condition 65. [Amendments #1 and #4]</li> <li>(d) Controlling noxious weeds in areas disturbed by construction activities</li> </ul>	<p>The certificate holder has complied with this requirement and continues meeting these measures during operations. Responses to each subsection of this condition are as follows:</p> <ul style="list-style-type: none"> <li>(a) Agricultural topsoil replacement completed.</li> <li>(b) Topsoil loss prevented through water application and dust control measures.</li> <li>(c) Completed, ongoing reapplication conducted as needed.</li> <li>(d) Herbicide application used in disturbed areas where necessary to control noxious weeds, ongoing reapplication is conducted by an Oregon certified applicator as needed.</li> </ul> <p>The certificate holder has complied with this requirement during construction years 2001, 2002 and 2004, and 2009 (Stateline 3).</p>
69	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall not</p>	<p>The certificate holder has complied with this requirement</p>

	place any part of the facility within any Washington ground squirrel (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall have an on-site wildlife monitor who will flag habitat required for WGS survival (Category 1), conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that construction personnel do not enter the area. The monitor shall conduct post construction monitoring to document distribution of the WGS in the area. [Amendments #2 and #4]	during construction years 2001, 2002, 2004, and 2009.
70	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To reduce potential injury or fatality of migratory birds, the certificate holder shall App Q-10): (a) Locate turbines away from saddles in long ridges (b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the upwind (prevailing) side (c) Use monopole design for all turbine and meteorological towers	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
71	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures (App V-2): (a) Collecting steel scrap and transporting it to a recycling facility (b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of scrap or leftover materials (c) Using concrete waste as fill on-site or at another site or, if no reuse option is available, transporting it to a local landfill (d) Recycling packaging wastes (such as paper and cardboard) (e) Collecting non-recyclable waste and transporting it to a local landfill	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
72	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require that disposal of waste concrete on-site is conducted in accordance with OAR 340-093-0080, other applicable regulations and this condition. The construction contractor may bury waste concrete on-site with the permission of the landowner in the following manner: by placing the waste concrete in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours so that all buried concrete is at least three feet below grade. (App V-3, 4).	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
73	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall provide portable toilets for onsite sewage handling during construction and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices. The certificate holder shall recycle any wastes generated during construction as much as feasible and shall collect any non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2)	The certificate holder has complied with this requirement. On-site portable toilets were provided and maintained regularly by a licensed plumber during construction activities.
74	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall have a full-time on-site assistant construction manager, qualified in environmental compliance and familiar with all site certificate conditions, to observe contractor waste management practices and to assure compliance with applicable regulations and construction site policy. (App V-4)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
75	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall post	The certificate holder has complied with this requirement

<p>in the immediate vicinity of the find, in accordance with Oregon state and 358.920), and shall notify the Department of Energy, the Oregon Conservation Officer (SHPO) and the Confederated Tribes of the Umatilla (CTUIR). The certificate holder shall have a qualified archaeologist identify and recommend subsequent courses of action in consultation with SHPO. If human remains are discovered, the certificate holder shall conduct activities in the immediate area and shall notify the Department, County Medical Examiner and the State Police.</p>	<p>2004. Additionally, please refer to correspondence dated February 16, 2005 from FPL Energy Vansycle LLC to the ODOE.</p> <p>For STL 3 construction, the certificate holder has complied with this requirement.</p>
<p><b>Condition 3. Meet During Construction</b> The certificate holder shall include measures in contract specifications for construction of the facility. The certificate holder shall require flaggers to be at appropriate locations at appropriate times to direct traffic and to ensure minimal conflicts between harvest and construction activities. (App U-24)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
<p><b>Condition 3. Meet During Construction</b> The certificate holder shall confine construction activities to the daylight hours. (App X-8)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
<p><b>Condition 2 Areas Only. Meet During Construction</b> This condition does not apply to the certificate holder. The certificate holder shall construct the cable crossing of Vansycle when the stream is dry. The certificate holder shall remove no more than 7.5 cubic yards of material from the streambed crossing and shall install 7.5 cubic yards of fill material after the cable has been laid, restoring the area to original contours of the streambed. (Linehan, July 23 letter, 3)</p>	<p>The certificate holder has complied with this requirement.</p>
<p><b>Condition 2 Area Only. Meet Before Operations Begin</b> This condition applies to conditions 1 &amp; 2 only. Within 90 days after the effective date of the Fourth Order Certificate, the certificate holder shall submit to the State of Oregon a bond or letter of credit in the amount of \$6.160 million (1<sup>st</sup> Quarter 2009 dollars) adjusted to the date of issuance as described in (a), naming the State of Oregon as beneficiary and through the Council, as beneficiary or payee. Upon approval by the Department, the certificate holder shall adjust the amount of bond or letter of credit on an annual basis using the following calculation: Subtotal (1<sup>st</sup> Quarter 2009 dollars) shown in Table 1 of the Final Order</p>	<p>The certificate holder has complied with this requirement. A Site Certificate Bond has been issued based on a dollar amount determined in accordance with this condition #80. Bond #08936470 in the amount of \$5,989,000 is currently issued for Stateline 1 &amp; 2 (Attachment #3). See conditions 41 and 109 for additional information.</p>

	<p>on Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Service's "Oregon Economic and Revenue Forecast", or by any successor agency (the "Index"), and using the index value for 1<sup>st</sup> Quarter 2009 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 1<sup>st</sup> Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting year.</p> <p>(b) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(d) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility.</p> <p>(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 (8).</p> <p>See Conditions (19) and (41). [Amendment #4]</p>	
81	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> After construction is complete, the certificate holder shall restore the county roads to at least their pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.</p> <p>For the most recent Stateline 3 construction in 2009, all designated haul roads were inspected by Hal Phillips of the Umatilla Co Road Department on 11/09/2009. Mr. Phillips verified "that after inspecting all the roads, all the roads met the conditions of the road use agreement between Umatilla County and FPL Energy Inc." (See attachment #7 of the 2010 Annual Report).</p>
82	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> The certificate holder shall grade and reseed laydown areas to wheat or native grasses as necessary to restore those areas to their pre-construction condition (App B-10).</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009. No construction was conducted in 2003. Reseeding and weed spraying continues on an as needed basis as recommended by revegetation monitoring. Specifically, for the newly constructed STL 3, the Campbell laydown area has been reclaimed back to a field. The Hindman drive lay down area has been reseeded.</p>
83	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For any materials disposed of</p>	<p>The certificate holder has complied with this requirement</p>

	as fill on site, the certificate holder shall conduct such disposal with the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. (App G-3, V-3)	during construction years 2001, 2002, 2004, and 2009.
84	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For the purposes of this site certificate, wind turbine tower locations are analogous to location of permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5). The Council approves the corridor described in the final order for construction of turbine strings. As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to the Department of Energy a legal description of the location where the certificate holder has built turbine towers and other parts of the facility. Within 90 days after beginning operation of any turbines that are added to the facility by amendment of the site certificate, the certificate holder shall submit to the Department a legal description of the location of any additional turbine towers and related or supporting facilities allowed by the amendment. The site of the facility is the area identified by the legal descriptions required by this condition. Within 90 days after beginning facility operation, the certificate holder shall provide to the Department and the Umatilla County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments #1 and #4] See Condition (13).	The as-built drawings for Stateline 1 and the fifty-five Stateline 2 turbines constructed in 2001 and 2002 were sent to OOE on June 12, 2003. To document the 2004 relocation project new as-built drawings for the Stateline Wind Project were sent with the 2004 Annual Report.  For the actual legal description of the five Stateline 2 turbines, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, and Condition 13 documentation.  For Stateline 3, included at Attachment 1 to the 2010 Annual Report were the GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.
85	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall prepare and maintain a site health and safety plan that informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)	The certificate holder has complied with this requirement.
86	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall recycle solid waste generated during operation of the facility as much as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)	The certificate holder has complied with this requirement.
87	<b>For Stateline 1 and 2 Only. Meet During Operations</b> This condition applies to Stateline 1 and 2 only. The certificate holder shall provide portable toilets for use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder must contact the Oregon Department of Environmental Quality if the on-site septic system is to be used. (App O-2) [Amendment #4]	The certificate holder has complied with this requirement. The Oregon Department of Environmental Quality has been contacted about the portable toilet. A satellite O&M building has not been established, only the portable toilet whereby its limited usage is appropriate under OAR 340-071-0330 (2). Additionally, it is serviced Bi monthly by a qualified maintenance pumper.
88	<b>For Stateline 1, 2 and 3. Meet During Operations</b> If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right. The certificate holder shall use high-pressure cold water only and shall not use chemicals or additives in the wash water. (App O-2) [Amendment #1]	The certificate holder has complied with this requirement. No blade washing has been necessary to date.
89	<b>For Stateline 1, 2 and 3. Meet During Operations</b> if any new nesting or denning sites for wildlife species of concern are located, the certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall minimize road construction and vehicle use where possible. (P-42)	No new nests have been found since the 2010 wildlife monitoring.  Archive

		Attached to the 2011 Annual Report was the STL 3 Wildlife Monitoring Report (Attachment 4) for the 2010 Study Year, which required nesting surveys of the recently constructed STL 3. Attachment 4 provided methods and results for the required 2010 wildlife monitoring. It provided a figure for ODOE/ODFW use only, of the known ferruginous hawk nests, great horned owl nest, red-tail hawk nests, and burrowing owl dens. This map is on file at the operations office and is a reference for the ops staff when working in the areas during the spring nesting/denning period.
90	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-43, Q-10):</p> <p>(a) Instructing all personnel on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</p> <p>(b) Instructing all personnel to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</p> <p>(c) Requiring all personnel to report any injured or dead wildlife detected at the facility site</p>	The certificate holder has complied with this requirement, and will continue to comply with this requirement.
91	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-43, Q-10):</p> <p>(a) Using best management practices to prevent erosion of soil into stream channels</p> <p>(b) Controlling invasive, weedy plant species during maintenance of project facilities</p> <p>(c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</p>	<p>The certificate holder has complied with this requirement. Responses to each subsection of this condition are as follows:</p> <p>(a) Erosion of soil into stream channels is prevented by using measures recommended in NPDES permits and Erosion and Sediment Control Plans.</p> <p>(b) Mowing and herbicide applications were used as necessary to control invasive weedy plant species. Ongoing herbicide reapplication is conducted as needed by an Oregon certified applicator. Herbicide applications are conducted as recommend by the annual revegetation monitoring of restored constructed zones and on an as-needed basis elsewhere onsite. The annual spraying was completed in April for the year of 2013.</p> <p>(c) Restoration of disturbed areas is done on a continuing basis. Reseeding is conducted as recommended by the Revegetation Plan (3/27/09).</p> <p>This 2014 Annual Report includes the 4th Revegetation Monitoring Report for Stateline 3 (2013 vegetative growth), as Attachment 2. No reseeded was</p>

		<p>recommended at this time.</p> <p><u>Archive</u> Stateline 1 &amp; 2 Revegetation Monitoring of the construction zones was completed in 2006.</p> <p>(See Condition #65)</p>
92	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion by measures including but not limited to the following (App I-3 through 5):</p> <p>(a) Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials</p> <p>(b) Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs</p> <p>(c) If areas of erosion are observed during operation, implementing mitigation and reclamation measures</p>	<p>The certificate holder has complied with this requirement. Proper road grating and reclamation measures are used on an ongoing basis to mitigate areas of potential adverse soil erosion.</p>
93	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan, included in the Final Order on Amendment #4 as Attachment A and as revised from time to time. Subject to approval by the Department of Energy as to professional qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the monitoring. (OAR 345--22-0060) [Amendment #1 and #4]</p>	<p>The certificate holder continues to comply with this requirement.</p> <p><u>Stateline 1 &amp; 2.</u> Current wildlife monitoring for Stateline 1 &amp; 2 consists of 10 year monitoring of off-site artificial raptor nest structures. Monitoring of artificial nest sites has occurred in 2007, 2008, 2009, 2010, 2011, 2012 and 2013. Memorandum of 2013 ANS monitoring is provided as Attachment 7 of the attached Annual Report. Monitoring also includes the Wind and Wildlife Response and Reporting System (WRRS). See Attachment 6 for 2013 WRRS data. Section 1.5 of the attached 2014 Annual Report summarizes the current monitoring for Stateline 1 &amp; 2.</p> <p><u>For Stateline 3,</u> which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data. Both results are provided in the final NWC report, which was completed in the fall of 2012 and provided as Attachment 4 of the 2013 Annual Report. No thresholds were exceeded. Monitoring also includes the Wind and Wildlife Response and Reporting System</p>

		<p>(WRRS). See Attachment 6 for 2013 WRRS data. There were no new burrowing owl nests within 1,000 feet of Stateline 3 turbines to be monitored in 2013. Section 1.5 of the attached 2014 Annual Report summarizes the current monitoring for Stateline 3.</p> <p><u>Archive</u>  Stateline 1&amp;2 completed standardized fatality monitoring in 2006, as stated in the Revised Wildlife Monitoring and Mitigation Plan included in the Final Order, Amendment # 4. In summary, the compilation of 2001-2003 wildlife monitoring data was prepared for presentation to the Oregon Energy Facility Siting Council at the end of 2005 (it was presented on January 20, 2006). The Oregon Wildlife Monitoring Plan did not require wildlife monitoring to be carried out by qualified wildlife consultants during the 2005 year; however, maintenance personnel implemented incidental reporting as described in the Wildlife Response and Reporting System. Wildlife monitoring by a third party was conducted in 2006 and monitoring results were submitted in the “Stateline Wind Project Wildlife Monitoring Annual Report”, dated September 4, 2007.</p>
94	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat quantity or quality, the certificate holder shall mitigate for the loss of habitat quality by measures approved by the Oregon Department of Energy. (OAR 345-022-0060) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Currently, no additional mitigation is required.</p> <p><u>Archive</u>  For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly acceptable as a more precise estimator in certain circumstances). Both results are provided in the final NWC report, which was completed in the fall of 2012. Attachment 4 of the 2013 Annual Report provides the full report. No thresholds were exceeded. Therefore no mitigation was required.</p>

		For Stateline 1 & 2, mitigation was performed for raptor fatality threshold exceedance and monitoring is conducted per the Oregon Wildlife Monitoring Plan (revised 11/20/09). See Condition 93 and Section 1.5 of the 2012 Annual Report for additional details.
95	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential failure. (App BB-1)	The certificate holder has complied with this requirement. Technicians regularly conduct inspections and perform preventative maintenance work on the equipment. For the 2010 and 2011 years, the original equipment manufacturer (OEM) has completed blade root inspections in 2011. Blade root inspections will continue on an as needed basis.
96	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall make sure that all on-site employees receive annual fire prevention and response training by a professional fire-safety training firm. The certificate holder shall prohibit employees from smoking outside of company vehicles during dry summer months and shall require employees to keep vehicles on roads and off dry grassland during the dry months unless necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding or other flame or spark-producing operations near the turbines. The certificate holder shall equip each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency Response procedures book and a two-way radio for immediate communications with the O&M facility. The certificate holder shall have staff in the local area on call at all times to respond in case of fire or other emergency. The certificate holder shall supply all local fire departments with maps of and gate keys to the facility. (App B-12)	<p>FPL's State Line facility has and will continue to follow the training processes as described by FPL's LMS (Learning Management System) Department. This training includes comprehensive fire training through the entirety of FPL's Power Generation Division Fleet.</p> <p>Primary communication is through direct connect phones and cell service. Substations have phone and two-way service with O&amp;M.</p> <p>All other condition requirements are adhered to and are standard operational procedures at the Stateline Wind Project.</p> <p><u>Archive</u> 2007 Refresher and training for new employees regarding fire prevention and response was completed 10/26/2007.</p> <p>Petco was contracted in 2009. Training was performed by Petco in August 2009.</p> <p>Advance Fire Protection was contacted in 2010 and 2011. Training was performed in August of 2010, July 2011, and July/August 2012.</p>
97	<b>For Stateline 2 Area Only. General</b> The certificate holder shall begin construction of Stateline 2 within six months after the effective date of the First Amended Site Certificate. The certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2 and #4]	The certificate holder has complied with this requirement for 55 of the approved 60 turbines, whereby, construction began on August 16, 2002 and they became operational on December 10, 2002. Site certificate Amendment #2 was approved by EFSC on June 6, 2003, which authorizes an extension of the construction completion date for the five remaining Stateline 2 turbines. The date was extended to March 1, 2005. Construction of the 5 turbines began in October 2004 and they became operational on December

		15, 2004.
98	<b>For Stateline 1, 2 and 3. General</b> Condition removed by Amendment #4	
99	<b>For Stateline 1, 2 and 3. General</b> 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. (OAR 345-027-0020(15)) [Amendment #4]	The certificate holder acknowledges this requirement. Ownership continues as per the Site Certificate, Amendment #4.
100	<b>For Stateline 1, 2 and 3. General</b> If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy 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. (OAR 345-027-0020(16)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
101	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a 1/4-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller, conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment #2 and #4]	The certificate holder has complied with this requirement for the constructed portion of the Stateline 2 facilities (fifty-five turbines), and will continue to comply with this requirement. Construction of the five remaining Oregon turbines commenced in October 2004, which was outside of the construction restriction period (see correspondence dated September 7, 2004 from Anne Walsh to John White, Attachment 1 - Northwest Wildlife Consultants, Inc. Survey Report of the Ferruginous Hawk Nest Near Stateline 2).
102	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> This condition removed by Amendment #4	
103	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize the risk of fire, the certificate holder shall: (a) Construct turbines, towers and pads of fire retardant materials	The certificate holder has complied with this requirement for the project facilities that have been constructed to date. Construction has been completed for the Stateline 1, 2 and

	<p>(b) Bury electrical cables  (c) Use enclosed, locked pad-mounted transformer structures  (d) Include built-in fire prevention measures in turbines  (e) Not store combustible materials at the Stateline site.</p>	3.
104	<p><b>For Stateline 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 1acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat enhancement area described in Condition (67) by 1 acre.  [Amendment #4]</p>	The habitat enhancement area described in Condition (67) has been enlarged to include the 1-acre.
105	<p><b>For Stateline 2 Area Only. Meet During Operations</b> This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain uninhabited during construction. The certificate holder shall continue the no-occupation agreement until retirement of the facility unless the certificate holder demonstrates to the satisfaction of the Department that the facility complies with the applicable noise control regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with the regulations as to the increase in ambient statistical noise levels by entering into a legally effective easement or real covenant with the owner of the property identified as 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of the facility to increase ambient statistical noise level L<sub>10</sub> and L<sub>50</sub> by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. If such easement or real covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the Department, based on modeling or measurements performed in compliance with OAR 340-035-0035, that an easement or real covenant is not necessary to comply with those regulations. [Amendment #3 and #4]</p>	The certificate holder has complied with this requirement. A Declaration of Covenants was entered into with the land owner, Barnett-Rugg, Inc on June 30, 2005. The Declaration of Covenants was included as Attachment 3 of the Stateline 2006 Annual Report, titled "2005 Annual Report", which was submitted on May 5, 2006.
106	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 3 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #3 and #4]</p>	The certificate holder has complied with this requirement. Construction began on June 9, 2009 and completion of construction was December 16, 2009.
107	<p><b>For Stateline 3 Only- General Condition</b> Condition removed by Amendment #4</p>	

.911 million (in 1st Quarter 2009 dollars), to be adjusted to the date of  
ed in (b), or the amount determined as described in (a). The certificate  
the amount of the bond or letter of credit on an annual basis thereafter

te holder may adjust the amount of the bond or letter of credit based on  
figuration of Stateline 3 by applying the unit costs and general costs  
3 in the Final Order on Amendment #4 and calculating the financial  
as described in that order, adjusted to the date of issuance as described  
o approval by the Department.

approval by the Department, the certificate holder shall adjust the  
l or letter of credit on an annual basis using the following calculation:  
e Subtotal component of the initial bond or letter of credit amount  
quarter 2009 dollars) to present value, using the U.S. Gross Domestic  
ice Deflator, Chain-Weight, as published in the Oregon Department of  
vices' "Oregon Economic and Revenue Forecast," or by any successor  
") and using the index value for 1st Quarter 2009 dollars and the  
ue for the date of issuance of the new bond or letter of credit. If at any  
o longer published, the Council shall select a comparable calculation to  
2009 dollars to present value.

percent of the adjusted Subtotal (i) for the adjusted performance bond  
e the adjusted Gross Cost.

percent of the adjusted Gross Cost (ii) for the adjusted administration  
ment costs and 10 percent of the adjusted Gross Cost (ii) for the  
elopments contingency.

adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine  
ost, and round the resulting total to the nearest \$1,000 to determine the  
ssurance amount.

te holder shall use a form of bond or letter of credit approved by the

te holder shall use an issuer of the bond or letter of credit approved by

te holder shall describe the status of the bond or letter of credit in the

current issued for Stateline 3 (Attachment #5). See  
conditions 41 and 80 for additional information.

	<p>annual report submitted to the Council, as required by Condition (8).</p> <p>(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the Stateline 3 site.[Amendment #4]</p>	
110	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards.</p>	<p>The certificate holder has complied with this condition.</p>
111	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4</p>	
112	<p><b>For Stateline 3 Only- Meet During Construction and Operation</b> Before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW) detailed maps of the facility site, showing the final design locations where the certificate holder proposes to build facility components and the habitat categories of all areas that would be affected during construction. In addition, the certificate holder shall provide a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection. Based on the approved habitat assessment, the certificate holder shall calculate the mitigation area requirement and shall carry out enhancement activities as described in the Stateline 3 Habitat Mitigation Plan included in the Final Order on Amendment #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. [Amendment #4]</p>	<p>The Habitat Enhancement Area (HEA) is being monitored per the Stateline 3 Habitat Mitigation Plan (3/27/09). Third year monitoring occurred in 2012 and NWC reported that the native bunch grass seed production overall vigor and other vegetation cover looked the same as documented in 2011. Summary of the findings can be found in Section 1.5 of the 2013 Annual Report. Fourth year monitoring occurred in 2013. Most of the site appears to be in good condition with a high ratio of native plants. Section 1.5 of the attached Annual Report provides a summary of the HEA monitoring conducted in 2013; Attachment 3 provides the full report.</p> <p><u>Archive</u>  Final design locations of the Stateline 3 components and final habitat assessment table were submitted via an email attachment from Karl Kosciuch of Tetra Tech on May 1, 2009. A memo describing the habitat assessment was subsequently revised via an email from Karl Kosciuch on May 12, 2009. The Department approved the final habitat assessment via an email from John White on May 15, 2009.</p> <p>The certificate holder calculated the mitigation area requirement, and it was attached to the 2010 annual report as Attachment 12, As-Built Analysis for Habitat Mitigation Area. As part of Attachment 12, Figure 1 shows the As-Built Facility Comparison by Habitat Category.</p> <p>On October 22, 2009, the certificate holder provided a copy of the “Short Form Conservation Easement</p>

		<p>Agreement”, showing the certificate holder has acquired legal right to create and maintain the enhancement area.</p> <p>The certificate holder, in conjunction with ODFW and the landowners, determined the location of the habitat enhancement area as described in the “Short Form Conservation Easement Agreement”.</p> <p>With the exception of the Operations and Maintenance building, which was not constructed, no other adjustments to the final design and habitat categories were made prior to constructing the Facility. It should be noted that the Facility uses the existing O&amp;M building in Touchet, WA.</p>
113	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect the public from electrical hazards including electric and magnetic field exposure, the certificate holder shall:</p> <p>(a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the top pointing out at a 45-degree angle.</p> <p>(b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two wooden poles connected by cross-members with a typical overall height of 61 feet and a minimum design ground clearance of 25 feet to the lowest conductor as described in the Request for Amendment #4.</p> <p>(c) Design and construct the transmission lines so that:</p> <p>(i) Alternating current electric fields during operation do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public, and</p> <p>(ii) Induced voltages during operation are as low as reasonably achievable.[Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
114	<p><b>For Stateline 3 Only- Meet During Construction</b> To deter raptors from perching on transmission support structures near the wind turbines, the certificate holder shall install anti-perching devices on all proposed support structures within one-half mile of any turbine, unless the top of the support structure is below the base of the turbine tower due to topography. Wherever feasible, the certificate holder shall use “spike-type” devices instead of “triangle-type” devices. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
115	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to conform to the guidelines of the Avian Power Line Interaction Committee so that electrical conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
116	<p><b>For Stateline 3 Only- Meet During Construction</b> Condition removed by Amendment #4</p>	
117	<p><b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall not engage in construction activities for Stateline 3 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is</p>	<p>The certificate holder has complied with this requirement. For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants (NWC). Based on Ms. Kronner’s findings, no ferruginous hawks were observed on site. The area was monitored for activity periodically throughout the nesting</p>

	occupied. The certificate holder may begin construction activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15, if the young are fledged.	period during 10-day intervals. No postponement of construction was necessary due to this requirement, since no ferruginous hawks were observed.  Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of NWC.
118	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall construct stream crossings substantially as described in the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the state or add new fill material to waters of the state such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
119	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall perform frequent maintenance to keep the substation transformer in good repair and in reliable operating condition.	Transmission services will maintain in accordance with NERC reliability standard and records are maintained in the Transmission Serviced Reporting and documenting program (AMP). Main transformer at the Campbell Substation is inspected monthly and maintenance performed at regular intervals.
120	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall verify that the actual sound power level output of the wind turbines constructed for Stateline 3 meets the manufacturer's warranty. This verification may consist of field measurement or other means of verification satisfactory to the Department of Energy. The certificate holder shall include the verification in the first annual report following construction of any Stateline 3 turbines. [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder provided the Department of Energy and its noise consultants protocols for conducting noise verifications for review and approval.  A Noise Verification Analysis was completed and the report was submitted to ODOE on 02/22/2011.
121	<b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4	
122	<b>For Stateline 3 Only – Meet Before Construction Begins</b> Condition removed by Amendment #4	
123	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall design and construct Stateline 3 in compliance with the County design requirements as described in Umatilla County Development code Sections 152.010, 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
124	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall ensure that construction contractors use a transportation route reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy load transport vehicles. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
125	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall record a Covenant Not to Sue with regard to generally accepted farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E). [Amendment #4]	Attached to the 2010 Annual Report as Attachment #10, was a copy of the Covenant Not To Sue.

<p>the time of tower construction.</p> <p>does not apply, the certificate holder shall maintain a minimum distance maximum blade tip height, measured from the centerline of the turbine to the boundary of the certificate holder's lease area.</p> <p>The certificate holder shall not locate equipment associated with the temporary disturbance within 50 feet of a public road, county road or utility right of way. [Amendment #4]</p>	
<p><b>Conditionally – Conditions Added by Amendment #4</b> The certificate holder shall submit the annual report required under Condition 8 to the Umatilla County Planning Commission on an annual basis unless specifically discontinued by the Commission. [Amendment #4]</p>	<p>The certificate holder shall submit its annual report, as specified in condition 8, to the Umatilla County Planning Commission by April 30 of each year in operation. The annual report will be submitted to <b>Carol Johnson, Senior Planner, Umatilla County Planning Department.</b></p>
<p><b>Conditionally – Conditions Added by Amendment #4</b> During construction, the certificate holder shall position a 3,000-gallon water truck on-site while personnel are working. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p>
<p><b>Conditionally – Conditions Added by Amendment #4</b> During operation, the certificate holder shall discharge sanitary wastewater generated at the Stateline 3 O&amp;M building to a septic system in compliance with county permit requirements. The certificate holder shall locate the septic system more than 100 feet from any streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge capacity of 5,000 gallons per day. [Amendment #4]</p>	<p>Construction and Operations use only portable systems. Operations do not use an onsite well.</p>
<p><b>Conditionally – Conditions Added by Amendment #4</b> During operation, the certificate holder shall obtain water for on-site uses from a well located at the Stateline 3 site subject to compliance with applicable permit requirements. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. [Amendment #4]</p>	<p>There is no onsite well used by operations. Operations do have a private well in WA and irrigation rights at the operations building.</p>
<p><b>Conditionally – Conditions Added by Amendment #4</b> The certificate holder shall minimize permanent and temporary disturbance to all Category 1 and Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

132	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology &amp; Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports.” [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. For the construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the June 8, 2009, email was attached to the 2010 Annual Report as Attachment #6.</p>
133	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall provide to the Department:</p> <p>(a) Information that identifies the final design locations of all Stateline 3 wind turbines to be built.</p> <p>(b) The maximum sound power level for the Stateline 3 substation transformers and the maximum sound power level and octave band data for the turbines selected for the Stateline 3 based on manufacturers' warranties or confirmed by other means acceptable to the Department.</p> <p>(c) The results of noise analysis of the facility, including the Stateline 3 components to be built according to the final design, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.</p> <p>(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(ii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and hind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.[Amendment #4]</p>	<p>The certificate holder has complied with this condition as follows:</p> <p>a) For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were As-Built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations per land owner;</p> <p>b) through c) The certificate holder submitted the noise analysis based on the final design of Stateline 3 on May 4, 2009 (attachment to email from Karl Koschiuch, May 4, 2009). The Department reviewed the analysis and notified the certificate holder of approval (email from John White, June 3, 2009). Accordingly, the certificate holder has complied with this Condition 133.</p>
134	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> 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 the facility noise and of any actions taken by the certificate holder to address</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Stateline 3 received no noise complaints in 2013.</p>

	<p>certificate (201 Annual Report, Attachment #7, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
<p><b>and 3 – Conditions Added by Amendment #4</b> This condition applies Stateline Wind Project. When any third-party lien or security interest d turbine towers is created, the certificate holder shall notify such third t the wind turbines and towers are components of an energy facility e terms and conditions of a Site Certificate and subject to the rules of Facility Siting Council. The certificate holder shall provide to the of each written notification required under this condition and the name ation for each third party so notified. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

# **ATTACHMENT 1**

**Milton Freewater Rural Fire Department**

**Record of Payment for:**

**FPL Energy Vansycle, LLC**

**FPL Energy Stateline II, Inc.**

**Milton-Freewater Rural Fire Dept.**  
**PO Box 356**  
**Milton Freewater OR 97862-0356**

**Invoice Date:** 05/25/13  
**Customer Number:** 2660  
**Invoice Number:** 024713  
**Contract #** New 5/2010  
**Premise Phone:** 561-304-5108  
**Due Date:** 06/10/13  
**Amount Due:** \$32,550.00



FPL Energy Vansycle LLC. 2535  
 PO Box 88888 13 26  
 North Palm Beach FL 33408-8888  


**Milton-Freewater Rural Fire Dept.**  
**PO Box 356**  
**Milton Freewater OR 97862-0356**



Please detach and return this coupon with your payment.

**Milton-Freewater Rural Fire Dept.**

**Invoice Number: 024713**

2660 FPL Energy Vansycle LLC. @ West Of Butler Grade		
<u>Date</u>	<u>Current Account Activity</u>	<u>Amount</u>
	Previous Balance	32,550.00
	Last Payment Received -	- 32,550.00
	Balance Forward	0.00
	<b>*** New Charges ***</b>	
06/10/13	One Year Fire Coverage At: 186 Turbines	32550.00
<i>If payment has been sent please disregard this statement</i>		
<i>All Charges are Billed Annually for Service Provided From June 2013 Thru May 2014</i>		
<b>Please pay on or before June 10, 2013</b>		<b>\$32,550.00</b>

AN  
6017

For billing questions please call customer service at (541)938-7146

## Display Check Information

 Check recipient |  Check issuer... |  Accompanying docs |  Payment document

Paying company code   Payment document no.

### Bank details

House Bank	<input type="text" value="BOATX"/>	Bank Key	<input type="text" value="111000012"/>
Account ID	<input type="text" value="4040"/>	Bank Account	<input type="text" value="3751824040"/>
Bank name	<input type="text" value="BANK OF AMERICA, NA"/>		
City	<input type="text" value="77027 HOUSTON"/>		

### Check information

Check number	<input type="text" value="5000005307"/>	Currency	<input type="text" value="USD"/>
Payment date	<input type="text" value="07/03/2013"/>	Amount paid	<input type="text" value="32,550.00"/>
<b>Check encashment</b>	<input type="text" value="07/09/2013"/>	Cash discount amount	<input type="text" value="0.00"/>

### Check recipient

Name	<input type="text" value="MILTON FREEWATER RURAL FIRE"/>
City	<input type="text" value="MILTON-FREEWATER"/>
Payee's country	<input type="text" value="US"/>
Regional code	<input type="text" value="OR"/>

**Milton-Freewater Rural Fire Dept.  
PO Box 356  
Milton Freewater OR 97862-0356**

Invoice Date: 07/31/13  
Customer Number: 1746  
Invoice Number: 025102  
Contract #: 9145  
Premise Phone: 509-524-1620  
Due Date: 08/09/13  
Amount Due: \$6,650.00

ESI Vansycle Partners Attn: Bill Haydu 4076  
PO Box 8888 North Palm Beach FL 33408-8888 k 20 30

**Milton-Freewater Rural Fire Dept.  
PO Box 356  
Milton Freewater OR 97862-0356**

Please detach and return this coupon with your payment.

**Milton-Freewater Rural Fire Dept.**

Invoice Number: 025102

1746		ESI Vansycle Partners @ Butler Grade Wind Turbines 38 Turbines	
<u>Date</u>	<u>Current Account Activity</u>	<u>Amount</u>	
	Previous Balance	6,650.00	
	Last Payment Received -	<u>-6,650.00</u>	
	Balance Forward	0.00	
	<b>*** New Charges ***</b>		
08/09/13	One Year Fire Coverage At: Butler Grade Wind Turbines 38 Turbines	6650.00	
<i>If payment has been sent please disregard this statement</i>			
<i>All Charges are Billed Annually for Service Provided From August 2013 Thru July 2014</i>			
<b>Please pay on or before August 09, 2013</b>			<b>\$ 6,650.00</b>

AN  
6002

For billing questions please call customer service at (541)938-7146

## Display Check Information

 Check recipient |  Check issuer... |  Accompanying docs |  Payment document

Paying company code   Payment document no.

### Bank details

House Bank	<input type="text" value="BOATX"/>	Bank Key	<input type="text" value="111000012"/>
Account ID	<input type="text" value="2259"/>	Bank Account	<input type="text" value="3751042259"/>
Bank name	<input type="text" value="BANK OF AMERICA, NA"/>		
City	<input type="text" value="77027 HOUSTON"/>		

### Check information

Check number	<input type="text" value="5000000708"/>	Currency	<input type="text" value="USD"/>
Payment date	<input type="text" value="09/13/2013"/>	Amount paid	<input type="text" value="6,650.00"/>
<b>Check encashment</b>	<input type="text" value="09/19/2013"/>	Cash discount amount	<input type="text" value="0.00"/>

### Check recipient

Name	<input type="text" value="MILTON FREEWATER RURAL FIRE"/>
City	<input type="text" value="MILTON-FREEWATER"/>
Payee's country	<input type="text" value="US"/>
Regional code	<input type="text" value="OR"/>

41417-2070

Milton-Freewater Rural Fire Dept.  
PO Box 356  
Milton Freewater OR 97862-0356

Invoice Date: 05/25/13  
Customer Number: 2611  
Invoice Number: 024709  
Contract # May/2009  
Premise Phone: 561-304-5108  
Due Date: 06/10/13  
Amount Due: \$8,600.00

FPL Energy Stateline III, Inc. 2534  
PO Box 8888  
North Palm Beach FL 33408-8888 13 26  
[Barcode]

Milton-Freewater Rural Fire Dept.  
PO Box 356  
Milton Freewater OR 97862-0356

[Barcode]

Please detach and return this coupon with your payment.

# Milton-Freewater Rural Fire Dept.

Invoice Number: 024709

2611 FPL Energy Stateline III, Inc. @ FPL Energy Stateline III 43 Turbines		
<u>Date</u>	<u>Current Account Activity</u>	<u>Amount</u>
	Previous Balance	8,600.00
	Last Payment Received -	- 8,600.00
	Balance Forward	0.00
	<b>*** New Charges ***</b>	
06/10/13	One Year Fire Coverage At: FPL Energy Stateline III, Inc. 43 Turbines	8600.00
<i>If payment has been sent please disregard this statement</i>		
<i>All Charges are Billed Annually for Service Provided From June 2013 Thru May 2014</i>		
<b>Please pay on or before June 10, 2013</b>		<b>\$8,600.00</b>

AN  
6167

For billing questions please call customer service at (541)938-7146

AP Scanned Invoice 5/29/2013

## Display Check Information

 Check recipient     Check issuer...     Accompanying docs     Payment document

Paying company code        Payment document no.

### Bank details

House Bank	<input type="text" value="BOAGA"/>	Bank Key	<input type="text" value="061112788"/>
Account ID	<input type="text" value="9102"/>	Bank Account	<input type="text" value="3359169102"/>
Bank name	<input type="text" value="BANK OF AMERICA, NA"/>		
City	<input type="text" value="30308 ATLANTA"/>		

### Check information

Check number	<input type="text" value="5000000545"/>	Currency	<input type="text" value="USD"/>
Payment date	<input type="text" value="07/09/2013"/>	Amount paid	<input type="text" value="8,600.00"/>
<b>Check encashment</b>	<input type="text" value="07/16/2013"/>	Cash discount amount	<input type="text" value="0.00"/>

### Check recipient

Name	<input type="text" value="MILTON FREEWATER RURAL FIRE"/>
City	<input type="text" value="MILTON-FREEWATER"/>
Payee's country	<input type="text" value="US"/>
Regional code	<input type="text" value="OR"/>

# **ATTACHMENT 2**

## **STL 3 Revegetation Monitoring Report for the 2013 Vegetative Season**

**Stateline 3  
Revegetation Monitoring Report  
for the  
2013 Vegetative Season**

*Prepared for:*

**FPLE Energy Stateline II**  
P. O. Box 409  
365 Touchet Gardena Road  
Touchet, Washington 99360

*Conducted by:*

**Northwest Wildlife Consultants, Inc.**  
815 NW 4<sup>th</sup> St.  
Pendleton, Oregon 97801



December 4, 2013

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## 1.0 INTRODUCTION

FPL Energy, Vansycle LLC owns and operates the Stateline Wind Project 1 and 2 and FPL Energy Stateline II (FPLE) owns and operates Stateline 3 Wind Project. Stateline Wind Project (SWP) is located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The most recent phase, Stateline 3 ("Project") was permitted by the State of Oregon (Fourth Amended Site Certificate, dated March 27, 2009) and was constructed from mid to late 2009. It consists of 43 2.3-megawatt (MW) Siemens turbines (98.9 total MW) installed on privately-owned land in Oregon east of Stateline I and 2 and Vansycle I. Stateline 3 facilities are primarily on agricultural lands (dryland wheat) and Conservation Reserve Program (CRP) grassland and a very small amount of native grass-steppe. Shrub-steppe habitat and scattered trees are near the facilities. The site is approximately five miles north of Helix, Oregon and six miles south of Touchet, Washington. The 43 wind turbines are arranged in strings along ridge tops. In addition to wind turbines, access roads, overhead and underground electrical lines, operation and maintenance facilities, and a substation are associated with the Project.

In the Site Certificate (Condition #65), the certificate holder is required to mitigate impacts associated with the loss of grass-steppe, shrub-steppe, and conservation reserve program (CRP) habitats that were both temporarily (approximately 74 acres) and permanently disturbed. No mitigation was proposed for the long-term and temporary disturbance to agricultural areas. Mitigation and monitoring for permanently-impacted habitats are addressed in other reports. The mitigation for temporarily impacted habitats is revegetation, followed by monitoring for success.

As part of the permit requirements for the Project, FPLE has revegetated the habitat temporarily disturbed by the Project construction. This work was carried out according to the specifications outlined in the Stateline Wind Project: Revegetation Plan [Revised to include Stateline 3, dated March 27, 2009]. The plan specified seed mixes and planting methods applicable to the Project and set out the monitoring framework for evaluating revegetation success.

The Revegetation Plan and this monitoring report address only the portions of the Project that are located in Oregon, although there are portions of the Project located in Washington.

FPLE Energy Stateline II has obtained the services of Northwest Wildlife Consultants, Inc. (NWC) to implement revegetation monitoring at the Project. NWC staff has worked on the Project and nearby wind sites for 19 years and are intimately familiar with the habitat and site-specific environmental conditions.

This report summarizes the methods and results of revegetation monitoring conducted by NWC for the 2013 vegetative growing season, the fourth of five years of annual revegetation monitoring prescribed in the Revegetation Plan. The Revegetation Plan included in the Final Order on Amendment #4 for the Stateline 3 Wind Project forms the basis for this monitoring effort. The Revegetation Plan discusses habitat types, temporary and permanent impacts, and revegetation monitoring strategies. Some of the methods implemented for revegetation monitoring were improved over those specified in the plan and these minor improvements were previously described in NWC, 2011, the first monitoring report (for the 2010 vegetative growing season).

## 2.0 METHODS

### 2.1 Monitoring Design

The methods used by NWC during revegetation monitoring at Stateline 3 Wind Project in 2013 are discussed in detail in the Revegetation Plan and further explained in prior monitoring reports, NWC, 2011, NWC, 2012 and NWC 2013. The information presented below explaining the methods for revegetation monitoring include dates of monitoring and other pertinent information regarding the 2013 methods.

Criteria for restoration success are outlined in the 2009 Revegetation Plan (Sec. 5.3, page B-8). Methods outlined below are designed to fulfill those criteria. The objectives of the multi-year monitoring effort are to determine whether desired plant species have germinated and are maturing, as well as to assess if there are areas where there were problems with seeding or weed control as outlined in the Revegetation Plan. Restoration success will not be determined until the fifth year of monitoring has been completed.

As described in the first year's monitoring report (NWC, 2011), reference sites (undisturbed) adjacent to revegetated areas and serving to represent the target conditions for the revegetation efforts were selected by NWC staff in early December 2010. Reference sites will continue to be used for comparison during all monitoring visits in subsequent years of study, unless some event (such as wildfire or intensive land use impacts) substantially alters vegetation conditions so that a particular reference site no longer represents a realistically attainable goal for the associated revegetated area. In that case, the NWC investigator will choose a new reference site in the same habitat and disturbance type.

Revegetation efforts were monitored for three habitat types. The habitat types monitored were CRP, shrub-steppe, and grass-steppe. The 62 semi-permanent transects selected during the 2010, initial monitoring and monitored in 2010–2012 were again used during the 2013 monitoring effort (Figure 1, Table 1). Transects are paired adjacent to each other, one in a disturbed (revegetated) area and the other in an undisturbed (reference) area. In addition to the three habitat types, there were four types of disturbed sites: roadside (shoulders of new roads), turbine site, underground electrical transmission collection line, and overhead transmission line disturbance.

Desired species, as stated in NWC, 2011 for the purpose of this monitoring program, are those species included in the seed mixes and native grass, shrub, and forb species. The seed mixes applied are identified in the Revegetation Plan. Most native grass, shrub, and forb species are desirable for several reasons. They support a variety of vertebrate and invertebrate animals, are prevalent in the surrounding habitat and are generally what was present historically, before construction. Undesired species are exotic (non-native) annual grasses (e.g. cheatgrass, *Bromus tectorum*), and non-native forbs, (e.g. yellow star thistle, *Centaurea solstitialis*).

The fieldwork to collect required data for the fourth vegetative season (2013) of construction related revegetation monitoring occurred on October 14–17 at the end of the vegetative growing/seed-producing season. Throughout monitoring, vegetation structural stage (germination and growth of revegetation seeding success), degree of erosion potential, and percent ground cover measurement data were collected. Monitoring work included semi-permanent line-intercept 50-meter transects and cover-frequency plot evaluations of both revegetated areas and chosen reference plots.

## **2.2 Field Data Collection**

Table 1 displays the habitat types studied and the number of transects used for the first four years (2010–2013) of monitoring. At each monitoring location along both the revegetated (seeded after construction) and reference transects, the investigator evaluated the same parameters and conducted the same evaluations along semi-permanently installed 50-meter transects—within revegetated (disturbed) areas and reference (undisturbed) areas as in previous monitoring years.

Photos were taken in conjunction with transect field data collection using established photo-documentation methods at the prior established camera points and are available upon request.

## **3.0 RESULTS**

### **3.1 Average Stems of Desirable Species per Square Foot**

Average stems per square foot of desirable species are provided for each monitored habitat type. Consistent with the prior monitoring, stems per square foot were determined by the number of desirable plants per square foot. Table 1 compares stem density among transects in disturbed and undisturbed areas. Data for all four monitoring years is provided. Desired species are those included in the revegetation seed mix and, as described in the methods, native grass, shrub, and forb species also considered desirable. Other species are classified as broad exotic/undesirable grass or forb.

#### ***3.1.1 CRP Habitat***

Stems per square foot of desired species in the sixteen disturbed, overhead transmission line, CRP habitat sampling areas averaged 0.9 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects for the overhead transmission line averaged 0.8 stems per square foot. Stems per square foot of desired species in the two disturbed, underground transmission line, CRP habitat sampling areas averaged 1.0 stems per square foot. Stems per square foot of desirable species in the undisturbed, reference transects adjacent to the underground transmission line averaged 0.5 stems per square foot.

The comparison between the disturbed, revegetated transect and the undisturbed, reference transect in the CRP habitat sampling area along the constructed road was an average of 1.0 stems per square foot in the disturbed, revegetated transect and 0.5 stems per square foot in the undisturbed, reference transect.

#### ***3.1.2 Shrub-steppe Habitat***

Stems per square foot of desired species in the two disturbed, overhead transmission line, shrub-steppe habitat sampling areas averaged 1.1 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects averaged 0.2 stems per square foot.

#### ***3.1.3 Grass-steppe Habitat***

Stems per square foot of desired species in the eight disturbed, overhead transmission line, grass-steppe habitat sampling areas averaged 1.3 stems per square foot. Stems per square foot of desirable species identified in the adjacent undisturbed, reference transects averaged 0.5 stems per square foot.

Stems per square foot of desirable species in the disturbed, turbine pad, grass-steppe sampling area averaged 1.9. The undisturbed, reference transects adjacent to the turbine pad averaged 0.9 stems per square foot.

### **3.2 Percent Ground Cover and Percent Bare Ground**

Percent ground cover for desired plant species and percent bare ground were estimated for each of the disturbed, revegetated and undisturbed, reference transects. These percentages were averaged for each habitat and disturbance type and are presented in Table 1. Percent ground cover may exceed 100% as the total aerial cover of each vegetative category is estimated separately.

#### **3.2.1 CRP Habitat**

The percent cover of all desirable vegetation in the revegetated transects disturbed by the overhead transmission line averaged 33%. The percent cover of all desirable vegetation in the reference transects adjacent to the overhead transmission line averaged 29%. Average percent bare ground were 8% for the disturbed, revegetated transects and 3% for the undisturbed, reference transects.

The percent ground cover of desirable species in the areas disturbed by the installation of the underground transmission line averaged 34%. Percent ground cover of desirable species in the undisturbed, reference transects adjacent to the underground transmission line disturbance averaged 21%. The percent of bare ground in the disturbed, revegetated transects averaged 1% and the percent bare ground in the undisturbed reference transects averaged 0%.

The average percent ground cover of desirable species in the area disturbed during road construction was 31%. Percent ground cover of desirable species in the undisturbed, reference transect adjacent to the road averaged 18%. The average percent bare ground was 1% in the revegetated transect and 0% on the reference transect.

#### **3.2.2 Shrub-steppe Habitat**

The percent cover of all desirable vegetation in the disturbed, revegetated transects averaged 22%. The percent cover of all desirable vegetation in the undisturbed, reference transects averaged 27%. Average percent bare ground were 6% for the disturbed, revegetated transects and 11% for the undisturbed, reference transects.

#### **3.2.3 Grass-steppe Habitat**

The percent cover of all desirable vegetation in the disturbed, revegetated transects averaged 34%. The percent cover of all desirable vegetation in the undisturbed, reference transects for the overhead transmission line averaged 24%. Average percent bare ground were 13% for the disturbed, revegetated transects and 3% for the undisturbed, reference transects.

The percent cover of desirable species in the disturbed, revegetated transects averaged 16%. Percent ground cover of desirable species on the undisturbed, reference transects disturbed by turbine construction averaged 33%. Average percent bare ground were 2% for the disturbed, revegetated transects and 2% for the undisturbed, reference transects.

## 4.0 DISCUSSION

The native plant community in previously disturbed areas at the Project will re-establish (assuming no future intensive impacting activities) through slow, but progressively steady vegetative growth resulting from successful seeding and weed control. The differences observed between the undisturbed and disturbed transects in all habitat and disturbance types are to be expected at this stage of the revegetation effort (forth vegetation growing year after seeding). As the plantings mature, it is expected that the vegetative structure and percent cover will more closely replicate the undisturbed conditions. For all habitat types the stem per square foot calculations of the disturbed transects exceeds those in the reference transects. This does not account for any losses in density as the plants mature. The seedlings currently appear vigorous and exhibit excellent growth. Drill rows from the seeding are still evident on some of the planted transects. As the plants mature, some number of the existing plants will be crowded out, lowering the overall stem density.

As prescribed in the Revegetation Plan monitoring will be performed for another year to assure that this effort will result in successful revegetation of the disturbed areas, as required in the Site Certificate condition.

### Summary

The criteria for habitat restoration success, as set forth in the final site Revegetation Plan, state that the site should not be eroding and becoming infested with weeds to the extent that it makes native vegetation establishment impossible. No evidence of rill or gully erosion was observed in either the disturbed or the undisturbed areas for any habitat type. Transects were located on steep slopes in the CRP and grass-steppe habitat types to determine potential erosion problems.

Noxious weedy species, especially yellow star thistle, are continually invading the revegetated areas from lands within and outside the leased property of the Project. This is especially true in harsher growing sites along some of the roads and near some turbine pads. Previous chemical controls implemented by FPLE have proven effective. However, the surrounding undisturbed areas are heavily infested with this noxious weed species providing a seed source. FPLE's continued chemical treatment will have a limited effect on the control of the weed infestation in this area. The chemical treatment will suppress weed invasion, but the surrounding seed source will continue to exacerbate the problem. Limiting ground disturbance/soil surface disturbance so there is no exposed bare soil will aid in reducing seed beds for more non-native plants, including the yellow star thistle.

Monitoring of yellow star thistle should continue annually, in the April to June period to identify areas needing chemical control. NWC has briefed the site manager on areas needing attention or potential problem areas. The monitoring for extent and coverage of yellow star thistle plants is scheduled for the 2014 appropriate time period. Revegetation monitoring is scheduled for fall 2014.

Although weeds continue to be a concern the revegetated areas are trending as expected, with both total number of desired species and average percent cover of desirable species within the disturbed transects exceeding that of the undisturbed, in almost all categories. Instances where percent cover of desirable species in disturbed areas is below that of undisturbed areas is due to the presence of weeds combined with a low sample size for that habitat type/site description pairing.

## **5.0 REFERENCES**

Northwest Wildlife Consultants, Inc. 2011. Stateline 3 Revegetation Monitoring Report for the 2010 Vegetative Season. Report prepared for FPL Energy Vansycle, LLC.

Northwest Wildlife Consultants, Inc. 2012. Stateline 3 Revegetation Monitoring Report for the 2011 Vegetative Season. Report prepared for FPL Energy Vansycle, LLC.

Northwest Wildlife Consultants, Inc. 2013. Stateline 3 Revegetation Monitoring Report for the 2012 Vegetative Season. Report prepared for FPL Energy Vansycle, LLC.

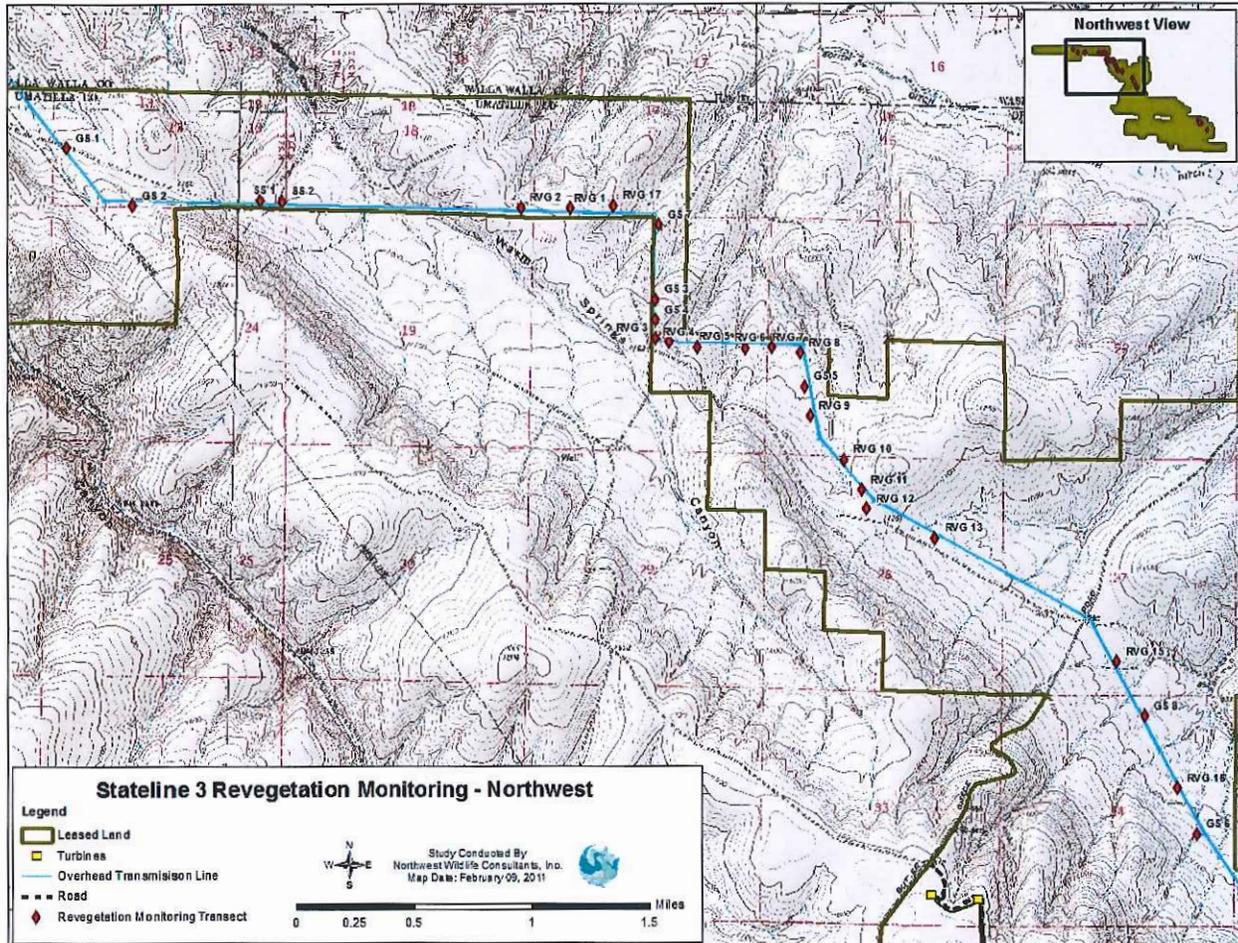
Stateline Wind Project (SWP). 2009. Stateline Wind Project Revegetation Plan [Revised March 27, 2009].

Location	Transects (62 total)	Desired Species Stems /sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground	Desired Species Stems /sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground	Desired Species Stems /sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground	Desired Species Stems /sq. ft.	Ave. % Cover Desirable Species	Ave. % Bare Ground
Head Mission e	16	0.6	37	30	1.2	35	30	1.2	31	7	0.9	33	8
	16	0.7	49	12	1.1	45	10	1.3	41	3	0.8	29	3
Ground Mission e	2	0.8	30	20	1.2	46	30	1.4	30	0	1.0	34	1
	2	1.2	85	7	2.5	70	10	0.5	21	0	0.5	21	0
Side	1	0.4	5	7	0.4	5	7	0.4	2	0	1.0	31	1
	1	0.6	30	5	0.6	30	5	0.5	15	1	0.5	18	0
Head Mission e	2	0.9	60	30	0.9	60	30	0.6	11	5	1.1	22	6
	2	0.7	55	10	0.7	55	10	0.2	19	4	0.2	27	11
Head Mission e	8	1.1	43	30	1.0	115	20	1.8	37	9	1.3	34	13
	8	0.9	65	11	1.3	100	10	0.8	37	4	0.5	24	3
E Pad	2	0.5	15	5	0.5	15	5	1.9	49	4	1.9	16	2
	2	0.5	30	5	0.5	30	5	1.1	40	1	0.9	33	2

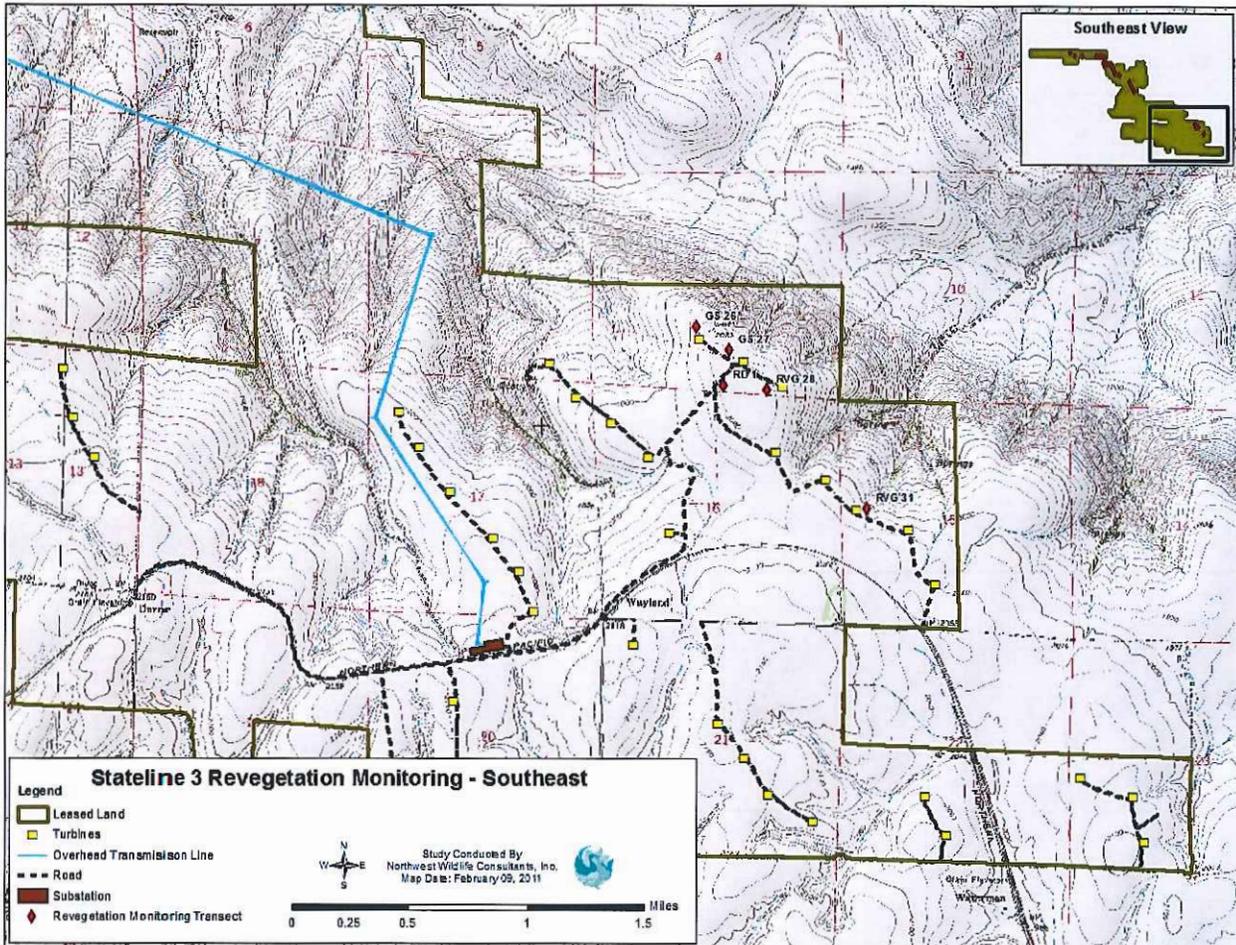
### Figure 1. Revegetation Monitoring Transect Locations

Two tiles: Northwest, pg. 8 and Southeast, pg. 9 (a large portion of the southeast area is in active cropland and is not monitored)

#### Northwest Tile



# Southeast Tile



# **ATTACHMENT 3**

## **STL 3 Habitat Mitigation Area Monitoring Memorandum**



Northwest  
Wildlife  
Consultants, Inc.

## MEMORANDUM

Date: December 20, 2013

To: Michael Odman, Jodie Moyer and Scott Graves, NextEra Energy Resources

From: Brett Anderson, Biologist  
NWC, Inc.

Subject: 2013 Stateline 3 Habitat Mitigation Area Monitoring Report

---

This memo provides a summary of results for the 2013 NWC monitoring of the Stateline 3 Habitat Mitigation Area (HMA). The HMA is an area created as part of the permit requirements to mitigate the loss of non-agricultural habitat impacted during construction of the Stateline 3 Wind Project. As previously discussed during the 2009 permitting phase, although the Oregon Department of Fish and Wildlife Habitat Mitigation Policy (described in Oregon Administrative Rule #635-415-0025) would require 11 acres for habitat mitigation, FPL Energy Stateline II, Inc. has voluntarily committed to a larger site of 50 acres. The whole 50-acre site is being addressed for enhancement actions and monitoring.

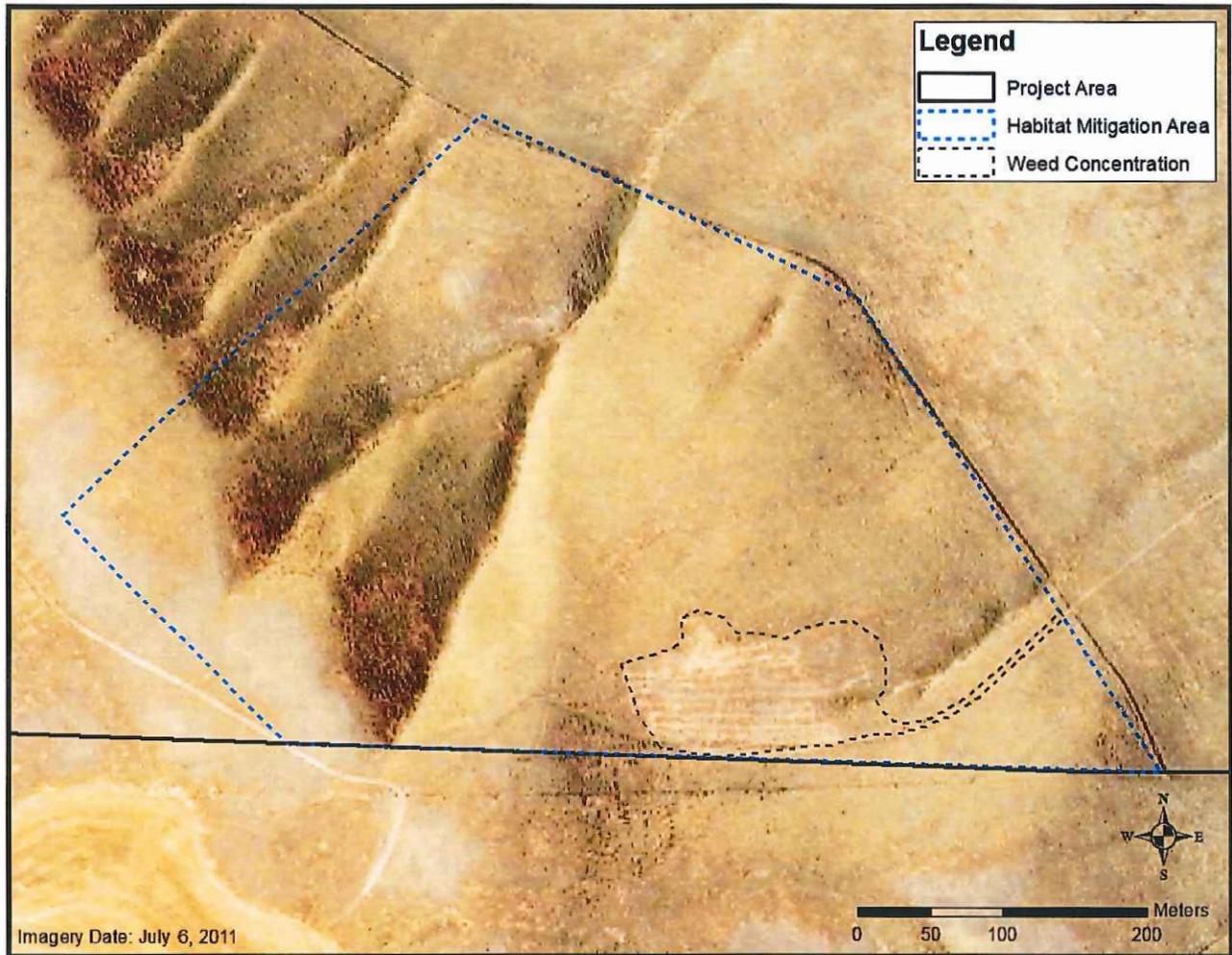
Prior monitoring reporting can be found in annual reports submitted to the Oregon Dept. of Energy. Monitoring requirements in 2013 were limited to those shown as items 1-6, HMP pgs. C-4 and C-5 which are general assessments primarily related to vegetative health and condition, disturbance via fire and impacts to enhancement by weed encroachment.

The HMA was assessed on November 27, 2013 by a biologist traversing the site on foot. Although this region of Oregon remained abnormally dry for 2013, vegetation at most of the site appears to be in good condition with a high ratio of native grasses and flower plants and disturbance from fire remains absent. No special status animal or plants were found. There were no signs of domestic livestock grazing.

There are some areas within the site that continue to present problems with regard to weed encroachment and native plant establishment. As described earlier, these weed concentrations are limited primarily to an old 'two track' road and a small area of high weed concentration that were chemically treated in 2011 (Figure 1). While the chemical treatment appears to have had a positive effect at controlling the yellow starthistle (*Centaurea solstitialis*) and Russian thistle (*Salsola Kali*), they both have a continued presence within the site (and are common on adjacent properties). Much of the area chemically treated in 2011 has filled in with a cover of non-native cheatgrass (*Bromus tectorum*). Cheatgrass at these densities limit the ability of native plants and grasses to self-seed as desired. Moreover, cheatgrass is easily outcompeted by the noxious, invasive weeds that we seek to limit at the site. Outside of the weed concentration area identified in Figure 1, but within the HMA, there are very small patches of disturbed ground caused by digging and burrowing of animals. These small patches occur sparsely throughout the HMA, but also present areas for invasive weeds to gain a footing.

It is the recommendation of NWC that the area continue to be chemically treated for weeds utilizing a method by which the applicator spot treats individual plants at the appropriate time of year. The applicator should be on foot, as care should be taken to avoid entry into the site by vehicles. As a means of insuring that native grasses have the ability to occupy those areas once dominated by noxious weeds and now covered by cheatgrass, NWC recommends the hand sowing of native grass seed at the appropriate time to year.

**Figure 1. Areas of weed concentrations at the Stateline 3 Habitat Mitigation Area.**



# **ATTACHMENT 4**

**Site Certificate Bond for STL 1 & 2**

RIDER

To be attached to and form a part of Bond No. 08936470

executed by FPL ENERGY VANSYCLE, L.L.C. as Principal

and by FIDELITY AND DEPOSIT COMPANY OF MARYLAND as Surety,

in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR,

and effective as of August 17, 2009.

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing BOND AMOUNT

FROM: FIVE MILLION NINE HUNDRED EIGHTY NINE THOUSAND AND 00/100 (\$5,989,000.00)

TO: SIX MILLION ONE HUNDRED TWELVE THOUSAND AND 00/100 (\$6,112,000.00)

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated. This rider is effective on the 30th day of June, 2013.

Signed and sealed this 10th day of July, 2013.

FPL ENERGY VANSYCLE, L.L.C.  
Principal

BY: \_\_\_\_\_

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
BY: Elizabeth Marrejo Surety  
Attorney-in-Fact

Accepted:

STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR  
Obligee

BY: \_\_\_\_\_

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by THOMAS O. MCCLELLAN, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Douglas R. WHEELER, Mary C. O'LEARY, Maureen MCNEILL, Wayne G. MCVAUGH, Elizabeth MARRERO, Jaquanda LONG and Marina TAPIA, all of Philadelphia, Pennsylvania, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 20th day of February, A.D. 2013.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

By: \_\_\_\_\_

*Assistant Secretary  
Gregory E. Murray*

*Thomas O. McClellan*

*Vice President  
Thomas O. McClellan*

State of Maryland  
City of Baltimore

On this 20th day of February, A.D. 2013, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, THOMAS O. MCCLELLAN, Vice President, and GREGORY E. MURRAY, Assistant Secretary, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeseth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Maria D. Adamski*

*Maria D. Adamski, Notary Public  
My Commission Expires: July 8, 2015*



**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 10 day of July, 2013.



James M. Carroll, Vice President

# **ATTACHMENT 5**

## **Site Certificate Bond for STL 3**

BOND NO. 08966919

RIDER

To be attached to and form a part of Bond No. 08966919

executed by FPL ENERGY STATELINE II, INC. as Principal

and by FIDELITY AND DEPOSIT COMPANY OF MARYLAND as Surety,

in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR,

and effective as of May 1, 2009.

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing BOND AMOUNT

FROM: FOUR MILLION ONE HUNDRED NINETY THREE THOUSAND AND 00/100 (\$4,193,000.00)

TO: FOUR MILLION TWO HUNDRED SEVENTY NINE THOUSAND AND 00/100 (\$4,279,000.00)

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated. This rider is effective on the 30th day of June, 2013.

Signed and sealed this 10th day of July, 2013.

FPL ENERGY STATELINE II, INC.  
Principal

BY: \_\_\_\_\_

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
BY: Elizabeth Marrero Elizabeth Marrero Surety  
Attorney-in-Fact

Accepted:

STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR  
Obligee

BY: \_\_\_\_\_

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLAN**, Vice President, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Douglas R. WHEELER, Mary C. O'LEARY, Maureen MCNEILL, Wayne G. MCVAUGH, Elizabeth MARRERO, Jaquanda LONG and Marina TAPIA**, all of Philadelphia, Pennsylvania, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 20th day of February, A.D. 2013.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

By: \_\_\_\_\_

*Assistant Secretary  
Gregory E. Murray*

*Thomas O. McClellan*

*Vice President  
Thomas O. McClellan*

State of Maryland  
City of Baltimore

On this 20th day of February, A.D. 2013, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN**, Vice President, and **GREGORY E. MURRAY**, Assistant Secretary, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Maria D. Adamski*

*Maria D. Adamski, Notary Public  
My Commission Expires: July 8, 2015*



**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 10<sup>th</sup> day of July, 2013



*James M. Carroll*

James M. Carroll, Vice President

**NEXTERA ENERGY RESOURCES, LLC**

Invoice No. 700000156038

NEXTERA ENERGY RESOURCES, LLC  
700 Universe Blvd.  
Juno Beach FL 33408 USA

Aon Risk Services Northeast, Inc.  
Boston MA Office  
One Federal Street  
Boston MA 02110  
(617) 482-3100 FAX (617) 542-2597

ok to pay 4/8/14  
Kirk Cresto, Manager, Risk Management

Client Account No.	Invoice Date	Currency	Account Executive
570000049609	Mar-27-2014	US DOLLAR	Peter McGoldrick

Insurance Co.	Policy No. / Named Insured	Policy Term	Trans. Eff. Date	Description	Amount
Fidelity & Deposit Company of Maryland	08966919  NEXTERA ENERGY RESOURCES, LLC	May-07-2014 - May-07-2015	May-07-2014	Renewal - Contract Bond  Premium	25,674.00
<b>Comments:</b> Prim: FPL ENERGY STATELINE II, INC. Obl: STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR Desc: Site Certificate Bond C/P & B/A: \$4,279,000.00 ✓ Ques, call Elizabeth Marrero @ 215-255-1866					
<b>TOTAL INVOICE AMOUNT DUE</b>					<b>25,674.00</b>

TO AVOID POTENTIAL DISRUPTION IN YOUR COVERAGE, PAYMENT IS DUE UPON RECEIPT.  
Please Make Payable to Aon Risk Services.

Please see last page for statement regarding Aon compensation.

Page 1 of 3

Please detach here. Top portion is for your records, bottom portion to be returned with your payment.

Client Account No.	Invoice No.	Invoice Date	Currency	Amount Due
570000049609	700000156038	Mar-27-2014	US DOLLAR	25,674.00

NEXTERA ENERGY RESOURCES, LLC  
700 Universe Blvd.  
Juno Beach FL 33408 USA

Remit to:  
Aon Risk Services Northeast, Inc.  
Aon Risk Services Companies Inc.  
P.O. Box 7247 - 7376  
Philadelphia PA 19170-7376

Bond rate is \$6.00 per  
\$1,000.00 of bond amount  
\$4,279,000.00/\$1,000.00 =  
\$4,279.00 x \$6.00 =  
\$25,674.00 ✓

OK - JSC - 4/08/14

Contact: Emre Ergas - FEB/JB

# **ATTACHMENT 6**

**2013 WRRS Data for Stateline Wind Project**



# **ATTACHMENT 7**

## **STL 1 & 2**

### **2013 Offsite Artificial Nest Structure Monitoring Memorandum**



Northwest  
Wildlife  
Consultants, Inc.

## MEMORANDUM

Date: August 5, 2013

To: Rebecca Perree and Michael Odman, NextEra Energy Resources

From: Brett Anderson and Karen Kronner  
NWC, Inc.

Subject: Stateline 1-2 2013 Offsite Artificial Raptor Nest Structure Monitoring

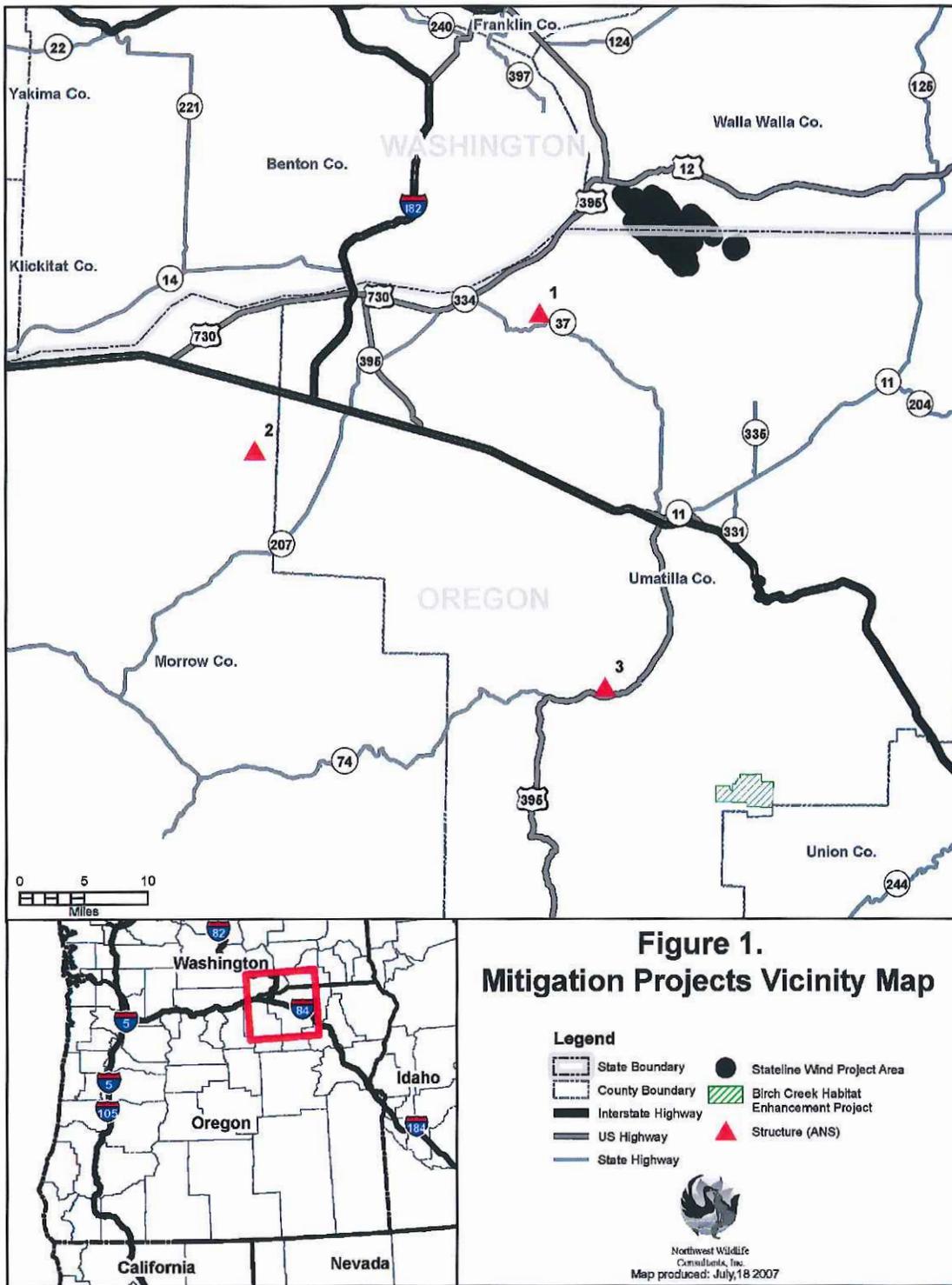
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This memo provides a summary of results for the 2013 NWC monitoring of the Artificial Nest Structures (ANS). These three ANS platforms are located in suitable offsite areas to mitigate for exceedance of the Stateline 1-2 EFSC permit-established raptor fatality threshold (Figure 1). All three are located on privately-owned land with stable ownership but variable habitat/land use in the general surrounding area. Background information for the ANS project can be found in prior documents and is generally described in the current Stateline Wildlife Monitoring and Mitigation Plan dated November 2009 (pages A-15–A-17).

The three platforms were checked via ground or helicopter for use by raptor species in 2013. None of the three platforms were used by the target species, ferruginous hawk, or other raptor or non-raptor avian species in 2013.

This was the seventh year that NWC monitored these ANS for nesting and productivity. During this monitoring period, only one nest was utilized by raptor species. Nesting occurred by the target species ferruginous hawk at ANS #3 in 2009. As previously reported, through the use of volunteer-funded (NWC) satellite telemetry effort, two young fledged but were (assumed) killed by coyotes before leaving the general nest site area. ANS #1 and ANS #2 are not known to have had nesting attempts by raptor species since they were placed in 2007.

Monitoring will continue for at least another three years. The 2009 WMMP lines 30-33 read: "Annual monitoring of all ANS shall continue for at least 10 years after construction of the ANS in 2006. If there has been no use of an ANS by raptors during the first five years, the Department may require FPL Vansycle to relocate the ANS or construct an ANS at an alternative suitable site." No alternative site exploration/establishment has occurred as of summer 2013.



*Northwest Wildlife Consultants, Inc., is an Oregon Registered Woman Business Enterprise  
Specializing in Columbia and Great Basin Wildlife and Rare Plant Surveys,  
Environmental Permitting and Natural Resource Monitoring*



April 29, 2016

**SENT VIA E-MAIL AND UPS**

Mr. Duane Kilsdonk  
Senior Compliance Officer  
Oregon Department of Energy  
Hermiston Field Office  
395 East Highland Avenue  
Hermiston, Oregon 97838

**Re: "Stateline Wind Project" Annual Report for the Year of 2015  
FPLE Energy Vansycle, LLC, and FPL Energy Stateline II, Inc.**

Dear Mr. Kilsdonk:

Pursuant to OAR 345-026-0080, attached please find the Annual Report (for the Year of 2014) for FPL Energy Vansycle, LLC, ("Stateline 1 & 2") and FPL Energy Stateline II, Inc, ("Stateline 3") together known as "Stateline Wind Project". These two certificate holders fall under the Fourth Amended Site Certificate for the Stateline Wind Project. This annual report consists of the following components:

1. Annual Report for the Year of 2015
2. Compliance Plan Table for the Year of 2015
3. Attachments 1 through 6 that support the Annual Report and Compliance Plan table:
  - Attachment 1 - Milton Freewater Rural Fire Department: Record of Payment (#33)
  - Attachment 2 - Site Certificate Bond for STL 1 & 2 (Report and #80)
  - Attachment 3- Site Certificate Bond for STL 3 (Report and #109)
  - Attachment 4 -2015 Stateline 1&2 Habitat Mitigation Area Monitoring
  - Attachment 5- 2015 WRRS Data for Stateline Wind Project (Report and #93)
  - Attachment 6- STL 1-2 2015 Offsite Artificial Raptor Nest Structure Monitoring Memorandum

Also, as per Condition 127 of the Compliance Table, we have submitted a copy of this report to the Umatilla Planning Commission to the person listed below.

Should you have any questions regarding the Annual Report for the Year of 2015 please feel free to call me at the number below.

Best regards,



*Emre Ergas*  
*Senior Business Manager*  
*Business Management – West Wind*  
*(561) 691-2866 office*  
*(561) 371-0992 cell*

Enclosures

cc: Michael Odman, NextEra Energy  
Brian Wysong, NextEra Energy  
Janine Bacquie, NextEra Energy  
Karen Kronner, Northwest Wildlife Consultants, Inc

Carol Johnson, Senior Planner,  
Umatilla County Planning Department

## Annual Report General Information Update

Annual Report Period:	January-December 2015	
Project Name:	Stateline Wind Project	
Site Certificate Holder:	FPL Energy Vansycle, LLC (Stateline 1&2) a wholly owned subsidiary of ESI Energy, LLC and FPL Energy Stateline II, Inc. (Stateline 3) a wholly owned subsidiary of FPL Energy Stateline II Holdings, LLC.	
Site Certificate Holder Representative: Person who would be responsible for signing an amendment or receiving formal communication from ODOE.	Name	Emre Ergas
	Firm	NextEra Energy Resources, Inc.
	Address	700 Universe Blvd.
	City, State, Zip	Juno Beach, FL 33408-0420
	Phone	561-691-2866
	E-mail	Emre.Ergas@nexteraenergy.com
On-Site Operations Representative Person who should be contacted to schedule a site visit. <input type="checkbox"/> Person who is responsible for responding to questions on the annual report.	Name	Michael Odman
	Firm	NextEra Energy Resources, Inc.
	Address	365 Touchet Gardena Rd OSI/SLW
	City, State, Zip	Touchet, WA 99360
	Phone	509-934-0163, ext 14
	E-mail	Michael.odman@nextenergy.com
Off-Site Asset Manager <input checked="" type="checkbox"/> Person who is responsible for responding to questions on the annual report.	Name	Timothy Garcia
	Firm	NextEra Energy Resources, Inc.
	Address	700 Universe Blvd.
	City, State, Zip	Juno Beach, FL 33408-0420
	Phone	561-691-7256
	E-mail	Timothy.Garcia@nexteraenergy.com
Environmental/Habitat Contact Person who would be contacted to discuss required mitigation plans.	Name	Michael Odman
	Firm	NextEra Energy Resources, Inc.
	Address	365 Touchet Gardena Rd OSI/SLW
	City, State, Zip	Touchet, WA 99360
	Phone	509-934-0163, ext 14
	E-mail	Michael.odman@nextenergy.com
Public Contact Person to whom the public, visiting the ODOE website, should be directed if they wish information on the project.	Name	Emre Ergas
	Phone <input type="checkbox"/> Preferred Contact Method	
	E-mail <input checked="" type="checkbox"/> Preferred Contact Method	Emre.Ergas@nexteraenergy.com
Financial Assurance Contact Person to whom annual updates should be sent and to whom questions related to required bond or Letter of Credit should be addressed.	Name	Timothy Garcia
	Firm	NextEra Energy Resources, Inc.
	Address	700 Universe Blvd.
	City, State, Zip	Juno Beach, FL 33408-0420
	Phone	561-691-7256
	E-mail	Timothy.Garcia@nexteraenergy.com

<b>Accounts Payable Contact</b> Person to whom invoices should be addressed and who should be contacted to resolve payment questions.	<b>Name</b>	Timothy Garcia	
	<b>Firm</b>	NextEra Energy Resources, Inc.	
	<b>Address</b>	700 Universe Blvd.	
	<b>City, State, Zip</b>	Juno Beach, FL 33408-0420	
	<b>Phone</b>	561-691-7256	
	<b>E-mail</b>	Timothy.Garcia@nexteraenergy.com	

**Facility Description: Wind energy facility**

	Per Site Certificate	Operating in 2015
<b>Turbines (# and <u>manufacturer/model</u>)</b>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 187 Vestas V47-660 kW</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Up to 67 GE 1.5-MW OR</li> <li>43 Siemens 2.3 MW</li> </ul>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 187 Vestas V47-660 kW</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Up to 67 GE 1.5-MW OR</li> <li>43 Siemens 2.3 MW</li> </ul>
<b>Transmission Line (miles)</b>	Stateline 3 <ul style="list-style-type: none"> <li>16 miles (13 mi in OR)</li> </ul>	Stateline 3 <ul style="list-style-type: none"> <li>16 miles (13 mi in OR)</li> </ul>
<b>Peak generating capacity</b>		Stateline 1&2 <ul style="list-style-type: none"> <li>299.6 MWh</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>98.9 MWh</li> </ul>
<b>Average generating capacity</b>		Stateline 1&2 <ul style="list-style-type: none"> <li>299.6 MWh</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>98.9 MWh</li> </ul>
<b>Related Facilities per Site Certificate</b>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 6 meteorological towers</li> <li>underground collector system</li> <li>O&amp;M facility</li> <li>access roads</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Two meteorological towers</li> <li>O&amp;M Building</li> <li>collector system and substation</li> <li>access roads</li> </ul>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 6 meteorological towers</li> <li>underground collector system</li> <li>O&amp;M facility</li> <li>access roads</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Two meteorological towers</li> <li>O&amp;M Building</li> <li>collector system and substation</li> </ul> access roads
<b>New technology or equipment in 2015</b>	N/A	

**2015 Operating Year Annual Report  
FPL Energy Vansycle LLC  
FPL Energy Stateline II, Inc  
Fourth Amended Site Certificate  
for the Stateline Wind Project**

**Submitted: April 29, 2016**

Pursuant to OAR 345-026-0080, FPL Energy Vansycle LLC (Stateline 1 & 2), and FPL Energy Stateline II, Inc. (Stateline 3), together known as the “Stateline Wind Project” or “certificate holder”, submits this annual report on the operation of the Stateline Wind Project ("Facility") to the Energy Facility Siting Council ("Council"). As a condition in the Fourth Amended Site Certificate ("Amendment #4") and as required by OAR 345-026-0080(1)(b), the certificate holder must provide an annual report to the Council by April 30 of each year after beginning construction. The annual report must address the issues set forth at OAR 345-026-0080(2)(a)-(h). This annual report fulfills this requirement for the calendar year 2015 by addressing each issue and providing a table and supporting documents, attached hereto, demonstrating compliance with all applicable site certificate conditions.

**1.1 OAR 345-026-0080(2)(a)**

**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;

**Response:** Stateline 1 & 2 has been in commercial operation since December 21, 2001, with 186 turbines operating and providing wind-generated electricity for sale. FPL Stateline completed construction and commissioned 126 Stateline 1 turbines on December 21, 2001 and 55 Stateline 2 turbines on December 10, 2002 as provided in Amendment #1, and 5 turbines in the Stateline 2 area on December 15, 2004, as provided in Amendment #2. Those 5 turbines were moved in 2004, and are operating at the improved production and efficiency rates as projected in the 2004 report. No significant adverse impact occurred during 2015.

For Stateline 3, construction began on 43 turbines on June 9, 2009. Stateline 3 became operational on December 16, 2009. No significant adverse impact occurred during 2015.

**1.2 OAR 345-026-0080(2)(b)**

**Reliability and Efficiency of Power Production:** For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors, and shall describe any actions taken to prevent the recurrence of such problems;

**Response:** Wind provides the sole means of power production. FPL Stateline continues to maintain capacity factor information as proprietary information for the reasons we explained in our 2002 annual report correspondence. However, FPL Stateline recognizes the Oregon Department of Energy's (ODOE) right to request such information in the future if it is found to be necessary as described under ORS 469.080.

**1.3 OAR 345-026-0080 (2)(c)**

**Fuel Use:**

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

**Response:** The Facility uses wind as fuel to produce electric energy. No power heat rate was evaluated when the facility was sited because this metric is not applicable to a wind facility; therefore, this requirement does not apply to the Facility.

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

**Response:** The Facility's sole fuel type is wind. For Stateline 1 & 2, Commercial Availability was 96.10 percent for the 2015 year. For Stateline 3, Commercial Availability was 97.53 percent in the 2015 year. Commercial availability is defined as the percent of time that a turbine is available to produce energy when there is sufficient wind for generation, excluding outages outside of the plant's control, such as force majeure downtime, weather downtime, or utility downtime.

**1.4 OAR 345-026-0080(2)(d)**

**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.

**Response:** Site Certificate Bonds have been issued based on dollar amounts determined in accordance with General Site Conditions #80 and #109. Bond #08936470 in the amount of \$6,310,000 is currently issued for Stateline 1 & 2 (Attachment #4) and bond #08966919 in the amount of \$4,417,000 is currently issued for Stateline 3 (Attachment #5).

**1.5 OAR 345-026-0080(2)(e)**

**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.

**Response:** Revegetation monitoring of the Stateline 1 & 2 enhancement zones and monitoring of the Habitat Mitigation Area are the significant monitoring and mitigation activities performed at the Stateline Wind project in 2015.

**Revegetation and Habitat Enhancement Area Monitoring**

Specific to Stateline 1 & 2

- 2015 Monitoring:

In June of 2015, the Stateline 1 & 2 Habitat Enhancement area (HEA) was examined by the same biologist who has been involved in the Stateline area since 1994.

Summary of the HEA Monitoring report:

Although there has been some domestic grazing in the area since the 2010 monitoring at the HEA, the Stateline site has confirmed that the grazing should not continue going forward. There has been no erosion noted in the general area, but due to the livestock grazing there was more bare ground.

Plant species remained in similar ranges from yellow starthistle, cheatgrass, and the desirable perennial grasses for the area. It was recommended by NWC for the livestock grazing to not continue in the HEA area, and that the yellow starthistle should be further monitored. As recommended in 2010, due to the extensive non-native vegetation species in the surrounding area, do not re-attempt to establish 5 acres of sagebrush in the northern area..

We will be doing a monitoring on the Stateline 1&2 mitigation area on yearly basis going forward to observe any further changes in the area.

- Archive:

Revegetation monitoring for the temporarily disturbed areas for Stateline 1 & 2 was complete and reported in the 2006 Revegetation Report.

Oregon's Habitat Enhancement Area (HEA) five year vegetation monitoring for Stateline 1 and 2 was completed in June of 2010, and the final report was submitted with the modified 2010 Annual Report on October 4, 2010. This fulfilled the five year monitoring plan for Stateline 1 & 2 Oregon Habitat Enhancement Area. Under the monitoring plan, monitoring of the Enhancement Area will continue once every five years thereafter.

### Specific to Stateline 3

#### 2015 Monitoring:

There was no HEA monitoring for the Stateline 3 HEA site was required in the 2015 year. The next monitoring of the site will occur in the 2016 year and will be submitted in the next operating year annual report.

- Archive:

#### 2014 Monitoring:

The final year of the initial five year Revegetation Monitoring occurred in February and March 2015, at a time when the vegetation was still in the same stage as at the end of the 2014 vegetative growing season. There were no changes noted for the components monitored, indicating a stable establishment of restored habitat and criteria met. No erosion was noted and no change in weed species. A Memorandum to the Stateline 3 Construction Zone Vegetation Monitoring is provided as Attachment 2. The full report along with observation photos taken at the site will be provided in the next Annual Report.

The 2014 HMA Monitoring occurred in June of 2014 by a NWC biologist traversing the site on foot. The native vegetation at most of the site appears to be in good condition with only a few areas of dense weed vegetation. Grasshopper sparrow and white-tailed jackrabbits were identified in the area. The weed control area that was identified in the 2013 monitoring has low densities of yellow starthistle as a result of past chemical treatment. The area does have a high concentration of non-native cheatgrass. High concentrations of cheatgrass, tumbled mustard and Russian thistle were also noted on

southeast facing slopes. It was recommended by NWC that the areas continue to be chemically treated for weeds. The Memorandum to the 2014 Stateline 3 HMA Monitoring and Stateline 3 Revegetation Weed Monitoring can be found as Attachment 3 of this Annual Report.

The general state of the Stateline 3 revegetation areas were also assessed for weed management during the HMA Monitoring in June of 2014. Five areas identified with high weed concentrations in the 2013 revegetation monitoring report were chemically treated in the spring of 2014. All 5 areas were assessed in the 2014 monitoring and it was recommended by NWC that 3 of the 5 areas continue to be hand sprayed; weed control in the other 2 areas appear to be successful and continued monitoring of the areas were recommended. The Memorandum to the 2014 Stateline 3 HMA Monitoring and Stateline 3 Revegetation Weed Monitoring can be found as Attachment 3 of this Annual Report.

- Archive:

For Stateline 3, the first year of the 5-year Revegetation Monitoring Plan was started December 2010/January 2011; the 2<sup>nd</sup> year occurred September/October 2011; the 3<sup>rd</sup> year monitoring occurred in October of 2012; and the 4<sup>th</sup> year monitoring occurred in October of 2013.

The first year vegetation monitoring and wildlife surveys in the Oregon Habitat Enhancement Area (HEA), also called the Habitat Mitigation Area (HMA) for Stateline 3 was performed during the May/June 2010 time frame. Recommendations for 2011 included confirming that no grazing would occur in 2011 (discussed with Stateline 3 manager and the landowner) and inspecting for noxious weeds and spraying if needed. The second year monitoring of the HEA occurred in May to early June of 2011 – and a copy of the report was included as an attachment in the 2012 Annual Report. Photo points were taken and representative samples were included in the report. Wildlife surveys were conducted and results were provided in the same report. Weed control (spot-spraying) of yellow star thistle occurred in 2011 and in 2012. The third year monitoring of the HEA occurred in May of 2012. Northwest Wildlife Consultants, Inc. (NWC), reported that there were no areas at that time which needed seeding, and there was no indication of livestock grazing. In addition, NWC reported that the native bunch grass seed production/overall vigor and other vegetation/habitat cover looked the same as documented by NWC in 2011. The fourth year monitoring of the HEA/HMA occurred in November of 2013. NWC reported that the site appears to be in good condition with a high ratio of native plants despite the abnormally dry year, and there were no signs of livestock grazing. There were some areas within the site that have a continued presence of the yellow star thistle, the Russian thistle and non-native cheatgrass. It was recommended by NWC that the areas continue to be chemically treated for weeds utilizing a method that minimizes ground disturbance/soil surface disturbance. A copy of the 2013 Stateline 3 Habitat Mitigation Area Monitoring Report was included as an attachment in the Annual Report for the operating year of 2014.

### Wildlife Monitoring

Wildlife monitoring has occurred per the Oregon Wildlife Monitoring Plan, revised on 11/20/09, ("Plan"). Compliance with the Plan can be summarized as follows, up to the current year of compliance for 2014:

1. Fatality monitoring for Stateline 1 and 2 was completed in 2006. One year of fatality monitoring for Stateline 3 was conducted from January 2011 – January 2012. A memorandum of the findings was attached as Attachment 4 to the 2012 Annual Report. The final report is attached to the 2013 Annual Report as Attachment 4.
2. Transect (displacement) surveys were completed for the Stateline 1 turbines in 2006. Expansion of Stateline did occur (Stateline 3) through Amendment #4 of the Site Certificate. As part of an amendment proceeding, the Wildlife Monitoring Plan was revised and approved on March 27, 2009. A grassland bird displacement study is not required for Stateline 3.
3. Raptor nest surveys for existing raptor nests for Stateline 1 and 2 were completed in 2006.
4. For Stateline 3, raptor nest surveys were required in 2010, and were performed and were reported in the STL 3 Wildlife Monitoring Report, Attachment 4 of the 2011 Annual Report.
5. Burrowing owl surveys for Stateline 1 and 2 were done in tandem with fatality monitoring for Stateline 1 and 2.
6. Burrowing owl surveys for Stateline 3 were required in 2010 for known active or historic burrowing owl nests and any newly-discovered nests within 1,000 ft of the Stateline 3 turbines. These surveys were performed and are reported in the 2011 Annual Report as Attachment 4.
7. For Stateline 1 & 2, avian use surveys have been done in conjunction with fatality monitoring (see above).
8. For Stateline 3, avian use surveys are not required but general observations of special status birds and mammals within the facility site and birds perched on transmission line conductors and support structures in the vicinity of the turbines were recorded while the carcass search contract personnel were on site. This information can be found in the 2013 Annual Report, Attachment 4, Wildlife Fatality Monitoring, Section 3.8.2
9. Compliance with the Wildlife Response and Reporting System (WRRS) is ongoing for Stateline 1, 2 and 3. Reporting of "incidental finds" is required for the life of the project, with annual reporting to the Oregon Department of Energy (See Attachment 6).
10. "Protocol searches" of a sample of Stateline 1 and Stateline 2 turbines have been completed. Protocol searches are required for Stateline 3 turbines as per Amendment #4 of the site certificate. For Stateline 3, this occurred from January 2011 to January 2012. The summary of these protocol searches can be found in

the completed Wildlife Fatality Monitoring report, Attachment 4, of the 2013 Annual Report.

### Specific to Stateline 1 & 2

For Stateline 1 & 2, wildlife monitoring and compliance for the year 2015 consisted of complying with Section 12 Mitigation, and performing Stateline's WRRS. Per the Plan, three artificial nest sites (ANS) were constructed and installed in early 2007, with the focal species being ferruginous hawk. Monitoring of these three artificial nest sites was performed in May, 2007, May 2008, May 2009, April/May of 2010, May of 2011, May 2012, May 2013, and May 2014. None of the three ANS platforms were used by the target species or other raptor or non-raptor avian species in 2014. Monitoring will continue for at least another 2 years. See the memorandum prepared by NWC, as Attachment 7 of the Annual Report for the operating year of 2014.

Stateline's WRRS report for 2014 (which includes STL 1, 2 & 3) showed a total of 0 avian and 1 unidentified bat fatality at Stateline 1&2. Attached to this report as Attachment 6 is the full summary of the 2014 Stateline WRRS data.

The Oregon Wildlife Monitoring Plan, Section 12 Mitigation, also discussed the Birch Creek Project ("Project") for mitigation measures. As of this date, the Project is complete, and as previously reported, Stateline contributed the entire \$9,000 budget for riparian and upland fencing to exclude cattle from the area. Fencing maintenance is the responsibility of the landowner. Periodically, the ODFWS will be in the project area and will notify the land owner if there are any issues with the fencing. The ODFWS has the responsibility for monitoring the Project, and periodically assesses the vegetative cover condition from the air while conducting big game surveys.

Under the Mitigation Section, the Plan's final requirement relates to contributions to the Blue Mountain Wildlife Rehabilitation Center. The required \$9,000 in contributions has been fulfilled, including additional voluntary contributions from the project and its affiliates in excess of \$40,000.

In the spring of 2013, the project voluntarily committed to fund \$7,500 to the Oregon Eagle Foundation to assist in aerial nest surveys and telemetry studies of golden eagles.

### Specific to Stateline 3

For Stateline 3, NWC performed a formal wildlife fatality monitoring study from January 2011 to January 2012. A total of 7 birds and 16 bats were found. The birds consisted of 1 galliform (ring-necked pheasant), 4 passerines, 1 raptor and 1 woodpecker. No special status birds were found. Two bat species were found, hoary and silver-haired. Both are Oregon Sensitive species. Two scientifically estimator analysis programs were used to evaluate the data. No mitigation thresholds were exceeded. Both results were provided in the final NWC report attached to the 2013 Annual Report as Attachment 4.

Stateline's WRRS report for 2014 (which includes STL 1, 2 & 3) showed a total of 0 avian and 0 bat fatalities at Stateline 3. Attached to this report as Attachment 6 is the full summary of the 2014 Stateline WRRS data.

**1.6 OAR 345-026-0080(2)(f)**

**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.

**Response:** Compliance item 34: It was discovered in April 2016 several water buffalo's were not at the compliance capacity of 350 gallons, and are in fact 325 gallons at the Stateline 1&2 site. Stateline intends to correct this instance of noncompliance as soon as possible.

**1.7 OAR 345-026-0080(2)(g)**

**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.

**Response:** No modifications requiring a facility modification report were conducted at the site.

**1.8 OAR 345-024-0630(h)**

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

**Response:** This requirement does not apply to the Facility.

**2015 Compliance Plan Table**  
**Stateline Wind Project**  
**Fourth Amended Site Certificate (Amendment #4)**  
Submitted: April 29, 2016

<b>General Conditions</b>		
<b>No.</b>	<b>Requirement</b>	<b>Response</b>
1	<b>For Stateline 1, 2 and 3. General Condition</b> The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27. (OAR 345-027-0020(1))	No request for change was submitted in the year 2015.
2	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(3))	The facility was designed, constructed, and currently is operated in compliance with the site certificate, statutory and regulatory requirements, and all applicable permit requirements. Construction has been completed for the Stateline 1 and the Stateline 2 facilities (the 5 remaining turbines were constructed in 2004). Construction was completed for Stateline 3 on December 16, 2009.
3	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate (345-027-0020(4)). See conditions (24), (97), and (106). [Amendment #4].	The certificate holder has complied with this requirement. Construction has been completed for the Stateline 1 and Stateline 2 facilities (the 5 remaining turbines were constructed in 2004).  For Stateline 3, construction began on June 9, 2009 and was completed on December 16, 2009.
4	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. (345-027-0020(7))	The certificate holder has complied and will continue to comply with this requirement. No conditions have developed that would preclude restoration of the site to a useful, non-hazardous condition. The certificate holder currently is operating the facility in compliance with the site certificate, all applicable statutory and regulatory requirements, and all applicable permit requirements to prevent the development of any such conditions.
5	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(10))	The certificate holder has complied with this requirement.

6	<p><b>For Stateline 1, 2 and 3. General Condition</b> For the related or supporting transmission lines:</p> <p>(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition); and</p> <p>(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. (OAR 345-027-0023(6)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with these requirements through the design, construction and operation of the facility.</p> <p>It was determined that it was not necessary to ground any fences, gates, cattle guards, trailers or any other structures of permanent nature.</p>
7	<p><b>For Stateline 1, 2 and 3. General Condition</b> The following general monitoring conditions apply:</p> <p>(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Office of Energy and receive Office approval before beginning construction or, as appropriate, operation of the facility.</p> <p>(b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.</p> <p>(c) For each monitoring program described in sections (a) and (b), the certificate holder shall have quality assurance measures approved by the Office before beginning construction or, as appropriate, before beginning commercial operation.</p> <p>(d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Office describing the impact on the facility and any affected site certificate conditions. (OAR 345-027-0028) [Amendment #4]</p>	<p>For the operating phases of the project, the certificate holder has complied with (a), currently is monitoring in compliance with (b), has complied with (c), and is unaware of any significant environmental change or impact attributable to the facility that would require the written report in (d).</p>
8	<p><b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall report according to the following requirements:</p> <p>(a) General reporting obligation for non-nuclear facilities under construction or operating:</p> <p>(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 Council. 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 this rule;</p> <p>(ii) By April 30 of each year after the beginning of construction, the certificate holder shall submit an annual report to the Council addressing the subjects listed in this rule. The Council secretary and the certificate holder may, by mutual agreement, change the reporting date.</p>	<p>For the construction and operating phases of Stateline 1, 2 &amp; 3, the certificate holder has complied with 8(a)(i).</p> <p>This table and the Annual Report it accompanies meet the requirements of 8(a)(ii) and 8(a)(iii).</p> <p>The Annual Report discusses requirements 8(b)(i) through 8(b)(viii), and therefore this table and the 2014 Annual Report meets this requirement</p>

<p>(iii) To the extent that information required by this rule 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> <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> <p>(i) <u>Facility Status</u>: 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.</p> <p>(ii) <u>Reliability and Efficiency of Power Production</u>: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.</p> <p>(iii) <u>Fuel Use: For thermal power plants</u>:</p> <p>(A) The efficiency with which the power plant converts fuel into electric energy. If the fuel chargeable to power heat rate was evaluated when the facility was sited, the certificate holder shall calculate efficiency using the same formula and assumptions, but using actual data; and</p> <p>(B) The facility's annual hours of operation by fuel type and, every five years after beginning operation, a summary of the annual hours of operation by fuel type as described in OAR 345-024-0590(5).</p> <p>(iv) <u>Status of Surety Information</u>: Documentation demonstrating that the 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>(v) <u>Monitoring Report</u>: 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>(vi) <u>Compliance Report</u>: 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>(vii) <u>Facility Modification Report</u>: 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>(viii) <u>Nongenerating Facility Carbon Dioxide Emissions</u>: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).(OAR 345-026-0080) [Amendment #4]</p>	
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9	<b>For Stateline 1, 2 and 3. General Condition</b> This condition removed by Amendment #4	
10	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder and the Office 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. (OAR 345-026-0105) [Amendment #4]	The certificate holder has complied with these requirements and will continue to do so if additional correspondence is exchanged.  <u>Archive</u> For Stateline 1 & 2, see correspondence dated February 16, 2005 from Anne Walsh to John White, Condition 10 documentation.
11	<b>For Stateline 1, 2 and 3. Meet Before Construction</b> Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020(5), the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: (a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or (b) The certificate holder would construct and operate part of a wind 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. (OAR 345-027-0020(5)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder acquired and has on file all necessary leases and easements that are required for construction rights. These agreements were in place before beginning Stateline 1, 2, and 3 constructions.
12	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> Following receipt of the 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 Office 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. (OAR 345-026-0048) [Amendment #4]	The certificate holder has complied with this requirement. In summary: <ul style="list-style-type: none"> <li>• Construction for Stateline 1 in Oregon began on September 15, 2001.</li> <li>• Construction for Stateline 2 began on August 16, 2002</li> <li>• Construction for the 5 remaining Stateline 2 turbines began in October 2004 (see September 7, 2004 correspondence from Anne Walsh to John White).</li> <li>• Construction of Stateline 3 began on June 9, 2009.</li> </ul>

13	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. (OAR 345-027-0020(2)) [Amendment #4]</p> <p>See Condition (84).</p>	<p>For the constructed phases of the project, the certificate holder has complied with this requirement.</p> <ul style="list-style-type: none"> <li>• The certificate holder submitted to the Office of Energy a legal description in the form of as-built drawings of the built portions of Stateline 1 and 2 with a revision date of 2/7/03.</li> <li>• In 2004, the five remaining Stateline 2 turbines were constructed and new as-built drawings were developed in 2005. The revised as-built drawings have a date of 4/7/05, and the title of the drawings is “Stateline Wind Project, Walla Walla Co., Washington, Umatilla Co., Oregon, Phase 1, 2 Reconfiguration and WS-A Relocation Projects Record Drawings” (See “Stateline 2004 Annual Report”, Attachment 1, “2005 Stateline Wind Project As-Built, submitted 4/29/05). The five turbines were listed as hgs 1 – hgs 5, specifically shown on Drawing P-26.</li> <li>• For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.</li> </ul>
14	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-0020(6))</p>	<p>The certificate holder has completed this requirement for Stateline 1 &amp; 2 (See Condition #93).</p> <p>No mitigation is required for Stateline 3 (See Condition #93).</p> <p><u>Archive</u> For the constructed portions of Stateline 1 and Stateline 2, specific mitigation activities are addressed in the certificate holder’s responses to other site certificate conditions (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 14 documentation).</p>
15	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. The certificate holder shall maintain the bond or letter of credit in effect at all</p>	<p>The certificate holder has complied with this requirement. See response to both conditions 80 (for Stateline 1 &amp; 2), and 109 (for Stateline 3) for additional details.</p>

	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. (OAR 345-027-0020(8)) See Conditions (80) and (109). [Amendment #4]	
16	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence. (OAR 345-027-0020(12))	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no condition of seismic hazard that differ significantly from those described in the application for a site certificate.
17	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(13)) [Amendment #4]	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no conditions in the foundation rocks that differ significantly from those described in the application for a site certificate.
18	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(14)) [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement. During construction of Stateline 1, 2, & 3, and for the Stateline 2 (5 turbines) the certificate holder did not find any shear zones, artesian aquifers, deformations or clastic dikes at or in the vicinity of the site.
19	<b>For Stateline 1, 2 &amp; 3. Meet Before Operations Begins</b> 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. (OAR 345-027-0020(9)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
20	<b>For Stateline 1, 2 and 3. Meet Before Operations Begins</b> Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape portions of the site disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall dispose of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. (OAR 345-027-0020(11)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder has restored vegetation and landscaping to those portions of the site disturbed by construction. The certificate holder conducted these activities consistent with the Re-Vegetation Plan (Revised March 27, 2009) approved by the Energy Facility Siting Council (Final Order on Amendment #4, Attachment B). The certificate holder has disposed of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

21	<p><b>For Stateline 1, 2 and 3. Meet Before Operations</b> If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council’s standards, approve more than one corridor. (OAR 345-027-0023(5)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. The certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor. Additionally, as-built drawing of the Stateline 1 and 2 were submitted to OOE on June 15, 2003.</p> <p>With regard to Stateline 3, the certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor.</p>
22	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> Condition removed by Amendment #4.</p>	
23	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> 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"> <li>(a) There is an attempt by anyone to interfere with its safe operation;</li> <li>(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</li> <li>(c) There is any fatal injury at the facility.</li> </ul> <p>(OAR 345-026-0170) [Amendment #4]</p>	<p>There have been no occurrences on Stateline 1, 2, or 3 property for 2015.</p> <p><u>Archive</u></p> <p>Copper Theft Crews discovered on 1/30/2014 at approximately 09:00 PT that the Nine Mile Substation was broken into and copper grounds on spare pads were stolen. Bonneville Power Administration, PacifiCorp, NextEra VRCC and Corporate Security were notified. The local authorities were also notified.</p> <p>On 2/20/2013, evidence was found that someone had shot the side of the building at our Campbell Substation along with a light above the entry door. This appears to be an isolated incident. A report was filed with the Umatilla County Sheriff.</p> <p>WA February 4, 2011. The substation yard had been broken into and approximately 200 ft of copper wire had been stolen. In addition, approximately \$17,000 worth of High Voltage tools had been stolen from the HV trailer.</p> <p>OR April 3, 2011. Crew went to WTG BGB-21 to perform maintenance and discovered that WTG door lock had been shot off. Crew found numerous shell casings on</p>

		<p>the ground surrounding the turbine. Crew stated that nothing seemed to be missing.</p> <p>WA June 16, 2011. Technician informed FPDC that two trespassers were attempting to remove scrap cable. Trespassers dropped cable and vacated site grounds when approached by site crew. Local law enforcement has been contacted and is investigating the event.</p> <p>WA August 2, 2011. There was a 5000 acre grass fire in Vansycle canyon. No facility equipment was damaged and there were no injuries. Although a final determination of cause was not concluded, the cause is believed to be related to the operation of site personnel trucks on dried grassy areas.</p> <p>WA August 12, 2011. Suspects hot wired a backhoe and used it to force the gate open in an attempt to steal a roll of 750 MCM copper cables. While trying to leave the scene of the crime, the suspect's vehicle tire blew out and the roll of copper flew off the bed of the truck. The suspects fled the scene and left their vehicle behind.</p> <p>There have been no occurrences on Stateline 3 property for 2011.</p> <p>On November 1, 2008, some college students trespassed and graffitied on 3 HGM turbines. The students were caught and performed community service on the landowner's property. A police report was filed. There were no injuries and no turbine interruptions.</p> <p>On June 26, 2007, someone tried to cut cable outside the #25 box, causing a string of turbines to come off line. Repairs were made, and the turbines came back on line on June 27, 2007. No injuries were reported.</p>
24	<p><b>For Stateline 1 Area Only. General</b> The certificate holder shall begin construction of the Stateline 1 within one year after the effective date of the site certificate. The certificate holder shall complete construction of Stateline 1 on or before two years from the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #4] See condition (3)</p>	<p>The certificate holder has complied with this requirement. The effective date of the site certificate is September 14, 2001. Construction began on Sept 15, 2001 and was completed December 21, 2001.</p>

25	<b>For Stateline 1, 2 and 3. General</b> Within 72 hours of discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement. The certificate holder has not discovered any conditions or circumstances that may violate the site certificate.
26	<b>For Stateline 1, 2 and 3. General</b> Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility and would increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-0020(3))	The certificate holder has complied with the condition.
27	<b>For Stateline 1 Area Only. General</b> Condition removed by Amendment #4.	
28	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall report promptly to the Department of Energy any change in its corporate relationship NextEra Energy Resources LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of NextEra Energy Resources LLC. (APP A-3,D-2, OAR 345-022-0010) [Amendment #4]	The certificate holder has complied with this requirement. No changes in the certificate holder's relationship with NextEra Energy Resources LLC have occurred and its access to the resources, expertise and personnel of that company has been and continues to be maintained. Michael Odman is the Stateline Wind Site Manager, and the Business Manager is Emre Ergas.
29	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize erosion. (App B-11)	The certificate holder has complied and will continue to comply with this requirement.
30	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall carry out weed control and reseeding as necessary for the life of the facility, in consultation with the weed control board of Umatilla County. (App B-11)	<p>The certificate holder is complying with this requirement. The certificate holder has implemented the revegetation plan developed in consultation with Umatilla County, which addresses weed control and reseeding. All disturbed construction areas in Stateline 1, 2, and 3 were seeded following construction activities with the seed mixture prescribed in the revegetation plan approved by the Office of Energy (See Condition 20). Areas requiring additional weed control applications and reseeding are identified annually and reapplication is applied during the appropriate season, as needed.</p> <p>Revegetation monitoring of the Stateline 1&amp;2 construction zone was conducted in early 2015, and the weed seeding has spread since the last monitoring in 2010. A Memorandum is provided as Attachment 3. We will begin yearly monitoring of this area to monitor for possibility of weed control in this area.</p> <p>Archive:</p> <p>Habitat Mitigation Area and Revegetation Weed Monitoring for Stateline 3 were conducted in June of 2014. Past chemical treatments appear to be successful in some of the areas identified with high concentrations of week. Continued chemical treatment by hand spray, litter</p>

		<p>removal, and hand sow of native grass seeds were recommended. The certificate holder will continue to follow the recommendations made by NWC and continue to monitoring the areas. A detailed memorandum is provided as Attachment 3.</p> <p>See items # 65, 66 and 67 for additional information.</p>
31	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)	The certificate holder has complied and will continue to comply with this requirement.
32	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall use hazardous materials in a manner that is protective of human health and the environment and shall comply with all applicable local, state, and federal environmental laws and regulations. The certificate holder shall make sure that accidental releases of hazardous materials will be prevented or minimized through the proper containment of these substances during transportation and use on the site. The certificate holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing items such as absorbent pads on equipment and in storage facilities to respond to accidental spills. If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the spill or release and shall treat or dispose of contaminated soil or other materials according to applicable regulations. (App G-2, V-3)	The certificate holder has complied and will continue to comply with this requirement.
33	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall provide to the Department of Energy a copy of the contract with the Milton-Freewater Rural Fire Department for fire protection services during construction and operation of the facility before beginning construction. (App U-25) [Amendment #4]	The certificate holder has complied with this requirement. A copy of the contract with the Milton-Freewater Rural Fire Department has been provided to Oregon Office of Energy. The contract is automatically renewed upon annual payment and Stateline 1 & 2, and Stateline 3, were paid in July 2015, (see Attachment 1, Milton Freewater Rural Fire Department proof of payment).
34	<b>For Stateline 1, 2 and 3. General</b> During construction and operation of the facility, the certificate holder shall have water-carrying trailers (“water buffaloes”) at appropriate locations around the facility. The certificate holder shall bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder shall coordinate with the fire chiefs of the Helix and Milton-Freewater. Rural Fire Departments as to the number, capacity and location of the water buffaloes. The certificate holder shall make sure that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose equipment, as approved by the local fire chiefs. The certificate holder shall have service trucks and pickup trucks capable of towing water buffaloes available in sufficient numbers at all times during construction and operation of the facility. (App B-12)	<p>The certificate holder has:</p> <ol style="list-style-type: none"> <li>1. One water-carrying trailer located at the Vansycle project substation.</li> <li>2. Five, 400 gallon water-carrying trailers located at the Stateline III facility at the following locations: <ul style="list-style-type: none"> <li>1-Campbell substation</li> <li>1- A20</li> <li>1-WVS2-0029</li> <li>1- WVS2-0043</li> </ul> </li> <li>3. Five, 325 gallon water-carrying trailers located at the Stateline facility at the following locations: <ul style="list-style-type: none"> <li>1-Nine-mile substation</li> <li>1-WSB-52</li> <li>1-HGC-1</li> <li>1-HGS-13</li> <li>1-BGB-23</li> </ul> </li> </ol>

		<p>1-SHOP</p> <ol style="list-style-type: none"> <li>4. Water buffalos are removed during winter months to the main shop for winterization. This is coordinated with the local fire depts.</li> <li>5. The Certificate Holder stays in contact with the Touchet Fire Department, who in turn stays in contact with the local Fire Departments. The Certificate Holder works with the Touchet Fire Department to coordinate their annual emergency drill. The fire chiefs of the Helix and Milton-Freewater Rural Fire Departments are aware of the Certificate Holder's equipment that is available at the site including the hoses, pumps and that vehicles are available to move water buffaloes as needed.</li> <li>6. A water buffalo will be present at the work site if any welding, grinding, torch or any work that could cause a fire and manned during and 1 hour after work is completed for fire watch.</li> </ol>
35	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall take steps to protect the facility and property from unauthorized access and to reduce the risk of accidental injury during construction and operations by (App U-25, 26) [Amendment #3]:</p> <ol style="list-style-type: none"> <li>(a) Maintaining fencing and access gates around dangerous equipment or portions of the site as feasible. [Amendment #3 and #4]</li> <li>(b) Posting warning signs near high-voltage equipment.</li> <li>(c) Requiring construction contractors to provide specific job-related training to employees, including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and safety equipment inspection.</li> <li>(d) Requiring each worker to be familiar with site safety.</li> <li>(e) Assigning safety officers to monitor construction activities and methods during each work shift.</li> <li>(f) Ensuring that workers on each shift are certified in first aid.</li> <li>(g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each worker knows its location.</li> <li>(h) Conducting periodic safety meetings for construction and maintenance staff.</li> </ol>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
36	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall notify the Department of Energy and the Umatilla County Planning Department of any accidents including mechanical failures on the site associated with the operation of the wind power facility that may result in public health and safety concerns. (ORS 469.310) [Amendment #4]</p>	<p>On 4/12/2014, the pad mount transformer at Stateline 3 WVS2-0036 catastrophically failed. Local fire crews from Athena, Oregon responded and contained the fire. This event was reported to the Oregon Department of Environmental Quality (ODEQ) and the site worked with NextEra Environmental Services Bryan Wysong to ensure that all the proper procedure was followed. Clean Harbors was contracted to clean up spilled oil from the failure and the final spill clean-up report was provided to the ODEQ.</p>

		<p><u>Archive</u></p> <p>There were no reportable accidents for Stateline 1,2, and 3 in the year 2013</p> <p>There were no reportable accidents for Stateline 1,2, and 3 in the year 2012.</p> <p>No significant adverse impact occurred during 2011. There was a 5000 acre grassfire in Vansycle canyon in August of 2011, but there was no structural damage and no injuries.</p> <p>4/13/2010 pb-16 experienced failure causing a fire and a significant oil spill of ~300 gallons. The oil spill was caused by an explosion of the transformer at the base of the turbine, casting oil and debris downwind, covering approximately a 20'x50' area. The oil spill was reported to Washington State, since the turbine was located in Washington. An emergency response team removed and disposed of contaminated soil.</p> <p>In 2008, a blade failure occurred on PB-92, causing the blade to fracture and strike the tower. The fallen blade was removed and disposed of. The cause of failure was determined to be blade root (bolted metal insert) failure. The root cracked horizontally across the leading edge and failed under full load. Due to the failure type, special tooling was needed to remove the hub. In January of 2009, a 2<sup>nd</sup> blade fractured during a wind storm, caused by damage it sustained from the original failure. ½ of the blade was cast off the tower, and has been removed and disposed of. After several failed attempts to have a tower made, a new one has been manufactured and arrived on 5/19/2010. The tower and nacelle have already been assembled and final repairs to the rotor set are in process. Repairs are expected to be complete by 7/1/2010.</p>
37	<p><b>For Stateline 1, 2 and 3. General</b> To reduce the visual impact of the facility, the certificate holder shall:</p> <p>(a) Design, construct and operate a facility consisting of the major structures and related or supporting facilities described in the Site Certificate. [Amendments #1, #2 and #4]</p> <p>(b) Group the turbines in strings of 2 to 37. [Amendments #1, #2 and #4]</p> <p>(c) Construct each turbine to be not more than 263 feet tall at the turbine hub and with a total height of not more than 416 feet with the nacelle and blades mounted (App B-5)</p>	<p>The certificate holder has complied with this requirement.</p>

	<p>[Amendment #4]</p> <p>(d) Mount nacelles on smooth, hollow steel towers. [Amendment #4]</p> <p>(e) Paint all towers uniformly in a neutral light gray or white color. [Amendments #2 and #4]</p> <p>(f) Not allow any advertising to be used on any part of the facility or on any signs posted at the facility, except that the turbine manufacturer’s logo may appear on turbine nacelles. (App BB-2)</p> <p>(g) Use only the minimum lighting on its turbine strings required by the Federal Aviation Administration, except:</p> <p>(i) The Stateline 1&amp;2 satellite operations and maintenance building may have a small amount of low-impact exterior lighting for security purposes (App BB 2).</p> <p>(ii) Low-impact lighting may be used for occasional nighttime repairs, operations or maintenance at the substation (at other times this lighting would be turned off).</p> <p>(iii) Security lighting may be used at the Stateline 3 O&amp;M building and substation if it is shielded or downward-directed to reduce glare.[Amendments #2 and #4]</p> <p>(h) Use only those signs required for facility safety or required by law and comply with Umatilla County design requirements for signs as described in UCDC Sections 152.545 through 152.548. (App BB-2) [Amendment #4]</p> <p>(i) Design and construct the operation and maintenance building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers. Upon retirement of the energy facility, the operations and maintenance building must be removed or converted to farm use, in accordance with Cond 19.[Amendment #3 and #4]</p>	
38	<b>For Stateline 1, 2 and 3. General</b> To restrict public access to turbine towers, the certificate holder shall install locked access doors accessible only to authorized project staff. (App BB-3)	The certificate holder has complied with this requirement. The certificate holder has installed a locked access door on each turbine accessible only to authorized project staff.
39	<b>For Stateline 1 Area Only. General</b> If any state-listed threatened, endangered or candidate plant species are found during the pre-construction surveys described in condition (55), the certificate holder shall use appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. See condition (55)	The certificate holder has complied with this requirement.
40	<b>For Stateline 1, 2 and 3. General</b> In constructing and operating the facility, the certificate holder shall make reasonable efforts not to disturb the farming and ranching activities on adjacent lands. (App K-6)	The certificate holder has complied and will continue to comply with this requirement.
41	<b>For Stateline 1, 2 and 3. General</b> If the certificate holder elects to use a bond to meet the requirements of Conditions (80) or (109), 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 assure 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. [Amendments #1, #2 and #4]	The certificate holder has complied with this requirement. Site Certificate Bonds have been issued based on dollar amounts determined in accordance with conditions #80 and #109. Bond #08936470 in the amount of \$6,310,000 is currently issued for Stateline 1 & 2 (Attachment #2 ) and bond #08966919 in the amount of \$4,417,000 is current issued for Stateline 3 (Attachment #4). See conditions 80 and 109 for additional information.
42	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy in advance of any initial road improvement work that does not meet the definition of “construction” in OAR 345-001-0010(10) or ORS	The certificate holder has complied with this requirement.

	469.300(6) and shall provide to the Department plans of the work and evidence that its value is less than \$250,000. (App B-21) [Amendment #4]	
43	<b>Meet Before Construction Begins</b> Condition removed by Amendment #4.	
44	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall locate roads to minimize disturbance and maximize transportation efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall use existing county roads and private farm roads to the maximum extent feasible. The certificate holder shall coordinate farm road improvements with landowners to minimize crop impacts and to assure that the final road provides useful access, where possible, to the landowners' fields. (App B-6)	The certificate holder has complied with this requirement (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 44 for Stateline 1 & 2).
45	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall videotape all Umatilla County roads used as access to the facility and shall require construction contractors to enter into a written agreement with Umatilla County stating that all roads used by the contractor will be restored to as good or better condition than they were before construction. (App U-24)	The certificate holder has complied with this requirement for the constructed portions of Stateline 1 and Stateline 2 and related facilities. (See correspondence dated July 22, 2008 between Umatilla County and Bill Hayduk confirming restoration. Attached to 2008 Annual Report).  For Stateline 3, please see condition 81, confirming Umatilla County considers restoration complete.
46	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy of the identity and qualifications of major construction contractors for the facility. The certificate holder shall select major construction contractors based on a proven record of environmental compliance and stewardship, a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3,4) [Amendment #4]	The certificate holder has complied with this requirement for Stateline 1 and 2. D. H. Blattner and Sons, Inc. was contracted as the major construction contractor for the built Stateline 1 and 2 facilities including the five Stateline 2 turbines constructed in 2004 (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 46 documentation).  The certificate holder has complied with this requirement for Stateline 3. D. H. Blattner and Sons, Inc. was the contracted as the major construction contractor for Stateline 3.
47	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. See condition (2).	The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.
48	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall require that all on-site construction contractors prepare a site health and safety plan before beginning construction activities. The certificate holder shall ensure that the plan informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid	The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.

	techniques. (App U-25)	
49	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility in accordance with seismic design provisions given in the Oregon Building Code. The certificate holder shall identify localized areas of S<sub>C</sub> and S<sub>D</sub> soil types and assure that any structures to be built in those areas are designed according to the code. The certificate holder shall design all components constructed after 2008 to meet current Oregon Structural Specialty Code (OSSC2007) and the 2006 International Building Code. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 3, see condition 50 below.</p>
50	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall provide the Department of Energy with design specifications showing the locations of turbines and type of foundations to be employed and demonstrating that the following conditions have been satisfied (OAR 345-022-0020):</p> <p>(a) If a turbine is located within 50 feet of a slope steeper than 30°, the stability of the slope has been reviewed by the foundation designer to confirm that either (i) the slope has a safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is less than 1.1, but ground displacements will not adversely affect the stability of the wind turbine. Slopes shall be evaluated in the field for each proposed turbine location.</p> <p>(b) The foundation designer’s review of slope displacement during a seismic event has been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is less than 1.1, the foundation designer has shown that</p> <ul style="list-style-type: none"> <li>(i) the movement will not intersect the turbine,</li> <li>(ii) the movement will intersect the turbine but will not affect its stability, or</li> <li>(iii) additional stabilization measures, such as anchor tie-downs or ground support systems, will be employed to maintain stability.</li> </ul> <p>(c) If a turbine is located where power generating or other requirements preclude sufficient setback distances to avoid intersection of a moving slope with the turbine foundation, the foundation designer has demonstrated that the turbine foundation will withstand loads from the moving soil or has been equipped with ground support systems that will withstand loads from moving soil.</p> <p>(d) The foundation designer has confirmed that the turbines and conduit can tolerate some movement without instability or breakage if a mapped fault were to rupture. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 &amp; 2.</p> <p>For the recent construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the email was attached to the 2010 Annual Report as Attachment #3.</p>
51	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> In modifying slope angles for roads or other facilities, the certificate holder shall assure that the foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 1 &amp; 2, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 51 for documentation of the 2004 construction activities.</p> <p>For Stateline 3, a slope evaluation and stability analysis was performed for the Stateline 3 project by Mr. Imran Magsi, PE, Senior Geotechnical Engineer (Oregon Registered Professional Engineer 17677), GN Northern Inc. This report was provided to Mr. Bill Burns of</p>

		DOGAMI in May 2009 (See response to 50). The report concluded that the facility would achieve a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures.
52	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility to avoid or minimize adverse impacts to wildlife by measures including but not limited to the following (App P-41):</p> <p>(a) Siting the turbines on ridges outside of migration flyways.</p> <p>(b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird use is typically higher).</p> <p>(c) Avoiding the use of overhead collector lines. [Amendments #2 and #4]</p>	The certificate holder has complied with this requirement.
53	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall survey the status of known Swainson's hawk nests within the vicinity of proposed construction before the projected date for construction to begin. If active nests are found, and construction is scheduled to begin before the end of the sensitive nesting and breeding season (June 1 to August 31), the certificate holder shall develop a no-construction buffer in consultation with ODFW and shall not engage in construction activities within the buffer until the sensitive season has ended. If construction continues into the sensitive nesting and breeding season for the following year, the certificate holder shall not engage in construction activities within the buffer around active nests until the sensitive season has ended.</p> <p>[Amendments #2 and #4]</p>	<p>For Stateline 1, the certificate holder complied with this requirement. Construction took place outside of the sensitive nesting and breeding season during the construction of Stateline 1.</p> <p>For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (2010 Annual Report, Attachment #4, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p>

54	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing owls if construction is scheduled to occur during the sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction buffer, developed in consultation with ODFW, around any active nests during the sensitive period. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and the site avoided during the sensitive period.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
55	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction surveys for state-listed threatened, endangered or candidate plant species in all areas not included in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder will notify the Department of Energy and consult with the Oregon Department of Agriculture regarding appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. (App Q-7) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for small areas where the facility corridor had changed. None were found during either survey.</p>
56	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 and 3.</p> <p>For the recent construction of STL 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and avoided. No WGS activity was found in 2009 in the approved construction corridors.</p>
57	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall report to the Council any change of major construction contractors. See condition (8).</p>	<p>The certificate holder has complied with this requirement during Stateline 1 and 2 construction years 2001, 2002 and 2004. (Condition 47). D.H. Blattner and Sons, Inc. constructed STL 1 &amp; 2 phases of the Stateline Wind Project.</p> <p>D.H. Blattner and Sons, Inc. constructed the STL 3 phase of the Stateline Wind Project.</p>
58	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall take</p>	<p>The certificate holder has complied with this requirement</p>

	<p>steps to prevent fires during construction including but not limited to (App U-25):</p> <ul style="list-style-type: none"> <li>(a) Establishing roads before accessing the site to allow vehicles to stay away from grass</li> <li>(b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters</li> <li>(c) Avoiding idling vehicles in grassy areas</li> <li>(d) Keeping cutting torches and similar equipment away from grass</li> <li>(e) Making sure that all construction personnel receive appropriate fire-safety instruction from qualified local fire departments or qualified fire-fighting trainers on the job site</li> <li>(f) Making sure that fire-fighting equipment is available at all active parts of the job site.</li> </ul>	during construction years 2001, 2002, 2004, and 2009.
59	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require the foundation designer to inspect excavations during construction of foundations for the turbines and other facilities to confirm that geologic conditions are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-022-0020)</p>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
60	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the facility's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements. (App B-7, 13, E-3, P-41)</p>	The certificate holder has complied with this requirement. An Erosion and Sediment Control Plan is in place as part of NPDES permit requirements and construction operations were undertaken in compliance with the plan/permit in 2001, 2002, 2004 and 2009.
61	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion and compaction by measures including but not limited to the following:</p> <ul style="list-style-type: none"> <li>(a) Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters</li> <li>(b) Installing sediment fence/straw bale barriers at locations shown on the plans</li> <li>(c) Wherever feasible, constructing roadways so that surface drainage continues along natural drainage patterns with minimal diversions through ditches and culverts</li> <li>(d) Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads</li> <li>(e) Straw mulching and discing at locations adjacent to the road that have been impacted</li> <li>(f) Providing temporary sediment traps downstream of intermittent stream crossings</li> <li>(g) Providing sediment type mats downstream of perennial stream crossings</li> <li>(h) Planting designated seed mixes at impacted areas adjacent to the roads</li> <li>(i) Installing sediment fencing along the down slope side of construction equipment staging areas</li> <li>(j) Seeding all areas that are impacted by construction and reseeded as necessary to establish a healthy cover crop</li> <li>(k) Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated</li> <li>(l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces, and thereby limiting soil compaction and disturbances</li> </ul>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.

	<p>(m) Scarifying and reseeding compacted areas after construction is completed</p> <p>(n) Using appropriate erosion control methods to limit soil loss due to water and wind action</p> <p>(o) Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion (App I-2, 3)</p> <p>(p) Using water for dust suppression during construction (App O-1)</p>	
62	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall place underground electrical and communications cables at a minimum depth of three feet below grade in trenches along the length of each turbine string corridor and in some cases in trenches from the end of one turbine string to the end of an adjacent turbine string. The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After installing the electrical or communications cables and within two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
63	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Preparing maps to show sensitive areas that are off-limits during the construction phase, distributing the maps to construction staff and having a biologist flag sensitive areas as needed</p> <p>(b) Minimizing road construction and vehicle use where possible</p> <p>(c) Posting speed limit signs throughout the construction zone</p> <p>(d) Instructing construction personnel (including all construction contractors and their personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</p> <p>(e) Instructing construction personnel (including all construction contractors and their personnel) to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</p> <p>(f) Requiring all construction personnel to report any injured or dead wildlife detected at the facility site</p> <p>(g) Requiring all construction personnel to respect all staked wildlife areas and associated no-construction buffer areas</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
64	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread gravel on all above ground portions of the turbine pads to reduce the potential for weed infestation. (App BB-5)</p>	<p>The certificate holder has complied with this requirement. Gravel has been spread on all built turbine pads.</p>
65	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Avoiding vegetation removal wherever possible</p> <p>(b) Limiting construction activities to within public road right-of-ways where possible</p>	<p>The certificate holder has complied with (a) through (c) during construction years 2001, 2002, 2004, and 2009. All Oregon construction in 2004 occurred on agriculture land.</p>

	<p>(c) Using best management practices to prevent erosion of soil into stream channels</p> <p>(d) Controlling invasive, weedy plant species during maintenance of project facilities</p> <p>(e) Restoring temporarily disturbed sites to pre-construction condition or better with native seed mixes as described for temporarily disturbed habitats in the Revegetation Plan included in the Final Order on Amendment #4 as Attachment B and as revised from time to time. [Amendment #1 and #4]</p> <p>(f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation with ODFW and the Umatilla County weed control board</p> <p>(g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</p> <p>(h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread of noxious weeds</p> <p>(i) Developing measures to reduce the potential spread of noxious weeds in consultation with the weed control board of Umatilla County.</p>	<p>For (d) through (i) weed control and reseeded is continued as needed and revegetated construction zones were monitored per the Revegetation Plan.</p> <p>For Stateline 3, the first year of the 5-year revegetation monitoring plan was started December 2010/January 2011. The 2<sup>nd</sup> year monitoring occurred September/October 2011, the 3<sup>rd</sup> year monitoring occurred October 2012, the 4<sup>th</sup> year monitoring occurred October 2013, and the 5<sup>th</sup> year monitoring occurred early 2015 but was still appropriate for the 2014 revegetation season per the Revegetation Plan. Results are attached in this Annual Report as Attachment 2.</p> <p><u>Archive</u> For Stateline 1 &amp; 2, revegetation monitoring for the temporarily disturbed areas was complete in 2006.</p> <p>(See Condition #91 for further information)</p>
66	<p><b>For Stateline 1 Area Only. Meet During Construction</b> To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one acre of weed-infested upland habitat with native plants. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision.</p> <p>The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the</p>

		parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).
67	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendment #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision.</p> <p>The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5). ). For periodic out year monitoring, the next monitoring is scheduled for 2015.</p>
68	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall use measures including but not limited to the following (App P-45):</p> <ul style="list-style-type: none"> <li>(a) Replacing agricultural topsoil to its pre-construction condition</li> <li>(b) Using best management practices to prevent loss of topsoil during construction</li> <li>(c) Reseeding native habitats with a native seed mix that includes at least some seed collected from the area as described for temporarily disturbed habitats in the Revegetation Plan referenced in Condition 65. [Amendments #1 and #4]</li> <li>(d) Controlling noxious weeds in areas disturbed by construction activities</li> </ul>	<p>The certificate holder has complied with this requirement and continues meeting these measures during operations. Responses to each subsection of this condition are as follows:</p> <ul style="list-style-type: none"> <li>(a) Agricultural topsoil replacement completed.</li> <li>(b) Topsoil loss prevented through water application and dust control measures.</li> <li>(c) Completed, ongoing reapplication conducted as needed.</li> <li>(d) Herbicide application used in disturbed areas where necessary to control noxious weeds, ongoing reapplication is conducted by an Oregon certified applicator as needed.</li> </ul>

		The certificate holder has complied with this requirement during construction years 2001, 2002 and 2004, and 2009 (Stateline 3).
69	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall not place any part of the facility within any Washington ground squirrel (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall have an on-site wildlife monitor who will flag habitat required for WGS survival (Category 1), conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that construction personnel do not enter the area. The monitor shall conduct post construction monitoring to document distribution of the WGS in the area. [Amendments #2 and #4]	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
70	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To reduce potential injury or fatality of migratory birds, the certificate holder shall App Q-10): (a) Locate turbines away from saddles in long ridges (b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the upwind (prevailing) side (c) Use monopole design for all turbine and meteorological towers	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
71	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures (App V-2): (a) Collecting steel scrap and transporting it to a recycling facility (b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of scrap or leftover materials (c) Using concrete waste as fill on-site or at another site or, if no reuse option is available, transporting it to a local landfill (d) Recycling packaging wastes (such as paper and cardboard) (e) Collecting non-recyclable waste and transporting it to a local landfill	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
72	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require that disposal of waste concrete on-site is conducted in accordance with OAR 340-093-0080, other applicable regulations and this condition. The construction contractor may bury waste concrete on-site with the permission of the landowner in the following manner: by placing the waste concrete in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours so that all buried concrete is at least three feet below grade. (App V-3, 4).	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
73	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall provide portable toilets for onsite sewage handling during construction and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices. The certificate holder shall recycle any wastes generated during construction as much as feasible and shall collect any non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2)	The certificate holder has complied with this requirement. On-site portable toilets were provided and maintained regularly by a licensed plumber during construction activities.
74	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall have a	The certificate holder has complied with this requirement

	full-time on-site assistant construction manager, qualified in environmental compliance and familiar with all site certificate conditions, to observe contractor waste management practices and to assure compliance with applicable regulations and construction site policy. (App V-4)	during construction years 2001, 2002, 2004, and 2009.
75	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall post high-visibility no-entry barriers around recorded cultural and archaeological sites and shall to ensure that construction workers stay away from the vicinity of the sites. The certificate holder shall locate barriers to create a buffer with a minimum width of 30 meters between the sites and construction activities. The certificate holder shall have a qualified cultural resource expert to monitor the avoidance of the no-entry areas by construction workers and to monitor ground disturbing activities. The certificate holder shall select a cultural resource expert chosen by the Confederated Tribes of the Umatilla Indian Reservation, if available, or shall select a qualified cultural resource expert, subject to Department approval, to conduct the monitoring. [Amendment #4]	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.  Specifically for Stateline 3 in 2009, CTUIR was contracted to provide cultural resources monitoring during construction activities. A CTUIR cultural resources expert was on site to monitor ground-disturbing activities during facility construction.
76	<b>For Stateline 1, 2 and 3. Meet During Construction</b> If previously unidentified cultural resources are encountered during construction, the certificate holder shall halt earth-disturbing activities in the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and 358.920), and shall notify the Department of Energy, the Oregon State Historic Preservation Officer (SHPO) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The certificate holder shall have a qualified archaeologist evaluate the discovery and recommend subsequent courses of action in consultation with the CTUIR and the SHPO. If human remains are discovered, the certificate holder shall halt all construction activities in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical Examiner and the State Police. [Amendment #4]	The certificate holder has complied with this requirement for STL 1 and 2, during construction years 2001, 2002 and 2004. Additionally, please refer to correspondence dated February 16, 2005 from FPL Energy Vansycle LLC to the ODOE.  For STL 3 construction, the certificate holder has complied with this requirement.
77	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall include traffic control procedures in contract specifications for construction of the facility. The certificate holder shall require flaggers to be at appropriate locations at appropriate times during construction to direct traffic and to ensure minimal conflicts between harvest and construction vehicles. (App U-24)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
78	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall confine the noisiest construction activities to the daylight hours. (App X-8)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
79	<b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> This condition does not apply to Stateline 3. The certificate holder shall construct the cable crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove no more than approximately 7.5 cubic yards of material from the streambed crossing and shall replace a like amount of fill material after the cable has been laid, restoring the area similar to the original contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4]	The certificate holder has complied with this requirement.
80	<b>For Stateline 1 and 2 Area Only. Meet Before Operations Begin</b> This condition applies to Stateline 1 & 2 only. Within 90 days after the effective date of the Fourth Amended Site Certificate, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount of \$6.160 million (1 <sup>st</sup> Quarter	The certificate holder has complied with this requirement. A Site Certificate Bond has been issued based on a dollar amount determined in accordance with this condition #80. Bond #08936470 in the amount of \$5,989,000 is currently

	<p>2009 dollars), to be adjusted to the date of issuance as described in (a), naming the State of Oregon, acting by and through the Council, as beneficiary or payee.</p> <p>(a) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal (1<sup>st</sup> Quarter 2009 dollars) shown in Table 1 of the Final Order on Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Service's "Oregon Economic and Revenue Forecast", or by any successor agency (the "Index"), and using the index value for 1<sup>st</sup> Quarter 2009 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 1<sup>st</sup> Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting year.</p> <p>(b) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(d) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility.</p> <p>(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 (8).</p> <p>See Conditions (19) and (41). [Amendment #4]</p>	<p>issued for Stateline 1 &amp; 2 (Attachment #3). See conditions 41 and 109 for additional information.</p>
81	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> After construction is complete; the certificate holder shall restore the county roads to at least their pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.</p> <p>For the most recent Stateline 3 construction in 2009, all designated haul roads were inspected by Hal Phillips of the Umatilla Co Road Department on 11/09/2009. Mr. Phillips verified "that after inspecting all the roads, all the roads met the conditions of the road use agreement between Umatilla County and FPL Energy Inc." (See attachment #7 of the 2010 Annual Report).</p>
82	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> The certificate holder shall grade and reseed laydown areas to wheat or native grasses as necessary to restore those areas to their pre-construction condition (App B-10).</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009. No construction was conducted in 2003. Reseeding and weed spraying continues on an as needed basis as recommended</p>

		by revegetation monitoring. Specifically, for the newly constructed STL 3, the Campbell laydown area has been reclaimed back to a field. The Hindman drive lay down area has been reseeded.
83	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For any materials disposed of as fill on site, the certificate holder shall conduct such disposal with the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. (App G-3, V-3)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
84	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For the purposes of this site certificate, wind turbine tower locations are analogous to location of permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5). The Council approves the corridor described in the final order for construction of turbine strings. As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to the Department of Energy a legal description of the location where the certificate holder has built turbine towers and other parts of the facility. Within 90 days after beginning operation of any turbines that are added to the facility by amendment of the site certificate, the certificate holder shall submit to the Department a legal description of the location of any additional turbine towers and related or supporting facilities allowed by the amendment. The site of the facility is the area identified by the legal descriptions required by this condition. Within 90 days after beginning facility operation, the certificate holder shall provide to the Department and the Umatilla County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments #1 and #4] See Condition (13).	The as-built drawings for Stateline 1 and the fifty-five Stateline 2 turbines constructed in 2001 and 2002 were sent to OOE on June 12, 2003. To document the 2004 relocation project new as-built drawings for the Stateline Wind Project were sent with the 2004 Annual Report.  For the actual legal description of the five Stateline 2 turbines, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, and Condition 13 documentation.  For Stateline 3, included at Attachment 1 to the 2010 Annual Report were the GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.
85	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall prepare and maintain a site health and safety plan that informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)	The certificate holder has complied with this requirement.
86	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall recycle solid waste generated during operation of the facility as much as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)	The certificate holder has complied with this requirement.
87	<b>For Stateline 1 and 2 Only. Meet During Operations</b> This condition applies to Stateline 1 and 2 only. The certificate holder shall provide portable toilets for use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder must contact the Oregon Department of Environmental Quality if the on-site septic system is to be used. (App O-2) [Amendment #4]	The certificate holder has complied with this requirement. The Oregon Department of Environmental Quality has been contacted about the portable toilet. A satellite O&M building has not been established, only the portable toilet whereby its limited usage is appropriate under OAR 340-071-0330 (2). Additionally, it is serviced Bi monthly by a qualified maintenance pumper.
88	<b>For Stateline 1, 2 and 3. Meet During Operations</b> If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right. The certificate holder shall use high-pressure cold water only and shall not use chemicals	The certificate holder has complied with this requirement. No blade washing has been necessary to date.

	or additives in the wash water. (App O-2) [Amendment #1]	
89	<b>For Stateline 1, 2 and 3. Meet During Operations</b> if any new nesting or denning sites for wildlife species of concern are located, the certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall minimize road construction and vehicle use where possible. (P-42)	No new nests have been found since the 2010 wildlife monitoring.  <u>Archive</u> Attached to the 2011 Annual Report was the STL 3 Wildlife Monitoring Report (Attachment 4) for the 2010 Study Year, which required nesting surveys of the recently constructed STL 3. Attachment 4 provided methods and results for the required 2010 wildlife monitoring. It provided a figure for ODOE/ODFW use only, of the known ferruginous hawk nests, great horned owl nest, red-tail hawk nests, and burrowing owl dens. This map is on file at the operations office and is a reference for the ops staff when working in the areas during the spring nesting/denning period.
90	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-43, Q-10): (a) Instructing all personnel on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife (b) Instructing all personnel to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active (c) Requiring all personnel to report any injured or dead wildlife detected at the facility site	The certificate holder has complied with this requirement, and will continue to comply with this requirement.
91	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-43, Q-10): (a) Using best management practices to prevent erosion of soil into stream channels (b) Controlling invasive, weedy plant species during maintenance of project facilities (c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation	The certificate holder has complied with this requirement. Responses to each subsection of this condition are as follows: (a) Erosion of soil into stream channels is prevented by using measures recommended in NPDES permits and Erosion and Sediment Control Plans. (b) Mowing and herbicide applications were used as necessary to control invasive weedy plant species. Ongoing herbicide reapplication is conducted as needed by an Oregon certified applicator. Herbicide applications are conducted as recommend by the annual revegetation monitoring of restored constructed zones and on an as-needed basis elsewhere onsite. The annual spraying was completed in April for the year of 2013. (c) Restoration of disturbed areas is done on a continuing basis. Reseeding is conducted as recommended

		<p>by the Revegetation Plan (3/27/09).</p> <p>This 2015 Annual Report includes the HEA Monitoring Report for Stateline 1&amp;2 ,as Attachment 4. No reseeding was recommended at this time.</p> <p><u>Archive</u></p> <p>This 2014 Annual Report includes the 4th Revegetation Monitoring Report for Stateline 3 (2013 vegetative growth), as Attachment 2. No reseeding was recommended at this time.</p> <p>Stateline 1 &amp; 2 Revegetation Monitoring of the construction zones was completed in 2006.</p> <p>(See Condition #65)</p>
92	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion by measures including but not limited to the following (App I-3 through 5):</p> <p>(a) Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials</p> <p>(b) Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs</p> <p>(c) If areas of erosion are observed during operation, implementing mitigation and reclamation measures</p>	<p>The certificate holder has complied with this requirement. Proper road grating and reclamation measures are used on an ongoing basis to mitigate areas of potential adverse soil erosion.</p>
93	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan, included in the Final Order on Amendment #4 as Attachment A and as revised from time to time. Subject to approval by the Department of Energy as to professional qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the monitoring. (OAR 345--22-0060) [Amendment #1 and #4]</p>	<p>The certificate holder continues to comply with this requirement.</p> <p><u>Stateline 1 &amp; 2.</u> Current wildlife monitoring for Stateline 1 &amp; 2 consists of 10 year monitoring of off-site artificial raptor nest structures. Monitoring of artificial nest sites has occurred in 2007, 2008, 2009, 2010, 2011, 2012 and 2013. Memorandum of 2015 ANS monitoring is provided as Attachment 6 of the attached Annual Report. Monitoring also includes the Wind and Wildlife Response and Reporting System (WRRS). See Attachment 5 for 2015 WRRS data. Section 1.5 of the attached 2015 Annual Report summarizes the current monitoring for Stateline 1 &amp; 2.</p> <p><u>For Stateline 3,</u> which became operational at the end of</p>

		<p>2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data. Both results are provided in the final NWC report, which was completed in the fall of 2012 and provided as Attachment 4 of the 2014 Annual Report. No thresholds were exceeded. Monitoring also includes the Wind and Wildlife Response and Reporting System (WRRS). See Attachment 6 for 2013 WRRS data. There were no new burrowing owl nests within 1,000 feet of Stateline 3 turbines to be monitored in 2013. Section 1.5 of the attached 2014 Annual Report summarizes the current monitoring for Stateline 3.</p> <p><u>Archive</u> Stateline 1&amp;2 completed standardized fatality monitoring in 2006, as stated in the Revised Wildlife Monitoring and Mitigation Plan included in the Final Order, Amendment # 4. In summary, the compilation of 2001-2003 wildlife monitoring data was prepared for presentation to the Oregon Energy Facility Siting Council at the end of 2005 (it was presented on January 20, 2006). The Oregon Wildlife Monitoring Plan did not require wildlife monitoring to be carried out by qualified wildlife consultants during the 2005 year; however, maintenance personnel implemented incidental reporting as described in the Wildlife Response and Reporting System. Wildlife monitoring by a third party was conducted in 2006 and monitoring results were submitted in the “Stateline Wind Project Wildlife Monitoring Annual Report”, dated September 4, 2007.</p>
94	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat quantity or quality, the certificate holder shall mitigate for the loss of habitat quality by measures approved by the Oregon Department of Energy. (OAR 345-022-0060) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Currently, no additional mitigation is required.</p> <p><u>Archive</u> For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality</p>

		<p>monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly acceptable as a more precise estimator in certain circumstances). Both results are provided in the final NWC report, which was completed in the fall of 2012. Attachment 4 of the 2013 Annual Report provides the full report. No thresholds were exceeded. Therefore no mitigation was required.</p> <p>For Stateline 1 &amp; 2, mitigation was performed for raptor fatality threshold exceedance and monitoring is conducted per the Oregon Wildlife Monitoring Plan (revised 11/20/09). See Condition 93 and Section 1.5 of the 2012 Annual Report for additional details.</p>
95	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential failure. (App BB-1)</p>	<p>The certificate holder has complied with this requirement. Technicians regularly conduct inspections and perform preventative maintenance work on the equipment during the year of 2015. For the 2010 and 2011 years, the original equipment manufacturer (OEM) has completed blade root inspections in 2011. Blade root inspections will continue on an as needed basis.</p>
96	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall make sure that all on-site employees receive annual fire prevention and response training by a professional fire-safety training firm. The certificate holder shall prohibit employees from smoking outside of company vehicles during dry summer months and shall require employees to keep vehicles on roads and off dry grassland during the dry months unless necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding or other flame or spark-producing operations near the turbines. The certificate holder shall equip each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency Response procedures book and a two-way radio for immediate communications with the O&amp;M facility. The certificate holder shall have staff in the local area on call at all times to respond in case of fire or other emergency. The certificate holder shall supply all local fire departments with maps of and gate keys to the facility. (App B-12)</p>	<p>FPL’s Stateline facility has and will continue to follow the training processes as described by FPL’s LMS (Learning Management System) Department. This training includes comprehensive fire training through the entirety of FPL’s Power Generation Division Fleet.</p> <p>Primary communication is through direct-connect phones and cell service. Substations have phone and as of August a new Motorola two- way service communication with O&amp;M, Personnel, and Substations.</p> <p>All other condition requirements are adhered to and are standard operational procedures at the Stateline Wind Project.</p> <p><u>Archive</u> 2007 Refresher and training for new employees regarding fire prevention and response was completed 10/26/2007.</p> <p>Petco was contracted in 2009. Training was performed by</p>

		Petco in August 2009.  Advance Fire Protection was contacted in 2010 and 2011. Training was performed in August of 2010, July 2011, and July/August 2012.
97	<b>For Stateline 2 Area Only. General</b> The certificate holder shall begin construction of Stateline 2 within six months after the effective date of the First Amended Site Certificate. The certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2 and #4]	The certificate holder has complied with this requirement for 55 of the approved 60 turbines, whereby, construction began on August 16, 2002 and they became operational on December 10, 2002. Site certificate Amendment #2 was approved by EFSC on June 6, 2003, which authorizes an extension of the construction completion date for the five remaining Stateline 2 turbines. The date was extended to March 1, 2005. Construction of the 5 turbines began in October 2004 and they became operational on December 15, 2004.
98	<b>For Stateline 1, 2 and 3. General</b> Condition removed by Amendment #4	
99	<b>For Stateline 1, 2 and 3. General</b> 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. (OAR 345-027-0020(15)) [Amendment #4]	The certificate holder acknowledges this requirement. Ownership continues as per the Site Certificate, Amendment #4.
100	<b>For Stateline 1, 2 and 3. General</b> If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy 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. (OAR 345-027-0020(16)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
101	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a 1/4-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine	The certificate holder has complied with this requirement for the constructed portion of the Stateline 2 facilities (fifty-five turbines), and will continue to comply with this requirement. Construction of the five remaining Oregon turbines commenced in October 2004, which was outside of the construction restriction period (see correspondence

	<p>whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller, conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment #2 and #4]</p>	<p>dated September 7, 2004 from Anne Walsh to John White, Attachment 1 - Northwest Wildlife Consultants, Inc. Survey Report of the Ferruginous Hawk Nest Near Stateline 2).</p>
102	<p><b>For Stateline 2 Area Only. Meet Before Construction Begins</b> This condition removed by Amendment #4</p>	
103	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize the risk of fire, the certificate holder shall:</p> <ul style="list-style-type: none"> <li>(a) Construct turbines, towers and pads of fire retardant materials</li> <li>(b) Bury electrical cables</li> <li>(c) Use enclosed, locked pad-mounted transformer structures</li> <li>(d) Include built-in fire prevention measures in turbines</li> <li>(e) Not store combustible materials at the Stateline site.</li> </ul>	<p>The certificate holder has complied with this requirement for the project facilities that have been constructed to date. Construction has been completed for the Stateline 1, 2 and 3.</p>
104	<p><b>For Stateline 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 1acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat enhancement area described in Condition (67) by 1 acre. [Amendment #4]</p>	<p>The habitat enhancement area described in Condition (67) has been enlarged to include the 1-acre.</p>
105	<p><b>For Stateline 2 Area Only. Meet During Operations</b> This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain uninhabited during construction. The certificate holder shall continue the no-occupation agreement until retirement of the facility unless the certificate holder demonstrates to the satisfaction of the Department that the facility complies with the applicable noise control regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with the regulations as to the increase in ambient statistical noise levels by entering into a legally effective easement or real covenant with the owner of the property identified as 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of the facility to increase ambient statistical noise level L<sub>10</sub> and L<sub>50</sub> by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. If such easement or real covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the Department, based on modeling or measurements performed in compliance with OAR 340-035-0035, that an easement or real covenant is not necessary to comply with those regulations. [Amendment #3 and #4]</p>	<p>The certificate holder has complied with this requirement. A Declaration of Covenants was entered into with the land owner, Barnett-Rugg, Inc on June 30, 2005. The Declaration of Covenants was included as Attachment 3 of the Stateline 2006 Annual Report, titled "2005 Annual Report", which was submitted on May 5, 2006.</p>

106	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 3 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #3 and #4]</p>	<p>The certificate holder has complied with this requirement. Construction began on June 9, 2009 and completion of construction was December 16, 2009.</p>
107	<p><b>For Stateline 3 Only- General Condition</b> Condition removed by Amendment #4</p>	
108	<p><b>For Stateline 3 Only- General Condition</b> The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:</p> <p>(a) Designing and operating the transmission lines so that maximum current (amps per conductor) would not exceed the following levels: For 34.5-kV underground lines, 560 amps; and for 230-kV transmission lines, 753 amps. [Amendment #4]</p> <p>(b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks.</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p> <p>The locations of underground and overhead transmission lines are included in the Exhibit B of the land lease agreements.</p>
109	<p><b>For Stateline 3 Only. Meet Before Construction Begins</b> Before Construction begins of Stateline 3, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$5.911 million (in 1st Quarter 2009 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).</p> <p>(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of Stateline 3 by applying the unit costs and general costs illustrated in Table 3 in the Final Order on Amendment #4 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.</p> <p>(b) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal component of the initial bond or letter of credit amount (expressed in 1st Quarter 2009 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 index value for 1st Quarter 2009 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 1st Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p>	<p>The certificate holder has complied with this requirement. A Site Certificate Bond has been issued based on a dollar amount determined in accordance with this condition #109. Bond #08966919 in the amount of \$4,193,000 is current issued for Stateline 3 (Attachment #5). See conditions 41 and 80 for additional information.</p>

	<p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.</p> <p>(c) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(d) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council, as required by Condition (8).</p> <p>(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the Stateline 3 site.[Amendment #4]</p>	
110	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards.</p>	The certificate holder has complied with this condition.
111	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4</p>	
112	<p><b>For Stateline 3 Only- Meet During Construction and Operation</b> Before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW) detailed maps of the facility site, showing the final design locations where the certificate holder proposes to build facility components and the habitat categories of all areas that would be affected during construction. In addition, the certificate holder shall provide a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection. Based on the approved habitat assessment, the certificate holder shall calculate the mitigation area requirement and shall carry out enhancement activities as described in the Stateline 3 Habitat Mitigation Plan included in the Final Order on Amendment #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. [Amendment #4]</p>	<p>The Habitat Enhancement Area (HEA) is being monitored per the Stateline 3 Habitat Mitigation Plan (3/27/09). Third year monitoring occurred in 2012 and NWC reported that the native bunch grass seed production overall vigor and other vegetation cover looked the same as documented in 2011. Summary of the findings can be found in Section 1.5 of the 2013 Annual Report. Fourth year monitoring occurred in 2013. Most of the site appears to be in good condition with a high ratio of native plants. Section 1.5 of the attached Annual Report provides a summary of the HEA monitoring conducted in 2013; Attachment 3 provides the full report.</p> <p><u>Archive</u> Final design locations of the Stateline 3 components and final habitat assessment table were submitted via an email attachment from Karl Kosciuch of Tetra Tech on May 1, 2009. A memo describing the habitat assessment was subsequently revised via an email from Karl Kosciuch on May 12, 2009. The Department approved the final habitat assessment via an email from John White on May 15, 2009.</p>

		<p>The certificate holder calculated the mitigation area requirement, and it was attached to the 2010 annual report as Attachment 12, As-Built Analysis for Habitat Mitigation Area. As part of Attachment 12, Figure 1 shows the As-Built Facility Comparison by Habitat Category.</p> <p>On October 22, 2009, the certificate holder provided a copy of the “Short Form Conservation Easement Agreement”, showing the certificate holder has acquired legal right to create and maintain the enhancement area.</p> <p>The certificate holder, in conjunction with ODFW and the landowners, determined the location of the habitat enhancement area as described in the “Short Form Conservation Easement Agreement”.</p> <p>With the exception of the Operations and Maintenance building, which was not constructed, no other adjustments to the final design and habitat categories were made prior to constructing the Facility. It should be noted that the Facility uses the existing O&amp;M building in Touchet, WA.</p>
113	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect the public from electrical hazards including electric and magnetic field exposure, the certificate holder shall:</p> <p>(a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the top pointing out at a 45-degree angle.</p> <p>(b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two wooden poles connected by cross-members with a typical overall height of 61 feet and a minimum design ground clearance of 25 feet to the lowest conductor as described in the Request for Amendment #4.</p> <p>(c) Design and construct the transmission lines so that:</p> <p>(i) Alternating current electric fields during operation do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public, and</p> <p>(ii) Induced voltages during operation are as low as reasonably achievable.[Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
114	<p><b>For Stateline 3 Only- Meet During Construction</b> To deter raptors from perching on transmission support structures near the wind turbines, the certificate holder shall install anti-perching devices on all proposed support structures within one-half mile of any turbine, unless the top of the support structure is below the base of the turbine tower due to topography. Wherever feasible, the certificate holder shall use “spike-type” devices instead of “triangle-type” devices. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

115	<b>For Stateline 3 Only- Meet During Construction</b> To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to conform to the guidelines of the Avian Power Line Interaction Committee so that electrical conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
116	<b>For Stateline 3 Only- Meet During Construction</b> Condition removed by Amendment #4	
117	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall not engage in construction activities for Stateline 3 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15, if the young are fledged.	The certificate holder has complied with this requirement. For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants (NWC). Based on Ms. Kronner’s findings, no ferruginous hawks were observed on site. The area was monitored for activity periodically throughout the nesting period during 10-day intervals. No postponement of construction was necessary due to this requirement, since no ferruginous hawks were observed.  Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of NWC.
118	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall construct stream crossings substantially as described in the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the state or add new fill material to waters of the state such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
119	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall perform frequent maintenance to keep the substation transformer in good repair and in reliable operating condition.	Transmission services will maintain in accordance with NERC reliability standard and records are maintained in the Transmission Serviced Reporting and documenting program (AMP). Main transformer at the Campbell Substation is inspected monthly and maintenance performed at regular intervals.
120	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall verify that the actual sound power level output of the wind turbines constructed for Stateline 3 meets the manufacturer’s warranty. This verification may consist of field measurement or other means of verification satisfactory to the Department of Energy. The certificate holder shall include the verification in the first annual report following construction of any Stateline 3 turbines. [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder provided the Department of Energy and its noise consultants protocols for conducting noise verifications for review and approval.  A Noise Verification Analysis was completed and the report was submitted to ODOE on 02/22/2011.
121	<b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4	
122	<b>For Stateline 3 Only – Meet Before Construction Begins</b> Condition removed by Amendment #4	

123	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall design and construct Stateline 3 in compliance with the County design requirements as described in Umatilla County Development code Sections 152.010, 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
124	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall ensure that construction contractors use a transportation route reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy load transport vehicles. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
125	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall record a Covenant Not to Sue with regard to generally accepted farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E). [Amendment #4]	Attached to the 2010 Annual Report as Attachment #10, was a copy of the Covenant Not To Sue.
126	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall construct all Stateline 3 components in compliance with the following setback requirements: (a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential. (b) Where (a) does not apply, 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. (c) Where (a) does not apply, 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. (d) Where (a) does not apply, 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. (e) The certificate holder shall not locate equipment associated with the temporary batch plant within 50 feet of a public road, county road or utility right of way.[Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
127	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall deliver a copy of the annual report required under Condition 8 to the Umatilla County Planning Commission on an annual basis unless specifically discontinued by the County. [Amendment #4]	The certificate holder shall submit its annual report, as specified in condition 8, to the Umatilla County Planning Commission by April 30 of each year in operation. The annual report will be submitted to <b>Carol Johnson, Senior Planner, Umatilla County Planning Department.</b>
128	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall position a 3,000-gallon water truck on-site while personnel are present and actively working. [Amendment #4]	The certificate holder has complied with this requirement.

129	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate shall discharge sanitary wastewater generated at the Stateline 3 O&amp;M building to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall locate the septic system more than 100 feet from any streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge capacity of less than 2,500 gallons per day. [Amendment #4]</p>	<p>Construction and Operations use only portable systems. There is no onsite well used by operations in the State of Oregon.</p> <p>Operations use an onsite well located in Washington. The septic system (PWSID# 00595J) is not located within 100 feet of any streams, lakes or wet lands.</p> <p>A third party vendor, Hydro Tek, is contracted to perform required services of the system, including but not limited to performing periodic inspections, supervise the operation in accordance with acceptable public health practices and water industry standards, submit required reports, perform water quality monitoring, implement preventative maintenance programs, and perform other duties necessary to comply with Washington Department of Health rules and regulations.</p>
130	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate holder shall obtain water for on-site uses from a wells located at the Stateline 3 O&amp;M building, subject to compliance with applicable permit requirements. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. [Amendment #4]</p>	<p>As discussed in the response to 129, there is no onsite well used by operations in the State of Oregon. Operations do have a private well in WA and irrigation rights at the operations building.</p>
131	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
132	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology &amp; Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports.” [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. For the construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the June 8, 2009, email was attached to the 2010 Annual Report as Attachment #6.</p>
133	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall provide to the Department:</p> <ul style="list-style-type: none"> <li>(a) Information that identifies the final design locations of all Stateline 3 wind turbines to be built.</li> <li>(b) The maximum sound power level for the Stateline 3 substation transformers and the</li> </ul>	<p>The certificate holder has complied with this condition as follows:</p> <ul style="list-style-type: none"> <li>a) For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were As-Built drawings of the Turbine</li> </ul>

	<p>maximum sound power level and octave band data for the turbines selected for the Stateline 3 based on manufacturers' warranties or confirmed by other means acceptable to the Department.</p> <p>(c) The results of noise analysis of the facility, including the Stateline 3 components to be built according to the final design, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.</p> <p>(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.[Amendment #4]</p>	<p>Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations per land owner;</p> <p>b) through c) The certificate holder submitted the noise analysis based on the final design of Stateline 3 on May 4, 2009 (attachment to email from Karl Koschiuch, May 4, 2009). The Department reviewed the analysis and notified the certificate holder of approval (email from John White, June 3, 2009). Accordingly, the certificate holder has complied with this Condition 133.</p>
134	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> 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 the facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulation. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Stateline 3 received no noise complaints in 2015.</p>
135	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall not install any transmission line support structures within 800 feet of any active Swainson's hawk nest identified in 2008 or later. [Amendment #4]</p>	<p>The certificate holder complied with this condition during construction of Stateline 3 as follows: For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (201 Annual Report, Attachment #7, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting</p>

		<p>scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
136	<p><b>For Stateline 1, 2 and 3 – Conditions Added by Amendment #4</b> This condition applies to all phases of the Stateline Wind Project. When any third-party lien or security interest in the facility's wind turbine towers is created, the certificate holder shall notify such third party in writing that the wind turbines and towers are components of an energy facility that is subject to the terms and conditions of a Site Certificate and subject to the rules of the Oregon Energy Facility Siting Council. The certificate holder shall provide to the Department a copy of each written notification required under this condition and the name and contact information for each third party so notified. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>



April 27, 2017

**SENT VIA E-MAIL AND UPS**

Mr. Duane Kilsdonk  
Senior Compliance Officer  
Oregon Department of Energy  
Hermiston Field Office  
395 East Highland Avenue  
Hermiston, Oregon 97838

**Re: "Stateline Wind Project" Annual Report for the Year of 2016  
FPLE Energy Vansycle, LLC, and FPL Energy Stateline II, Inc.**

Dear Mr. Kilsdonk:

Pursuant to OAR 345-026-0080, attached please find the Annual Report (for the Year of 2016) for FPL Energy Vansycle, LLC, ("Stateline 1 & 2") and FPL Energy Stateline II, Inc, ("Stateline 3") together known as "Stateline Wind Project". These two certificate holders fall under the Fourth Amended Site Certificate for the Stateline Wind Project. This annual report consists of the following components:

1. Annual Report for the Year of 2016
2. Compliance Plan Table for the Year of 2016
3. Attachments 1 through 6 that support the Annual Report and Compliance Plan table:
  - Attachment 1 - Milton Freewater Rural Fire Department: Record of Payment (#33)
  - Attachment 2 - Site Certificate Bond for STL 1 & 2 (Report and #80)
  - Attachment 3- Site Certificate Bond for STL 3 (Report and #109)
  - Attachment 4 -2016 Stateline 1,2&3 Habitat Mitigation Area Monitoring
  - Attachment 5- 2016 WRRS Data for Stateline Wind Project (Report and #93)
  - Attachment 6- STL 1-2 2016 Offsite Artificial Raptor Nest Structure Monitoring Memorandum

Also, as per Condition 127 of the Compliance Table, we have submitted a copy of this report to the Umatilla Planning Commission to the person listed below.

Should you have any questions regarding the Annual Report for the Year of 2016 please feel free to call me at the number below.

Best regards,



*Timothy Garcia*  
*Business Management – West*  
*(561) 691-7256 office*

Enclosures

cc: Michael Odman, NextEra Energy  
Brian Wysong, NextEra Energy  
Janine Bacquie, NextEra Energy  
Karen Kronner, Northwest Wildlife Consultants, Inc

Carol Johnson, Senior Planner,  
Umatilla County Planning Department

## Annual Report General Information Update

Annual Report Period:	January-December 2016	
Project Name:	Stateline Wind Project	
Site Certificate Holder:	FPL Energy Vansycle, LLC (Stateline 1&2) a wholly owned subsidiary of ESI Energy, LLC and FPL Energy Stateline II, Inc. (Stateline 3) a wholly owned subsidiary of FPL Energy Stateline II Holdings, LLC.	
Site Certificate Holder Representative: Person who would be responsible for signing an amendment or receiving formal communication from ODOE.	Name	Emre Ergas
	Firm	NextEra Energy Resources, Inc.
	Address	700 Universe Blvd.
	City, State, Zip	Juno Beach, FL 33408-0420
	Phone	561-691-2866
	E-mail	Emre.Ergas@nexteraenergy.com
On-Site Operations Representative Person who should be contacted to schedule a site visit. <input type="checkbox"/> Person who is responsible for responding to questions on the annual report.	Name	Michael Odman
	Firm	NextEra Energy Resources, Inc.
	Address	365 Touchet Gardena Rd OSI/SLW
	City, State, Zip	Touchet, WA 99360
	Phone	509-934-0163, ext 14
	E-mail	Michael.odman@nextenergy.com
Off-Site Asset Manager <input checked="" type="checkbox"/> Person who is responsible for responding to questions on the annual report.	Name	Timothy Garcia
	Firm	NextEra Energy Resources, Inc.
	Address	700 Universe Blvd.
	City, State, Zip	Juno Beach, FL 33408-0420
	Phone	561-691-7256
	E-mail	Timothy.Garcia@nexteraenergy.com
Environmental/Habitat Contact Person who would be contacted to discuss required mitigation plans.	Name	Michael Odman
	Firm	NextEra Energy Resources, Inc.
	Address	365 Touchet Gardena Rd OSI/SLW
	City, State, Zip	Touchet, WA 99360
	Phone	509-934-0163, ext 14
	E-mail	Michael.odman@nextenergy.com
Public Contact Person to whom the public, visiting the ODOE website, should be directed if they wish information on the project.	Name	Timothy Garcia
	Phone <input type="checkbox"/> Preferred Contact Method	
	E-mail <input checked="" type="checkbox"/> Preferred Contact Method	Timothy.Garcia@nexteraenergy.com
Financial Assurance Contact Person to whom annual updates should be sent and to whom questions related to required bond or Letter of Credit should be addressed.	Name	Timothy Garcia
	Firm	NextEra Energy Resources, Inc.
	Address	700 Universe Blvd.
	City, State, Zip	Juno Beach, FL 33408-0420
	Phone	561-691-7256
	E-mail	Timothy.Garcia@nexteraenergy.com

<b>Accounts Payable Contact</b> Person to whom invoices should be addressed and who should be contacted to resolve payment questions.	<b>Name</b>	Timothy Garcia	
	<b>Firm</b>	NextEra Energy Resources, Inc.	
	<b>Address</b>	700 Universe Blvd.	
	<b>City, State, Zip</b>	Juno Beach, FL 33408-0420	
	<b>Phone</b>	561-691-7256	
	<b>E-mail</b>	Timothy.Garcia@nexteraenergy.com	

**Facility Description: Wind energy facility**

	Per Site Certificate	Operating in 2015
<b>Turbines (# and <u>manufacturer/model</u>)</b>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 187 Vestas V47-660 kW</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Up to 67 GE 1.5-MW OR</li> <li>43 Siemens 2.3 MW</li> </ul>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 187 Vestas V47-660 kW</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Up to 67 GE 1.5-MW OR</li> <li>43 Siemens 2.3 MW</li> </ul>
<b>Transmission Line (miles)</b>	Stateline 3 <ul style="list-style-type: none"> <li>16 miles (13 mi in OR)</li> </ul>	Stateline 3 <ul style="list-style-type: none"> <li>16 miles (13 mi in OR)</li> </ul>
<b>Peak generating capacity</b>		Stateline 1&2 <ul style="list-style-type: none"> <li>299.6 MWh</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>98.9 MWh</li> </ul>
<b>Average generating capacity</b>		Stateline 1&2 <ul style="list-style-type: none"> <li>299.6 MWh</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>98.9 MWh</li> </ul>
<b>Related Facilities per Site Certificate</b>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 6 meteorological towers</li> <li>underground collector system</li> <li>O&amp;M facility</li> <li>access roads</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Two meteorological towers</li> <li>O&amp;M Building</li> <li>collector system and substation</li> <li>access roads</li> </ul>	Stateline 1&2 <ul style="list-style-type: none"> <li>Up to 6 meteorological towers</li> <li>underground collector system</li> <li>O&amp;M facility</li> <li>access roads</li> </ul> Stateline 3 <ul style="list-style-type: none"> <li>Two meteorological towers</li> <li>O&amp;M Building</li> <li>collector system and substation</li> </ul> access roads
<b>New technology or equipment in 2016</b>	N/A	

**2016 Operating Year Annual Report  
FPL Energy Vansycle LLC  
FPL Energy Stateline II, Inc  
Fourth Amended Site Certificate  
for the Stateline Wind Project**

**Submitted: April 27, 2017**

Pursuant to OAR 345-026-0080, FPL Energy Vansycle LLC (Stateline 1 & 2), and FPL Energy Stateline II, Inc. (Stateline 3), together known as the “Stateline Wind Project” or “certificate holder”, submits this annual report on the operation of the Stateline Wind Project ("Facility") to the Energy Facility Siting Council ("Council"). As a condition in the Fourth Amended Site Certificate ("Amendment #4") and as required by OAR 345-026-0080(1)(b), the certificate holder must provide an annual report to the Council by April 30 of each year after beginning construction. The annual report must address the issues set forth at OAR 345-026-0080(2)(a)-(h). This annual report fulfills this requirement for the calendar year 2016 by addressing each issue and providing a table and supporting documents, attached hereto, demonstrating compliance with all applicable site certificate conditions.

**1.1 OAR 345-026-0080(2)(a)**

**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;

**Response:** Stateline 1 & 2 has been in commercial operation since December 21, 2001, with 186 turbines operating and providing wind-generated electricity for sale. FPL Stateline completed construction and commissioned 126 Stateline 1 turbines on December 21, 2001 and 55 Stateline 2 turbines on December 10, 2002 as provided in Amendment #1, and 5 turbines in the Stateline 2 area on December 15, 2004, as provided in Amendment #2. Those 5 turbines were moved in 2004, and are operating at the improved production and efficiency rates as projected in the 2004 report. No significant adverse impact occurred during 2016.

For Stateline 3, construction began on 43 turbines on June 9, 2009. Stateline 3 became operational on December 16, 2009. No significant adverse impact occurred during 2016.

**1.2 OAR 345-026-0080(2)(b)**

**Reliability and Efficiency of Power Production:** For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors, and shall describe any actions taken to prevent the recurrence of such problems;

**Response:** Wind provides the sole means of power production. FPL Stateline continues to maintain capacity factor information as proprietary information for the reasons we explained in our 2002 annual report correspondence. However, FPL Stateline recognizes the Oregon Department of Energy's (ODOE) right to request such information in the future if it is found to be necessary as described under ORS 469.080.

**1.3 OAR 345-026-0080 (2)(c)**

**Fuel Use:**

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

**Response:** The Facility uses wind as fuel to produce electric energy. No power heat rate was evaluated when the facility was sited because this metric is not applicable to a wind facility; therefore, this requirement does not apply to the Facility.

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

**Response:** The Facility's sole fuel type is wind. For Stateline 1 & 2, Commercial Availability was 95.82 percent for the 2016 year. For Stateline 3, Commercial Availability was 94.66 percent in the 2016 year. Commercial availability is defined as the percent of time that a turbine is available to produce energy when there is sufficient wind for generation, excluding outages outside of the plant's control, such as force majeure downtime, weather downtime, or utility downtime.

#### 1.4 OAR 345-026-0080(2)(d)

**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.

**Response:** Site Certificate Bonds have been issued based on dollar amounts determined in accordance with General Site Conditions #80 and #109. Bond #08936470 in the amount of \$6,390,000 is currently issued for Stateline 1 & 2 (Attachment #4) and bond #08966919 in the amount of \$4,474,000 is currently issued for Stateline 3 (Attachment #5).

#### 1.5 OAR 345-026-0080(2)(e)

**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.

**Response:** Revegetation monitoring of the Stateline 1 & 2 enhancement zones and monitoring of the Habitat Mitigation Area are the significant monitoring and mitigation activities performed at the Stateline Wind project in 2016.

#### **Revegetation and Habitat Enhancement Area Monitoring**

##### Specific to Stateline 1 & 2

- 2016 Monitoring:

In May of 2016, the Stateline 1 & 2 Habitat Enhancement area (HEA) was examined by the same biologist who has been involved in the Stateline area since 1994.

Summary of the HEA Monitoring report:

“The monitoring was conducted in May, a time period when Washington ground squirrels would be active. None were seen or heard and there was no sign of use inside the parcel and outside to the east where use was recorded in the late 90’s, in early 2000. There were no livestock onsite or adjacent and no sign of use. No erosion or habitat degradation noted. Construction disturbed areas were well-vegetated with desirable species.

This parcel should not be grazed by livestock. Although there could be some benefits when the livestock eat the non-native annual grasses, too much damage could occur from the trampling and the uncertainty of management practices. No weed control is recommended at this time. Monitoring vegetation and for presence of Washington ground squirrel should occur again in five years (2021), primarily due to a landscape-level “

concern about expanding cereal ryegrass and yellow starthistle that could cause a loss of the habitat values in the mitigation parcel.

- Archive:
- 2015 Monitoring

Although there has been some domestic grazing in the area since the 2010 monitoring at the HEA, the Stateline site has confirmed that the grazing should not continue going forward. There has been no erosion noted in the general area, but due to the livestock grazing there was more bare ground.

Plant species remained in similar ranges from yellow starthistle, cheatgrass, and the desirable perennial grasses for the area. It was recommended by NWC for the livestock grazing to not continue in the HEA area, and that the yellow starthistle should be further monitored. As recommended in 2010, due to the extensive non-native vegetation species in the surrounding area, do not re-attempt to establish 5 acres of sagebrush in the northern area.

We will be doing a monitoring on the Stateline 1&2 mitigation area on yearly basis going forward to observe any further changes in the area.

Revegetation monitoring for the temporarily disturbed areas for Stateline 1 & 2 was complete and reported in the 2006 Revegetation Report.

Oregon's Habitat Enhancement Area (HEA) five year vegetation monitoring for Stateline 1 and 2 was completed in June of 2010, and the final report was submitted with the modified 2010 Annual Report on October 4, 2010. This fulfilled the five year monitoring plan for Stateline 1 & 2 Oregon Habitat Enhancement Area. Under the monitoring plan, monitoring of the Enhancement Area will continue once every five years thereafter.

### Specific to Stateline 3

#### 2016 Monitoring:

Habitat monitoring was in place for the Stateline 3 site and was conducted by the same biologist involved with the Stateline 1 & 2 sites.

Generally: vegetation cover is spread over the 50 acre HEA that was studied with several of the native forbs are maturing and growing vigorously. Several smaller shrubs are present, but not dominating.

“In addition to data/assessment required for each monitoring year, inspect for noxious weeds throughout, specifically within the previously known weed patch (Figure 2) and the rest of the HMA in early May 2017.”

- Archive:

#### 2014 Monitoring:

The final year of the initial five year Revegetation Monitoring occurred in February and March 2015, at a time when the vegetation was still in the same stage as at the end of the 2014 vegetative growing season. There were no changes noted for the components monitored, indicating a stable establishment of restored habitat and criteria met. No erosion was noted and no change in weed species. A Memorandum to the Stateline 3 Construction Zone Vegetation Monitoring is provided as Attachment 2. The full report along with observation photos taken at the site will be provided in the next Annual Report.

The 2014 HMA Monitoring occurred in June of 2014 by a NWC biologist traversing the site on foot. The native vegetation at most of the site appears to be in good condition with only a few areas of dense weed vegetation. Grasshopper sparrow and white-tailed jackrabbits were identified in the area. The weed control area that was identified in the 2013 monitoring has low densities of yellow starthistle as a result of past chemical treatment. The area does have a high concentration of non-native cheatgrass. High concentrations of cheatgrass, tumbled mustard and Russian thistle were also noted on southeast facing slopes. It was recommended by NWC that the areas continue to be chemically treated for weeds. The Memorandum to the 2014 Stateline 3 HMA Monitoring and Stateline 3 Revegetation Weed Monitoring can be found as Attachment 3 of this Annual Report.

The general state of the Stateline 3 revegetation areas were also assessed for weed management during the HMA Monitoring in June of 2014. Five areas identified with high weed concentrations in the 2013 revegetation monitoring report were chemically treated in the spring of 2014. All 5 areas were assessed in the 2014 monitoring and it was recommended by NWC that 3 of the 5 areas continue to be hand sprayed; weed control in the other 2 areas appear to be successful and continued monitoring of the areas were recommended. The Memorandum to the 2014 Stateline 3 HMA Monitoring and Stateline 3 Revegetation Weed Monitoring can be found as Attachment 3 of this Annual Report.

- Archive:

For Stateline 3, the first year of the 5-year Revegetation Monitoring Plan was started December 2010/January 2011; the 2<sup>nd</sup> year occurred September/October 2011; the 3<sup>rd</sup> year monitoring occurred in October of 2012; and the 4<sup>th</sup> year monitoring occurred in October of 2013.

The first year vegetation monitoring and wildlife surveys in the Oregon Habitat Enhancement Area (HEA), also called the Habitat Mitigation Area (HMA) for Stateline 3 was performed during the May/June 2010 time frame. Recommendations for 2011

included confirming that no grazing would occur in 2011 (discussed with Stateline 3 manager and the landowner) and inspecting for noxious weeds and spraying if needed. The second year monitoring of the HEA occurred in May to early June of 2011 – and a copy of the report was included as an attachment in the 2012 Annual Report. Photo points were taken and representative samples were included in the report. Wildlife surveys were conducted and results were provided in the same report. Weed control (spot-spraying) of yellow star thistle occurred in 2011 and in 2012. The third year monitoring of the HEA occurred in May of 2012. Northwest Wildlife Consultants, Inc. (NWC), reported that there were no areas at that time which needed seeding, and there was no indication of livestock grazing. In addition, NWC reported that the native bunch grass seed production/overall vigor and other vegetation/habitat cover looked the same as documented by NWC in 2011. The fourth year monitoring of the HEA/HMA occurred in November of 2013. NWC reported that the site appears to be in good condition with a high ratio of native plants despite the abnormally dry year, and there were no signs of livestock grazing. There were some areas within the site that have a continued presence of the yellow star thistle, the Russian thistle and non-native cheatgrass. It was recommended by NWC that the areas continue to be chemically treated for weeds utilizing a method that minimizes ground disturbance/soil surface disturbance. A copy of the 2013 Stateline 3 Habitat Mitigation Area Monitoring Report was included as an attachment in the Annual Report for the operating year of 2014.

### **Wildlife Monitoring**

Wildlife monitoring has occurred per the Oregon Wildlife Monitoring Plan, revised on 11/20/09, (“Plan”). Compliance with the Plan can be summarized as follows, up to the current year of compliance for 2014:

1. Fatality monitoring for Stateline 1 and 2 was completed in 2006. One year of fatality monitoring for Stateline 3 was conducted from January 2011 – January 2012. A memorandum of the findings was attached as Attachment 4 to the 2012 Annual Report. The final report is attached to the 2013 Annual Report as Attachment 4.
2. Transect (displacement) surveys were completed for the Stateline 1 turbines in 2006. Expansion of Stateline did occur (Stateline 3) through Amendment #4 of the Site Certificate. As part of an amendment proceeding, the Wildlife Monitoring Plan was revised and approved on March 27, 2009. A grassland bird displacement study is not required for Stateline 3.
3. Raptor nest surveys for existing raptor nests for Stateline 1 and 2 were completed in 2006.
4. For Stateline 3, raptor nest surveys were required in 2010, and were performed and were reported in the STL 3 Wildlife Monitoring Report, Attachment 4 of the 2011 Annual Report.
5. Burrowing owl surveys for Stateline 1 and 2 were done in tandem with fatality monitoring for Stateline 1 and 2.

6. Burrowing owl surveys for Stateline 3 were required in 2010 for known active or historic burrowing owl nests and any newly-discovered nests within 1,000 ft of the Stateline 3 turbines. These surveys were performed and are reported in the 2011 Annual Report as Attachment 4.
7. For Stateline 1 & 2, avian use surveys have been done in conjunction with fatality monitoring (see above).
8. For Stateline 3, avian use surveys are not required but general observations of special status birds and mammals within the facility site and birds perched on transmission line conductors and support structures in the vicinity of the turbines were recorded while the carcass search contract personnel were on site. This information can be found in the 2013 Annual Report, Attachment 4, Wildlife Fatality Monitoring, Section 3.8.2
9. Compliance with the Wildlife Response and Reporting System (WRRS) is ongoing for Stateline 1, 2 and 3. Reporting of “incidental finds” is required for the life of the project, with annual reporting to the Oregon Department of Energy (See Attachment 6).
10. “Protocol searches” of a sample of Stateline 1 and Stateline 2 turbines have been completed. Protocol searches are required for Stateline 3 turbines as per Amendment #4 of the site certificate. For Stateline 3, this occurred from January 2011 to January 2012. The summary of these protocol searches can be found in the completed Wildlife Fatality Monitoring report, Attachment 4, of the 2013 Annual Report.

### Specific to Stateline 1, 2 &3

For Stateline 1 & 2, wildlife monitoring and compliance for the year 2016 consisted of complying with Section 12 Mitigation, and performing Stateline’s WRRS. Per the Plan, three artificial nest sites (ANS) were constructed and installed in early 2007, with the focal species being ferruginous hawk. Monitoring of these three artificial nest sites was performed in May, 2007, May 2008, May 2009, April/May of 2010, May of 2011, May 2012, May 2013, and May 2014. None of the three ANS platforms were used by the target species or other raptor or non-raptor avian species in 2014.. See the memorandum prepared by NWC, as Attachment 7 of the Annual Report for the operating year of 2014.

In 2016, Adjustments were made to the Wildlife monitoring program to refresh 2 of the three artificial nest sites for the Ferruginous Hawk, and install 3 new nesting sites in desirable locations. Future wildlife monitoring will continue going forward with 5 total nesting sites, with periodic refreshes when necessary.

Stateline’s WRRS report for 2016 (which includes STL 1, 2 & 3) showed a total of 1 avian and 1 bat fatality at Stateline 1&2. Attached to this report as Attachment 5 is the full summary of the 2016 Stateline WRRS data.

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The Oregon Wildlife Monitoring Plan, Section 12 Mitigation, also discussed the Birch Creek Project (“Project”) for mitigation measures. As of this date, the Project is complete, and as previously reported, Stateline contributed the entire \$9,000 budget for riparian and upland fencing to exclude cattle from the area. Fencing maintenance is the responsibility of the landowner. Periodically, the ODFWS will be in the project area and will notify the land owner if there are any issues with the fencing. The ODFWS has the responsibility for monitoring the Project, and periodically assesses the vegetative cover condition from the air while conducting big game surveys.

Under the Mitigation Section, the Plan’s final requirement relates to contributions to the Blue Mountain Wildlife Rehabilitation Center. The required \$9,000 in contributions has been fulfilled, including additional voluntary contributions from the project and its affiliates in excess of \$40,000.

In the spring of 2013, the project voluntarily committed to fund \$7,500 to the Oregon Eagle Foundation to assist in aerial nest surveys and telemetry studies of golden eagles.

#### 1.6 OAR 345-026-0080(2)(f)

**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.

**Response:** Compliance item 34: It was discovered in April 2016 several water buffaloes were not at the compliance capacity of 350 gallons, and are in fact 325 gallons at the Stateline 1&2 site. Stateline intends to correct this instance of noncompliance as soon as possible. Anticipated completion in Summer 2107

#### 1.7 OAR 345-026-0080(2)(g)

**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.

**Response:** No modifications requiring a facility modification report were conducted at the site.

**1.8 OAR 345-024-0630(h)**

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

**Response:** This requirement does not apply to the Facility.

**2016 Compliance Plan Table**  
**Stateline Wind Project**  
**Fourth Amended Site Certificate (Amendment #4)**  
Submitted: April 27, 2017

<b>General Conditions</b>		
<b>No.</b>	<b>Requirement</b>	<b>Response</b>
1	<b>For Stateline 1, 2 and 3. General Condition</b> The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27. (OAR 345-027-0020(1))	No request for change was submitted in the year 2016.
2	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(3))	The facility was designed, constructed, and currently is operated in compliance with the site certificate, statutory and regulatory requirements, and all applicable permit requirements. Construction has been completed for the Stateline 1 and the Stateline 2 facilities (the 5 remaining turbines were constructed in 2004). Construction was completed for Stateline 3 on December 16, 2009.
3	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate (345-027-0020(4)). See conditions (24), (97), and (106). [Amendment #4].	The certificate holder has complied with this requirement. Construction has been completed for the Stateline 1 and Stateline 2 facilities (the 5 remaining turbines were constructed in 2004).  For Stateline 3, construction began on June 9, 2009 and was completed on December 16, 2009.
4	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. (345-027-0020(7))	The certificate holder has complied and will continue to comply with this requirement. No conditions have developed that would preclude restoration of the site to a useful, non-hazardous condition. The certificate holder currently is operating the facility in compliance with the site certificate, all applicable statutory and regulatory requirements, and all applicable permit requirements to prevent the development of any such conditions.
5	<b>For Stateline 1, 2 and 3. General Condition</b> 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. (OAR 345-027-0020(10))	The certificate holder has complied with this requirement.

6	<p><b>For Stateline 1, 2 and 3. General Condition</b> For the related or supporting transmission lines:</p> <p>(a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition); and</p> <p>(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. (OAR 345-027-0023(6)) [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with these requirements through the design, construction and operation of the facility.</p> <p>It was determined that it was not necessary to ground any fences, gates, cattle guards, trailers or any other structures of permanent nature.</p>
7	<p><b>For Stateline 1, 2 and 3. General Condition</b> The following general monitoring conditions apply:</p> <p>(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Office of Energy and receive Office approval before beginning construction or, as appropriate, operation of the facility.</p> <p>(b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.</p> <p>(c) For each monitoring program described in sections (a) and (b), the certificate holder shall have quality assurance measures approved by the Office before beginning construction or, as appropriate, before beginning commercial operation.</p> <p>(d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Office describing the impact on the facility and any affected site certificate conditions. (OAR 345-027-0028) [Amendment #4]</p>	<p>For the operating phases of the project, the certificate holder has complied with (a), currently is monitoring in compliance with (b), has complied with (c), and is unaware of any significant environmental change or impact attributable to the facility that would require the written report in (d).</p>
8	<p><b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder shall report according to the following requirements:</p> <p>(a) General reporting obligation for non-nuclear facilities under construction or operating:</p> <p>(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 Council. 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 this rule;</p> <p>(ii) By April 30 of each year after the beginning of construction, the certificate holder shall submit an annual report to the Council addressing the subjects listed in this rule. The Council secretary and the certificate holder may, by mutual agreement, change the reporting date.</p>	<p>For the construction and operating phases of Stateline 1, 2 &amp; 3, the certificate holder has complied with 8(a)(i).</p> <p>This table and the Annual Report it accompanies meet the requirements of 8(a)(ii) and 8(a)(iii).</p> <p>The Annual Report discusses requirements 8(b)(i) through 8(b)(viii), and therefore this table and the 2014 Annual Report meets this requirement</p>

<p>(iii) To the extent that information required by this rule 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> <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> <p>(i) <u>Facility Status</u>: 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.</p> <p>(ii) <u>Reliability and Efficiency of Power Production</u>: For electric power plants, the plant availability and capacity factors for the reporting year. The certificate holder shall describe any equipment failures or plant breakdowns that had a significant impact on those factors and shall describe any actions taken to prevent the recurrence of such problems.</p> <p>(iii) <u>Fuel Use: For thermal power plants</u>:</p> <p>(A) The efficiency with which the power plant converts fuel into electric energy. If the fuel chargeable to power heat rate was evaluated when the facility was sited, the certificate holder shall calculate efficiency using the same formula and assumptions, but using actual data; and</p> <p>(B) The facility's annual hours of operation by fuel type and, every five years after beginning operation, a summary of the annual hours of operation by fuel type as described in OAR 345-024-0590(5).</p> <p>(iv) <u>Status of Surety Information</u>: Documentation demonstrating that the 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>(v) <u>Monitoring Report</u>: 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>(vi) <u>Compliance Report</u>: 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>(vii) <u>Facility Modification Report</u>: 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>(viii) <u>Nongenerating Facility Carbon Dioxide Emissions</u>: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).(OAR 345-026-0080) [Amendment #4]</p>	
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9	<b>For Stateline 1, 2 and 3. General Condition</b> This condition removed by Amendment #4	
10	<b>For Stateline 1, 2 and 3. General Condition</b> The certificate holder and the Office 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. (OAR 345-026-0105) [Amendment #4]	The certificate holder has complied with these requirements and will continue to do so if additional correspondence is exchanged.  <u>Archive</u> For Stateline 1 & 2, see correspondence dated February 16, 2005 from Anne Walsh to John White, Condition 10 documentation.
11	<b>For Stateline 1, 2 and 3. Meet Before Construction</b> Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020(5), the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and: (a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of the transmission line or pipeline occurs during the certificate holder's negotiations to acquire construction rights on another part of the site; or (b) The certificate holder would construct and operate part of a wind 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. (OAR 345-027-0020(5)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder acquired and has on file all necessary leases and easements that are required for construction rights. These agreements were in place before beginning Stateline 1, 2, and 3 constructions.
12	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> Following receipt of the 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 Office 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. (OAR 345-026-0048) [Amendment #4]	The certificate holder has complied with this requirement. In summary: <ul style="list-style-type: none"><li>• Construction for Stateline 1 in Oregon began on September 15, 2001.</li><li>• Construction for Stateline 2 began on August 16, 2002</li><li>• Construction for the 5 remaining Stateline 2 turbines began in October 2004 (see September 7, 2004 correspondence from Anne Walsh to John White).</li><li>• Construction of Stateline 3 began on June 9, 2009.</li></ul>

13	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. (OAR 345-027-0020(2)) [Amendment #4]</p> <p>See Condition (84).</p>	<p>For the constructed phases of the project, the certificate holder has complied with this requirement.</p> <ul style="list-style-type: none"> <li>• The certificate holder submitted to the Office of Energy a legal description in the form of as-built drawings of the built portions of Stateline 1 and 2 with a revision date of 2/7/03.</li> <li>• In 2004, the five remaining Stateline 2 turbines were constructed and new as-built drawings were developed in 2005. The revised as-built drawings have a date of 4/7/05, and the title of the drawings is “Stateline Wind Project, Walla Walla Co., Washington, Umatilla Co., Oregon, Phase 1, 2 Reconfiguration and WS-A Relocation Projects Record Drawings” (See “Stateline 2004 Annual Report”, Attachment 1, “2005 Stateline Wind Project As-Built, submitted 4/29/05). The five turbines were listed as hgs 1 – hgs 5, specifically shown on Drawing P-26.</li> <li>• For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.</li> </ul>
14	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-0020(6))</p>	<p>The certificate holder has completed this requirement for Stateline 1 &amp; 2 (See Condition #93).</p> <p>No mitigation is required for Stateline 3 (See Condition #93).</p> <p><u>Archive</u> For the constructed portions of Stateline 1 and Stateline 2, specific mitigation activities are addressed in the certificate holder’s responses to other site certificate conditions (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 14 documentation).</p>
15	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> 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. The certificate holder shall maintain the bond or letter of credit in effect at all</p>	<p>The certificate holder has complied with this requirement. See response to both conditions 80 (for Stateline 1 &amp; 2), and 109 (for Stateline 3) for additional details.</p>

	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. (OAR 345-027-0020(8)) See Conditions (80) and (109). [Amendment #4]	
16	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence. (OAR 345-027-0020(12))	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no condition of seismic hazard that differ significantly from those described in the application for a site certificate.
17	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(13)) [Amendment #4]	The certificate holder has complied with this requirement. During construction of Stateline 1, 2 & 3, and for the Stateline 2 (5 turbines) there was no conditions in the foundation rocks that differ significantly from those described in the application for a site certificate.
18	<b>For Stateline 1, 2 and 3. Meet During Construction</b> 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. (OAR 345-027-0020(14)) [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement. During construction of Stateline 1, 2, & 3, and for the Stateline 2 (5 turbines) the certificate holder did not find any shear zones, artesian aquifers, deformations or clastic dikes at or in the vicinity of the site.
19	<b>For Stateline 1, 2 &amp; 3. Meet Before Operations Begins</b> 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. (OAR 345-027-0020(9)) [Amendment #4]	The certificate holder acknowledges this requirement. Operations continue at the facility.
20	<b>For Stateline 1, 2 and 3. Meet Before Operations Begins</b> Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape portions of the site disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall dispose of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. (OAR 345-027-0020(11)) [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder has restored vegetation and landscaping to those portions of the site disturbed by construction. The certificate holder conducted these activities consistent with the Re-Vegetation Plan (Revised March 27, 2009) approved by the Energy Facility Siting Council (Final Order on Amendment #4, Attachment B). The certificate holder has disposed of all temporary structures not required for facility operation and all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

21	<p><b>For Stateline 1, 2 and 3. Meet Before Operations</b> If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council’s standards, approve more than one corridor. (OAR 345-027-0023(5)) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement. The certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor. Additionally, as-built drawing of the Stateline 1 and 2 were submitted to OOE on June 15, 2003.</p> <p>With regard to Stateline 3, the certificate holder submitted to the Office of Energy a legal description of the permanent right-of-way where the applicant has built transmission lines for the facility within an approved corridor.</p>
22	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> Condition removed by Amendment #4.</p>	
23	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> 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"> <li>(a) There is an attempt by anyone to interfere with its safe operation;</li> <li>(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</li> <li>(c) There is any fatal injury at the facility.</li> </ul> <p>(OAR 345-026-0170) [Amendment #4]</p>	<p>On 6/26/2016, a crow came in contact with overhead lines and was electrocuted. The crow ignited and started a grass fire which burned approximate 70 acres of grassland. The Touchet Fire Department, along with surrounding agencies, responded to the event. They successfully controlled the fire safely. No personnel or equipment damage occurred as a result.</p> <p><u>Archive</u></p> <p>Copper Theft Crews discovered on 1/30/2014 at approximately 09:00 PT that the Nine Mile Substation was broken into and copper grounds on spare pads were stolen. Bonneville Power Administration, PacifiCorp, NextEra VRCC and Corporate Security were notified. The local authorities were also notified.</p> <p>On 2/20/2013, evidence was found that someone had shot the side of the building at our Campbell Substation along with a light above the entry door. This appears to be an isolated incident. A report was filed with the Umatilla County Sheriff.</p> <p>WA February 4, 2011. The substation yard had been broken into and approximately 200 ft of copper wire had been stolen. In addition, approximately \$17,000 worth of High Voltage tools had been stolen from the HV trailer.</p>

		<p>OR April 3, 2011. Crew went to WTG BGB-21 to perform maintenance and discovered that WTG door lock had been shot off. Crew found numerous shell casings on the ground surrounding the turbine. Crew stated that nothing seemed to be missing.</p> <p>WA June 16, 2011. Technician informed FPDC that two trespassers were attempting to remove scrap cable. Trespassers dropped cable and vacated site grounds when approached by site crew. Local law enforcement has been contacted and is investigating the event.</p> <p>WA August 2, 2011. There was a 5000 acre grass fire in Vansycle canyon. No facility equipment was damaged and there were no injuries. Although a final determination of cause was not concluded, the cause is believed to be related to the operation of site personnel trucks on dried grassy areas.</p> <p>WA August 12, 2011. Suspects hot wired a backhoe and used it to force the gate open in an attempt to steal a roll of 750 MCM copper cables. While trying to leave the scene of the crime, the suspect's vehicle tire blew out and the roll of copper flew off the bed of the truck. The suspects fled the scene and left their vehicle behind.</p> <p>There have been no occurrences on Stateline 3 property for 2011.</p> <p>On November 1, 2008, some college students trespassed and graffitied on 3 HGM turbines. The students were caught and performed community service on the landowner's property. A police report was filed. There were no injuries and no turbine interruptions.</p> <p>On June 26, 2007, someone tried to cut cable outside the #25 box, causing a string of turbines to come off line. Repairs were made, and the turbines came back on line on June 27, 2007. No injuries were reported.</p>
24	<p><b>For Stateline 1 Area Only. General</b> The certificate holder shall begin construction of the Stateline 1 within one year after the effective date of the site certificate. The certificate holder shall complete construction of Stateline 1 on or before two years from the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in</p>	<p>The certificate holder has complied with this requirement. The effective date of the site certificate is September 14, 2001. Construction began on Sept 15, 2001 and was completed December 21, 2001.</p>

	accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #4] See condition (3)	
25	<b>For Stateline 1, 2 and 3. General</b> Within 72 hours of discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement. The certificate holder has not discovered any conditions or circumstances that may violate the site certificate.
26	<b>For Stateline 1, 2 and 3. General</b> Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility and would increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-0020(3))	The certificate holder has complied with the condition.
27	<b>For Stateline 1 Area Only. General</b> Condition removed by Amendment #4.	
28	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall report promptly to the Department of Energy any change in its corporate relationship NextEra Energy Resources LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of NextEra Energy Resources LLC. (APP A-3,D-2, OAR 345-022-0010) [Amendment #4]	The certificate holder has complied with this requirement. No changes in the certificate holder's relationship with NextEra Energy Resources LLC have occurred and its access to the resources, expertise and personnel of that company has been and continues to be maintained. Michael Odman is the Stateline Wind Site Manager, and the Business Manager is Timothy Garcia.
29	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize erosion. (App B-11)	The certificate holder has complied and will continue to comply with this requirement.
30	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall carry out weed control and reseeding as necessary for the life of the facility, in consultation with the weed control board of Umatilla County. (App B-11)	<p>The certificate holder is complying with this requirement. The certificate holder has implemented the revegetation plan developed in consultation with Umatilla County, which addresses weed control and reseeding. All disturbed construction areas in Stateline 1, 2, and 3 were seeded following construction activities with the seed mixture prescribed in the revegetation plan approved by the Office of Energy (See Condition 20). Areas requiring additional weed control applications and reseeding are identified annually and reapplication is applied during the appropriate season, as needed.</p> <p>Revegetation monitoring of the Stateline 1&amp;2 construction zone was conducted in early 2016, and the weed seeding has spread since the last monitoring in 2010. A Memorandum is provided as Attachment 3. We will begin yearly monitoring of this area to monitor for possibility of weed control in this area.</p> <p>Archive:</p> <p>Habitat Mitigation Area and Revegetation Weed Monitoring for Stateline 3 were conducted in June of 2014. Past chemical treatments appear to be successful in</p>

		<p>some of the areas identified with high concentrations of week. Continued chemical treatment by hand spray, litter removal, and hand sow of native grass seeds were recommended. The certificate holder will continue to follow the recommendations made by NWC and continue to monitoring the areas. A detailed memorandum is provided as Attachment 3.</p> <p>See items # 65, 66 and 67 for additional information.</p>
31	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)	The certificate holder has complied and will continue to comply with this requirement.
32	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall use hazardous materials in a manner that is protective of human health and the environment and shall comply with all applicable local, state, and federal environmental laws and regulations. The certificate holder shall make sure that accidental releases of hazardous materials will be prevented or minimized through the proper containment of these substances during transportation and use on the site. The certificate holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing items such as absorbent pads on equipment and in storage facilities to respond to accidental spills. If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the spill or release and shall treat or dispose of contaminated soil or other materials according to applicable regulations. (App G-2, V-3)	The certificate holder has complied and will continue to comply with this requirement.
33	<b>For Stateline 1, 2 and 3. General</b> The certificate holder shall provide to the Department of Energy a copy of the contract with the Milton-Freewater Rural Fire Department for fire protection services during construction and operation of the facility before beginning construction. (App U-25) [Amendment #4]	The certificate holder has complied with this requirement. A copy of the contract with the Milton-Freewater Rural Fire Department has been provided to Oregon Office of Energy. The contract is automatically renewed upon annual payment and Stateline 1 & 2, and Stateline 3, were paid in July 2016, (see Attachment 1, Milton Freewater Rural Fire Department proof of payment).
34	<b>For Stateline 1, 2 and 3. General</b> During construction and operation of the facility, the certificate holder shall have water-carrying trailers (“water buffaloes”) at appropriate locations around the facility. The certificate holder shall bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder shall coordinate with the fire chiefs of the Helix and Milton-Freewater. Rural Fire Departments as to the number, capacity and location of the water buffaloes. The certificate holder shall make sure that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose equipment, as approved by the local fire chiefs. The certificate holder shall have service trucks and pickup trucks capable of towing water buffaloes available in sufficient numbers at all times during construction and operation of the facility. (App B-12)	<p>The certificate holder has:</p> <ol style="list-style-type: none"> <li>1. One water-carrying trailer located at the Vansycle project substation.</li> <li>2. Five, 400 gallon water-carrying trailers located at the Stateline III facility at the following locations: <ul style="list-style-type: none"> <li>1-Campbell substation</li> <li>1- A20</li> <li>1-WVS2-0029</li> <li>1- WVS2-0043</li> </ul> </li> <li>3. Five, 325 gallon water-carrying trailers are located at other locations within the Stateline facility. 400 gallon water-carrying trailers are currently being purchased to replace them. Estimated Delivery is June 2017.</li> </ol>

		<ol style="list-style-type: none"> <li>4. Water buffalos are removed during winter months to the main shop for winterization. This is coordinated with the local fire depts.</li> <li>5. The Certificate Holder stays in contact with the Touchet Fire Department, who in turn stays in contact with the local Fire Departments. The Certificate Holder works with the Touchet Fire Department to coordinate their annual emergency drill. The fire chiefs of the Helix and Milton-Freewater Rural Fire Departments are aware of the Certificate Holder's equipment that is available at the site including the hoses, pumps and that vehicles are available to move water buffaloes as needed.</li> <li>6. A water buffalo will be present at the work site if any welding, grinding, torch or any work that could cause a fire and manned during and 1 hour after work is completed for fire watch.</li> </ol>
35	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall take steps to protect the facility and property from unauthorized access and to reduce the risk of accidental injury during construction and operations by (App U-25, 26) [Amendment #3]:</p> <ol style="list-style-type: none"> <li>(a) Maintaining fencing and access gates around dangerous equipment or portions of the site as feasible. [Amendment #3 and #4]</li> <li>(b) Posting warning signs near high-voltage equipment.</li> <li>(c) Requiring construction contractors to provide specific job-related training to employees, including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and safety equipment inspection.</li> <li>(d) Requiring each worker to be familiar with site safety.</li> <li>(e) Assigning safety officers to monitor construction activities and methods during each work shift.</li> <li>(f) Ensuring that workers on each shift are certified in first aid.</li> <li>(g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each worker knows its location.</li> <li>(h) Conducting periodic safety meetings for construction and maintenance staff.</li> </ol>	The certificate holder has complied and will continue to comply with this requirement.
36	<p><b>For Stateline 1, 2 and 3. General</b> The certificate holder shall notify the Department of Energy and the Umatilla County Planning Department of any accidents including mechanical failures on the site associated with the operation of the wind power facility that may result in public health and safety concerns. (ORS 469.310) [Amendment #4]</p>	On 4/12/2014, the pad mount transformer at Stateline 3 WVS2-0036 catastrophically failed. Local fire crews from Athena, Oregon responded and contained the fire. This event was reported to the Oregon Department of Environmental Quality (ODEQ) and the site worked with NextEra Environmental Services Bryan Wysong to ensure that all the proper procedure was followed. Clean Harbors was contracted to clean up spilled oil from the failure and the final spill clean-up report was provided to the ODEQ.

		<p><u>Archive</u></p> <p>There were no reportable accidents for Stateline 1,2, and 3 in the year 2013</p> <p>There were no reportable accidents for Stateline 1,2, and 3 in the year 2012.</p> <p>No significant adverse impact occurred during 2011. There was a 5000 acre grassfire in Vansycle canyon in August of 2011, but there was no structural damage and no injuries.</p> <p>4/13/2010 pb-16 experienced failure causing a fire and a significant oil spill of ~300 gallons. The oil spill was caused by an explosion of the transformer at the base of the turbine, casting oil and debris downwind, covering approximately a 20'x50' area. The oil spill was reported to Washington State, since the turbine was located in Washington. An emergency response team removed and disposed of contaminated soil.</p> <p>In 2008, a blade failure occurred on PB-92, causing the blade to fracture and strike the tower. The fallen blade was removed and disposed of. The cause of failure was determined to be blade root (bolted metal insert) failure. The root cracked horizontally across the leading edge and failed under full load. Due to the failure type, special tooling was needed to remove the hub. In January of 2009, a 2<sup>nd</sup> blade fractured during a wind storm, caused by damage it sustained from the original failure. ½ of the blade was cast off the tower, and has been removed and disposed of. After several failed attempts to have a tower made, a new one has been manufactured and arrived on 5/19/2010. The tower and nacelle have already been assembled and final repairs to the rotor set are in process. Repairs are expected to be complete by 7/1/2010.</p>
37	<p><b>For Stateline 1, 2 and 3. General</b> To reduce the visual impact of the facility, the certificate holder shall:</p> <p>(a) Design, construct and operate a facility consisting of the major structures and related or supporting facilities described in the Site Certificate. [Amendments #1, #2 and #4]</p> <p>(b) Group the turbines in strings of 2 to 37. [Amendments #1, #2 and #4]</p> <p>(c) Construct each turbine to be not more than 263 feet tall at the turbine hub and with a total height of not more than 416 feet with the nacelle and blades mounted (App B-5)</p>	<p>The certificate holder has complied with this requirement.</p>

	<p>[Amendment #4]</p> <p>(d) Mount nacelles on smooth, hollow steel towers. [Amendment #4]</p> <p>(e) Paint all towers uniformly in a neutral light gray or white color. [Amendments #2 and #4]</p> <p>(f) Not allow any advertising to be used on any part of the facility or on any signs posted at the facility, except that the turbine manufacturer’s logo may appear on turbine nacelles. (App BB-2)</p> <p>(g) Use only the minimum lighting on its turbine strings required by the Federal Aviation Administration, except:</p> <p>(i) The Stateline 1&amp;2 satellite operations and maintenance building may have a small amount of low-impact exterior lighting for security purposes (App BB 2).</p> <p>(ii) Low-impact lighting may be used for occasional nighttime repairs, operations or maintenance at the substation (at other times this lighting would be turned off).</p> <p>(iii) Security lighting may be used at the Stateline 3 O&amp;M building and substation if it is shielded or downward-directed to reduce glare.[Amendments #2 and #4]</p> <p>(h) Use only those signs required for facility safety or required by law and comply with Umatilla County design requirements for signs as described in UCDC Sections 152.545 through 152.548. (App BB-2) [Amendment #4]</p> <p>(i) Design and construct the operation and maintenance building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers. Upon retirement of the energy facility, the operations and maintenance building must be removed or converted to farm use, in accordance with Cond 19.[Amendment #3 and #4]</p>	
38	<p><b>For Stateline 1, 2 and 3. General</b> To restrict public access to turbine towers, the certificate holder shall install locked access doors accessible only to authorized project staff. (App BB-3)</p>	<p>The certificate holder has complied with this requirement. The certificate holder has installed a locked access door on each turbine accessible only to authorized project staff.</p>
39	<p><b>For Stateline 1 Area Only. General</b> If any state-listed threatened, endangered or candidate plant species are found during the pre-construction surveys described in condition (55), the certificate holder shall use appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. See condition (55)</p>	<p>The certificate holder has complied with this requirement.</p>
40	<p><b>For Stateline 1, 2 and 3. General</b> In constructing and operating the facility, the certificate holder shall make reasonable efforts not to disturb the farming and ranching activities on adjacent lands. (App K-6)</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>
41	<p><b>For Stateline 1, 2 and 3. General</b> If the certificate holder elects to use a bond to meet the requirements of Conditions (80) or (109), 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 assure 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. [Amendments #1, #2 and #4]</p>	<p>The certificate holder has complied with this requirement. Site Certificate Bonds have been issued based on dollar amounts determined in accordance with conditions #80 and #109. Bond #08936470 in the amount of \$6,310,000 is currently issued for Stateline 1 &amp; 2 (Attachment #2 ) and bond #08966919 in the amount of \$4,417,000 is current issued for Stateline 3 (Attachment #4). See conditions 80 and 109 for additional information.</p>
42	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy in advance of any initial road improvement work that does not meet the definition of “construction” in OAR 345-001-0010(10) or ORS</p>	<p>The certificate holder has complied with this requirement.</p>

	469.300(6) and shall provide to the Department plans of the work and evidence that its value is less than \$250,000. (App B-21) [Amendment #4]	
43	<b>Meet Before Construction Begins</b> Condition removed by Amendment #4.	
44	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall locate roads to minimize disturbance and maximize transportation efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall use existing county roads and private farm roads to the maximum extent feasible. The certificate holder shall coordinate farm road improvements with landowners to minimize crop impacts and to assure that the final road provides useful access, where possible, to the landowners' fields. (App B-6)	The certificate holder has complied with this requirement (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 44 for Stateline 1 & 2).
45	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall videotape all Umatilla County roads used as access to the facility and shall require construction contractors to enter into a written agreement with Umatilla County stating that all roads used by the contractor will be restored to as good or better condition than they were before construction. (App U-24)	The certificate holder has complied with this requirement for the constructed portions of Stateline 1 and Stateline 2 and related facilities. (See correspondence dated July 22, 2008 between Umatilla County and Bill Hayduk confirming restoration. Attached to 2008 Annual Report).  For Stateline 3, please see condition 81, confirming Umatilla County considers restoration complete.
46	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall notify the Department of Energy of the identity and qualifications of major construction contractors for the facility. The certificate holder shall select major construction contractors based on a proven record of environmental compliance and stewardship, a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3,4) [Amendment #4]	The certificate holder has complied with this requirement for Stateline 1 and 2. D. H. Blattner and Sons, Inc. was contracted as the major construction contractor for the built Stateline 1 and 2 facilities including the five Stateline 2 turbines constructed in 2004 (see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 46 documentation).  The certificate holder has complied with this requirement for Stateline 3. D. H. Blattner and Sons, Inc. was the contracted as the major construction contractor for Stateline 3.
47	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate. See condition (2).	The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.
48	<b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall require that all on-site construction contractors prepare a site health and safety plan before beginning construction activities. The certificate holder shall ensure that the plan informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid	The certificate holder has complied with this requirement for Stateline 1, 2, and 3 facilities.

	techniques. (App U-25)	
49	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility in accordance with seismic design provisions given in the Oregon Building Code. The certificate holder shall identify localized areas of S<sub>C</sub> and S<sub>D</sub> soil types and assure that any structures to be built in those areas are designed according to the code. The certificate holder shall design all components constructed after 2008 to meet current Oregon Structural Specialty Code (OSSC2007) and the 2006 International Building Code. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 3, see condition 50 below.</p>
50	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall provide the Department of Energy with design specifications showing the locations of turbines and type of foundations to be employed and demonstrating that the following conditions have been satisfied (OAR 345-022-0020):</p> <p>(a) If a turbine is located within 50 feet of a slope steeper than 30°, the stability of the slope has been reviewed by the foundation designer to confirm that either (i) the slope has a safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is less than 1.1, but ground displacements will not adversely affect the stability of the wind turbine. Slopes shall be evaluated in the field for each proposed turbine location.</p> <p>(b) The foundation designer’s review of slope displacement during a seismic event has been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is less than 1.1, the foundation designer has shown that</p> <ul style="list-style-type: none"> <li>(i) the movement will not intersect the turbine,</li> <li>(ii) the movement will intersect the turbine but will not affect its stability, or</li> <li>(iii) additional stabilization measures, such as anchor tie-downs or ground support systems, will be employed to maintain stability.</li> </ul> <p>(c) If a turbine is located where power generating or other requirements preclude sufficient setback distances to avoid intersection of a moving slope with the turbine foundation, the foundation designer has demonstrated that the turbine foundation will withstand loads from the moving soil or has been equipped with ground support systems that will withstand loads from moving soil.</p> <p>(d) The foundation designer has confirmed that the turbines and conduit can tolerate some movement without instability or breakage if a mapped fault were to rupture. [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 &amp; 2.</p> <p>For the recent construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the email was attached to the 2010 Annual Report as Attachment #3.</p>
51	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> In modifying slope angles for roads or other facilities, the certificate holder shall assure that the foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)</p>	<p>The certificate holder has complied with this requirement.</p> <p>For Stateline 1 &amp; 2, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, Condition 51 for documentation of the 2004 construction activities.</p> <p>For Stateline 3, a slope evaluation and stability analysis was performed for the Stateline 3 project by Mr. Imran Magsi, PE, Senior Geotechnical Engineer (Oregon Registered Professional Engineer 17677), GN Northern Inc. This report was provided to Mr. Bill Burns of</p>

		DOGAMI in May 2009 (See response to 50). The report concluded that the facility would achieve a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures.
52	<p><b>For Stateline 1, 2 and 3. Meet Before Construction Begins</b> The certificate holder shall design the facility to avoid or minimize adverse impacts to wildlife by measures including but not limited to the following (App P-41):</p> <p>(a) Siting the turbines on ridges outside of migration flyways.</p> <p>(b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird use is typically higher).</p> <p>(c) Avoiding the use of overhead collector lines. [Amendments #2 and #4]</p>	The certificate holder has complied with this requirement.
53	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall survey the status of known Swainson's hawk nests within the vicinity of proposed construction before the projected date for construction to begin. If active nests are found, and construction is scheduled to begin before the end of the sensitive nesting and breeding season (June 1 to August 31), the certificate holder shall develop a no-construction buffer in consultation with ODFW and shall not engage in construction activities within the buffer until the sensitive season has ended. If construction continues into the sensitive nesting and breeding season for the following year, the certificate holder shall not engage in construction activities within the buffer around active nests until the sensitive season has ended.</p> <p>[Amendments #2 and #4]</p>	<p>For Stateline 1, the certificate holder complied with this requirement. Construction took place outside of the sensitive nesting and breeding season during the construction of Stateline 1.</p> <p>For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner's findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (2010 Annual Report, Attachment #4, map with closed buffer area ). The map was prepared after incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was constructed from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby)for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p>

54	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing owls if construction is scheduled to occur during the sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction buffer, developed in consultation with ODFW, around any active nests during the sensitive period. [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and the site avoided during the sensitive period.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
55	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction surveys for state-listed threatened, endangered or candidate plant species in all areas not included in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder will notify the Department of Energy and consult with the Oregon Department of Agriculture regarding appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. (App Q-7) [Amendment #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1.</p> <p>For Stateline 3, surveys were conducted for the amendment application (data already on file) and for small areas where the facility corridor had changed. None were found during either survey.</p>
56	<p><b>For Stateline 1 and 3. Meet Before Construction Begins</b> This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2 and #4]</p>	<p>The certificate holder has complied with this requirement for Stateline 1 and 3.</p> <p>For the recent construction of STL 3, surveys were conducted for the amendment application (data already on file) and for very small areas where the facility corridor had changed slightly. None were found in the supplemental survey. A no-construction buffer was assigned and marked as described during the application phase and avoided. No WGS activity was found in 2009 in the approved construction corridors.</p>
57	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall report to the Council any change of major construction contractors. See condition (8).</p>	<p>The certificate holder has complied with this requirement during Stateline 1 and 2 construction years 2001, 2002 and 2004. (Condition 47). D.H. Blattner and Sons, Inc. constructed STL 1 &amp; 2 phases of the Stateline Wind Project.</p> <p>D.H. Blattner and Sons, Inc. constructed the STL 3 phase of the Stateline Wind Project.</p>
58	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall take</p>	<p>The certificate holder has complied with this requirement</p>

	<p>steps to prevent fires during construction including but not limited to (App U-25):</p> <ul style="list-style-type: none"> <li>(a) Establishing roads before accessing the site to allow vehicles to stay away from grass</li> <li>(b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters</li> <li>(c) Avoiding idling vehicles in grassy areas</li> <li>(d) Keeping cutting torches and similar equipment away from grass</li> <li>(e) Making sure that all construction personnel receive appropriate fire-safety instruction from qualified local fire departments or qualified fire-fighting trainers on the job site</li> <li>(f) Making sure that fire-fighting equipment is available at all active parts of the job site.</li> </ul>	during construction years 2001, 2002, 2004, and 2009.
59	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require the foundation designer to inspect excavations during construction of foundations for the turbines and other facilities to confirm that geologic conditions are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-022-0020)</p>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
60	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the facility's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements. (App B-7, 13, E-3, P-41)</p>	The certificate holder has complied with this requirement. An Erosion and Sediment Control Plan is in place as part of NPDES permit requirements and construction operations were undertaken in compliance with the plan/permit in 2001, 2002, 2004 and 2009.
61	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion and compaction by measures including but not limited to the following:</p> <ul style="list-style-type: none"> <li>(a) Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters</li> <li>(b) Installing sediment fence/straw bale barriers at locations shown on the plans</li> <li>(c) Wherever feasible, constructing roadways so that surface drainage continues along natural drainage patterns with minimal diversions through ditches and culverts</li> <li>(d) Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads</li> <li>(e) Straw mulching and discing at locations adjacent to the road that have been impacted</li> <li>(f) Providing temporary sediment traps downstream of intermittent stream crossings</li> <li>(g) Providing sediment type mats downstream of perennial stream crossings</li> <li>(h) Planting designated seed mixes at impacted areas adjacent to the roads</li> <li>(i) Installing sediment fencing along the down slope side of construction equipment staging areas</li> <li>(j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a healthy cover crop</li> <li>(k) Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated</li> <li>(l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces, and thereby limiting soil compaction and disturbances</li> </ul>	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.

	<p>(m) Scarifying and reseeding compacted areas after construction is completed</p> <p>(n) Using appropriate erosion control methods to limit soil loss due to water and wind action</p> <p>(o) Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion (App I-2, 3)</p> <p>(p) Using water for dust suppression during construction (App O-1)</p>	
62	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall place underground electrical and communications cables at a minimum depth of three feet below grade in trenches along the length of each turbine string corridor and in some cases in trenches from the end of one turbine string to the end of an adjacent turbine string. The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After installing the electrical or communications cables and within two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
63	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Preparing maps to show sensitive areas that are off-limits during the construction phase, distributing the maps to construction staff and having a biologist flag sensitive areas as needed</p> <p>(b) Minimizing road construction and vehicle use where possible</p> <p>(c) Posting speed limit signs throughout the construction zone</p> <p>(d) Instructing construction personnel (including all construction contractors and their personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</p> <p>(e) Instructing construction personnel (including all construction contractors and their personnel) to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</p> <p>(f) Requiring all construction personnel to report any injured or dead wildlife detected at the facility site</p> <p>(g) Requiring all construction personnel to respect all staked wildlife areas and associated no-construction buffer areas</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.</p>
64	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread gravel on all above ground portions of the turbine pads to reduce the potential for weed infestation. (App BB-5)</p>	<p>The certificate holder has complied with this requirement. Gravel has been spread on all built turbine pads.</p>
65	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-42 through 45, Q-10, 11):</p> <p>(a) Avoiding vegetation removal wherever possible</p> <p>(b) Limiting construction activities to within public road right-of-ways where possible</p>	<p>The certificate holder has complied with (a) through (c) during construction years 2001, 2002, 2004, and 2009. All Oregon construction in 2004 occurred on agriculture land.</p>

	<p>(c) Using best management practices to prevent erosion of soil into stream channels</p> <p>(d) Controlling invasive, weedy plant species during maintenance of project facilities</p> <p>(e) Restoring temporarily disturbed sites to pre-construction condition or better with native seed mixes as described for temporarily disturbed habitats in the Revegetation Plan included in the Final Order on Amendment #4 as Attachment B and as revised from time to time. [Amendment #1 and #4]</p> <p>(f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation with ODFW and the Umatilla County weed control board</p> <p>(g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</p> <p>(h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread of noxious weeds</p> <p>(i) Developing measures to reduce the potential spread of noxious weeds in consultation with the weed control board of Umatilla County.</p>	<p>For (d) through (i) weed control and reseeding is continued as needed and re-vegetated construction zones were monitored per the Revegetation Plan.</p> <p>For Stateline 3, the first year of the 5-year revegetation monitoring plan was started December 2010/January 2011. The 2<sup>nd</sup> year monitoring occurred September/October 2011, the 3<sup>rd</sup> year monitoring occurred October 2012, the 4<sup>th</sup> year monitoring occurred October 2013, and the 5<sup>th</sup> year monitoring occurred early 2015 but was still appropriate for the 2014 revegetation season per the Revegetation Plan. Results are attached in this Annual Report as Attachment 2.</p> <p><u>Archive</u> For Stateline 1 &amp; 2, revegetation monitoring for the temporarily disturbed areas was complete in 2006.</p> <p>(See Condition #91 for further information)</p>
66	<p><b>For Stateline 1 Area Only. Meet During Construction</b> To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one acre of weed-infested upland habitat with native plants. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision.</p> <p>The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the</p>

		parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5).
67	<p><b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate holder shall carry out enhancement activities as described for habitat improvement areas in the Revegetation Plan referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendment #1 and #4]</p>	<p>A conservation easement agreement is in place for a habitat improvement parcel and enhancements as per the Revegetation Plan are being implemented. The Habitat Enhancement Area is 51.5 acres, which includes both the ½ acre of Category 2 habitat, and the 48 acres of Category 3 habitat. Certificate Holder currently holds lease agreements and expects to hold lease agreements for the life of the facility to comply with this provision.</p> <p>The “2006 Revegetation Monitoring Report – Stateline Wind Power Project – Umatilla County, Oregon and Walla Walla County, Washington” was submitted as an attachment to the “Stateline 2007 Annual Report” on 4/30/07. No monitoring occurred in 2007, since it was postponed until the spring of 2008. The 2008 monitoring was completed in May 2008, and results were provided in “2008 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, which was submitted with the 2008 Annual Report clarifications in October of 2008. The 2009 monitoring was completed in June 2009, and results were provided under separate cover on July 23, 2009, to the 2009 Annual report. The “2009 Habitat Enhancement Area Restoration Monitoring Report for Stateline Oregon”, describes the Enhancement Area to have well-established native bunchgrass throughout the parcel. The final monitoring occurred in June of 2010, and was submitted on 10/4/10 with the Modified 2010 Annual Report (attachment #5). ). For periodic out year monitoring, the next monitoring is scheduled for 2015.</p>
68	<p><b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall use measures including but not limited to the following (App P-45):</p> <ul style="list-style-type: none"> <li>(a) Replacing agricultural topsoil to its pre-construction condition</li> <li>(b) Using best management practices to prevent loss of topsoil during construction</li> <li>(c) Reseeding native habitats with a native seed mix that includes at least some seed collected from the area as described for temporarily disturbed habitats in the Revegetation Plan referenced in Condition 65. [Amendments #1 and #4]</li> <li>(d) Controlling noxious weeds in areas disturbed by construction activities</li> </ul>	<p>The certificate holder has complied with this requirement and continues meeting these measures during operations. Responses to each subsection of this condition are as follows:</p> <ul style="list-style-type: none"> <li>(a) Agricultural topsoil replacement completed.</li> <li>(b) Topsoil loss prevented through water application and dust control measures.</li> <li>(c) Completed, ongoing reapplication conducted as needed.</li> <li>(d) Herbicide application used in disturbed areas where necessary to control noxious weeds, ongoing reapplication is conducted by an Oregon certified applicator as needed.</li> </ul>

		The certificate holder has complied with this requirement during construction years 2001, 2002 and 2004, and 2009 (Stateline 3).
69	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall not place any part of the facility within any Washington ground squirrel (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall have an on-site wildlife monitor who will flag habitat required for WGS survival (Category 1), conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that construction personnel do not enter the area. The monitor shall conduct post construction monitoring to document distribution of the WGS in the area. [Amendments #2 and #4]	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
70	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To reduce potential injury or fatality of migratory birds, the certificate holder shall App Q-10): (a) Locate turbines away from saddles in long ridges (b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the upwind (prevailing) side (c) Use monopole design for all turbine and meteorological towers	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
71	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures (App V-2): (a) Collecting steel scrap and transporting it to a recycling facility (b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of scrap or leftover materials (c) Using concrete waste as fill on-site or at another site or, if no reuse option is available, transporting it to a local landfill (d) Recycling packaging wastes (such as paper and cardboard) (e) Collecting non-recyclable waste and transporting it to a local landfill	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
72	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall require that disposal of waste concrete on-site is conducted in accordance with OAR 340-093-0080, other applicable regulations and this condition. The construction contractor may bury waste concrete on-site with the permission of the landowner in the following manner: by placing the waste concrete in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours so that all buried concrete is at least three feet below grade. (App V-3, 4).	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
73	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall provide portable toilets for onsite sewage handling during construction and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices. The certificate holder shall recycle any wastes generated during construction as much as feasible and shall collect any non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2)	The certificate holder has complied with this requirement. On-site portable toilets were provided and maintained regularly by a licensed plumber during construction activities.
74	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall have a	The certificate holder has complied with this requirement

	full-time on-site assistant construction manager, qualified in environmental compliance and familiar with all site certificate conditions, to observe contractor waste management practices and to assure compliance with applicable regulations and construction site policy. (App V-4)	during construction years 2001, 2002, 2004, and 2009.
75	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall post high-visibility no-entry barriers around recorded cultural and archaeological sites and shall to ensure that construction workers stay away from the vicinity of the sites. The certificate holder shall locate barriers to create a buffer with a minimum width of 30 meters between the sites and construction activities. The certificate holder shall have a qualified cultural resource expert to monitor the avoidance of the no-entry areas by construction workers and to monitor ground disturbing activities. The certificate holder shall select a cultural resource expert chosen by the Confederated Tribes of the Umatilla Indian Reservation, if available, or shall select a qualified cultural resource expert, subject to Department approval, to conduct the monitoring. [Amendment #4]	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.  Specifically for Stateline 3 in 2009, CTUIR was contracted to provide cultural resources monitoring during construction activities. A CTUIR cultural resources expert was on site to monitor ground-disturbing activities during facility construction.
76	<b>For Stateline 1, 2 and 3. Meet During Construction</b> If previously unidentified cultural resources are encountered during construction, the certificate holder shall halt earth-disturbing activities in the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and 358.920), and shall notify the Department of Energy, the Oregon State Historic Preservation Officer (SHPO) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The certificate holder shall have a qualified archaeologist evaluate the discovery and recommend subsequent courses of action in consultation with the CTUIR and the SHPO. If human remains are discovered, the certificate holder shall halt all construction activities in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical Examiner and the State Police. [Amendment #4]	The certificate holder has complied with this requirement for STL 1 and 2, during construction years 2001, 2002 and 2004. Additionally, please refer to correspondence dated February 16, 2005 from FPL Energy Vansycle LLC to the ODOE.  For STL 3 construction, the certificate holder has complied with this requirement.
77	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall include traffic control procedures in contract specifications for construction of the facility. The certificate holder shall require flaggers to be at appropriate locations at appropriate times during construction to direct traffic and to ensure minimal conflicts between harvest and construction vehicles. (App U-24)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
78	<b>For Stateline 1, 2 and 3. Meet During Construction</b> The certificate holder shall confine the noisiest construction activities to the daylight hours. (App X-8)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
79	<b>For Stateline 1 and 2 Areas Only. Meet During Construction</b> This condition does not apply to Stateline 3. The certificate holder shall construct the cable crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove no more than approximately 7.5 cubic yards of material from the streambed crossing and shall replace a like amount of fill material after the cable has been laid, restoring the area similar to the original contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4]	The certificate holder has complied with this requirement.
80	<b>For Stateline 1 and 2 Area Only. Meet Before Operations Begin</b> This condition applies to Stateline 1 & 2 only. Within 90 days after the effective date of the Fourth Amended Site Certificate, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount of \$6.160 million (1 <sup>st</sup> Quarter	The certificate holder has complied with this requirement. A Site Certificate Bond has been issued based on a dollar amount determined in accordance with this condition #80. Bond #08936470 is currently issued for Stateline 1 & 2

	<p>2009 dollars), to be adjusted to the date of issuance as described in (a), naming the State of Oregon, acting by and through the Council, as beneficiary or payee.</p> <p>(a) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:</p> <p>(i) Adjust the Subtotal (1<sup>st</sup> Quarter 2009 dollars) shown in Table 1 of the Final Order on Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Service's "Oregon Economic and Revenue Forecast", or by any successor agency (the "Index"), and using the index value for 1<sup>st</sup> Quarter 2009 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 1<sup>st</sup> Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount for the reporting year.</p> <p>(b) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(c) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(d) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility.</p> <p>(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 (8).</p> <p>See Conditions (19) and (41). [Amendment #4]</p>	<p>(Attachment #3). See conditions 41 and 109 for additional information.</p>
81	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> After construction is complete; the certificate holder shall restore the county roads to at least their pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004 and 2009.</p> <p>For the most recent Stateline 3 construction in 2009, all designated haul roads were inspected by Hal Phillips of the Umatilla Co Road Department on 11/09/2009. Mr. Phillips verified "that after inspecting all the roads, all the roads met the conditions of the road use agreement between Umatilla County and FPL Energy Inc." (See attachment #7 of the 2010 Annual Report).</p>
82	<p><b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> The certificate holder shall grade and reseed laydown areas to wheat or native grasses as necessary to restore those areas to their pre-construction condition (App B-10).</p>	<p>The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009. No construction was conducted in 2003. Reseeding and weed spraying continues on an as needed basis as recommended</p>

		by revegetation monitoring. Specifically, for the newly constructed STL 3, the Campbell laydown area has been reclaimed back to a field. The Hindman drive lay down area has been reseeded.
83	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For any materials disposed of as fill on site, the certificate holder shall conduct such disposal with the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. (App G-3, V-3)	The certificate holder has complied with this requirement during construction years 2001, 2002, 2004, and 2009.
84	<b>For Stateline 1, 2 and 3. Meet Before Operations Begin</b> For the purposes of this site certificate, wind turbine tower locations are analogous to location of permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5). The Council approves the corridor described in the final order for construction of turbine strings. As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to the Department of Energy a legal description of the location where the certificate holder has built turbine towers and other parts of the facility. Within 90 days after beginning operation of any turbines that are added to the facility by amendment of the site certificate, the certificate holder shall submit to the Department a legal description of the location of any additional turbine towers and related or supporting facilities allowed by the amendment. The site of the facility is the area identified by the legal descriptions required by this condition. Within 90 days after beginning facility operation, the certificate holder shall provide to the Department and the Umatilla County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments #1 and #4] See Condition (13).	The as-built drawings for Stateline 1 and the fifty-five Stateline 2 turbines constructed in 2001 and 2002 were sent to OOE on June 12, 2003. To document the 2004 relocation project new as-built drawings for the Stateline Wind Project were sent with the 2004 Annual Report.  For the actual legal description of the five Stateline 2 turbines, see correspondence dated September 7, 2004 from Anne Walsh to John White, Pre-Construction Compliance Table, and Condition 13 documentation.  For Stateline 3, included at Attachment 1 to the 2010 Annual Report were the GPS locations for all turbines, as-built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations and legal descriptions per land owner.
85	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall prepare and maintain a site health and safety plan that informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)	The certificate holder has complied with this requirement.
86	<b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall recycle solid waste generated during operation of the facility as much as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)	The certificate holder has complied with this requirement.
87	<b>For Stateline 1 and 2 Only. Meet During Operations</b> This condition applies to Stateline 1 and 2 only. The certificate holder shall provide portable toilets for use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder must contact the Oregon Department of Environmental Quality if the on-site septic system is to be used. (App O-2) [Amendment #4]	The certificate holder has complied with this requirement. The Oregon Department of Environmental Quality has been contacted about the portable toilet. A satellite O&M building has not been established, only the portable toilet whereby its limited usage is appropriate under OAR 340-071-0330 (2). Additionally, it is serviced Bi monthly by a qualified maintenance pumper.
88	<b>For Stateline 1, 2 and 3. Meet During Operations</b> If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right. The certificate holder shall use high-pressure cold water only and shall not use chemicals	The certificate holder has complied with this requirement. No blade washing has been necessary to date.

	or additives in the wash water. (App O-2) [Amendment #1]	
89	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> if any new nesting or denning sites for wildlife species of concern are located, the certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall minimize road construction and vehicle use where possible. (P-42)</p>	<p>No new nests have been found since the 2010 wildlife monitoring.</p> <p><u>Archive</u> Attached to the 2011 Annual Report was the STL 3 Wildlife Monitoring Report (Attachment 4) for the 2010 Study Year, which required nesting surveys of the recently constructed STL 3. Attachment 4 provided methods and results for the required 2010 wildlife monitoring. It provided a figure for ODOE/ODFW use only, of the known ferruginous hawk nests, great horned owl nest, red-tail hawk nests, and burrowing owl dens. This map is on file at the operations office and is a reference for the ops staff when working in the areas during the spring nesting/denning period.</p>
90	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-43, Q-10):</p> <ul style="list-style-type: none"> <li>(a) Instructing all personnel on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife</li> <li>(b) Instructing all personnel to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active</li> <li>(c) Requiring all personnel to report any injured or dead wildlife detected at the facility site</li> </ul>	<p>The certificate holder has complied with this requirement, and will continue to comply with this requirement.</p>
91	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-43, Q-10):</p> <ul style="list-style-type: none"> <li>(a) Using best management practices to prevent erosion of soil into stream channels</li> <li>(b) Controlling invasive, weedy plant species during maintenance of project facilities</li> <li>(c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation</li> </ul>	<p>The certificate holder has complied with this requirement. Responses to each subsection of this condition are as follows:</p> <ul style="list-style-type: none"> <li>(a) Erosion of soil into stream channels is prevented by using measures recommended in NPDES permits and Erosion and Sediment Control Plans.</li> <li>(b) Mowing and herbicide applications were used as necessary to control invasive weedy plant species. Ongoing herbicide reapplication is conducted as needed by an Oregon certified applicator. Herbicide applications are conducted as recommend by the annual revegetation monitoring of restored constructed zones and on an as-needed basis elsewhere onsite. The annual spraying was completed in April for the year of 2013.</li> <li>(c) Restoration of disturbed areas is done on a continuing basis. Reseeding is conducted as recommended</li> </ul>

		<p>by the Revegetation Plan (3/27/09).</p> <p>This 2016 Annual Report includes the HEA Monitoring Report for Stateline 1&amp;2 ,as Attachment 4. No reseeded was recommended at this time.</p> <p><u>Archive</u></p> <p>This 2014 Annual Report includes the 4th Revegetation Monitoring Report for Stateline 3 (2013 vegetative growth), as Attachment 2. No reseeded was recommended at this time.</p> <p>Stateline 1 &amp; 2 Revegetation Monitoring of the construction zones was completed in 2006.</p> <p>(See Condition #65)</p>
92	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall mitigate potential adverse impacts to soils from erosion by measures including but not limited to the following (App I-3 through 5):</p> <p>(a) Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials</p> <p>(b) Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs</p> <p>(c) If areas of erosion are observed during operation, implementing mitigation and reclamation measures</p>	<p>The certificate holder has complied with this requirement. Proper road grating and reclamation measures are used on an ongoing basis to mitigate areas of potential adverse soil erosion.</p>
93	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall conduct wildlife monitoring as described in the Wildlife Monitoring and Mitigation Plan, included in the Final Order on Amendment #4 as Attachment A and as revised from time to time. Subject to approval by the Department of Energy as to professional qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the monitoring. (OAR 345--22-0060) [Amendment #1 and #4]</p>	<p>The certificate holder continues to comply with this requirement.</p> <p><u>Stateline 1 &amp; 2.</u> Current wildlife monitoring for Stateline 1 &amp; 2 consists of 10 year monitoring of off-site artificial raptor nest structures. Monitoring of artificial nest sites has occurred in 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016. Memorandum of 2015 ANS monitoring is provided as Attachment 6 of the attached Annual Report. Monitoring also includes the Wind and Wildlife Response and Reporting System (WRRS). See Attachment 5 for 2016 WRRS data.</p> <p>Additional raptor nest structures were to be needed to be put in place for additional monitoring, as well as refreshes of 2 of 3 of the prior raptor nest structures. Total</p>

		<p>Structures in place for the Stateline site is 5 with regular monitor and refreshes when necessary. As of March 31<sup>st</sup> 2017 all raptor nests have been established and refreshed.</p> <p><u>For Stateline 3</u>, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data. Both results are provided in the final NWC report, which was completed in the fall of 2012 and provided as Attachment 4 of the 2014 Annual Report. No thresholds were exceeded. Monitoring also includes the Wind and Wildlife Response and Reporting System (WRRS). See Attachment 6 for 2013 WRRS data. There were no new burrowing owl nests within 1,000 feet of Stateline 3 turbines to be monitored in 2013. Section 1.5 of the attached 2014 Annual Report summarizes the current monitoring for Stateline 3.</p> <p><u>Archive</u> Stateline 1&amp;2 completed standardized fatality monitoring in 2006, as stated in the Revised Wildlife Monitoring and Mitigation Plan included in the Final Order, Amendment # 4. In summary, the compilation of 2001-2003 wildlife monitoring data was prepared for presentation to the Oregon Energy Facility Siting Council at the end of 2005 (it was presented on January 20, 2006). The Oregon Wildlife Monitoring Plan did not require wildlife monitoring to be carried out by qualified wildlife consultants during the 2005 year; however, maintenance personnel implemented incidental reporting as described in the Wildlife Response and Reporting System. Wildlife monitoring by a third party was conducted in 2006 and monitoring results were submitted in the “Stateline Wind Project Wildlife Monitoring Annual Report”, dated September 4, 2007.</p>
94	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat quantity or quality, the certificate holder shall mitigate for the loss of habitat quality by measures approved by the Oregon Department of Energy. (OAR 345-022-0060)</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Currently, no additional mitigation is required.</p> <p><u>Archive</u></p>

	[Amendment #4]	<p>For Stateline 3, which became operational at the end of 2009, 2010 reporting consisted of burrowing owl and raptor nest monitoring. This Wildlife Monitoring Report for Stateline 3 was included in the 2011 Annual Report as Attachment 4. For 2011, the formal wildlife fatality monitoring study occurred from January 2011 to January 2012. Two acceptable estimator analysis programs were used to evaluate the data—the Schoenfeld, 2004 estimator method (as specified in the Plan) and the Huso, 2010 estimator method (becoming increasingly acceptable as a more precise estimator in certain circumstances). Both results are provided in the final NWC report, which was completed in the fall of 2012. Attachment 4 of the 2013 Annual Report provides the full report. No thresholds were exceeded. Therefore no mitigation was required.</p> <p>For Stateline 1 &amp; 2, mitigation was performed for raptor fatality threshold exceedance and monitoring is conducted per the Oregon Wildlife Monitoring Plan (revised 11/20/09). See Condition 93 and Section 1.5 of the 2012 Annual Report for additional details.</p>
95	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential failure. (App BB-1)</p>	<p>The certificate holder has complied with this requirement. Technicians regularly conduct inspections and perform preventative maintenance work on the equipment during the year of 2016. For the 2010 and 2011 years, the original equipment manufacturer (OEM) has completed blade root inspections in 2011. Blade root inspections will continue on an as needed basis.</p>
96	<p><b>For Stateline 1, 2 and 3. Meet During Operations</b> The certificate holder shall make sure that all on-site employees receive annual fire prevention and response training by a professional fire-safety training firm. The certificate holder shall prohibit employees from smoking outside of company vehicles during dry summer months and shall require employees to keep vehicles on roads and off dry grassland during the dry months unless necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding or other flame or spark-producing operations near the turbines. The certificate holder shall equip each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency Response procedures book and a two-way radio for immediate communications with the O&amp;M facility. The certificate holder shall have staff in the local area on call at all times to respond in case of fire or other emergency. The certificate holder shall supply all local fire departments with maps of and gate keys to the facility. (App B-12)</p>	<p>FPL’s Stateline facility has and will continue to follow the training processes as described by FPL’s LMS (Learning Management System) Department. This training includes comprehensive fire training through the entirety of FPL’s Power Generation Division Fleet. Annual on fire extinguisher training completed onsite in August 2016.</p> <p>Primary communication is through direct-connect phones and cell service. Substations have phones as well. New Motorola two- way service communication has been assigned to personnel. The two-way service communication has also been installed in the O&amp;M building and Substations.</p> <p>All other condition requirements are adhered to and are</p>

		<p>standard operational procedures at the Stateline Wind Project.</p> <p><u>Archive</u> 2007 Refresher and training for new employees regarding fire prevention and response was completed 10/26/2007.</p> <p>Petco was contracted in 2009. Training was performed by Petco in August 2009.</p> <p>Advance Fire Protection was contacted in 2010 and 2011. Training was performed in August of 2010, July 2011, and July/August 2012.</p>
97	<p><b>For Stateline 2 Area Only. General</b> The certificate holder shall begin construction of Stateline 2 within six months after the effective date of the First Amended Site Certificate. The certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of the facility begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #2 and #4]</p>	<p>The certificate holder has complied with this requirement for 55 of the approved 60 turbines, whereby, construction began on August 16, 2002 and they became operational on December 10, 2002. Site certificate Amendment #2 was approved by EFSC on June 6, 2003, which authorizes an extension of the construction completion date for the five remaining Stateline 2 turbines. The date was extended to March 1, 2005. Construction of the 5 turbines began in October 2004 and they became operational on December 15, 2004.</p>
98	<p><b>For Stateline 1, 2 and 3. General</b> Condition removed by Amendment #4</p>	
99	<p><b>For Stateline 1, 2 and 3. General</b> 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. (OAR 345-027-0020(15)) [Amendment #4]</p>	<p>The certificate holder acknowledges this requirement. Ownership continues as per the Site Certificate, Amendment #4.</p>
100	<p><b>For Stateline 1, 2 and 3. General</b> If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy 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</p>	<p>The certificate holder acknowledges this requirement. Operations continue at the facility.</p>

	certificate if the Council finds that the facility has been retired according to the approved final retirement plan. (OAR 345-027-0020(16)) [Amendment #4]	
101	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a 1/4-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller, conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendment #2 and #4]	The certificate holder has complied with this requirement for the constructed portion of the Stateline 2 facilities (fifty-five turbines), and will continue to comply with this requirement. Construction of the five remaining Oregon turbines commenced in October 2004, which was outside of the construction restriction period (see correspondence dated September 7, 2004 from Anne Walsh to John White, Attachment 1 - Northwest Wildlife Consultants, Inc. Survey Report of the Ferruginous Hawk Nest Near Stateline 2).
102	<b>For Stateline 2 Area Only. Meet Before Construction Begins</b> This condition removed by Amendment #4	
103	<b>For Stateline 1, 2 and 3. Meet During Construction</b> To minimize the risk of fire, the certificate holder shall: (a) Construct turbines, towers and pads of fire retardant materials (b) Bury electrical cables (c) Use enclosed, locked pad-mounted transformer structures (d) Include built-in fire prevention measures in turbines (e) Not store combustible materials at the Stateline site.	The certificate holder has complied with this requirement for the project facilities that have been constructed to date. Construction has been completed for the Stateline 1, 2 and 3.
104	<b>For Stateline 2 Areas Only. Meet During Construction</b> To mitigate for the permanent elimination of approximately 1 acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat enhancement area described in Condition (67) by 1 acre. [Amendment #4]	The habitat enhancement area described in Condition (67) has been enlarged to include the 1-acre.
105	<b>For Stateline 2 Area Only. Meet During Operations</b> This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain uninhabited during construction. The certificate holder shall continue the no-occupation agreement until retirement of the facility unless the certificate holder demonstrates to the satisfaction of the Department that the facility complies with the applicable noise control regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with the regulations as to the increase in ambient statistical noise levels by entering into a legally effective easement or real covenant with the owner of the property identified as 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of the facility to increase ambient statistical noise level L <sub>10</sub> and L <sub>50</sub> by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property	The certificate holder has complied with this requirement. A Declaration of Covenants was entered into with the land owner, Barnett-Rugg, Inc on June 30, 2005. The Declaration of Covenants was included as Attachment 3 of the Stateline 2006 Annual Report, titled "2005 Annual Report", which was submitted on May 5, 2006.

	records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. If such easement or real covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the Department, based on modeling or measurements performed in compliance with OAR 340-035-0035, that an easement or real covenant is not necessary to comply with those regulations. [Amendment #3 and #4]	
106	<b>For Stateline 3 Only- General Condition</b> The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 3 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #3 and #4]	The certificate holder has complied with this requirement. Construction began on June 9, 2009 and completion of construction was December 16, 2009.
107	<b>For Stateline 3 Only- General Condition</b> Condition removed by Amendment #4	
108	<b>For Stateline 3 Only- General Condition</b> The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to: (a) Designing and operating the transmission lines so that maximum current (amps per conductor) would not exceed the following levels: For 34.5-kV underground lines, 560 amps; and for 230-kV transmission lines, 753 amps. [Amendment #4] (b) Providing to landowners a map of underground and overhead transmission lines on their property and advising landowners of possible health risks.	The certificate holder has complied and will continue to comply with this requirement.  The locations of underground and overhead transmission lines are included in the Exhibit B of the land lease agreements.
109	<b>For Stateline 3 Only. Meet Before Construction Begins</b> Before Construction begins of Stateline 3, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$5.911 million (in 1st Quarter 2009 dollars), to be adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b). (a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of Stateline 3 by applying the unit costs and general costs illustrated in Table 3 in the Final Order on Amendment #4 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) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation: (i) Adjust the Subtotal component of the initial bond or letter of credit amount (expressed in 1st Quarter 2009 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of	The certificate holder has complied with this requirement. A Site Certificate Bond has been issued based on a dollar amount determined in accordance with this condition #109. Bond #08966919 in the amount of \$4,193,000 is current issued for Stateline 3 (Attachment #5). See conditions 41 and 80 for additional information.

	<p>Administrative Services’ “Oregon Economic and Revenue Forecast,” or by any successor agency (the “Index”) and using the index value for 1st Quarter 2009 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 1st Quarter 2009 dollars to present value.</p> <p>(ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond amount to determine the adjusted Gross Cost.</p> <p>(iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency.</p> <p>(iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) to determine the adjusted Full Cost, and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.</p> <p>(c) The certificate holder shall use a form of bond or letter of credit approved by the Council.</p> <p>(d) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.</p> <p>(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council, as required by Condition (8).</p> <p>(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the Stateline 3 site.[Amendment #4]</p>	
110	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards.</p>	The certificate holder has complied with this condition.
111	<p><b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4</p>	
112	<p><b>For Stateline 3 Only- Meet During Construction and Operation</b> Before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW) detailed maps of the facility site, showing the final design locations where the certificate holder proposes to build facility components and the habitat categories of all areas that would be affected during construction. In addition, the certificate holder shall provide a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection. Based on the approved habitat assessment, the certificate holder shall calculate the mitigation area requirement and shall carry out enhancement activities as described in the Stateline 3 Habitat Mitigation Plan included in the Final Order on Amendment #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal right to</p>	<p>The Habitat Enhancement Area (HEA) is being monitored per the Stateline 3 Habitat Mitigation Plan (3/27/09). Third year monitoring occurred in 2012 and NWC reported that the native bunch grass seed production overall vigor and other vegetation cover looked the same as documented in 2011. Summary of the findings can be found in Section 1.5 of the 2013 Annual Report. Fourth year monitoring occurred in 2013. Most of the site appears to be in good condition with a high ratio of native plants. Section 1.5 of the attached Annual Report provides a summary of the HEA monitoring conducted in 2013; Attachment 3 provides the full report.</p> <p><u>Archive</u> Final design locations of the Stateline 3 components and final habitat assessment table were submitted via an email</p>

	<p>create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. [Amendment #4]</p>	<p>attachment from Karl Kosciuch of Tetra Tech on May 1, 2009. A memo describing the habitat assessment was subsequently revised via an email from Karl Kosciuch on May 12, 2009. The Department approved the final habitat assessment via an email from John White on May 15, 2009.</p> <p>The certificate holder calculated the mitigation area requirement, and it was attached to the 2010 annual report as Attachment 12, As-Built Analysis for Habitat Mitigation Area. As part of Attachment 12, Figure 1 shows the As-Built Facility Comparison by Habitat Category.</p> <p>On October 22, 2009, the certificate holder provided a copy of the “Short Form Conservation Easement Agreement”, showing the certificate holder has acquired legal right to create and maintain the enhancement area.</p> <p>The certificate holder, in conjunction with ODFW and the landowners, determined the location of the habitat enhancement area as described in the “Short Form Conservation Easement Agreement”.</p> <p>With the exception of the Operations and Maintenance building, which was not constructed, no other adjustments to the final design and habitat categories were made prior to constructing the Facility. It should be noted that the Facility uses the existing O&amp;M building in Touchet, WA.</p>
113	<p><b>For Stateline 3 Only- Meet During Construction</b> To protect the public from electrical hazards including electric and magnetic field exposure, the certificate holder shall:</p> <p>(a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the top pointing out at a 45-degree angle.</p> <p>(b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two wooden poles connected by cross-members with a typical overall height of 61 feet and a minimum design ground clearance of 25 feet to the lowest conductor as described in the Request for Amendment #4.</p> <p>(c) Design and construct the transmission lines so that:</p> <p>(i) Alternating current electric fields during operation do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public, and</p> <p>(ii) Induced voltages during operation are as low as reasonably achievable. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

114	<b>For Stateline 3 Only- Meet During Construction</b> To deter raptors from perching on transmission support structures near the wind turbines, the certificate holder shall install anti-perching devices on all proposed support structures within one-half mile of any turbine, unless the top of the support structure is below the base of the turbine tower due to topography. Wherever feasible, the certificate holder shall use “spike-type” devices instead of “triangle-type” devices. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
115	<b>For Stateline 3 Only- Meet During Construction</b> To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to conform to the guidelines of the Avian Power Line Interaction Committee so that electrical conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
116	<b>For Stateline 3 Only- Meet During Construction</b> Condition removed by Amendment #4	
117	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall not engage in construction activities for Stateline 3 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15, if the young are fledged.	The certificate holder has complied with this requirement. For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants (NWC). Based on Ms. Kronner’s findings, no ferruginous hawks were observed on site. The area was monitored for activity periodically throughout the nesting period during 10-day intervals. No postponement of construction was necessary due to this requirement, since no ferruginous hawks were observed.  Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of NWC.
118	<b>For Stateline 3 Only- Meet During Construction</b> The certificate holder shall construct stream crossings substantially as described in the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the state or add new fill material to waters of the state such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
119	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall perform frequent maintenance to keep the substation transformer in good repair and in reliable operating condition.	Transmission services will maintain in accordance with NERC reliability standard and records are maintained in the Transmission Serviced Reporting and documenting program (AMP). Main transformer at the Campbell Substation is inspected monthly and maintenance performed at regular intervals.
120	<b>For Stateline 3 Only- Meet During Operation</b> The certificate holder shall verify that the actual sound power level output of the wind turbines constructed for Stateline 3 meets the manufacturer’s warranty. This verification may consist of field measurement or other means of verification satisfactory to the Department of Energy. The certificate holder shall include the verification in the first annual report following construction of any Stateline 3 turbines. [Amendment #4]	The certificate holder has complied with this requirement. The certificate holder provided the Department of Energy and its noise consultants protocols for conducting noise verifications for review and approval.  A Noise Verification Analysis was completed and the report was submitted to ODOE on 02/22/2011.

121	<b>For Stateline 3 Only- Meet Before Construction Begins</b> Condition removed by Amendment #4	
122	<b>For Stateline 3 Only – Meet Before Construction Begins</b> Condition removed by Amendment #4	
123	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall design and construct Stateline 3 in compliance with the County design requirements as described in Umatilla County Development code Sections 152.010, 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
124	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall ensure that construction contractors use a transportation route reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy load transport vehicles. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
125	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall record a Covenant Not to Sue with regard to generally accepted farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E). [Amendment #4]	Attached to the 2010 Annual Report as Attachment #10, was a copy of the Covenant Not To Sue.
126	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall construct all Stateline 3 components in compliance with the following setback requirements: (a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential. (b) Where (a) does not apply, 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. (c) Where (a) does not apply, 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. (d) Where (a) does not apply, 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. (e) The certificate holder shall not locate equipment associated with the temporary batch plant within 50 feet of a public road, county road or utility right of way.[Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
127	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall deliver a copy of the annual report required under Condition 8 to the Umatilla County Planning Commission on an annual basis unless specifically discontinued by the County. [Amendment #4]	The certificate holder shall submit its annual report, as specified in condition 8, to the Umatilla County Planning Commission by April 30 of each year in operation. The annual report will be submitted to <b>Carol Johnson, Senior Planner, Umatilla County Planning Department.</b>

128	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall position a 3,000-gallon water truck on-site while personnel are present and actively working. [Amendment #4]	The certificate holder has complied with this requirement.
129	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate shall discharge sanitary wastewater generated at the Stateline 3 O&M building to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall locate the septic system more than 100 feet from any streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge capacity of less than 2,500 gallons per day. [Amendment #4]	<p>Construction and Operations use only portable systems. There is no onsite well used by operations in the State of Oregon.</p> <p>Operations use an onsite well located in Washington. The septic system (PWSID# 00595J) is not located within 100 feet of any streams, lakes or wet lands.</p> <p>A third party vendor, Hydro Tek, is contracted to perform required services of the system, including but not limited to performing periodic inspections, supervise the operation in accordance with acceptable public health practices and water industry standards, submit required reports, perform water quality monitoring, implement preventative maintenance programs, and perform other duties necessary to comply with Washington Department of Health rules and regulations.</p>
130	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During operation, the certificate holder shall obtain water for on-site uses from a wells located at the Stateline 3 O&M building, subject to compliance with applicable permit requirements. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. [Amendment #4]	As discussed in the response to 129, there is no onsite well used by operations in the State of Oregon. Operations do have a private well in WA and irrigation rights at the operations building.
131	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]	The certificate holder has complied and will continue to comply with this requirement.
132	<b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports.” [Amendment #4]	<p>The certificate holder has complied with this requirement. For the construction of Stateline 3, the Facility's Geotechnical Report and attachments was provided to the Department of Geology and Mineral Industries on May 15, 2009, and was included in the Stateline 3 Six Month Report as Attachment 4 for the Department of Energy's files.</p> <p>On June 8, 2009, Mr. Bill Burns of the Oregon Department of Geology and Mineral Industries confirmed that he received the Stateline 3 geotechnical reports. DOGAMI provided no other comments or response to the geotechnical report. A copy of the June 8, 2009, email was attached to the 2010 Annual Report as Attachment #6.</p>

133	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> Before beginning construction, the certificate holder shall provide to the Department:</p> <p>(a) Information that identifies the final design locations of all Stateline 3 wind turbines to be built.</p> <p>(b) The maximum sound power level for the Stateline 3 substation transformers and the maximum sound power level and octave band data for the turbines selected for the Stateline 3 based on manufacturers’ warranties or confirmed by other means acceptable to the Department.</p> <p>(c) The results of noise analysis of the facility, including the Stateline 3 components to be built according to the final design, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.</p> <p>(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder’s operation of the facility to increase ambient statistical noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder’s written approval.[Amendment #4]</p>	<p>The certificate holder has complied with this condition as follows:</p> <p>a) For Stateline 3, attached to the 2010 Annual Report as Attachment #1, were As-Built drawings of the Turbine Road As-Built Locations and Crop Areas, and Vans cycle II T Line As-Built Exhibit Map. Also in Attachment #1, were the legal descriptions of the T-Line, and turbine locations per land owner;</p> <p>b) through c) The certificate holder submitted the noise analysis based on the final design of Stateline 3 on May 4, 2009 (attachment to email from Karl Koschiuch, May 4, 2009). The Department reviewed the analysis and notified the certificate holder of approval (email from John White, June 3, 2009). Accordingly, the certificate holder has complied with this Condition 133.</p>
134	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> 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 the facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulation. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement. Stateline 3 received no noise complaints in 2015.</p>
135	<p><b>For Stateline 3 Only – Conditions Added by Amendment #4</b> During construction, the certificate holder shall not install any transmission line support structures within 800 feet of any active Swainson’s hawk nest identified in 2008 or later. [Amendment #4]</p>	<p>The certificate holder complied with this condition during construction of Stateline 3 as follows: For Stateline 3, on-site construction monitoring was performed by Karen Kronner of Northwest Wildlife Consultants. Based on Ms. Kronner’s findings, a nest site was selected for use by a Swainson's hawk in 2009 and periodically monitored until the juveniles had fledged in August, as required in the certificate (201 Annual Report, Attachment #7, map with closed buffer area ). The map was prepared after</p>

		<p>incubation was confirmed. The nest was monitored for activity periodically throughout the nesting period during 10-day intervals. Monitoring frequency was stepped up to 3 to 7 day intervals in August. Monitoring was conducted from an appropriate distance with binoculars and spotting scope until the juveniles were not seen at or near the nest (no birds in sight anywhere nearby) for a 30-minute period morning and evening for three consecutive days. This nesting site did postpone some construction. Construction resumed on Sept 1, 2009 once the hawks had fledged.</p> <p>Consultation regarding Stateline 3 no-construction buffers occurred with ODFW in January 2009 and included Mark Kirsch, Rose Owens (ODFW) and Karen Kronner of Northwest Wildlife Consultants.</p>
136	<p><b>For Stateline 1, 2 and 3 – Conditions Added by Amendment #4</b> This condition applies to all phases of the Stateline Wind Project. When any third-party lien or security interest in the facility's wind turbine towers is created, the certificate holder shall notify such third party in writing that the wind turbines and towers are components of an energy facility that is subject to the terms and conditions of a Site Certificate and subject to the rules of the Oregon Energy Facility Siting Council. The certificate holder shall provide to the Department a copy of each written notification required under this condition and the name and contact information for each third party so notified. [Amendment #4]</p>	<p>The certificate holder has complied and will continue to comply with this requirement.</p>

# **ATTACHMENT 1**

**Milton Freewater Rural Fire Department**

**Record of Payment for:**

**FPL Energy Vansycle, LLC**

**FPL Energy Stateline II, Inc**

Invoice Date: 04/17/16  
 Customer Number: 2660  
 Invoice Number: 031008  
 Contract #: New 5/2010  
 Premise Phone: 561-304-5108  
 Due Date: 05/05/16  
 Amount Due: \$32,550.00

**Milton-Freewater Rural Fire Dept.**  
**P.O. Box 356**  
**Milton-Freewater, Or 97862**

FPL ENERGY VANSYCLE LLC. ATTN EMRE 5154  
 ERGAS T22 P1  
 PO BOX 88888  
 NORTH PALM BEACH, FL 33408-8888



**Milton-Freewater Rural Fire Dept.**  
**P.O. Box 356**  
**Milton-Freewater, Or 97862**

Please detach and return this coupon with your payment.

# Milton-Freewater Rural Fire Dept.

Invoice Number: 031008

2660 FPL Energy Vansycle LLC. @ West Of Butler Grade		
<u>Date</u>	<u>Current Account Activity</u>	<u>Amount</u>
	Previous Balance	32,550.00
	Last Payment Received -	- 32,550.00
	Balance Forward	0.00
	<b>*** New Charges ***</b>	
05/05/16	One Year Fire Coverage At: 186 Turbines	32550.00
	<i>Do you have your ambulance contract? Call us.</i>	
	<i>All Charges are Billed Annually for Service Provided From May 2016 Thru April 2017</i>	
	<b>Please pay on or before May 05, 2016</b>	<b>\$32,550.00</b>

For billing questions please call customer service at (541)938-7146

## Display Check Information

 Check recipient     Check issuer...     Accompanying docs     Payment document

Paying company code

Payment document no.

### Bank details

House Bank  Bank Key

Account ID  Bank Account

Bank name

City

### Check information

Check number  Currency

Payment date  Amount paid

Check encashment  Cash discount amount

### Check recipient

Name

City

Payee's country

Regional code

Milton-Freewater Rural Fire Dept.  
P.O. Box 356  
Milton-Freewater, Or 97862

Invoice Date: 04/17/16  
Customer Number: 2611  
Invoice Number: 031005  
Contract #: May/2009  
Premise Phone: 561-304-5108

Due Date: 05/05/16  
Amount Due: \$8,600.00

FPL ENERGY STATELINE II, INC.  
PO BOX 88888  
NORTH PALM BEACH, FL 33408-8888

5151  
T22 P1

Milton-Freewater Rural Fire Dept.  
P.O. Box 356  
Milton-Freewater, Or 97862



Please detach and return this coupon with your payment.

## Milton-Freewater Rural Fire Dept.

Invoice Number: 031005

2611 FPL Energy Stateline II, Inc. @ FPL Energy Stateline II 43 Turbines		
<u>Date</u>	<u>Current Account Activity</u>	<u>Amount</u>
	Previous Balance	8,600.00
	Last Payment Received -	- 8,600.00
	Balance Forward	0.00
	<b>*** New Charges ***</b>	
05/05/16	One Year Fire Coverage At: FPL Energy Stateline III, Inc. 43 Turbines	8600.00
	<i>Do you have your ambulance contract? Call us.</i>	
	<i>All Charges are Billed Annually for Service Provided From May 2016 Thru April 2017</i>	
	<b>Please pay on or before May 05, 2016</b>	<b>\$8,600.00</b>

For billing questions please call customer service at (541)938-7146

# Display Check Information

 Check recipient     Check issuer...     Accompanying docs     Payment document

Paying company code

Payment document no.

## Bank details

House Bank  Bank Key

Account ID  Bank Account

Bank name

City

## Check information

Check number  Currency

Payment date  Amount paid

Check encashment  Cash discount amount

## Check recipient

Name

City

Payee's country

Regional code

# **ATTACHMENT 2**

## **Site Certificate Bond for STL 1 & 2**

**RIDER**

To be attached to and form a part of Bond No. 08936470

executed by FPL ENERGY VANSYCLE, L.L.C. as Principal

and by FIDELITY AND DEPOSIT COMPANY OF MARYLAND as Surety,

in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR,

and effective as of August 17, 2009.

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing BOND AMOUNT

FROM: SIX MILLION THREE HUNDRED TEN THOUSAND AND 00/100 (\$6,310,000.00)

TO: SIX MILLION THREE HUNDRED NINETY THOUSAND AND 00/100 (\$6,390,000.00)

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated. This rider is effective on the 30th day of June, 2016.

Signed and sealed this 27th day of May, 2016.

FPL ENERGY VANSYCLE, L.L.C.  
Principal

BY: *[Signature]*

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
Surety

BY: *[Signature]*  
Elizabeth Madrero Attorney-in-Fact

Accepted:

STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR  
Obligee

BY: \_\_\_\_\_

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GERALD F. HALEY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Douglas R. WHEELER, Maureen MCNEILL, Wayne G. MCVAUGH, Elizabeth MARRERO, Jaquanda MARTIN, Patricia A. RAMBO, Sara OWENS, Kimberly G. SHERROD and Joanne C. WAGNER**, all of Philadelphia, Pennsylvania, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 22nd day of March, A.D. 2016.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Eric D. Barnes*

*Gerald F. Haley*

*Secretary  
Eric D. Barnes*

*Vice President  
Gerald F. Haley*

State of Maryland  
County of Baltimore

On this 22nd day of March, A.D. 2016, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GERALD F. HALEY, Vice President, and ERIC D. BARNES, Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Maria D. Adamski*

Maria D. Adamski, Notary Public  
My Commission Expires: July 8, 2019



**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 21<sup>st</sup> day of May, 2010.



*Michael Bond*

Michael Bond, Vice President

# **ATTACHMENT 3**

## **Site Certificate Bond for STL 3**

RIDER

To be attached to and form a part of Bond No. 08966919

executed by FPL ENERGY STATELINE II, INC. as Principal

and by FIDELITY AND DEPOSIT COMPANY OF MARYLAND as Surety,

in favor of STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR

and effective as of May 1, 2009

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing BOND AMOUNT

FROM: FOUR MILLION FOUR HUNDRED SEVENTEEN THOUSAND AND 00/100 (\$4,417,000.00)

TO: FOUR MILLION FOUR HUNDRED SEVENTY FOUR THOUSAND AND 00/100 (\$4,474,000.00)

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated. This rider is effective on the 30th day of June, 2016.

Signed and sealed this 27th day of May, 2016.

FPL ENERGY STATELINE II, INC.  
Principal

BY: *[Signature]*

FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
Surety

BY: *[Signature]*  
Elizabeth Marrero Attorney-in-Fact

Accepted:

STATE OF OREGON ACTING BY AND THROUGH THE ENERGY FACILITY SITING COUNCIL ADMINISTRATOR  
Obligee

BY: \_\_\_\_\_

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GERALD F. HALEY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Douglas R. WHEELER, Maureen MCNEILL, Wayne G. MCVAUGH, Elizabeth MARRERO, Jaquanda MARTIN, Patricia A. RAMBO, Sara OWENS, Kimberly G. SHERROD and Joanne C. WAGNER**, all of Philadelphia, Pennsylvania, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 22nd day of March, A.D. 2016.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: *Eric D. Barnes*

*Gerald F. Haley*

*Secretary  
Eric D. Barnes*

*Vice President  
Gerald F. Haley*

State of Maryland  
County of Baltimore

On this 22nd day of March, A.D. 2016, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GERALD F. HALEY, Vice President**, and **ERIC D. BARNES, Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposed and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Maria D. Adamski*

Maria D. Adamski, Notary Public  
My Commission Expires: July 8, 2019



**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 21<sup>st</sup> day of May, 2010



Michael Bond, Vice President

# **ATTACHMENT 4**

## **2016 Stateline 1 & 2 Habitat Monitoring Memorandum**

**2016 Habitat Enhancement Area  
Restoration Monitoring Report  
For  
Stateline 1 & 2 Oregon**

*Prepared for:*

**FPL Energy Vansycle LLC  
P.O Box 409  
Touchet, Washington 99360**

*Prepared by:*

**Karen Kronner  
Northwest Wildlife Consultants, Inc.  
815 NW 4<sup>th</sup> St.  
Pendleton, Oregon 97801**



December 29, 2016

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### Figure

Figure 1. Map of Stateline 1 and 2 Habitat Enhancement Area

### Photos

Photo 1. 2002. Looking north at HEA (HG-N turbine string to the left).

Photo 2. 2002. Looking easterly at HEA site. Underground electrical line and a dirt trail for vehicles shows on the right.

Photo 3. June 2009. Looking northeast at the restored HEA near HG-N string. Photo taken in June 2009. Light tan grass is primarily non-native annual cereal ryegrass (*Secale cereale*).

Photo 4. 2010. Maintained 12-foot wide dirt trail through HEA established perennial grassland area (looking uphill, southwesterly towards turbine string HG-N).

Photo 5. 2010. Perennial grassland vegetation with seed production.

Photo 6. June 3, 2010. HEA grassland and shrub seeded area in foreground and general landscape.

Photo 7. 2015. Photo taken in 2015 of maintained 12-foot wide dirt trail through HEA established perennial grassland area (looking southwesterly towards turbine string HG-N).

Photo 8. 2015. General view looking towards sagebrush planted area.

Photo 9. 2015. General view looking uphill (westerly) towards turbine string HG-N.

Photo 10. 2015 HEA plot 1.

Photo 11. May 3, 2016. Habitat showing signs of recovery from livestock grazing. Compare to Photo 6 (2006) and 8 (2015).

Photo 12. September 23, 2016. Good vegetative height and seed production of desirable perennial grasses, not as dense as in 2010 prior to grazing. Yellow star thistle understory.

## 1.0 BACKGROUND

FPL Energy, Vansycle L.L.C. (FPLE) owns and operates the Stateline Wind Power Project located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The first projects, Stateline 1 and 2 consist of a number of wind turbines installed 12 to 13 years ago that are arranged in strings along ridge tops. The site is closest to the towns of Helix, Oregon and Touchet, Washington. In addition to wind turbines, access roads, overhead and underground electrical lines, operation and maintenance facilities, and a project substation are associated with the project.

As part of the permit requirements for the project, FPLE revegetated areas temporarily disturbed by the project construction activities and established and monitored habitat set aside in a conservation easement for habitat mitigation purposes – one is in Washington, the other is in Oregon (the subject of this report). They are referred to as “Habitat Enhancement Areas” (HEA). Refer to Oregon EFSC Permit Conditions 65, 66 and 67 for more details on requirements. This Oregon work was carried out according to the specifications in the Stateline Revegetation Plan for Stateline 1 and 2 originally prepared in 2002. The plan specifies seed mixes and planting methods applicable to the project for construction disturbance as well as mitigation for impacts, and sets out the framework for a monitoring plan to evaluate revegetation and mitigation success. Specific sections address the HEA. The current comprehensive Revegetation Plan (Stateline 1, 2 and 3) is dated March 27, 2009.

Stateline 1 and 2 construction-related revegetation monitoring and reporting has been completed. Based on the framework set out in the revised revegetation plan, the fifth and final season of the construction disturbance revegetation monitoring was conducted in the fall of 2006.

Photos 1 and 2 illustrate the HEA in 2002. Prior reports describe the seeding, etc. Monitoring of the 36 seeded acres of the 51.5-acre Oregon Enhancement Area (the habitat mitigation site for Stateline 1 and 2, Figure 1, “Exhibit B”) continued annually through 2010 because seeding did not occur until 2004. Five acres received shrub enhancement (placing seeds throughout, Figure 1) occurred for the first time in 2008 and records indicated noxious weed spraying occurred in that time frame on that portion and parts of the remaining HEA acres. The 2010 monitoring report confirmed in June that grass seeded areas were well-established. The restored portion (36 acres where grass was seeded in 2004) was found to have thriving and lush native bunchgrass throughout the parcel, with the exception of the dirt trail used for vehicle travel. The sagebrush shrubs appeared healthy and taller than in 2009 (Photos 3–6). Young sagebrush shrubs on the monitored HEA were generally one to three feet high. Weedy grasses and forbs were still present, as was expected. Prior monitoring reports are on file with the Oregon Department of Energy (ODOE).

During the late 2007 mitigation site field trip with the ODOE, FPLE and NWC suggested that a complementary wildlife survey (focusing on birds) may be appropriate at that stage of the vegetation restoration to validate some assumptions regarding wildlife’s response to an enhanced site. The ODOE and NWC discussed this with the local Oregon Department Fish and Wildlife (ODFW) biologist. ODOE requested that a survey for presence of native birds during the breeding season in the Oregon HEA restored area be conducted, and agreed it could be complementary to the vegetation restoration monitoring to further assess the site’s success or trend toward success for supporting native wildlife. In particular, the species of most interest are the grasshopper sparrow, savannah sparrow and Western meadowlark—all species that utilized portions of the habitat prior to the placement of some of the Stateline facility’s permanent footprint. Although specific pre-construction avian data is

not available for the full Oregon HEA site, this area was selected for habitat enhancement because of its low habitat value which could be enhanced for native birds, in particular the grasshopper sparrow (a special status species for the wind project pre-construction surveys and habitat categorization/rating assessments). Pre-construction surveys were conducted by NWC in portions of the HEA in 2000 or 2001 as part of baseline studies for future turbines to be placed there. That historical perspective was used in 2010 to evaluate a general trend or bird use post-restoration. Prior to restoration wildlife was very limited and no special status mammals or birds were observed (Kronner, general field notes 1999, 2000, 2001 and 2002). Post-enhancement avian surveys occurred in 2008, 2009 and 2010. In 2015 and 2016, meandering transects were conducted to assess the vegetation and look and listen for birds.

## **2.0 METHODS**

### **2.1 Vegetation Monitoring Design and Data Collection**

#### Field Data Collection

The Oregon HEA was examined in the field on May 3 and September 23 2016. Vegetation was near or at its peak growth/seed production. All of the site was examined and several photos were taken each visit.

As reported in 2015 the habitat had been degraded since 2010 due to livestock grazing. No more grazing occurred. On May 3 and September 23, 2016 the surveyor (the same biologist that conducted field tasks since 2003) conducted meandering transects to assess the vegetation changes since the prior year and to look and listen for birds. No specific vegetation plots were established. Only vegetation height was measured.

The surveyor made note of the perennial grass height and density, forbs and the understory. Numerous photos were taken, all representative of the fairly homogenous habitat. As in prior years native grasses, native forbs, shrubs, exotic grasses, and non-native ("exotic") forbs were listed and bare ground or any erosion was noted. Other observations such as land use (sign of livestock use) were recorded.

In 2008, sagebrush seeds were seeded in 5 acres (Figure 1, "Exhibit B"). Monitoring for sprouting seedlings was conducted in 2009. In 2010, 2015 and 2016 the area was assessed for native vegetation coverage and encroaching non-native grasses and weeds. Details on the seeding methods used can be obtained from the FPLE Stateline Wind Project office located in Touchet, WA.

### **2.2 Avian Survey**

In 2016 the lack of suitable vegetative density and height (such as documented in 2010) indicated slowly meandering throughout the HEA would be more useful than more intensive avian survey transects as used in 2010 and earlier. On the morning of May 3 the experienced biologist listened and looked for avian species, meandering through the whole site except the dense ryegrass patch. Notes were recorded for birds. When no birds were noted the biologist walked a slow pace, stopping intermittently to scan and listen for birds.

## **3.0 RESULTS**

### **3.1 Vegetation Monitoring Summary**

Results were previously reported for all monitoring years. This section describes 2016 results and changes since 2015.

#### 2016 Summary

There were no wildfires in 2016 on the HEA or nearby. Although wildfires had occurred in the general area since 2010, none were in the HEA. As noted in 2015 domestic livestock "cow-pies" were still present, they are expected to persist many years with limited impact on the vegetation growth. No cattle were present in 2016. No erosion was noted. The dirt road had been used for travel and was mostly bare. There was considerable less bare ground than in 2015, as vegetation is filling in (desirable and undesirable species).

No new forb species or their extent was noted. The yellow star thistle continues to be the dominant understory plant, cheatgrass was found throughout. Seed production of perennial grasses was more than in 2015, grasses were taller (Photos 11 and 12). Grass plant density was not the same as before the livestock grazing (Photo 6) but better than in 2015 (Photos 9 and 10).

### **3.2 Avian Survey Summary**

There were two horned larks and one grasshopper sparrow observed. No other bird species were noted to be using the site. In 2010 avian surveys indicated that in general there appeared to be an increase in the number of grasshopper sparrows using the site (three in 2010, one in 2009). Nesting was not confirmed. None were observed in 2016 immediately adjacent to the HEA.

## **4.0 RECOMMENDATIONS**

Domestic livestock grazing should not be permitted. Although yellow star thistle should be controlled, it is very common in the surrounding area outside the HEA and will continue to be a seed source; the same is true for the cereal ryegrass. Controlling these two abundant undesirable species will not likely result in sufficient enough control due to the surrounding seed sources.

Effort should be made to take some aerial photos of the sites and surrounding area by use of a helicopter. NWC can arrange this. The same pilot and biologist that did this work earlier would conduct this 2017 task. The photos would be an update to the original ones and a good reference for long-term monitoring. After the 2017 monitoring, a discussion on the acceptance of weedy undesirable species in the HEA should occur, taking into consideration the extreme difficulty of reducing non-natives in the general landscape. Reseeding (by hand) of perennial grass and scattering sagebrush seeds (on bare ground or gopher disturbed spots) should be explored. Monitoring of the vegetation and for weed control needs (new species, etc.) should occur annually for the next three to five years.

As recommended in 2010, due to the extensive non-native vegetation species in the surrounding area, do not re-attempt to establish 5 acres of sagebrush in the northern area – this would be very costly and once established, would always be at risk of converting back to undesirable vegetative cover (currently cereal ryegrass, and cheatgrass). The site is beyond restoration capabilities without allot of extra time and expense. Success of any such efforts is expected to be low. Lastly, the current dirt vehicle trail that has been used by maintenance trucks that service an active underground circuit that is adjacent to this trail should not be driven unless necessary.

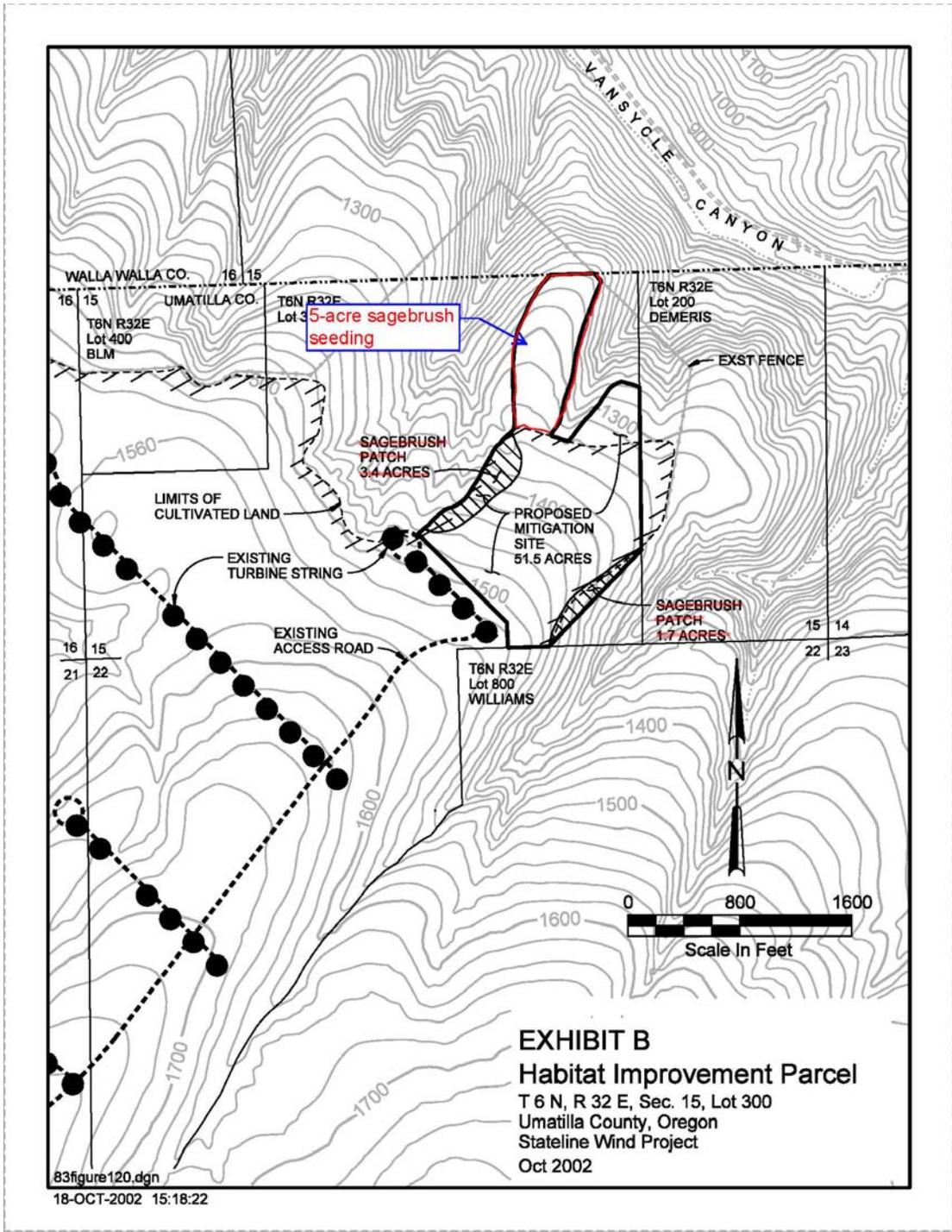


Figure 1. Map of Stateline 1 and 2 Habitat Enhancement Area (Exhibit B, 2002)

PHOTOS



Photo 1. Looking north at HEA (HG-N turbine string to the left of center). Taken in 2002. Light green is primarily non-native annual cereal ryegrass (*Secale cereale*).



Photo 2. 2002. Looking easterly at HEA site. Underground electrical line and a dirt trail for vehicles shows on the right.



Photo 3. 2009. Looking northeast at the restored HEA next to two HG-N turbines. Light tan grass is primarily non-native annual cereal ryegrass.



Photo 4. 2010. Maintained 12-foot wide dirt trail through HEA established perennial grassland area (looking uphill, southwesterly towards turbine string HG-N).



Photo 5. June 3, 2010. Perennial grassland vegetation with seed production.



Photo 6. June 3, 2010. HEA grassland and shrub seeded area in foreground and general landscape.



Photo 7. 2015 Maintained 12-foot wide dirt trail through HEA established perennial grassland area (looking southwesterly towards turbine string HG-N).



Photo 8. 2015. General view looking towards sagebrush planted area (compare to Photo 6 taken in 2006).



Photo 9. 2015. General view looking uphill (westerly) towards turbine string HG-N.



Photo 10. 2015 HEA Plot 1



Photo 11. May 3, 2016. Habitat showing signs of recovery from livestock grazing. Compare to Photo 6 (2006) and 8 (2015).



Photo 12. September 23, 2016. Good vegetative height of desirable perennial grasses, not as dense as in 2010 prior to grazing. Yellow star thistle understory.

**Stateline 3  
Habitat Mitigation Area  
2016 Monitoring Report**

*Prepared for:*

**FPL Energy Stateline II  
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Touchet, Washington 99360**

*Prepared by:*

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April 24, 2017

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## 1.0 BACKGROUND

FPL Energy, Vansycle LLC (FPLE) owns and operates the Stateline Wind Project 1 and 2 and FPL Energy Stateline II, Inc. owns and operates Stateline 3. Stateline Wind Project (SWP, "Project") is located on the border of Oregon and Washington in Umatilla County, Oregon, and Walla Walla County, Washington. The most recent phase, Stateline 3 (all turbines are in Oregon) was permitted by the State of Oregon (amendment #4 of the Stateline Site Certificate, dated March 27, 2009) and was constructed from mid to late 2009. A transmission line crosses into Walla Walla County. Stateline 3 consists of 43 wind turbines installed on privately-owned land east of Stateline 1 and 2 and Vansycle I and near Combine Hills Phase I and II (all operating wind projects). Numerous Stateline 3 maps and project permitting documents can be found on the Oregon Department of Energy's web site and at the Umatilla County Planning Department in Pendleton, Oregon. In addition, habitat mitigation concepts, plans, maps and all final and recent documents are on file with the same agencies.

As part of the permit requirements for the project, FPLE has completed requirements for several permit conditions. Some are specifically for monitoring wildlife (raptor nesting and bird and bat fatalities) and for addressing revegetation of construction impact zones. Specifically for the non-agricultural habitat impacted during construction, a Habitat Mitigation Area (HMA) was established in the vicinity (sometimes referred to as the Habitat Enhancement Area (HEA)). Habitat enhancements are required. The site is being monitored (Permit Condition #112).

The Stateline Wind Project Habitat Mitigation Plan (HMP) dated March 27, 2009 includes background information including habitats impacted by SWP and acres required for mitigation to meet Oregon Department of Fish and Wildlife (ODFW) Fish and Wildlife Habitat Mitigation Policy (described in Oregon Administrative Rule # 635-415-0025). Rounded to the nearest whole acre, 11 acres is the required size of the Stateline 3 HMA (calculations in HMP pgs. C-2 and C-3). FPLE has voluntarily committed to a larger site (50 total acres). It consists of native grassland steppe with prior records of the State endangered Washington ground squirrel. To be effective for long-term conservation of native vegetation and special status wildlife, more than 11 acres was determined by FPLE and Northwest Wildlife Consultants, Inc. (NWC) to be more desirable than the required 11 acres. Although the mitigation acreage requirement was for only 11 acres (not 50 acres), for enhancement actions and monitoring, the whole site is being addressed. The SWP HMP is more of a conservation and monitoring approach for native biological values rather than an enhancement-intensive mitigation approach. Some enhancements (weed control and native grass seeding) have been conducted and are further described in prior reports.

Monitoring began in 2010. Avian surveys were conducted in 2011 and the second year is five years from that survey which is 2016. The subject of this April 2017 report is the 2016 monitoring effort (all items specified in the HMP). It should be noted that the 50-acre habitat quality was not degraded at the time of initiation of the conservation easement and the habitat continues to be in overall good ecological condition. No livestock grazing has occurred to date and the habitat has not burned.

NWC, based in Pendleton Oregon, was selected to conduct the monitoring since 2010. The same wildlife biologist that conducted many of the Stateline 1, 2 and 3 studies since the mid-1990's also prepared all the background information on the HMA's values and ability to meet the mitigation objectives. NWC biologists have observed the land use (and lack of human use) on the HMA and land use of the surrounding lands since 1987.

## 2.0 ENHANCEMENT ACTIONS IMPLEMENTED

Section V of the HMP specifies four “Habitat Enhancement Actions”. These are: 1) Modification of Livestock Grazing, 2) Weed Control and Area Seeding, 3) Fire Control, and 4) Habitat Protection. It is anticipated that removal of livestock grazing and spot-spraying for noxious weeds have been the two primary enhancement action items for this site.

### 2016 Enhancement Accomplishments and Brief Summary:

- 1) No livestock grazing occurred on the HMA or adjacent native or CRP habitat.
- 2) Inspections for target weed species (yellow star thistle in particular and any other Umatilla County-designated noxious weeds, List A and B) occurred in 2016 (March and May). Figure 2 displays an area with prior yellow star thistle (*Centaurea solstitialis*), chemically treated in 2011. This is the extent of the chemical treatment area. The treatment has proven to be successful, however some undesirable plants persist and this is consistent with the whole landscape area. No new patches of weeds that are causing impacts on the native vegetation were noted in 2016. No native grass seeding was conducted.
- 3) Fire control plans are still in place as specified in permit condition #34.
- 4) The HMA has been protected under a County-recorded long-term conservation easement with the landowner. With the exception of active weed control conducted by FPLE, no human-activity land uses occurred.

## 3.0 MONITORING

The HMP specifies eight monitoring procedures that will begin in the first year after enhancement actions begin (HMP, pg. C-4). The first year after enhancement action item #2 (weed control) was implemented was the 2011 vegetative growing season.

In 2016 monitoring occurred on May 4.

There are specific items to be recorded during the annual monitoring, shown as items 1–6, HMP pgs. C-4 and C-5. Most are general assessments and do not entail extensive measurements.

### 2016 Monitoring Accomplishments

#### Monitoring Items 1–6

General quality of vegetation cover: Native bunchgrasses found onsite included bluebunch wheatgrass (*Pseudoroegneria spicata*) and big bluegrass (*Poa secunda*) and native forbs, such as arrow-leafed balsamroot (*Balsamorhiza sagittata*), yarrow (*Achillea millefolium*), and buckwheat species (*Eriogonium niveum* and *E. heracleoides*) are maturing and growing vigorously (Photos 1, 2 and 3). Low shrubs such as green rabbitbrush (*Chrysothamnus viscidiflorus*) are present but not dominating the native bunchgrass and forbs. Evidence of seed production and prevalence of seed heads of the desired native plant species was observed.

There were no wildfires on the site or adjacent.

Monitoring Items #7 and #8 (area search avian surveys and observations of special status wildlife and plants). Wildlife and plant surveys occurred. Although the mitigation requirement was for 11 acres (not 50 acres), for monitoring purposes, the whole site is being studied (Figure 2).

### *Area Search and Observations of Special Status Plants and Animals*

As described in Kronner, 2011, during early spring 2010, NWC designed an area search plot layout consisting of 5 survey plots for the 50-acre HMA. Figure 2 illustrates the plots. On May 4, 2016, an experienced avian surveyor familiar with the site and the avian communities of the Stateline 1, 2 and 3 and the Stateline 3 HMA habitat (1994–2016) conducted 20-minute avian searches in each of the five plots. All wildlife was recorded. Avian and other wildlife species recorded. The total number of each for the two surveys were similar to the prior years' observations. Species were: western meadowlark (1 at plot A), 3 horned larks (1 at plot B, 2 at plot D), and 5 grasshopper sparrows (heard outside of plots but inside the HMA, same general areas as recorded for the species during the prior years). One horned lark was none in the weed control patch.

Also on May 4, 2016, the surveyor surveyed the site for special status plants and wildlife. The target species list that was used for multiple years of Stateline 1, 2, 3 surveys was applied to this project (refer to extensive Stateline project permit files). Surveying occurred along meandering walking transects across the site at a spacing of approximately 10 meters were surveyed. In addition to the grasshopper sparrow (described above) use by white-tailed jackrabbit was noted, one was observed. No special status plants were found. No sign of possible use (diagnostic holes) was found for the one special status small mammal known to occur in the general area, the State endangered Washington ground squirrel (historically present). As is earlier monitoring, there was evidence of fresh American badger digging and sign of northern pocket gopher activity. Mule deer were observed (Photo 2).

#### **4.0 RECOMMENDATIONS FOR 2017**

In addition to data/assessment required for each monitoring year (items 1–8), inspect for noxious weeds throughout, specifically within the previously known weed patch (Figure 2) and the rest of the HMA in early May 2017. Spray noxious weeds if needed, inspect for results in October. Determine if native grass seeding would be advantageous in the weed control patch. If sufficient bare ground exists, consider native grass seeding in the wet period from November 2017 through January 2018.

Conduct an ocular assessment of the vegetation quality (species and structural stage, etc.). Note extent of seed production of native grasses and forbs. Take comparison photos to determine extent of native bunchgrass species and to document status of yellow star thistle in the chemically-controlled patch. Record all wildlife and special status plants observed.

## 5.0 FIGURES

Figure 1. Stateline 3 50-acre Habitat Mitigation Area, Umatilla County Oregon.

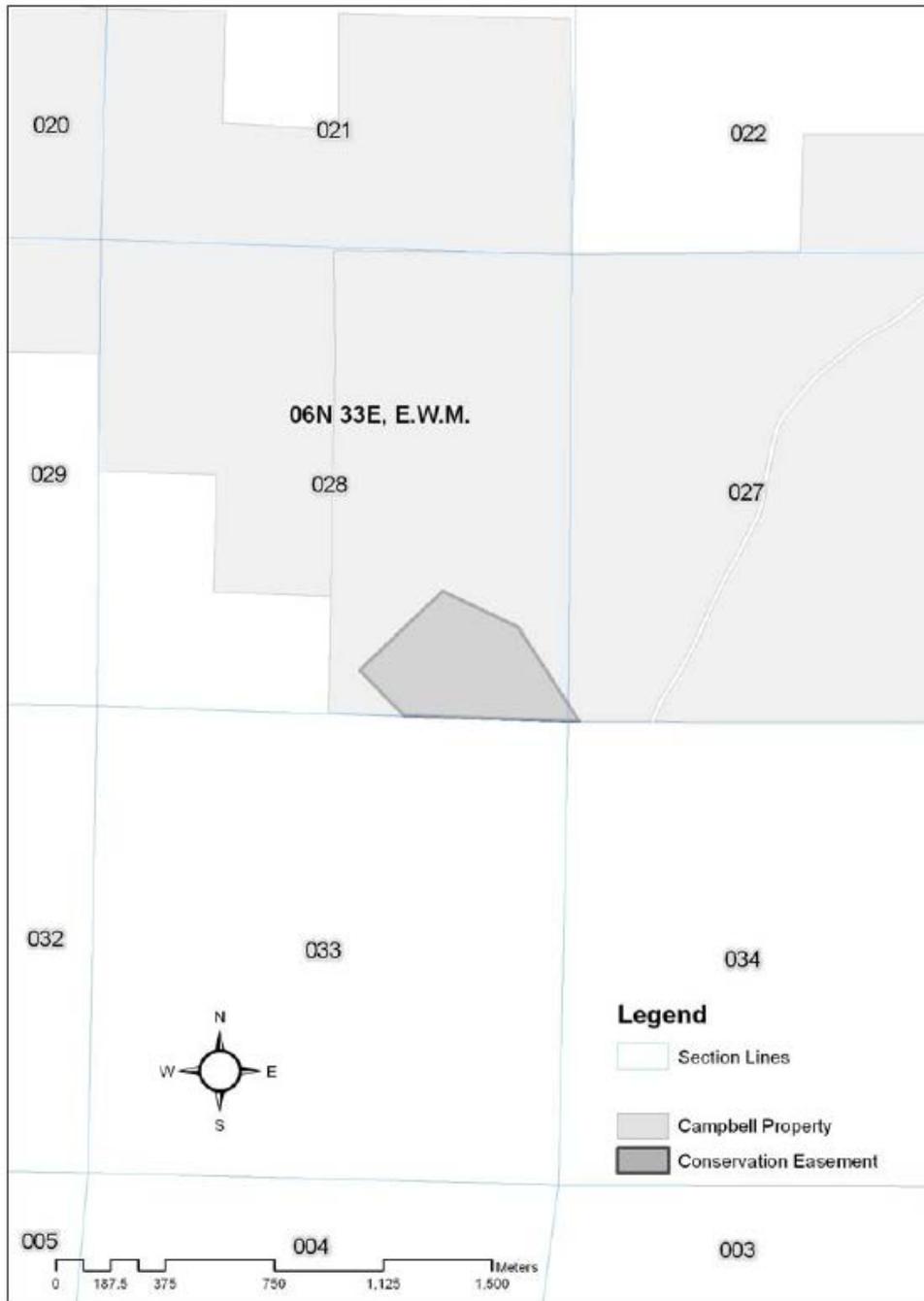
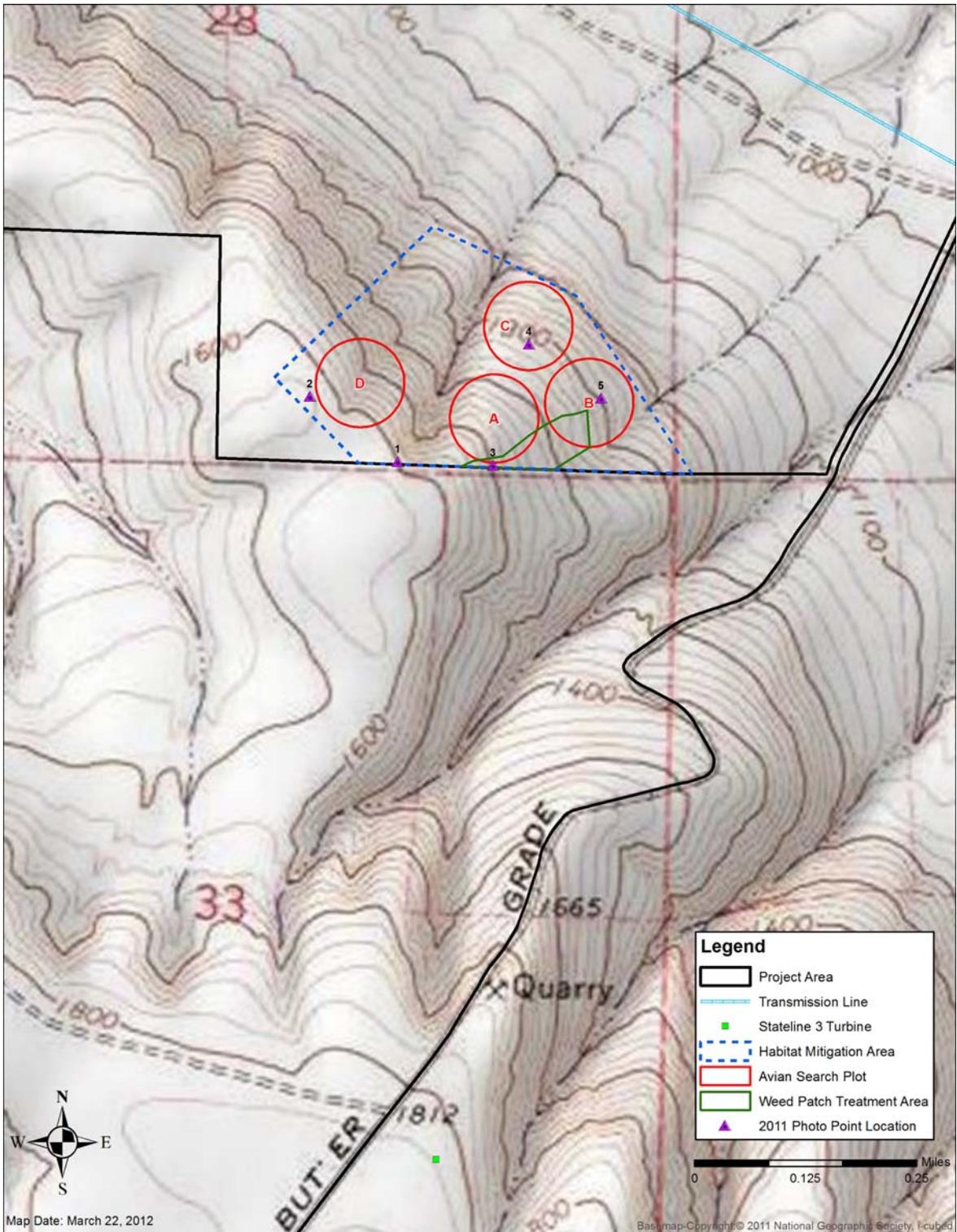


Figure 2. Stateline 3 Habitat Mitigation Area 2016 Monitoring



\*Note: this is the same figure as in the 2012 report of the 2011 monitoring

## 6.0 PHOTOS REPRESENTING 2016 VEGETATION

Photo 1. HMA site, native bunchgrass and forbs on slope (representative of most of HMA). Photo taken on May 4, 2016.



Photo 2. HMA site, native bunchgrass and forbs on slope, non-native annual grasses on upper slope. Mule deer. Photo taken on May 4, 2016.



Photo 3. HMA site, native bunchgrass, forbs and shrubs on slope. Terracing caused by early 1900s sheep grazing still obvious. Photo taken on May 4, 2016.



# **ATTACHMENT 5**

## **2016 WRRS Data for Stateline Wind Project**

Site	Date of Discovery	Species Name	Structure Detail	Physical Condition	Electrical Event
Stateline	6/27/2016		Substation	COMPLETE CARCASS	YES
VANSYCLE II	8/11/2016	Pheasant Cuckoo	WVS II - 29	COMPLETE CARCASS	NO
VANSYCLE II	8/16/2016	Bat, Hoary	T4	COMPLETE CARCASS	NO

# **ATTACHMENT 6**

**STL 1-2 Offsite Artificial Report Nest Structure Monitoring**



Northwest  
Wildlife  
Consultants, Inc.

## MEMORANDUM

Date: September 26, 2016

To: Mike Odman and Trevor Wilkerson, NextEra Energy Resources

From: Karen Kronner  
NWC, Inc.

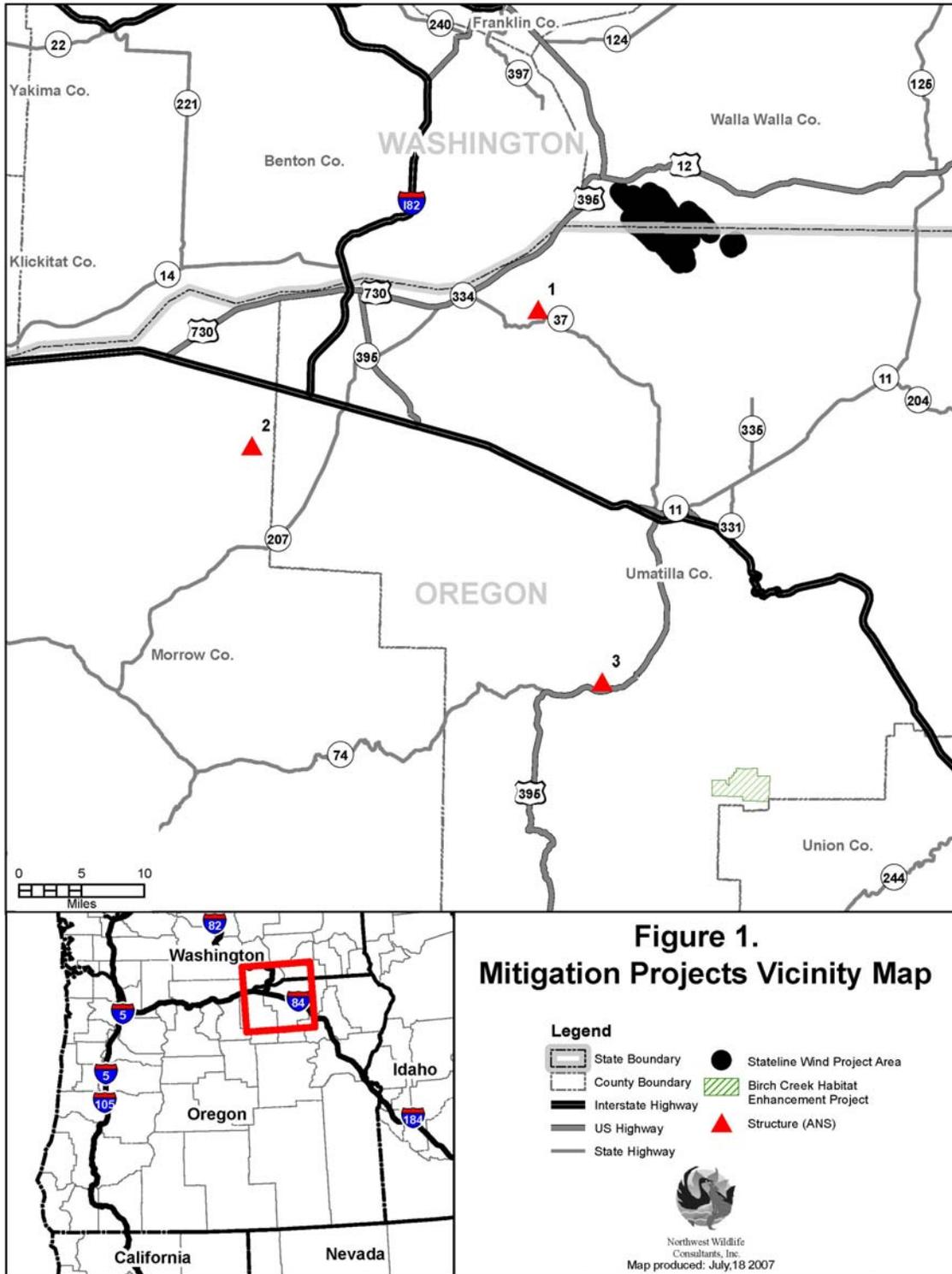
Subject: Stateline 1-2 2016 Offsite Artificial Raptor Nest Structure Monitoring

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This memo provides a summary of results for the 2016 NWC monitoring of the Artificial Nest Structures (ANS). These structures are located offsite (Figure 1). These are the three ANS platforms placed in suitable areas to mitigate for exceedance of the Stateline 1-2 EFSC permit established raptor fatality threshold. All three are located on privately-owned land with stable land ownership; there have been no changes to the habitat or ownership for sites 1 and 3 as of the date of this 2016 report. Site 2 is in native habitat but very near a large (12,000 acres) tree farm which has been going through conversion from poplar tree farming to other farming; trees are being eliminated and some of the ground was tilled in spring 2016. Background information for the ANS project can be found in prior documents and is generally described in the current Stateline Wildlife Monitoring and Mitigation Plan dated November 2009 (pages A-15–A-17).

Three platforms were checked via ground or helicopter for use by raptor species from late April through mid-June May 2016 a minimum of three times. Only #1 was used; a red-tailed hawk pair nested and had two young chicks but was assumed to not be successful, based on no birds present during the last visit on June 15 (still should have been two young on the nest). During this visit two adult ravens were very nearby and one adult red-tailed hawk was seen flying on the way to the site (within 0.25 mi). No other species were noted starting to nest in the other two and no new nest material was found in them either.

The WMMP lines 30-33 reads: "Annual monitoring of all ANS shall continue for at least 10 years after construction of the ANS in 2006. If there has been no use of an ANS by raptors during the first five years, the Department may require FPL Vansycle to relocate the ANS or construct an ANS at an alternative suitable site." In July 2016 the Oregon Department of Energy, with input from the Oregon Dept. of Fish and Wildlife have requested a proposal from NextEra/Stateline for additional ANS and plans for the original three. The new project implementation and monitoring period will be for a maximum of five nesting years (2017–2021). Refer to other correspondence and documents for further information.



*Northwest Wildlife Consultants, Inc., is an Oregon Registered Woman Business Enterprise  
Specializing in Columbia and Great Basin Wildlife and Rare Plant Surveys,  
Environmental Permitting and Natural Resource Monitoring  
--- A Portion of Profits is Dedicated to Regional Conservation Projects ---*

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## **Attachment P-3. Habitat Mapping**

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**Stateline Wind Project  
Request for Amendment 5**

**Vansycle II\***

*\*Stateline 3 is being renamed Vansycle II  
as part of Request for Amendment 5*

**Figure P-1  
Vegetation Classification and  
Habitat Types**

UMATILLA, OR

- Disturbance Boundary
- Stateline III Habitat Mapping**
- Exhibit P Analysis Area Habitat Mapping**
- Conservation Reserve Program (CRP) or Revegetated
- Change from CRP (2008) to Dry Agriculture (2018)
- Developed
- Dry Agriculture
- Grassland
- Grassland - Shrub Steppe
- Riparian or Riparian Trees
- Shrub Steppe



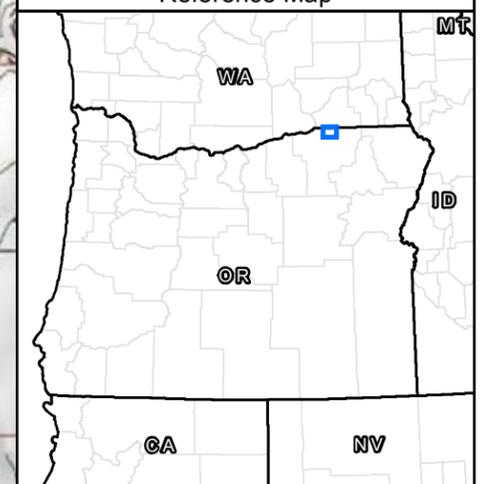
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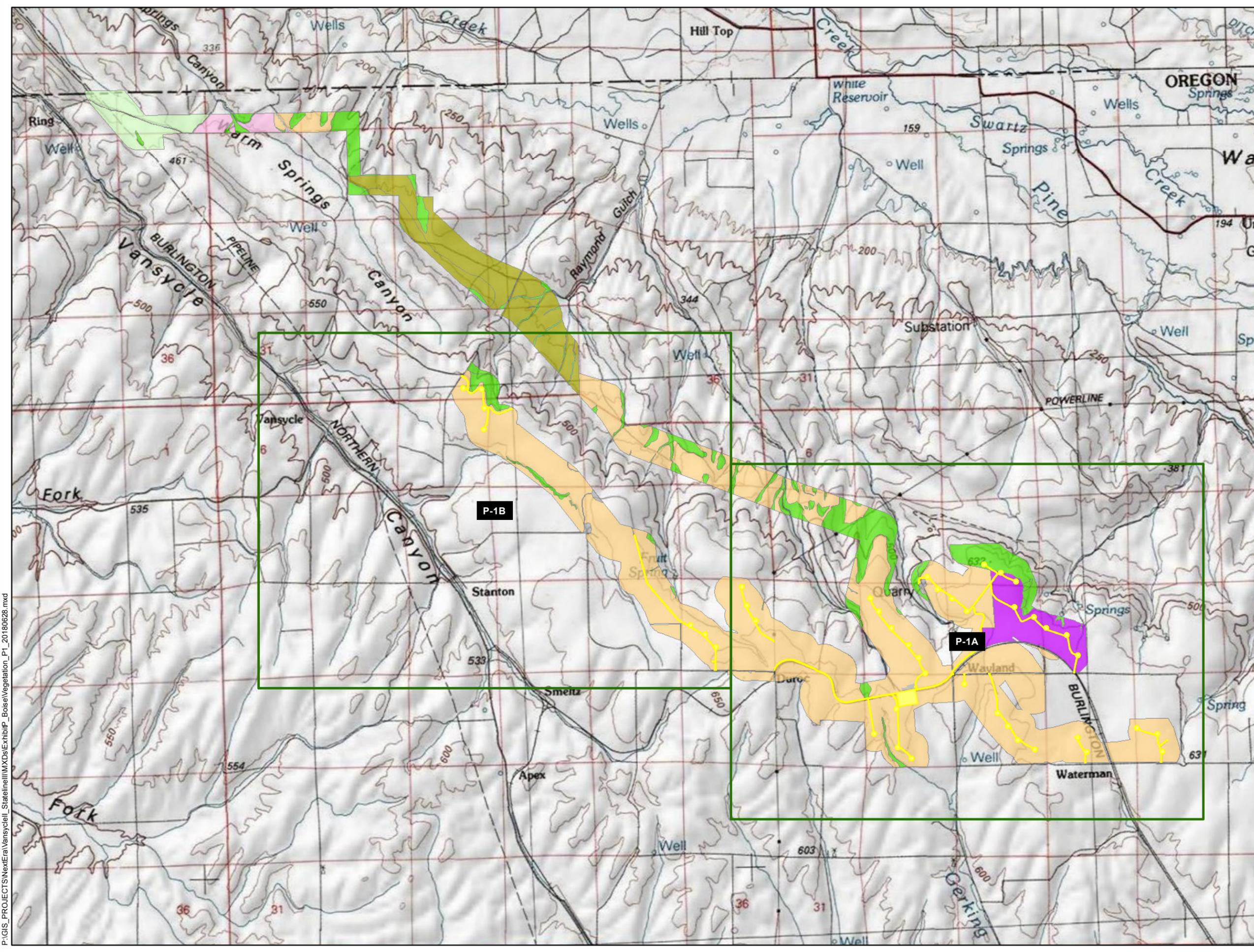
NAD 1983 StatePlane Oregon  
North FIPS 3601 Feet Intl



**Reference Map**



Data Sources:  
ESRI Streetmap



P:\GIS\_PROJECTS\NextEra\Stateline\MapDocs\ExhibitP\_Boise\Vegetation\_P1\_20180628.mxd

**Stateline Wind Project  
Request for Amendment 5**

**Vansycle II\***

*\*Stateline 3 is being renamed Vansycle II  
as part of Request for Amendment 5*

**Figure P-1A  
Vegetation Classification and  
Habitat Types**

UMATILLA, OR

-  Disturbance Boundary
- Stateline III Habitat Mapping**
- Exhibit P Analysis Area Habitat Mapping**
-  Conservation Reserve Program (CRP) or Revegetated
-  Change from CRP (2008) to Dry Agriculture (2018)
-  Developed
-  Dry Agriculture
-  Grassland
-  Grassland - Shrub Steppe
-  Riparian or Riparian Trees
-  Shrub Steppe



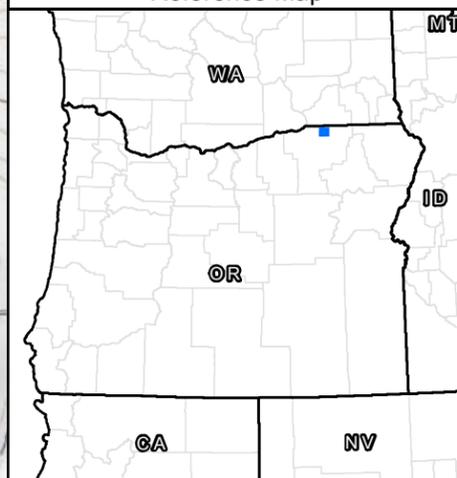
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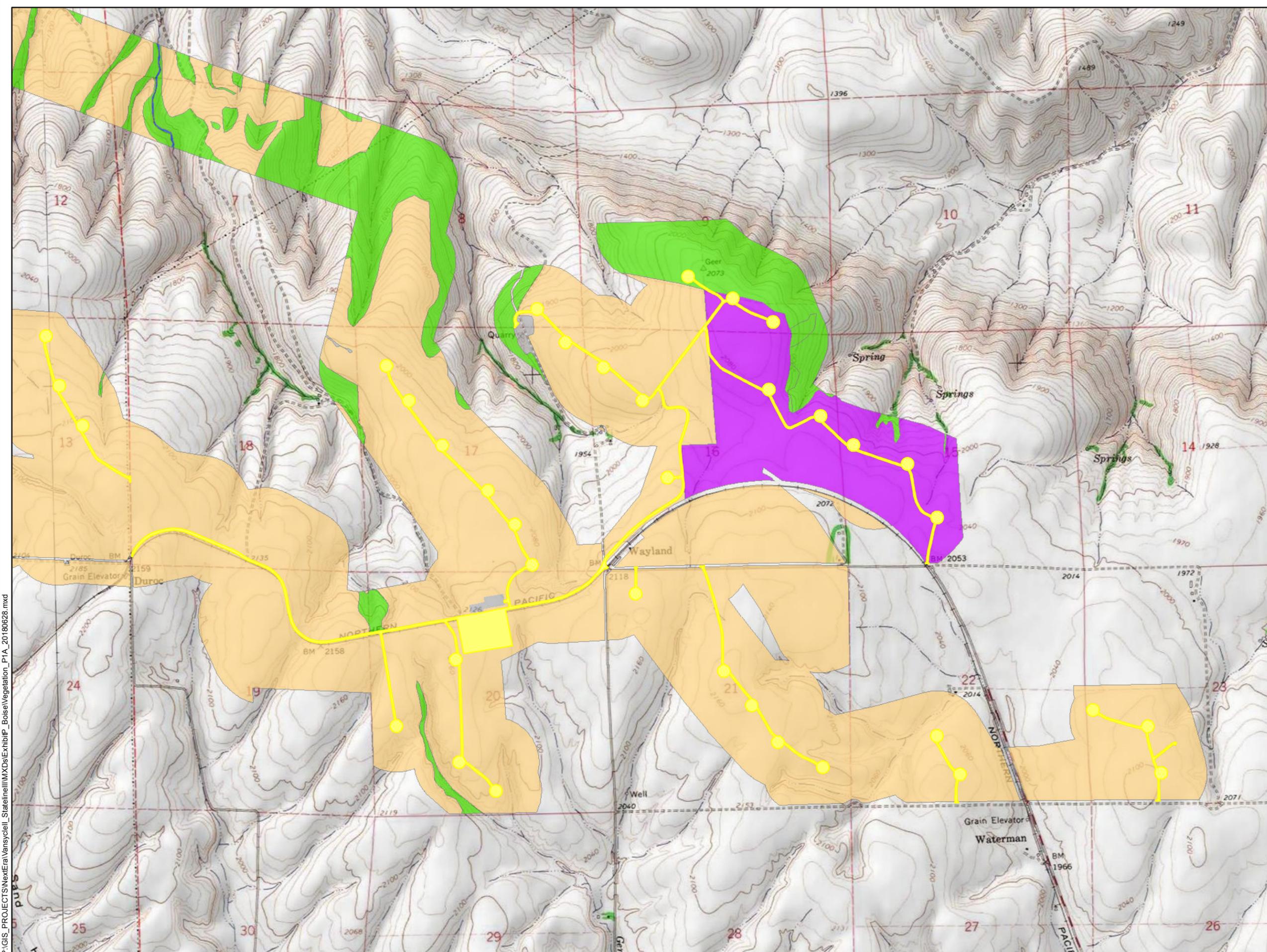
NAD 1983 StatePlane Oregon  
North FIPS 3601 Feet Intl



**Reference Map**



Data Sources:  
ESRI Streetmap



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**Stateline Wind Project  
Request for Amendment 5**

**Vansycle II\***

*\*Stateline 3 is being renamed Vansycle II  
as part of Request for Amendment 5*

**Figure P-1B  
Vegetation Classification and  
Habitat Types**

UMATILLA, OR

-  Disturbance Boundary
- Stateline III Habitat Mapping**
- Exhibit P Analysis Area Habitat Mapping**
-  Conservation Reserve Program (CRP) or Revegetated
-  Change from CRP (2008) to Dry Agriculture (2018)
-  Developed
-  Dry Agriculture
-  Grassland
-  Grassland - Shrub Steppe
-  Riparian or Riparian Trees
-  Shrub Steppe



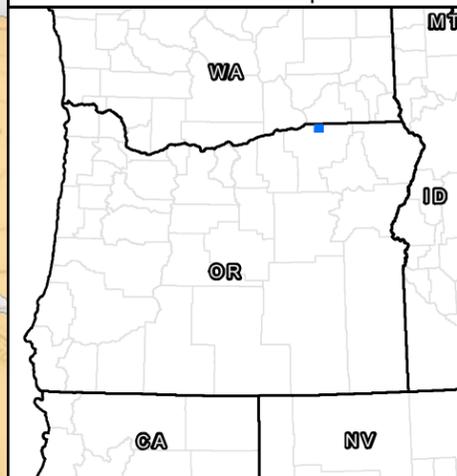
0 0.25 0.5 Miles

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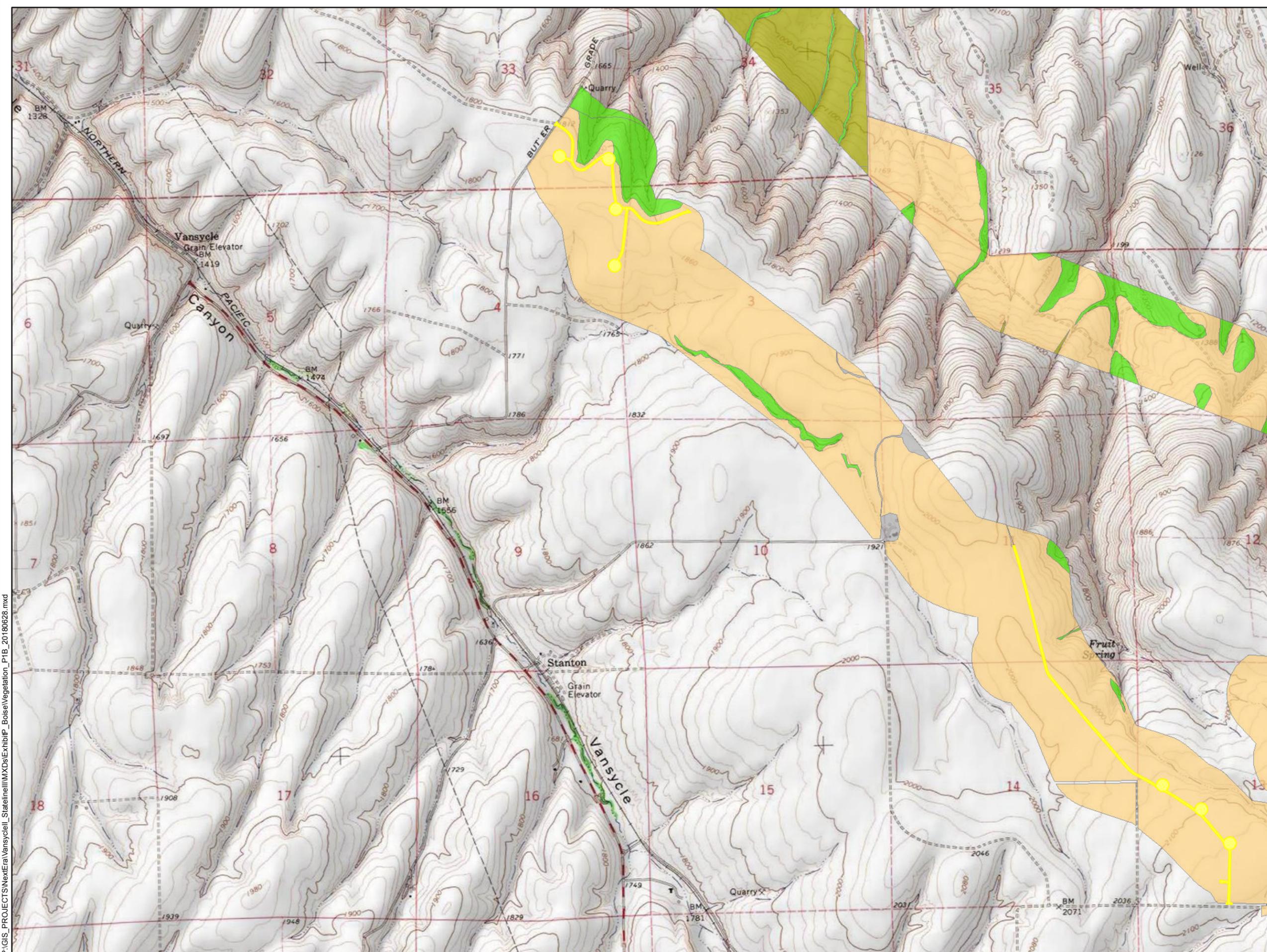
NAD 1983 StatePlane Oregon  
North FIPS 3601 Feet Intl



Reference Map



Data Sources:  
ESRI Streetmap



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## **Attachment P-4. Revegetation Plan**

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# Stateline Wind Project: Revegetation Plan

[REVISED MARCH 27, 2009]

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## 1. Introduction

The certificate holders are operating a wind power project in Oregon known as the Stateline Wind Project (SWP). This Revegetation Plan addresses only the parts of the project that are located in Oregon, although there are associated wind energy facilities in Washington that are part of the overall Stateline project.<sup>1</sup> The turbine strings are spread out along several ridgecrests located approximately six miles southwest of the town of Touchet, Washington. In addition to the turbine strings, additional facilities such as access roads, underground and overhead transmission lines and a substation are part of the project.

In the site certificate, the certificate holder agrees to mitigate impacts associated with the loss of grassland and shrub-steppe habitats and Conservation Reserve Program (CRP) lands. The areas of temporary construction disturbance include cultivated or otherwise developed agricultural land (cropland) as well as areas of grassland, and shrub-steppe habitat. This Revegetation Plan addresses both the revegetation of areas temporarily disturbed by SWP construction and mitigation for permanent habitat impacts of the first two phases of the SWP (Stateline 1&2). The goal for temporarily disturbed areas (such as road shoulders, underground electric cable trenches and the temporarily disturbed area around tower sites) is to return the disturbed habitat to pre-construction conditions or better.

In addition to areas temporarily disturbed during construction of the project, certain areas are permanently affected by the placement of project facilities for the life of the project. These permanently disturbed areas include the location of new or widened roads, the turbine pad areas and the substation area. Some of these areas are located in areas cultivated for winter wheat or other grain crops. No mitigation is proposed for the long-term loss of these agricultural areas (although the landowner is compensated through wind lease payments).

The SWP consists of two parts:

- Stateline 1&2: 186 Vestas V47-660-kilowatt (kW) wind turbines, six permanent meteorological towers, access roads and other related or supporting facilities.
- Stateline 3: Up to 67 GE 1.5-MW wind turbines or up to 43 Siemens 2.3-MW wind turbines, two permanent meteorological towers, access roads, a 230-kV transmission line, a substation, an operations and maintenance building and other related or supporting facilities.

For Stateline 1&2, the certificate holders shall mitigate for the permanent impacts on approximately 50 acres of grassland, grassland-steppe and CRP habitat, as shown in the following table:

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<sup>1</sup> This plan is incorporated by reference in the site certificate for the Stateline Wind Project and must be understood in that context. It is not a “stand-alone” document. This plan does not contain all mitigation required of the certificate holders.

## Stateline Wind Project: Revegetation Plan

[REVISED MARCH 27, 2009]

Stateline 1		
Category	Vegetation Types	Acres of permanent impact
2	Grassland Steppe	0.5
3	Grassland Steppe; CRP	47.8
	Total Stateline 1	48.3
Stateline 2		
Category	Vegetation Types	Acres of permanent impact
3	Grassland Steppe; CRP	<1
4	Grassland	<1
	Total Stateline 2	>1

For Stateline 3, the certificate holders shall mitigate for the permanent habitat impacts as described in a separate Stateline 3 Habitat Mitigation Plan.

Section 4 below describes habitat improvement procedures for degraded habitat that the certificate holder shall revegetate to mitigate the permanent impacts of Stateline 1&2. Section 3 below describes revegetation procedures for restoring areas of temporary disturbance resulting from construction of all phases of the SWP.

In order to achieve these habitat mitigation objectives, this plan has been prepared to guide the revegetation efforts. Seed mixes, planting methods and weed control techniques have been developed specifically for the project area through consultations with the Oregon Department of Fish and Wildlife (ODFW), reviews of current literature and site visits by revegetation specialists. The plan also specifies monitoring procedures to evaluate the success of the revegetation efforts, including recommended remediative action should initial revegetation efforts prove unsuccessful in certain areas.

## 2. Project Area

### 2.1. Project Description

Construction of Stateline 1&2 is complete. There are two project layouts being considered for Stateline 3. One consists of up to 43 Siemens 2.3-93 wind turbines; the other consists of up to 67 GE 1.5 xle or sle wind turbines. The turbines are linked by access roads and underground 34.5-kV transmission lines. In addition, Stateline 3 includes a 230-kV substation and a 16-mile 230-kV transmission line (approximately 12.9 miles of the transmission line are in Oregon and 3.1 miles of transmission line are in Washington). Access roads are needed in several areas to transport equipment and personnel to the facilities. In many cases, existing roads are adequate to provide access, but some new roads and expansion of some existing roads are needed.

During construction, there are areas of temporary disturbance, which the certificate holders must restore in accordance with this plan. Laydown areas and equipment work areas at the tower sites are needed to construct the turbines. Construction of access roads also requires the temporary disturbance of habitat in addition to permanent disturbance of the roadbed. In addition, construction of powerlines, both above and below ground, temporarily affects habitat.

## Stateline Wind Project: Revegetation Plan

[REVISED MARCH 27, 2009]

For the underground lines, temporary impacts are similar to pipeline installation, while for the overhead lines, disturbance is primarily limited to the tower bases. Additionally, miscellaneous areas such as crane paths, staging areas, parking lots and turnouts are temporarily disturbed during construction.

### 2.2. Physiography, Geology, and Soils

The turbine string sites are located on ridgetops that generally run along northwest-southeast lines. Slopes along the strings themselves are gentle, typically ranging from 0° to 10°. Slopes down from the ridgetops are variable, generally ranging from 5° to 30°.

Elevations of the turbines strings range from 1,100 feet to 2,100 feet. Elevations for the access roads and proposed transmission line range from 850 feet to 1,100 feet.

Soils in the lower elevations of the site range from very deep, well-drained silt loams to shallow, stony silt loams formed in colluvium (rocky accumulations at the base of slopes). The deeper silt loams across the site have been cultivated for small grain production. The shallow, stony soils support grazed native shrub-steppe and grassland.

### 2.3. Climate

The project area averages 10 to 15 inches of precipitation annually, most of which falls from October through March. The average annual air temperature is 50° to 53° Fahrenheit, and the average frost-free period is 135 to 170 days. Strong winds are often present along the ridgetops.

### 2.4. General Vegetation

Potential vegetation communities in the project vicinity are primarily bunchgrass and shrub-steppe associations. On the deeper-soiled habitats, *Agropyron spicatum* (bluebunch wheatgrass) and *Festuca idahoensis* (Idaho fescue) are the dominant climax native grasses, and *Artemisia tridentata* (big sagebrush) is the climax shrub associate. Along some of the ridgetops shallow-soiled lithosol communities are present, dominated by *Poa secunda* (Sandberg's bluegrass) and various forb species such as *Eriogonum compositum* (northern buckwheat) and *Phlox hoodii* (Hood's phlox).

Actual vegetation in the general vicinity, however, is heavily disturbed and modified in many places. Much of the area has been cultivated with monoculture crops of wheat and other small grains. Most of the remaining habitat is maintained at an early seral stage due to a number of disturbance factors. Weedy species are prevalent throughout, and extensive habitat modification has taken place. *Bromus tectorum* (cheatgrass) and other annual grasses are the dominant species on many of the deeper-soiled habitats. *Chrysothamnus* spp. (rabbitbrushes) are the dominant shrubs in many of the shrub-steppe habitats. The shallow-soiled communities have also been heavily modified over the years.

### 2.5. Land Use

The project area is privately owned by several agricultural operators. Much of the area is used for cattle grazing and agricultural activities. The cultivated land is used for production of small grain crops such as wheat or barley. The grazed land is either native shrub-steppe or land

## Stateline Wind Project: Revegetation Plan

[REVISED MARCH 27, 2009]

previously set aside in the federal Conservation Reserve Program. Some of the native habitats on shallow soils receive little or no grazing.

### 2.6. Environmental Conditions

A variety of environmental conditions within the project area make the establishment of desirable plant species difficult. Low precipitation and sandy soils provide very little available moisture for germinating seeds. In addition, extensive past and present disturbance to the vegetative communities has created many areas dominated by non-native, weedy species. These species could spread to areas disturbed by construction activities and compete with planted species for the limited resources. The noxious weed *Centaurea solstitialis* (star thistle) is particularly abundant in the project area. Finally, high winds in the area further complicate efforts to establish desirable vegetation.

### 3. Revegetation Procedures (Temporarily Disturbed Areas, Stateline 1&2 and Stateline 3)

The following methods are recommended for all areas of temporary disturbance throughout the project area for Stateline 1&2 and Stateline 3. The certificate holders shall begin restoration of disturbed areas as soon as possible after completion of construction activity in the area to be restored. Seeding or planting should be done at the appropriate time of year to facilitate seed germination and root establishment, based on weather conditions.

#### 3.1. Seed Mixture (Temporarily Disturbed Areas)

In consultation with ODFW, one seed mixture was developed for use in revegetating all temporarily disturbed upland habitats within the project area (Table 1). Because the project area takes in a variety of different habitats (e.g. deep-soiled habitats, shallow-soiled lithosol communities) it was necessary to use several different species groups, each adapted to a different soil type. The development of a separate species mix for each habitat was considered, but rejected as being impractical in the project area due to the close intermingling of habitat types within the facilities corridors. In order to re-establish plant communities of most value to wildlife, only native species are used. Species were selected based on their tolerance to xeric (low-moisture) conditions, the availability of their seed, and a variety of other factors.

#### 3.2. Seed Planting Methods

The choice of methods should be based on site-specific factors such as slope, erosion potential and the size of the area in need of revegetation. Planting should be done at the appropriate time of year based on weather conditions and timing of the disturbance. Disturbed, unseeded ground may require chemical or mechanical weed control before weeds have a chance to go to seed.

##### 3.2.1 Broadcast Method

1. Obtain the seed from a reputable source to avoid contamination.
2. Broadcast the seed mixture at the given rate.
3. Apply locally obtained, weed free straw at a rate of 2 tons per acre immediately after broadcasting the seed.
4. Crimp straw into the ground using a tractor-mounted straw crimper.

## Stateline Wind Project: Revegetation Plan

[REVISED MARCH 27, 2009]

### 3.2.2 Hydroseed Method

1. Obtain the seed from a reputable source to avoid contamination.
2. Broadcast the seed mixture at the given rate.
3. Apply wood cellulose fiber mulch (mixed with a tackifier) at a rate of 1 ton per acre immediately after broadcasting the seed.

### 3.2.3 Drill Method

1. Obtain the seed from a reputable source to avoid contamination.
2. Plant seed mixture at ½ the rate given in Table 1 using a seed drill.
3. Apply locally obtained, weed free straw at a rate of 2 tons per acre immediately after broadcasting the seed.
4. Crimp straw into the ground using a tractor-mounted straw crimper.

## 4. Habitat Improvement Procedures (Stateline 1&2 Habitat Enhancement Area)

### 4.1. Introduction

To mitigate for permanent loss of habitat due to placement of Stateline 1&2 facilities (*e.g.* turbines, access roads), the certificate holder shall rehabilitate habitat on a like number of acres located in the vicinity of the project. The total amount of non-agricultural land estimated to be permanently disturbed by the project, and for which mitigation is needed, is approximately 50 acres. For Stateline 1&2, the certificate holder has acquired the legal right to create and maintain an enhancement area of 50 acres for the life of the facility.<sup>2</sup> The habitat enhancement area was chosen based on a number of factors including:

- the condition of the plant communities (the heavily disturbed habitats are preferred due to the greater potential for improvement);
- accessibility and slope;
- soil type (deeper soils are preferred to aid establishment of desirable grass species);
- distance from the proposed turbine strings (the enhancement areas must be located away from turbine strings to avoid attracting additional avian species to the turbine areas);
- proximity to other functioning wildlife habitat such as the slopes of Vansycle Canyon, native grassland or shrub habitat, CRP grassland; and
- willingness of the landowner to participate in the mitigation activity.

### 4.2. Habitat Improvement Procedures

The certificate holder shall implement the following measures within the designated Stateline 1&2 enhancement area. The certificate holder has the ultimate responsibility for

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<sup>2</sup> See site certificate conditions (66), (67) and (104).

## **Stateline Wind Project: Revegetation Plan**

[REVISED MARCH 27, 2009]

implementation and maintenance of these mitigation measures, although other parties may be subcontracted to carry out the procedures.

### ***4.2.1 Fencing***

The enhancement area will be fenced prior to treatment to exclude cattle and other domestic ungulates, if the adjacent land use includes grazing. No domestic grazing will take place within the enhancement area for the first five years while native vegetation is being established. Once the inspector certifies that all success criteria have been met and predominantly native vegetation is established (see Section 5.2 below), limited domestic grazing may occur. This grazing will be kept to levels that do not significantly degrade the native habitat. It is expected that regular maintenance will be required to keep the fences functioning. Gates will be installed at regular intervals along the perimeter to allow for the regulation of grazing activities. No livestock supporting facilities (such as watering and mineral sites, corrals, etc.) will be allowed in the enhancement areas.

### ***4.2.2 Preparation of Habitat***

The recommended preparation procedure is to chemically treat the enhancement areas in March or April of the first year to suppress or eliminate weedy species as needed prior to seed set. The goal is to remove competing non-native vegetation from the parcel to assist in the later establishment of desirable species. Depending on seedbed conditions, tilling may be necessary in the fall prior to the spring spraying.

### ***4.2.3 Revegetation***

The entire parcel will be seeded using the seed mixture given in Table 2. The recommended procedure is to plant the mixture in October or November at the rate given in Table 2 using a no-till seed drill (five to ten inch row spacing, 1/2 inch planting depth).

### ***4.2.4 Shrub Plantings***

The recommended seed mixture contains big sagebrush seeds. However, shrub establishment from seed is often unsuccessful in xeric conditions, such as those found within the project area. Should revegetation monitoring determine that shrub re-establishment within all or part of the habitat improvement parcel has been unsuccessful, shrubs will be planted in those areas.

The certificate holder or designated contractor will obtain containerized (10 cubic inch) big sagebrush from a regional source. The seedlings will be planted within 1 week of delivery, and the unplanted seedlings will be stored in a shaded area and watered as needed. Ten percent of the acres within the parcel will be randomly selected for shrub planting. The seedlings will be planted in clumps of three, with the clumps approximately 20 feet apart (100 clumps per acre). Depending on seasonal moisture during the following spring, irrigation may be necessary to achieve satisfactory establishment. This may be accomplished by watering each clump to saturation once in late May and again in late June.

### ***4.2.5 Maintenance***

Because these improvements are mitigation for permanent habitat loss, it is necessary to maintain the fences and seedings over the life of the project (currently anticipated to be 30

## **Stateline Wind Project: Revegetation Plan**

[REVISED MARCH 27, 2009]

years). This may include such maintenance activities as fence repair, periodic chemical or mechanical weed control, monitoring of improvement success and re-seeding (in areas where native species establishment falls below the percentages specified in the success criteria described below).

### **5. Monitoring**

#### **5.1. Monitoring Procedures (Temporarily Disturbed Areas, Stateline 1&2 and Stateline 3)**

In the fall of the year following each seeding and continuing annually for five years, a qualified independent botanist or revegetation specialist will examine all reseeded riparian areas and a representative cross-section of the revegetated upland sites and report to the Oregon Department of Energy (Department). Care will be taken to survey areas in all the major habitat types and throughout the geographic extent of the project area. At least 20% of the revegetated acreage will be examined.

In consultation with the ODFW, the certificate holders shall choose reference sites near the revegetated areas to represent the target conditions for the revegetation effort. For each revegetated area, the certificate holders shall choose a reference site in the immediate vicinity that represents the realistically attainable vegetative conditions for that area. The certificate holders shall choose these reference sites based on factors including land use patterns in the area, soil type, aspect and noxious weed densities. The goal in choosing these reference sites is to identify areas that provide a realistically attainable goal that will determine the success threshold level for a particular revegetated area. It is anticipated that it will be necessary to choose several reference sites to adequately represent all the various habitat conditions within the project area.

The certificate holders shall choose the reference sites during or after field visits by the revegetation monitoring specialist and ODFW personnel. Once the reference sites are chosen, they will be used for comparison during all subsequent monitoring visits, unless some event (such as wildfire) significantly changes habitat conditions so that a particular reference site no longer represents a realistically attainable habitat goal for the associated revegetated area. In that case, the certificate holders shall choose a new reference site.

At each monitoring location, the investigator shall evaluate the following parameters (both within the revegetated area and within the reference site):

- Degree of erosion due to construction activities (high, moderate or low).
- Average stems of desirable vegetation per square foot.

The investigator shall evaluate the revegetated area and the reference site separately to allow for later determination of revegetation success.

#### **5.2. Monitoring Procedures (Stateline 1&2 Habitat Enhancement Area)**

In the fall of the year following the seedings, a qualified independent botanist or revegetation specialist will examine a representative cross-section of plots within the revegetated parcel. These visits will occur yearly for the first five years and then take place every five years for the life of the project (although additional monitoring visits may be performed as noted below). Care will be taken to survey areas in all the major habitat types and throughout the geographic extent of the revegetated parcel. At least 10% of the revegetated acreage will be

## **Stateline Wind Project: Revegetation Plan**

[REVISED MARCH 27, 2009]

examined. After each survey, the qualified independent botanist or revegetation specialist will report to the Department.

At each plot, the investigator shall evaluate the following parameters:

- Percent survival of the shrub plantings (if applicable).
- Average stems of desirable vegetation per square foot.

In addition to the regular monitoring schedule (every year for the first five years, and then once every five years after that), a qualified investigator shall conduct additional monitoring visits in the habitat enhancement areas if grazing levels are changed significantly. In particular, if domestic grazing is introduced in the parcel or if the grazing regime is changed significantly, the investigator shall monitor the parcel every fall for two years following the grazing change. This is intended to make sure that domestic grazing activities do not significantly degrade habitat quality such that the parcel fails to meet the success criteria defined below.

### **5.3. Success Criteria (Temporarily Disturbed Areas, Stateline 1&2 and Stateline 3)**

A temporarily disturbed area is successfully revegetated when the average desirable vegetation stem density within the revegetated area is greater than, or equal to, that observed in the comparable reference site.

If success criteria are not met for a site at the time of a monitoring inspection, the investigator may recommend reseeding. In small areas (less than 0.2 acres) where weed encroachment may make native seed establishment impossible, additional reseedings may be optional if erosion from construction activities is moderate or low and total vegetative cover (of native and non-native species together) exceeds 30%.

### **5.4. Success Criteria (Stateline 1&2 Habitat Enhancement Area)**

The Stateline 1&2 habitat enhancement area will be considered successfully revegetated when the average stem densities of desirable species are greater than 0.5 stems per square foot. Shrub plantings will be considered successful when at least 25% of the sagebrush seedlings have survived. If success criteria are not met for a site at the time of a monitoring inspection, the investigator may recommend reseeding or replanting.

After predominantly native vegetation has been established in a habitat enhancement area, the investigator will verify, during subsequent visits, that the plant communities within the parcel continue to meet the success criteria described above. In particular, if domestic grazing is allowed within the enhancement area, the investigator shall determine whether stocking levels or length of the grazing season are significantly degrading the native habitat. If all or part of the habitat within the parcel has fallen below the success levels described above, the investigator shall recommend remediative measures, which may include replanting selected areas, lowering stocking levels or restricting grazing in the enhancement area.

## **6. Amendment of the Plan**

This Revegetation Plan may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The

## Stateline Wind Project: Revegetation Plan

[REVISED MARCH 27, 2009]

Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject or modify any amendment of this plan agreed to by the Department.

**Table 1: Revegetation Seed Mixture (Temporarily Disturbed Areas, Stateline 1&2 and Stateline 3)**

Common Name	Scientific Name	lbs/acre PLS*
Secar Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>Spicata</i>	12
Sherman Big Bluegrass	<i>Poa ampla</i> ( <i>secunda</i> )	6
Critana Thickspike Wheatgrass	<i>Elymus lanceolatus</i>	6
Sandberg's Bluegrass	<i>Poa sandbergii</i> ( <i>secunda</i> )	0.4
Basin Big Sagebrush	<i>Artemisia tridentata</i>	0.4
<b>Total</b>		<b>24.8</b>

Notes: \*PLS (Pure Live Seed)

(The above seed mixture is for use in revegetating all upland areas of temporary ground disturbance within the SWP site boundary.)

**Table 2: Revegetation Seed Mixture (Stateline 1 &2 Habitat Enhancement Area)**

Common Name	Scientific Name	lbs/acre PLS*
Secar Bluebunch Wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>Spicata</i>	3
Sherman Big Bluegrass	<i>Poa ampla</i> ( <i>secunda</i> )	3
Critana Thickspike Wheatgrass	<i>Elymus lanceolatus</i>	3
Whitmar Beardless Wheatgrass	<i>Pseudoroegneria spicata</i> ssp. <i>Inermis</i>	3
Appar Lewis Blue Flax**	<i>Linum perrene</i>	0.5
Basin Big Sagebrush	<i>Artemisia tridentata</i>	0.5
<b>Total</b>		<b>13</b>

Notes: \*PLS (Pure Live Seed) \*\*Optional in areas where ongoing or expected application of broad-leafed herbicides to control weedy species would limit the establishment of blue flax

(The above mixture is for use in seeding habitat within the specific habitat enhancement area set aside as mitigation for permanent Stateline 1&2 ground disturbance. This mix should not be used to revegetate areas temporarily disturbed by project construction.)

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# **Attachment P-5. Habitat Mitigation Plan**

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# Stateline Wind Project: Stateline 3 Habitat Mitigation Plan

[MARCH 27, 2009]

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## I. Introduction

This plan describes methods and standards for preservation and enhancement of an area of land near Stateline 3 to mitigate for the impacts of the facility on wildlife habitat.<sup>1</sup> This plan addresses mitigation for both the permanent impacts of facility components and the temporal impacts of facility construction. The certificate holder shall protect and enhance the Stateline 3 mitigation area as described in this plan. This plan specifies habitat enhancement actions and monitoring procedures to evaluate the success of those actions. This plan does not address additional mitigation that might be required under the Wildlife Monitoring and Mitigation Plan for the Stateline Wind Project. This plan has been developed in consultation with the Oregon Department of Fish and Wildlife (ODFW).

## II. Description of the Impacts Addressed by the Plan

The Stateline 3 footprint (area covered by permanent facility components) may occupy areas of Category 3 and 4 grassland-steppe vegetation, Category 3 Conservation Reserve Program (CRP) or revegetated grassland and Category 3 grassland-shrub-steppe vegetation.<sup>2</sup> Most of the footprint would occupy Category 6 habitat (dryland agriculture). In compliance with a site certificate condition, the certificate holder would avoid any permanent or temporary impact on Category 1 and Category 2 habitat.

In addition to the areas permanently affected by the Stateline 3 footprint, construction would temporarily affect areas of Category 3, 4, 5 and 6 habitats. Temporarily affected Category 3, 4 and 5 non-cropland habitats include CRP, grassland, grassland-shrub-steppe and shrub-steppe. After disturbance, the recovery of temporarily disturbed Category 3 and 4 grassland areas to a mature stage might take two to four years; recovery of mature native shrubs in the Category 3, 4 and 5 shrub-steppe vegetation might take ten to 30 years to reach the maximum height and vertical branching present before construction. During the period needed to achieve full recovery of these habitat subtypes, habitat quality is temporarily degraded until recovery is successful (temporal impact). The duration of this impact on wildlife is variable, depending on the wildlife species' needs.

## III. Calculation of the Size of the Mitigation Area

The Stateline 3 habitat mitigation area (HMA) must be large enough to achieve, within a reasonable time, the habitat mitigation goals and standards of ODFW's Fish and Wildlife Habitat Mitigation Policy described in OAR 635-415-0025. For Category 2 impacts, ODFW goals require mitigation to achieve both "no net loss" and a "net benefit" in habitat quantity or quality. The ODFW goals require mitigation to achieve "no net loss" of habitat in Categories 3 and 4 (acre-for-acre mitigation). For Category 5 impacts, mitigation is achieved by a "net benefit in

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<sup>1</sup> This plan for Stateline 3 is incorporated by reference in the site certificate for the Stateline Wind Project and must be understood in that context. It is not a "stand-alone" document. This plan does not contain all mitigation required of the certificate holder. Habitat mitigation for Stateline 1&2 is addressed in the separate Stateline Wind Project Revegetation Plan.

<sup>2</sup> Habitat is designated according to the Oregon Department of Fish and Wildlife categories (OAR 635-415-0025).

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1 habitat quantity or quality.” For Category 6, mitigation is achieved by actions that minimize  
2 direct habitat loss and avoid impacts to off-site habitat.

3 The actual Stateline 3 footprint and construction disturbance areas cannot be determined  
4 until the final design layout of the facility is known. Before beginning construction of the  
5 Stateline 3, the certificate holders must provide to the Oregon Department of Energy  
6 (Department) and ODFW a map showing the final design configuration of Stateline 3 and a table  
7 showing the acres of permanent impacts and construction area impacts on habitat (by category,  
8 habitat types and habitat subtypes). Before beginning construction, the certificate holder shall  
9 calculate the mitigation area requirement, as illustrated below, based on the final design  
10 configuration of Stateline 3 and subject to the approval of the Department.

11 For the footprint impacts, the HMA must include at least one acre for every acre of  
12 footprint impacts to Category 3 and Category 4 habitat (a 1:1 ratio) to achieve “no net loss.” No  
13 permanent impact to Category 5 habitat is anticipated.

14 To address the temporal loss of habitat quality during the recovery of Category 3 and  
15 Category 5 shrub-steppe (SS) and grassland shrub-steppe (GSS) habitat temporarily disturbed  
16 during construction of Stateline 3 (outside the footprint), the HMA must include ½ acre for every  
17 acre of shrub-steppe habitat affected (a 0.5:1 ratio). If the revegetation success criteria are not  
18 met in the affected areas of temporarily disturbed SS habitat, as determined under the  
19 *Revegetation Plan*, then the Council may require the certificate holder to provide additional  
20 mitigation.

21 Based on maximum habitat impact estimates, Stateline 3 would have the following  
22 footprint and temporal impacts:<sup>3</sup>

Habitat Category	Footprint Impact (acres)	Temporal Impact on SS and GSS Habitat (acres)
Category 3	8.91	3.97
Category 4	0	n/a
Category 5	0	0.86
Category 6	49.94	n/a
Total acres	58.85	3.46

23 To illustrate the calculation of the mitigation area requirement, the area of impact within  
24 each affected habitat category, and the corresponding mitigation area requirements, sample  
25 calculations are shown below, based on the maximum habitat impact estimates in the table  
26 above:

27 Category 3

28 Footprint impacts: 8.91 acres (1:1 ratio)

29 Temporal impacts SS and GSS: 3.97 acres

30 Mitigation area requirement: 8.91 acres + (3.97 acres x 0.5) = 10.9 acres

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<sup>3</sup> Maximum habitat impact estimates are the estimated maximum impacts of the new Stateline 3 components on high-value wildlife habitat as shown in Table 8 of the Proposed Order on the Amendment #4.

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## Category 5

Temporal impacts to SS: 0.86 acres

Mitigation area requirement: 0.86 acres x 0.50 = 0.43 acres

## **Total mitigation area requirement (rounded to nearest whole acre): 11 acres**

Within four months after beginning construction, the certificate holder shall determine the final size and configuration of the HMA in consultation with ODFW and the affected landowner and subject to the approval of the Department. In the Request for Amendment #4, the applicants proposed to increase the size of the HMA to 50 acres on a voluntary basis, although the calculated mitigation requirement may be less. Within four months after beginning construction of Stateline 3, the certificate holder shall acquire the legal right to create, maintain and protect the HMA for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department.<sup>4</sup>

## **IV. Description of the Mitigation Area**

The ODFW standards require mitigation for Category 3 impacts to be “in proximity” to the Stateline 3, and the HMA must be located where habitat protection and enhancement are feasible consistent with this plan.<sup>5</sup> The applicant identified two 50-acre parcels in proximity to the Stateline 3. Each parcel contains sufficient areas of habitat in the quantity and quality necessary to meet the mitigation requirements discussed above. Both parcels are acceptable to ODFW for the purposes of the HMA. The parcels are described further in the Final Order on Amendment #4.

## **V. Habitat Enhancement Actions**

The certificate holder shall implement the habitat enhancement actions described in this plan. The objectives of the plan are to protect the habitat within the HMA for the life of the facility and to enhance the baseline condition of the habitat to meet the ODFW mitigation goals.

The certificate holder shall protect the habitat within the HMA for the life of the facility and shall implement the enhancement actions. The certificate holder shall, without unreasonable delay, begin the enhancement actions described in this section after the final configuration of Stateline 3 is known and the size and boundaries of the HMA have been determined and approved by the Department. The certificate holder shall begin the enhancement actions no later than the start of Stateline 3 operations. Specific enhancement actions are described below.

1. Modification of Livestock Grazing. The certificate holder shall restrict grazing within the HMA. Removing livestock from the mitigation area during most of the year will enable recovery of native bunchgrass and sagebrush in areas where past grazing has occurred, resulting in better vegetative structure and complexity for wildlife. Reduced

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<sup>4</sup> As used in this plan, “life of the facility” means continuously until the Stateline Wind Project facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

<sup>5</sup> OAR 635-415-0005 defines “in-proximity habitat mitigation” as follows: “habitat mitigation measures undertaken within or in proximity to areas affected by a development action. For the purposes of this policy, ‘in proximity to’ means within the same home range, or watershed (depending on the species or population being considered) whichever will have the highest likelihood of benefiting fish and wildlife populations directly affected by the development.”

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1 livestock grazing may be used as a vegetation management tool, limited to the period  
2 from approximately November 15 through March 1, depending on annual  
3 precipitation, soil moisture and the level of stocking (livestock animals on site).

- 4 2. Weed Control and Area Seeding. The certificate holders shall implement a noxious  
5 weed control program. Under the weed control program, the certificate holder shall  
6 monitor the mitigation area to locate weed infestations. The certificate holder shall  
7 continue weed control monitoring, as needed, for the life of the facility. As needed,  
8 the certificate holder shall use appropriate methods to control weeds. Weed control on  
9 the mitigation site will reduce the spread of noxious weeds within the habitat  
10 mitigation area and on any nearby native grassland, CRP or cultivated agricultural  
11 land. Weed control will promote the growth of desirable native vegetation in areas  
12 where weeds are competing with desirable native forbs and grasses. Where  
13 substantial areas of soil (greater than 100 ft<sup>2</sup>) are left bare from weed control  
14 activities, the certificate holders shall hand-seed the area in the appropriate time of  
15 year with a mixture containing native grass and shrub seeds. The certificate holders  
16 may consider weeds to be successfully controlled when weed clusters have been  
17 eradicated or reduced to a non-competing level. Weeds may be controlled with  
18 herbicides (spot-spraying or area spaying as appropriate) or hand-pulling. The  
19 certificate holders shall notify the landowner of the specific chemicals to be used on  
20 the site and when spraying will occur.
- 21 3. Fire Control. The certificate holders shall implement a fire control plan for wildfire  
22 suppression within the HMA. The certificate holders shall provide a copy of the fire  
23 control plan to the Department before starting habitat enhancement actions. The  
24 certificate holder shall include in the plan appropriate fire prevention measures,  
25 methods to detect fires that occur and a protocol for fire response and suppression.  
26 The certificate holders shall maintain fire control for the life of the facility. If wildfire  
27 damages any part of the HMA during the life of the facility, the certificate holder  
28 shall assess the extent of the damage and implement appropriate actions to restore  
29 habitat quality in the damaged area.
- 30 4. Habitat Protection. For the life of the facility, the certificate holder shall restrict uses  
31 of the HMA that are inconsistent with achieving the habitat mitigation goals.

## 32 VI. Monitoring

### 33 1. Monitoring Procedures

34 The certificate holder shall hire a qualified investigator (an independent botanist, wildlife  
35 biologist or revegetation specialist) to conduct a comprehensive monitoring program for the  
36 Stateline 3 HMA. The purpose of monitoring is to evaluate the protection of habitat quality, the  
37 results of enhancement actions and the use of the area by avian and mammal species, especially  
38 during the wildlife breeding season. The investigator shall conduct HMA monitoring beginning  
39 in the first year after enhancement actions begin and continuing for the life of the facility. The  
40 investigator shall visit the site as necessary to carry out the following monitoring procedures:

- 41 1) Annually assess the general quality of vegetation cover (species, structural stage, etc).  
42 2) Annually assess progress toward meeting the success criteria described in Section  
43 VI.3 below.

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- 1           3) Annually record environmental factors (such as precipitation at the time of surveys  
2           and precipitation levels for the year).
- 3           4) Annually record any wildfire that occurs within the HMA and any remedial actions  
4           taken to restore habitat quality in the damaged area.
- 5           5) Annually assess the success of the weed control (including area seeding) and erosion  
6           control programs and recommend remedial action, if needed.
- 7           6) Assess the recovery of native bunchgrass and forbs resulting from reduction of  
8           livestock grazing pressure by comparing the quality of bunchgrass cover at the time  
9           of each monitoring visit with the quality observed in previous monitoring visits and  
10          as observed when the HMA was first established (the anticipated baseline year is  
11          2009). The investigator shall establish photo plots of naturally recovering native  
12          bunchgrass and forbs during the first year following the beginning of enhancement  
13          actions. The investigator shall take comparison photos in the first year and every two  
14          years thereafter until desirable vegetation has achieved mature stature. The  
15          investigator shall determine the extent of successful recovery of native bunchgrass  
16          based on measurable indicators (such as signs of more abundant seed production) and  
17          shall report on the progress of recovery within in the monitoring plots.
- 18          7) Between April 21 and May 21 beginning in the first spring season after the beginning  
19          of construction of the Stateline 3, conduct an area search survey of avian species  
20          following appropriate biological protocols. An “area search” consists of recording all  
21          birds seen or heard in specific areas (for example, square or circular plots that are 5 to  
22          10 acres in size representative of the HMA habitat). Area searches will be conducted  
23          by experienced biologists during morning hours on days with low or no wind. The  
24          investigator shall determine the number searches and the number of search areas in  
25          consultation with ODFW. The investigator shall repeat the area search survey every  
26          five years during the life of the facility.
- 27          8) Beginning in the first year after the beginning of construction of Stateline 3 and  
28          repeating every five years during the life of the facility, the investigator shall record  
29          observations of special status plant and wildlife species (federal or State threatened or  
30          endangered species and State Sensitive species) in the HMA during appropriate  
31          seasons for detection of these species. Special status species include, but are not  
32          limited to, Washington ground squirrel, grasshopper sparrow and burrowing owl.

### 33   **2. Reporting**

34           The certificate holder shall report the investigator’s findings and recommendations  
35           regarding the monitoring of the mitigation area to the Department and to ODFW on an annual  
36           basis. The certificate holder shall describe all habitat mitigation actions carried out during the  
37           reporting year and all additional work performed based on recommendations of the qualified  
38           investigator. The report shall include an evaluation of mitigation success, based on the success  
39           criteria described below, and a description of the methods used to perform the evaluation. The  
40           report to the Department may be included as part of the annual report on the Stateline Wind  
41           Project.

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## 3. Success Criteria

Mitigation of the permanent and temporal habitat impacts of Stateline 3 may be considered successful if the certificate holder protects and enhances sufficient habitat within the mitigation area to meet the ODFW goals described above in Section III. The certificate holders must protect the quantity and quality of habitat necessary to meet the goals within the HMA for the life of the facility. The mitigation goals are successfully achieved when the HMA contains, at a minimum, a sufficient quantity of habitat in each category to meet the mitigation area requirements calculated under Section III. The certificate holder may count habitat of higher quality (Category 1 and 2 native grassland) toward meeting the acreage requirements for lower quality habitat. The certificate holder shall determine the actual mitigation area requirements, subject to Department approval, before beginning construction of Stateline 3. If the land selected for the mitigation area does not already contain sufficient habitat in each category to meet these requirements, then the certificate holder must demonstrate improvement of habitat quality as necessary to meet the requirements.

The certificate holder may demonstrate enhancement of habitat quality based on indicators such as: (1) increased vegetative cover compared to the pre-enhancement grazing period, (2) increased avian use by a diversity of species typical for the habitat type and quality of the location (3) more abundant seed production of desirable native bunchgrass, (4) natural recruitment of native forbs and (5) successful noxious weed control.

If the certificate holder cannot demonstrate that the HMA is trending toward meeting the success criteria within three years after the date construction of Stateline 3 begins, the certificate holder shall propose remedial action. The Department may require supplemental native grass planting or other corrective measures, which may include increasing the size of the HMA.

## VII. Amendment of the Plan

This Stateline 3 Habitat Mitigation Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject or modify any amendment of this plan agreed to by the Department.

# **Attachment P-6. Wildlife Monitoring and Mitigation Plan**

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# Stateline Wind Project: Wildlife Monitoring and Mitigation Plan

[REVISED JANUARY 19, 2017]

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1 This plan describes wildlife monitoring the certificate holders shall conduct during  
2 operation<sup>1</sup> of the Stateline Wind Project (SWP) facility in Oregon. The monitoring objectives are  
3 to determine whether the facility causes significant fatalities of birds and bats and to determine  
4 whether the facility results in a loss of habitat quality. This plan addresses the facility as  
5 permitted under the Oregon site certificate, as amended and includes updated information for the  
6 future years of the raptor artificial nest structures (ANS) requirement as of November 30, 2016.

7 The SWP facility<sup>2</sup> consists of two parts:

- 8 • Stateline 1&2: 186 Vestas V47-660-kilowatt (kW) wind turbines, six permanent  
9 meteorological (met) towers, access roads and other related or supporting  
10 facilities.<sup>3</sup>
- 11 • Stateline 3: Up to 67 GE 1.5-MW wind turbines or up to 43 Siemens 2.3-MW  
12 wind turbines, access roads, a 230-kV transmission line, a substation, an  
13 operations and maintenance building and other related or supporting facilities.

14 Wildlife monitoring is necessary to determine whether operation of the facility results in  
15 a net loss of habitat quality. For raptors, this will require that the certificate holders obtain a  
16 reasonable estimate of the effect of the project on raptors in the context of local raptor  
17 populations.

18 The certificate holders shall use properly trained personnel to conduct this monitoring,  
19 subject to approval by the Oregon Department of Energy (Department) as to professional  
20 qualifications. For all monitoring except FPL's Wildlife Response and Reporting System  
21 (described below), the certificate holders shall hire independent third party investigators (not  
22 employees of the certificate holder) to perform monitoring tasks.

23 The Wildlife Monitoring and Mitigation Plan for the SWP includes the following  
24 components:

- 25 1) Fatality monitoring program involving:
  - 26 a) Removal trials
  - 27 b) Searcher efficiency trials
  - 28 c) Fatality search protocol
  - 29 d) Statistical analysis
- 30 2) Established monitoring transect searches

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<sup>1</sup> This plan does not address pre-construction wildlife surveys that FPL Energy carried out in support of its application for a site certificate for the Stateline project.

<sup>2</sup> As used herein, "SWP facility" includes Stateline 1, 2 and 3.

<sup>3</sup> The Final Order on the Application authorized construction of 127 Stateline 1 turbines. However, only 126 were actually built. The Final Order described the four Stateline 1 permanent met towers as "guyed masts set in concrete foundations" (Final Order page 12). However, the certificate holder has built unguyed, concrete met towers for both Stateline 1 and 2. Nevertheless, if any permanent guyed met towers are used in the future, the certificate holder shall comply with the provisions in this plan that address guyed met towers.

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- 3) Raptor nesting surveys
- 4) Burrowing owl surveys
- 5) Avian use surveys
- 6) FPL's "Stateline Wind Project Wildlife Response and Reporting System"

Following is a discussion of the components of the monitoring plan, statistical analysis methods for fatality data and data reporting.

**1. Definitions and Methods**

Seasons

This plan uses the following dates for defining seasons:

Season	Dates
Spring Migration	March 16 to May 15
Summer/Breeding	May 16 to August 15
Fall Migration	August 16 to October 31
Winter	November 1 to March 15

Search Plot Selection

**Stateline 1&2**

Certificate holder FPL Energy Vansycle LLC (FPL Vansycle) is responsible for implementing this plan as it applies to Stateline 1&2. The certificate holder shall conduct standardized carcass searches within search plots. The certificate holder, in consultation with the Oregon Department of Fish and Wildlife (ODFW), shall select search plots based on a systematic sampling design (in general, every other plot is sampled in a monitoring year). Turbine strings will be broken into rectangular search plots that contain two to four turbines each. The edge of plots will be no closer than 63 meters from the nearest turbine or, if guyed meteorological (met) towers are used, no closer than 63 meters from the nearest guyed met tower. The certificate holder shall provide maps of the search plots to the Department of Energy before beginning fatality monitoring at the facility. The certificate holder shall use the same search plots for each search conducted during a monitoring year.

**Stateline 3**

Certificate holder FPL Energy Stateline II, Inc. (FPL Stateline) is responsible for implementing this plan as it applies to Stateline 3. The certificate holder shall conduct standardized carcass searches within search plots. The certificate holder, in consultation with ODFW, shall select search plots based on a systematic sampling design. Each search plot will contain one turbine. Search plots will be square or circular. Circular search plots will be centered on the turbine location and will have a radius equal to the maximum blade tip height of the turbine contained within the plot. "Maximum blade tip height" is the turbine hub-height plus one-half the rotor diameter. Square search plots will be of sufficient size to contain a circular search plot as described above. The certificate holder shall provide maps of the search plots to the Department before beginning fatality monitoring at the facility. The investigators shall use the same search plots for each search conducted during a single monitoring year.

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### Scheduling and Sampling Frequency

Certificate holder FPL Vansycle began standardized fatality monitoring in Oregon upon the beginning of operation of the facility. For Stateline 1, the first “monitoring year” commenced January 1, 2002. For Stateline 2, the first monitoring year commenced January 1, 2003. FPL Vansycle completed standardized fatality monitoring for Stateline 1&2 in 2006. For Stateline 3, the first monitoring year will commence in the first calendar month following completion of construction.

Within each monitoring year for Stateline 1 and 2, FPL Vansycle conducted standardized carcass searches at the rates of frequency shown below. Over the course of each monitoring year, FPL Vansycle conducted 16 searches. The total number of searches per season is based on applying the rate to the number of months in the season (as defined above).

Season	Frequency
Spring Migration	2 searches per month (4 searches)
Summer/Breeding	1 search per month (3 searches)
Fall Migration	2 searches per month (5 searches)
Winter	1 search per month (4 searches)

For Stateline 3, the certificate holder shall conduct one full year of fatality monitoring (16 searches), beginning in the first calendar month following completion of construction.

### Sample Size for Standardized Carcass Searches

For the standardized carcass searches described below, the sample size is the number of turbines searched per monitoring year. Because the number of turbines per search plot varies (as described above), the number of search plots will be less than the sample size (total number of turbines searched per year).

The determination of the sample size is based primarily on the expected precision in the fatality estimates for all Stateline wind turbines in Oregon and Washington.

Stateline 1 sample size: FPL Vansycle searched 64 Stateline 1 turbines during the first monitoring year (plus 60 turbines in Washington) and 63 Stateline 1 during the second monitoring year (plus 60 turbines in Washington). Over the first two monitoring years, all 126 Stateline 1 turbines were searched for at least 12 months. Stateline 1 does not include any guyed met towers.

Stateline 2 sample size: FPL Vansycle searched 30 Stateline 2 turbines in 2003 and 16 Stateline 2 turbines in 2006 (plus 23 turbines in Washington). Stateline 2 does not include any guyed met towers .

Stateline 3 sample size: The certificate holder shall search 20 turbines in a single monitoring year. The certificate holder shall select the turbines in consultation with ODFW and the Department. Stateline 3 does not include any guyed met towers.

### Duration of Fatality Monitoring

Stateline 1&2: FPL Vansycle completed standardized fatality monitoring for Stateline 1&2 in 2006.

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1 Stateline 3: The certificate holder may terminate the fatality monitoring of  
2 Stateline 3 turbines after completing one monitoring year, subject to the approval of the  
3 Department.

4 For Stateline 3, the certificate holder shall use a worst-case analysis to resolve any  
5 uncertainty in the results and to determine whether mitigation is required. In lieu of approving  
6 the termination of the fatality monitoring program for Stateline 3 after one year, the Department  
7 may require additional, targeted monitoring if the data indicate the potential for unexpected  
8 impacts of a type that cannot be resolved appropriately by worst-case analysis and appropriate  
9 mitigation.

## 10 2. Removal Trials

11 The objective of the removal trials is to estimate the length of time avian and bat  
12 carcasses remain in the search area. Carcass removal studies will be conducted during each  
13 season in the vicinity of the search plots. Estimates of carcass removal will be used to adjust  
14 carcass counts for removal bias. "Carcass removal" is the disappearance of a carcass from the  
15 search area due to predation, scavenging or other means such as farming activity.

16 FPL Vansycle conducted carcass removal trials within each of the seasons defined above  
17 for Stateline 1 and 2 during the years in which fatality monitoring was done.<sup>4</sup> This monitoring  
18 plan does not require removal trials for Stateline 3. Instead, removal data from Stateline 1 and 2  
19 will be used to adjust carcass counts for removal bias.

## 20 3. Searcher Efficiency Trials

21 The objective of searcher efficiency trials is to estimate the percentage of bird and bat  
22 fatalities that searchers are able to find.

23 The certificate holder shall conduct searcher efficiency trials in the same area in which  
24 carcass searches occur in both grassland/shrub-steppe and cultivated agriculture habitat types.  
25 FPL Vansycle conducted searcher efficiency trials in each season for Stateline 1 and 2 in those  
26 years in which fatality monitoring was done.<sup>5</sup> FPL Stateline will conduct searcher efficiency  
27 trials for Stateline 3 in each season of the year in which fatality monitoring is done. Searcher  
28 efficiency will be estimated by habitat type and season. Estimates of searcher efficiency will be  
29 used to adjust the number of carcasses found, correcting for detection bias.

30 For Stateline 3, the certificate holder shall conduct ten searcher efficiency trials: two in  
31 the spring season, three in summer, two in fall and three in winter. Each season, approximately  
32 10 carcasses of birds of two size classes (20 total carcasses) will be distributed in each of two  
33 habitat types (grassland/shrub-steppe and cultivated agriculture).<sup>6</sup> In each trial in the spring and  
34 fall, at least five carcasses from each size class (10 total carcasses) will be placed in each of the  
35 two habitat types. In each trial in the summer and winter, at least three carcasses from each size  
36 class (6 total carcasses) will be placed in each of the two habitat types.

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<sup>4</sup> Except that removal trials were not required in 2006 for Stateline 2.

<sup>5</sup> Except that searcher efficiency trials were not required in 2006 for Stateline 2.

<sup>6</sup> This means that approximately 160 trial carcasses would be used in searcher efficiency trials during one monitoring year.

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1 Personnel conducting searches will not know when trials are conducted; nor will they  
2 know the location of the trial carcasses. If suitable trial carcasses are available, trials during the  
3 fall season will include several small brown birds to simulate bat carcasses. Legally obtained bat  
4 carcasses will be used if available.

5 On the day of a standardized carcass search (described below) but before the beginning of  
6 the search, efficiency trial carcasses will be placed at random locations within areas to be  
7 searched. If scavengers appear attracted by placement of carcasses, the carcasses will be  
8 distributed before dawn.

9 Efficiency trials will be spread over the entire season to incorporate effects of varying  
10 weather and vegetation growth. Carcasses will be placed in a variety of postures to simulate a  
11 range of conditions. For example, birds will be: 1) placed in an exposed posture (thrown over the  
12 left shoulder), 2) hidden to simulate a crippled bird, and 3) partially hidden. Each carcass will be  
13 discreetly secured at its location to discourage removal by scavengers.

14 Each non-domestic carcass will be discreetly marked so that it can be identified as an  
15 efficiency trial carcass after it is found. The number and location of the efficiency trial carcasses  
16 found during the carcass search will be recorded. The number of efficiency trial carcasses  
17 available for detection during each trial will be determined immediately after the trial by the  
18 person responsible for distributing the carcasses.

19 If new searchers are brought into the search team, additional detection trials will be  
20 conducted to insure that detection rates incorporate searcher differences.

### 21 **4. Standardized Carcass Searches**

22 The objective of the standardized carcass searches (“fatality monitoring”) is to estimate  
23 the number of bird and bat fatalities that are attributable to facility operation. The goal of bird  
24 and bat fatality monitoring is to obtain a precise estimate of the fatality rate and associated  
25 variances.

26 After completing a full year of fatality monitoring for Stateline 3, the certificate holder  
27 shall report an estimate of fatalities in six categories: (1) all birds, (2) small birds, (3) large birds,  
28 (4) raptors, (5) bats, (6) grassland birds, (7) nocturnal migrants, and (8) State and federally listed  
29 threatened and endangered species and State Sensitive Species listed under OAR 635-100-0040.  
30 In addition, the certificate holder shall report fatalities of Washington ground squirrels, if any,  
31 observed during the carcass searches and shall record and document detections of Washington  
32 ground squirrels (scat, holes and live detections).

33 The certificate holder shall estimate the number of avian and bat fatalities attributable to  
34 operation of the facility based on the number of avian and bat fatalities found at the facility site  
35 whose death appears related to facility operation. All carcasses located within areas surveyed,  
36 regardless of species, will be recorded and, if possible, a cause of death determined based on  
37 blind necropsy results. The total number of avian and bat carcasses will be estimated by  
38 adjusting for removal and searcher efficiency bias. If the cause of death is not apparent, the  
39 mortality will be attributed to facility operation.

40 FPL Vansycle conducted two years of fatality monitoring for the Stateline 1 area and two  
41 years of fatality monitoring for the Stateline 2 area. For Stateline 3, FPL Stateline shall conduct  
42 one full year of fatality monitoring. If analysis of the fatality data indicates that a significant

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1 impact on wildlife and wildlife habitat has occurred, the certificate holder shall implement  
2 appropriate mitigation, subject to the approval of the Department. Mitigation is discussed in  
3 Section 12 below.

4 Personnel trained in proper search techniques (“the searchers”) will conduct the carcass  
5 searches by walking parallel transects. The searchers will search rectangular search plots with the  
6 long axis of the plot centered on the turbine string. All area within a minimum of 63 meters from  
7 turbines or permanent guyed met towers will be searched. Transects will be initially set at 6  
8 meters apart in the area to be searched. A searcher will walk at a rate of approximately 45 to 60  
9 meters per minute along each transect searching both sides out to three meters for casualties.  
10 Search area and speed may be adjusted by habitat type after evaluation of the first searcher  
11 efficiency trial. It should take approximately 45 to 90 minutes to search each turbine (each search  
12 plot contains multiple turbines), depending on the habitat type.

13 The searchers will record the condition of each carcass found, using the following  
14 condition categories:

- 15       ▪ Intact – a carcass that is completely intact, is not badly decomposed and shows no  
16       sign of being fed upon by a predator or scavenger
- 17       ▪ Scavenged – an entire carcass that shows signs of being fed upon by a predator or  
18       scavenger, or portions of a carcass in one location (e.g., wings, skeletal remains,  
19       legs, pieces of skin, etc.)
- 20       ▪ Feather Spot – 10 or more feathers at one location indicating predation or  
21       scavenging

22 All carcasses (avian and bat) found during the standardized carcass searches will be  
23 photographed, recorded and labeled with a unique number. Each carcass will be bagged and  
24 frozen for future reference and possible necropsy. A copy of the data sheet for each carcass will  
25 be kept with the carcass at all times. For each carcass found, searchers will record species, sex  
26 and age when possible, date and time collected, location, condition (e.g., intact, scavenged,  
27 feather spot) and any comments that may indicate cause of death. Searchers will photograph each  
28 carcass as found and will map the find on a detailed map of the search area showing the location  
29 of the wind turbines and associated facilities. The certificate holder shall coordinate collection of  
30 state endangered, threatened or protected species with the ODFW. The certificate holder shall  
31 coordinate collection of federal endangered, threatened or protected species with the U.S. Fish  
32 and Wildlife Service (USFWS). The certificate holder shall obtain appropriate collection permits  
33 from ODFW and USFWS.

34 The searchers might discover carcasses incidental to formal carcass searches (e.g., while  
35 driving within the project area). If the incidentally discovered carcasses are found at turbines that  
36 are not part of the formal search sample, the searchers will identify, photograph and collect the  
37 carcasses as is done for carcasses within the formal search sample during scheduled searches. If  
38 the incidentally discovered carcasses are within the formal search plots, the searchers will leave  
39 the carcasses undisturbed, unless the carcass is a state or federally threatened or endangered  
40 species. The certificate holder shall coordinate collection of state endangered, threatened or  
41 protected species with ODFW. The certificate holder shall coordinate collection of federal  
42 endangered, threatened or protected species with the USFWS. The searchers will record the  
43 location of all incidentally discovered carcasses or injured birds on a detailed map of the study

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1 area showing the location of wind turbines and associated facilities such as power lines and met  
2 towers. Any injured native birds found will be carefully captured by a trained Project Biologist  
3 or technician and transported to Blue Mountain Wildlife Center in Pendleton in a timely fashion.  
4 The certificate holder shall follow a protocol for handling injured birds that has been developed  
5 with Lynn Thompkins of Blue Mountain Wildlife.

### 6 **5. Established Monitoring Transect Surveys**

7 Surveys of grassland transects were conducted for Stateline 1 only. The objective of  
8 surveys of established monitoring transects is to determine whether the operation of the facility  
9 results in a loss of habitat quality. A reduction in use by grassland/steppe avian species near the  
10 facility would indicate a loss of habitat quality.

11 Stateline 1 transects: FPL Vansycle established 20 transects perpendicular to the  
12 turbine strings in non-agricultural grassland steppe and CRP habitats.<sup>7</sup> The survey  
13 protocol for Stateline 1 was described in earlier versions of this plan.<sup>8</sup>

14 Stateline 2 transects: No additional transects could be established because the  
15 turbine strings were located in cultivated land.

16 Stateline 3 transects: No additional transects could be established because of  
17 insufficient suitable grassland and inability to conduct surveys in the available time  
18 before the anticipated start of construction.

### 19 **6. Raptor Nest Surveys**

20 The objectives of raptor nest surveys are to estimate the size of the local breeding  
21 populations of tree-nesting raptor species in the vicinity of the facility and to determine whether  
22 operation of the facility results in a reduction of nesting activity or nesting success in the local  
23 populations of “target raptor species”: Swainson’s hawk and ferruginous hawk. Certificate holder  
24 FPL Vansycle is responsible for implementing this plan as it applies to Stateline 1&2. Certificate  
25 holder FPL Stateline is responsible for implementing this plan as it applies to Stateline 3.

26 Aerial and ground surveys will be used to gather nest success statistics on active nests,  
27 nests with young and young fledged. The certificate holder will share the data with state and  
28 federal biologists.

29 During each survey year, the certificate holder shall conduct at least one helicopter  
30 survey and additional surveys as described in this section. All nests will be given identification  
31 numbers, and nest locations will be recorded on U.S. Geological Survey 7.5-minute quadrangle  
32 maps. Global positioning system coordinates will be recorded for each nest. Locations of  
33 inactive nests will also be recorded as they may become occupied during future years. All new  
34 nests not previously mapped, whether active or inactive, will be given an identification number  
35 and their locations (coordinates) will be recorded. Ground surveys are subject to access.

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<sup>7</sup> The original Oregon Wildlife Monitoring Plan (9/14/01) required the certificate holder to survey 24 transects that had been established before construction of Stateline 1. However, due to changes in project layout between the initial monitoring plan and the final layout as shown in the site certificate and changes in habitat due to landowner uses, the number of suitable transects for this survey was reduced to 20.

<sup>8</sup> See the Oregon Wildlife Monitoring Plan (Revised January 20, 2006).

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1 For Stateline 1, FPL Vansycle conducted aerial surveys between May 5 and 17, 2002,  
2 and between June 8 and 28, 2002. Surveys were conducted within a 5-mile buffer of the Stateline  
3 1 turbines. In addition, active ferruginous hawk and Swainson's hawk nests within two miles of  
4 Stateline 1 turbines were surveyed from the ground to determine nesting success.

5 In 2003, FPL Vansycle conducted an aerial survey within a 2-mile buffer of Stateline 1  
6 and 2 turbines to determine nest occupancy. In addition, FPL Vansycle conducted ground  
7 surveys to determine species, number of young and nesting success. "Nesting success" means  
8 that the young have successfully fledged (the young are independent of the core nest site). In the  
9 ground survey, FPL Vansycle targeted Swainson's hawk and ferruginous hawk nests and any  
10 nests of the target raptor species not observed during the aerial survey.

11 In 2006, FPL Vansycle conducted an aerial survey to determine nest occupancy and a  
12 ground survey to determine species, number of young and nesting success. The survey area was  
13 the area within a 2-mile buffer around Stateline 2 turbines. In the ground survey, FPL Vansycle  
14 targeted Swainson's hawk and ferruginous hawk nests and any nests of the target raptor species  
15 not observed during the aerial survey.

16 For Stateline 3, FPL Stateline shall conduct an aerial survey within a 1-mile buffer of  
17 Stateline 3 turbines to determine nest occupancy by Swainson's hawks and ferruginous hawks. In  
18 addition, one known ferruginous hawk nest located more than one mile from Stateline 3 turbines  
19 will be surveyed. The certificate holder shall conduct a minimum of one ground survey of  
20 Swainson's and ferruginous hawk nests to determine number of young and nesting success.

21 Given the very low buteo nesting densities in the area, statistical power to detect a  
22 relationship between distance from a wind turbine and nesting parameters (e.g., number of  
23 fledglings per reproductive pair) will be very low. Therefore, impacts may have to be judged  
24 based on trends in the data, results from other wind energy facility monitoring studies and  
25 literature on what is known regarding the populations in the region.

26 If analysis of the raptor nesting data indicates any reduction in nesting success by the  
27 target raptor species within the survey areas, the certificate holder shall implement appropriate  
28 mitigation, subject to the approval of the Department. At a minimum, if the surveys reveal that a  
29 target raptor species has abandoned a nest or territory within ½ mile of the facility, or has not  
30 fledged any young over any two survey years, the certificate holder shall assume the  
31 abandonment or unsuccessful fledging is the result of the project unless another cause can be  
32 demonstrated conclusively. Based on that assumption, the certificate holder shall implement  
33 appropriate mitigation. In addition, if the data indicate clear evidence of displacement or  
34 disturbance of target raptor nesting species between beyond ½ mile from the facility, the  
35 certificate holder shall implement appropriate mitigation.

36 For ferruginous hawks, appropriate mitigation may include creation, maintenance and  
37 monitoring of nesting platforms; specifically, eight nesting platforms would be created a  
38 minimum of 2 miles away from turbines for every ferruginous hawk nest assumed or shown to  
39 be affected.

40 Due to the difficulty in replacing nesting habitat for Swainson's hawks, appropriate  
41 mitigation may include determining the status of the tree structures currently supporting  
42 Swainson's hawks within three miles of the turbines and, with landowner approval,  
43 implementing protection measures to retain those structures and to protect existing nest trees.

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1 This may include fencing to protect existing trees or spraying black locust trees for insect  
2 infestation. It may be appropriate to recruit native tree species.

3 **7. Burrowing Owl Surveys**

4 The objectives of owl surveys are to estimate the size of the local breeding population of  
5 burrowing owls in the vicinity of the facility and to determine whether operation of the facility  
6 results in a reduction of nesting activity or nesting success in the local burrowing owl population.

7 Given the expected small sample size of active burrowing owl nests within 1,000 feet of  
8 the facility, impacts may have to be judged based on trends in the data, results from other wind  
9 energy facility monitoring studies and literature on what is known regarding the populations in  
10 the region. No burrowing owls were observed within 1,000 feet of the proposed Stateline 1  
11 turbines during the 2001 spring pre-construction surveys. Therefore, there is no ability to make  
12 any statistical or descriptive inferences on burrowing owl displacement or disturbance impacts to  
13 burrowing owls in Oregon.

14 For Stateline 1 and 2 facilities, FPL Vansycle conducted burrowing owl surveys during  
15 the breeding season within suitable grassland habitat in association with the fatality monitoring  
16 described above in Section 4. For each monitoring year, FPL Vansycle conducted a minimum of  
17 two surveys for burrowing owls to obtain estimates of burrowing owl nest density near the  
18 turbines. For these surveys, FPL Vansycle followed a protocol developed in consultation with  
19 ODFW. Taped burrowing owl vocalizations were played to enhance the ability to detect  
20 burrowing owls. Two historic nest sites within the Oregon project area were checked for use.  
21 The burrow and an adjacent 100 meters were surveyed for sign of activity and alternate nest  
22 sites. During the burrowing owl surveys, observers recorded and documented detections of  
23 Washington ground squirrels (scat, holes and live detections).

24 For Stateline 3 facilities, FPL Stateline shall conduct a burrowing owl survey in 2010 for  
25 known active or historic burrowing owl nests and any newly discovered nests within 1,000 feet  
26 of the Stateline 3 wind turbines. In addition to checking all known historic burrowing owl sites,  
27 the certificate holder will search a buffer of 1,000 feet around each site to look for auxiliary  
28 burrows, new burrows or other signs of activity. Two burrowing owl nests were found within the  
29 project boundary during pre-construction in 2008 and will be checked for activity during the  
30 construction monitoring in 2009.

31 **8. Avian Use Surveys**

32 During each standardized carcass search, as described in Section 4 above, observers will  
33 record birds detected in a ten-minute period at approximately one-third of the turbines within the  
34 carcass search plots (e.g., one point count station per carcass search plot which may consist of two  
35 to four turbines) using standard variable circular plot point count survey methods. Additional  
36 observations of species of concern (State and federally listed threatened and endangered species and  
37 State Sensitive Species listed under OAR 635-100-0040) will be recorded if observed during the  
38 carcass searches, but collecting this information is secondary to the actual searching for carcasses so  
39 the searchers are not distracted from their main task of finding carcasses.

40 For Stateline 3, while on site during carcass searches (including during travel between  
41 search plots), observers shall record observations of special status birds and mammals within the  
42 facility site. Observers shall record observations of birds perching on aboveground transmission line

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1 conductors and support structures in the vicinity of the turbines being searched. Observers shall  
2 report any fatalities observed below or near transmission lines.

### 3 **9. FPL’s Stateline Wind Project Wildlife Response and Reporting System**

4 FPL’s “Stateline Wind Project Wildlife Response and Reporting System” is a monitoring  
5 program set up for searching for and handling avian and bat casualties found by maintenance  
6 personnel. A description of this system and associated data forms used for the Vansycle Ridge  
7 Wind Project are found in FPL’s application for a site certificate (Attachment P-6, Appendices B  
8 and C).

9 Construction and maintenance personnel will be trained in the methods. This monitoring  
10 program includes both reporting of carcasses discovered incidental to construction and  
11 maintenance operations (“incidental finds”) and reporting of carcasses discovered under a  
12 standardized search protocol for an area within approximately 50 meters of the turbines,  
13 measured from the base of the tower (“protocol searches”).

14 For Stateline 1, a sample of approximately 45 turbines not included in the standardized  
15 carcass searches was chosen to be included in protocol searches in each Stateline 1 monitoring  
16 year. FPL Vansycle selected this sample from the overall Stateline Wind Project in Oregon and  
17 Washington, with at least 13 of the sampled turbines located in Oregon.

18 For Stateline 2, FPL Vansycle selected a sample of seven Stateline 2 turbines not  
19 included in the standardized carcass searches to include in protocol searches in each Stateline 2  
20 monitoring year.

21 For Stateline 3, FPL Stateline shall select a sample of approximately 15 percent of the  
22 Stateline 3 turbines that are not included in the standardized carcass searches.

23 All carcasses discovered by maintenance personnel will be photographed and recorded. If  
24 maintenance personnel find carcasses within the search plots for protocol searches, they will  
25 notify a project biologist who will collect the carcasses. If maintenance personnel discover  
26 incidental finds at turbines that are not within search plots for the standardized carcass searches  
27 described in Section 4, they will notify a project biologist who will collect the carcasses. If  
28 maintenance personnel discover carcasses within search plots for the standardized carcass  
29 searches described in Section 4, they will leave the carcasses undisturbed, unless the carcass is a  
30 state or federally threatened or endangered or otherwise protected species. The certificate holder  
31 shall coordinate collection of state endangered, threatened or protected species with ODFW. The  
32 certificate holder shall coordinate collection of federal endangered, threatened or protected  
33 species with the USFWS.

### 34 **10. Statistical Analysis Methods for Fatality Data**

35 The certificate holder shall calculate fatality rates using the statistical methods described  
36 below, except that the certificate holder may use different notation and methods that are  
37 mathematically equivalent with prior approval of the Department.

- 38 (1) Observed number of carcasses found during standardized carcass searches for  
39 which the cause of death is either unknown or is attributed to the facility.
- 40 (2) Searcher efficiency expressed as the proportion of planted carcasses found by  
41 searchers

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- 1 (3) Non-removal rates expressed as the length of time a carcass is expected to remain  
2 in the study area and be available for detection by the searchers

### 3 Definition of Variables

4 The following variables are used in the equations below:

5  $c_i$  the number of carcasses detected at plot  $i$  for the study period of interest for which  
6 the cause of death is either unknown or is attributed to the facility

7  $n$  the number of search plots

8  $k$  the number of turbines searched (includes the turbines centered within each  
9 search plot and a proportion of the number of turbines adjacent to search plots to  
10 account for the effect of adjacent turbines on the search plot buffer area)

11  $\bar{c}$  the average number of carcasses observed per turbine per year

12  $s$  the number of carcasses used in removal trials

13  $s_c$  the number of carcasses in removal trials that remain in the study area after 40  
14 days

15  $se$  standard error (square of the sample variance of the mean)

16  $t_i$  the time (days) a carcass remains in the study area before it is removed

17  $\bar{t}$  the average time (days) a carcass remains in the study area before it is removed

18  $d$  the total number of carcasses placed in searcher efficiency trials

19  $p$  the estimated proportion of detectable carcasses found by searchers

20  $I$  the interval between searches in days

21  $\hat{\pi}_i$  the estimated probability that a carcass is both available to be found during a  
22 search and is found ( $i = 1$  and  $2$ ; two estimators)

23  $m_i$  the estimated annual average number of fatalities per turbine per year, adjusted  
24 for removal and observer detection bias ( $i = 1$  and  $2$ ; two estimators)

### 26 Observed Number of Carcasses

27 The estimated average number of carcasses ( $\bar{c}$ ) observed per turbine (or guyed met  
28 tower) is:

$$\bar{c} = \frac{\sum_{i=1}^n c_i}{k}$$

30 The final estimate of  $\bar{c}$  and its standard error are to be calculated using bootstrapping  
31 (Manly *et al.* 1997<sup>9</sup>). Bootstrapping is a computer simulation technique that is useful for  
32 calculating point estimates, variances and confidence intervals for complicated test statistics. The

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<sup>9</sup> Manly, B.F.J., *Randomization, Bootstrap and Monte Carlo Methods in Biology* (2<sup>nd</sup> edition), Chapman and Hall, New York (1997).

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1 certificate holder shall calculate the mean of at least 5000 bootstrap estimates. The standard  
2 deviation of the bootstrap estimates of  $\bar{c}$  is the estimated standard error of  $\bar{c}$  (that is,  $se(\bar{c})$ ).

### 3 Estimation of Carcass Removal

4 Estimates of carcass removal are used to adjust carcass counts for removal bias. Mean  
5 carcass removal time ( $\bar{t}$ ) is the average length of time a carcass remains at the site before it is  
6 removed:

$$7 \quad \bar{t} = \frac{\sum_{i=1}^s t_i}{s - s_c}$$

8 This estimator is the maximum likelihood estimator assuming that the removal times  
9 follow an exponential distribution and that there is right-censoring of data. Any trial carcasses  
10 still remaining at 40 days are collected, yielding censored observations at 40 days. If all trial  
11 carcasses are removed before the end of the trial, then  $s_c$  is 0, and  $\bar{t}$  is just the arithmetic average  
12 of the removal times.

13 The certificate holder shall use bootstrapping to calculate the final estimate of  $\bar{t}$ , the  
14 estimated standard error and 90% confidence limits. At least 5000 bootstrap iterations will be  
15 used. The standard deviation of the bootstrap estimates of  $\bar{t}$  is the estimated standard error of  
16  $\bar{t}$  (that is,  $se(\bar{t})$ ). Removal rates will be estimated by major habitat, carcass size (large and small)  
17 and season.

### 18 Estimation of Searcher Efficiency

19 Searcher efficiency rates (that is, the rate of observer detection) are expressed as  $p$ , the  
20 proportion of trial carcasses that are detected by searchers. The standard error (square of variance  
21 of mean) and 90% confidence limits will be calculated by bootstrapping. At least 5000 bootstrap  
22 iterations will be used. Observer detection rates will be estimated by major habitat, carcass size  
23 and season.

### 24 Estimation of Total Number of Facility-Related Fatalities

25 The certificate holder shall provide two estimators for the mean number of fatalities per  
26 turbine per year. Both estimators adjust the observed number of fatalities by dividing the number  
27 of observed carcasses by an estimate of the probability that a carcass is available to be picked up  
28 during a fatality search (i.e., the probability the carcass is not removed by a scavenger) and is  
29 observed (the probability of detection).

30 The first estimator of total number of annual facility-related fatalities ( $m_1$ ) is calculated  
31 by:

$$32 \quad m_1 = \frac{\bar{c}}{\hat{\pi}_1}$$

33 where

$$34 \quad \hat{\pi}_1 = \begin{cases} \frac{\bar{t} * p}{I} & \text{if } I > \bar{t} \\ p & \text{if } I \leq \bar{t} \end{cases}$$

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1 This first estimator appears to provide an underestimate of true mortality when the  
2 interval between searches is similar to the mean carcass removal time. For this reason, the  
3 certificate holder shall calculate the mean number of fatalities per turbine per year using a second  
4 estimator, as follows:

$$5 \quad m_2 = \frac{\bar{c}}{\hat{\pi}_2} \text{ where } \hat{\pi}_2 \text{ includes adjustments for both observer detection and scavenging bias}$$

6 and assuming that the carcass removal times  $t_i$  follow an exponential distribution.

7 This second estimator does not underestimate true mortality when the mean removal time  
8 is similar to or larger than the interval between searches. This estimator will be used when  
9 comparisons are made to determine if mitigation should be implemented as described in Section  
10 12.

11 For Stateline 3, the certificate holder shall calculate and report fatality rates (per turbine  
12 and per megawatt) for each of eight categories: (1) all birds, (2) small birds, (3) large birds, (4)  
13 raptors, (5) bats, (6) grassland birds, (7) nocturnal migrants, and (8) State and federally listed  
14 threatened and endangered species and State Sensitive Species listed under OAR 635-100-  
15 0040.<sup>10</sup> The certificate holder shall calculate the “all birds” estimate and the “small birds”  
16 estimate for all species and, separately, for only those species protected by law. Modifications to  
17 these estimates will be made to incorporate the varying search efforts by season (monthly in  
18 winter and summer, twice monthly in fall and spring). In addition, the certificate holder shall  
19 estimate the number of facility-related fatalities separately for turbines that are located on land  
20 that does not support grassland steppe or low shrub/shrub steppe habitat and for turbines that are  
21 located on land that does support grassland steppe or low shrub/shrub steppe habitat. Additional  
22 modifications may be made, subject to approval by the Department.

23 The variance of  $m$  is difficult to estimate due to the products and ratios of random  
24 variables in the equation above. The certificate holder may estimate the variance and confidence  
25 intervals using the computer intensive technique of bootstrapping (Manly 1997, Barnard 2000).

### 26 11. Data Reporting

27 The certificate holder will report the monitoring data and analysis to the Council. This  
28 report may be included in the annual report required under OAR 345-026-0080 or may be  
29 submitted as a separate document at the same time the annual report is submitted. In addition, the  
30 certificate holder shall provide to the Council any data or record generated in carrying out this  
31 monitoring plan upon request by the Council.

32 The certificate holder shall notify USFWS and ODFW immediately in the event that any  
33 federal or state endangered or threatened species are taken.

34 The public will have an opportunity to receive information about monitoring results and  
35 to offer comment. Within 30 days after receiving the final annual report of monitoring results,  
36 the Department will give reasonable public notice via the Internet and make the report available

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<sup>10</sup> Grassland nesting species include grasshopper sparrow, savannah sparrow, vesper sparrow, short-eared owl, burrowing owl, northern harrier, horned lark, western meadowlark, long-billed curlew, ring-necked pheasant, Hungarian partridge, chukar partridge, California quail and any other resident grassland nesting bird species that is found in the area.

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1 to the public. The notice will specify a time in which the public may submit comments to the  
2 Department. The Technical Advisory Committee established under the Walla Walla County  
3 conditional use permit may offer comments about the results of monitoring programs in Oregon.

### 4 **12. Mitigation**

5 The selection of the mitigation actions that the certificate holder may be required to  
6 implement under this plan should allow for flexibility in creating appropriate responses to  
7 monitoring results that cannot be known in advance. If mitigation is needed, the certificate holder  
8 shall propose appropriate mitigation actions to the Department and shall carry out mitigation  
9 actions approved by the Department. In addition to mitigation described above, possible  
10 mitigation actions include but are not limited to the measures discussed in this section. No later  
11 than December 31, 2010, the Department and the certificate holder shall review this plan and  
12 assess whether modification of the required mitigation is appropriate.

#### 13 Grassland Nesting Species

14 Grassland nesting species include all native bird species that rely on grassland habitat and  
15 that are either resident species occurring year round or species that nest in the area, excluding  
16 horned lark, burrowing owl and northern harrier. The certificate holder shall determine  
17 significant impact to grassland nesting species based on the fatality monitoring program  
18 discussed above. For Stateline 1&2, if the average annual fatality rate is greater than 1.25  
19 fatalities per turbine or guyed met tower per year for all species combined or if the average  
20 annual fatality rate is greater than 0.5 fatalities per turbine or guyed met tower per year for a  
21 single grassland nesting bird species, then the certificate holder shall assume that a significant  
22 impact on habitat has occurred and shall implement appropriate mitigation. For Stateline 3, if the  
23 average annual fatality rate is greater than the threshold of concern (0.59 fatalities per megawatt)  
24 for grassland species as a group, then the certificate holder shall assume that a significant impact  
25 on habitat has occurred and shall implement appropriate mitigation.<sup>11</sup> The certificate holder shall  
26 include in this estimate any grassland nesting species fatality that is observed, even if it is  
27 observed during the non-nesting period. The certificate holder shall include in the estimate all  
28 carcasses unidentified as to species and for which there is no evidence to rule out the carcass as  
29 one of the grassland species listed above.

30 If the analysis of turbine fatality data indicates that mitigation for grassland nesting  
31 species is required, the certificate holder shall enhance sufficient habitat to support the number of  
32 grassland nesting birds affected. For Stateline 3, the number of birds affected includes the  
33 number of fatalities above the threshold of concern. The certificate holder shall protect that  
34 enhanced habitat for the life of the facility. The certificate holder shall propose the amount of  
35 habitat enhancement based on expected densities and habitat requirements of these species as

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<sup>11</sup> The Council adopted “thresholds of concern” for raptors, grassland species and state sensitive avian species in the Final Order on the Application for the Klondike III Wind Project (June 30, 2006) and for bats in the Final Order on the Application for the Biglow Canyon Wind Farm (June 30, 2006). As explained in the Klondike III order: “Although the threshold numbers provide a rough measure for deciding whether the Council should be concerned about observed fatality rates, the thresholds have a very limited scientific basis. The exceeding of a threshold, by itself, would not be a scientific indicator that operation of the facility would result in range-wide population level declines of any of the species affected. The thresholds are provided in the WMMP to guide consideration of additional mitigation based on two years of monitoring data.”

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1 described in the literature and studies of the Stateline facility and other wind energy facilities in  
2 the Northwest.

3 For Stateline 3, if the average annual fatality rate for a State Sensitive avian species listed  
4 under OAR 635-100-0040 is greater than the threshold of concern (0.2 fatalities per megawatt),  
5 the Department may require the certificate holder to implement mitigation for that species.

6 FPL Vansycle reported the average annual fatality rates for grassland bird species in  
7 *Stateline Wind Project Wildlife Monitoring Final Report: July 2001 - December 2003*. This  
8 report analyzed two years of monitoring data collected between January 1, 2002, and December  
9 31, 2003. Based on the data, the average annual fatality rate for all grassland bird species as a  
10 group was 1.28 fatalities per turbine. The average annual fatality rate for horned larks was 0.89  
11 fatalities per turbine, and no other single grassland species had an annual fatality rate greater than  
12 0.13 fatalities per turbine per year. The reported fatality rates exceeded the “all species”  
13 mitigation threshold for Stateline 1&2 of 1.25 fatalities per turbine per year and the “single  
14 species” threshold of 0.5 fatalities per turbine per year.

15 As of January 20, 2006, the Council determined that additional mitigation for facility  
16 impacts to grassland species was not required pending analysis of additional data from future  
17 monitoring. The basis for this determination was that the reported fatality rates were very close  
18 to target levels and the most common species affected was horned lark, a species that is abundant  
19 in the area and whose survival is not at risk.

20 In 2006, FPL Vansycle conducted fatality monitoring for 16 turbines in the Stateline 2  
21 area and reported the results in *Stateline Wind Project Wildlife Monitoring Annual Report:*  
22 *January - December 2006*. The average annual fatality rate for all grassland bird species as a  
23 group was 0.45 fatalities per turbine.<sup>12</sup> Single-species fatality rates were not reported.<sup>13</sup>  
24 Accordingly, additional mitigation for impacts to grassland species is not warranted as of the  
25 date of this plan.

26 *Raptors*

27 For Stateline 1&2, the certificate holder shall determine significant impact to raptors  
28 (excluding burrowing owls, short-eared owls and northern harriers, which are considered under  
29 grassland nesting species) based on the fatality monitoring program data and any other raptor  
30 fatalities found. If more than an average of two raptor fatalities are found per year, then the  
31 certificate holder shall assume that a significant impact on raptor habitat has occurred and shall  
32 implement appropriate mitigation.

33 For Stateline 3, the certificate holder shall determine significant impact to raptors (all  
34 eagles, hawks, falcons and owls, including burrowing owls) based on the fatality monitoring  
35 program data and any other raptor fatalities found. If the average annual fatality rate for raptors  
36 is greater than the threshold of concern (0.09 fatalities per megawatt) or the average annual  
37 fatality rate for raptor species of special concern is greater than the threshold of concern (0.06

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<sup>12</sup> *Stateline Wind Project Wildlife Monitoring Annual Report: January - December 2006* (September 4, 2007), Table 5.

<sup>13</sup> Horned lark fatalities accounted for 50-percent of fatalities found in the Oregon survey area in 2006. The “all-birds” fatality rate was 0.81 fatalities per turbine. Thus, the single-species threshold of 0.5 fatalities/turbine/year was not exceeded.

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1 fatalities per megawatt), then the certificate holder shall assume that a significant impact on  
2 raptor habitat has occurred and shall implement appropriate mitigation.<sup>14</sup>

3 FPL Vansycle reported the number of raptor fatalities in *Stateline Wind Project Wildlife*  
4 *Monitoring Final Report: July 2001 - December 2003*. This report analyzed two years of  
5 monitoring data collected between January 1, 2002, and December 31, 2003. Seven raptor  
6 fatalities were discovered during standardized fatality searches in Oregon and one additional  
7 raptor fatality was found in Oregon under the WRRS monitoring program in the two-year period.  
8 Therefore, the annual average was four raptor fatalities found per year.

9 On January 20, 2006, the Council determined that additional mitigation was appropriate.  
10 To mitigate the effects of the facility on raptors, the certificate holder shall implement the  
11 following:

12 (a) Artificial nest structures (ANS) for ferruginous hawks: FPL Vansycle provided  
13 funding for the construction, monitoring and maintenance of not less than three ANS.  
14 FPL Vansycle, in consultation with ODFW and the Department, determined suitable  
15 locations for the ANS and obtained landowner permission to construct the ANS. Suitable  
16 locations are locations within the Columbia Basin Physiographic Province in proximity to  
17 the Stateline project and on land that is expected to remain in stable ownership for the life  
18 of the Stateline facility. Suitable locations are locations that have adequate prey base for  
19 ferruginous hawks and that are remote from human activity. If the site chosen for an ANS  
20 is on public land or land managed by The Nature Conservancy, FPL Vansycle shall work  
21 out an appropriate agreement with the land management entity for the maintenance and  
22 monitoring of the site.

23 FPL Vansycle completed construction of the three ANS, using a design appropriate to  
24 attract ferruginous hawks, in early 2007. If an ANS is vandalized or destroyed (by fire or  
25 other cause) during the first five years after construction, FPL Vansycle shall pay the full  
26 cost of replacement. The Department shall determine the need for ongoing maintenance  
27 of the ANS beyond the first five years based on the monitoring data on the success of the  
28 ANS in attracting raptor use.

29 FPL Vansycle shall monitor the ANS and report annually to the Department regarding  
30 the actual use of the ANS by raptor species. Annual monitoring of all ANS shall continue  
31 for at least 10 years after construction of the ANS in 2006. If there has been no use of an  
32 ANS by raptors during the first five years, the Department may require FPL Vansycle to  
33 relocate the ANS or construct an ANS at an alternative suitable site.

34 In November 2016 FPL Vansycle and the Department (with input from ODFW) agreed  
35 on an amendment of this mitigation measure, due to historic low use of the three ANS,  
36 from 2007 through 2015.<sup>15</sup> By March 1, 2017 FPL Vansycle will establish three new  
37 ANS in locations of suitable habitat within the approved parcels. Two of the three  
38 original ANS (ANS1 and ANS3) will be maintained. Due to the lack of suitable foraging

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<sup>14</sup> Raptor species of special concern include Swainson's hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl and any federal threatened or endangered raptor species.

<sup>15</sup> The certificate holder submitted a draft proposal identifying the proposed new ANS locations, siting selection methodology and criteria, monitoring, and maintenance activities on October 3, 2016 and a final proposal, as approved by ODOE in consultation with ODFW, on October 28, 2016.

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1 habitat in the general area of ANS2, ANS2 will be removed and no longer be part of this  
2 mitigation measure. The new sites (ANS 4, 5, 6) are located in Umatilla County on  
3 private land with willing landowners and habitat highly likely to remain suitable, at a  
4 minimum for the period 2017–2021. Persistence of suitable habitat is likely to continue  
5 due to the extensive grasslands onsite that are enrolled in the federal Conservation  
6 Reserve Program (CRP). ANS1 and ANS3 will be inspected for maintenance needs and  
7 refreshed with sticks prior to the 2017 ferruginous hawk nesting period. These five ANS  
8 locations (ANS1, ANS3, ANS4, ANS5, ANS6) will be monitored annually for the first  
9 five years and then every five years for the life of the Stateline 1&2 facility. During the  
10 first five-year period, all five ANS will be refreshed with sticks on an as-needed basis and  
11 when the nest is not occupied by avian species. Annual reporting will be the same as  
12 described in lines 29 and 30 above. No additional mitigation will be required for the  
13 raptor mitigation requirement.

14 (b) Riparian and upland habitat fencing: FPL Vansycle contributed \$9,000 to the Birch  
15 Creek Project for fencing of riparian and upland habitat. The Birch Creek project is a  
16 partnership between a private landowner and other interested organizations to improve  
17 upland and riparian wildlife habitat at a site that is within the Columbia Basin  
18 Physiographic Province about 30 miles south of the Stateline facility. The project site is  
19 near an area of historic nesting sites for ferruginous hawks, and it is likely that improved  
20 range conditions may enhance foraging habitat quality for the species, especially during  
21 the nesting and juvenile dispersal period. It is expected that other raptor species will  
22 benefit as well, including red-tailed hawks and American kestrels that may nest in  
23 deciduous or coniferous trees and forage in the uplands. FPL Vansycle shall provide  
24 periodic reports to the Department on the progress of the Birch Creek project. At a  
25 minimum, the certificate holder shall report on the project in the annual reports on the  
26 Stateline facility.

27 The Birch Creek project enclosed about 5,000 acres of Columbia Basin grassland and  
28 riparian and upper Birch Creek conifer/grassland. Approximately 15 miles of new high-  
29 tensile, wildlife-friendly fencing were built. The goal is to exclude cattle from riparian  
30 zones and upland habitats so the areas can recover from past grazing pressure. The  
31 fencing encloses uplands for raptor foraging and deciduous trees and shrubs for potential  
32 raptor nesting, perching and roosting.

33 (c) Contributions to the Blue Mountain Wildlife Rehabilitation Center: The Blue  
34 Mountain Wildlife Rehabilitation Center near Pendleton is a non-profit organization that  
35 provides treatment and care to orphaned, injured or sick native wildlife to enable their  
36 return to their natural habitat. To support the work of the Center in the rehabilitation of  
37 raptors, FPL Vansycle contributed \$3,000 to the Center in 2006 and \$1,500 in 2007 and  
38 2008. The certificate holders shall make annual contributions of \$1,500 each in 2009 and  
39 2010. The certificate holders shall request that the funds be dedicated to paying for food  
40 and other supplies necessary for raptor rehabilitation. FPL Vansycle and the Department  
41 shall assess ongoing mitigation activities no later than December 31, 2010, and shall  
42 determine the amount of further contributions to the Center.

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1 FPL Vansycle reported four raptor fatalities in Oregon in 2006.<sup>16</sup> This result matched the  
2 annual average of four raptor fatalities per year, based on the data for 2002 and 2003. If  
3 Stateline 3 turbines are built, the certificate holder will conduct standardized searches for one  
4 year in the Stateline 3 area. The Wildlife Response and Reporting System will be in place for the  
5 life of the facility and will include reporting of any incidental raptor fatalities found by  
6 maintenance personnel. If the threshold of concern is not exceeded but fatalities of a sensitive  
7 raptor species, such as ferruginous hawk or Swainson's hawk are at a level of concern, the  
8 Department may require the certificate holder to implement mitigation for that species.

### 9 Other Bird Species and Bats

10 Mitigation measures for grassland nesting birds and for raptors, if implemented, would  
11 also benefit other bird species and bats. For Stateline 1&2, there was no mitigation threshold for  
12 these species. For Stateline 3, the threshold of concern for bats as a group is 2.5 fatalities per  
13 megawatt. If fatalities to these species exceed the threshold of concern or are higher than  
14 expected and are at a level of biological concern, the Department may require the certificate  
15 holder to implement mitigation for these species.

16 The monitoring data presented in *Stateline Wind Project Wildlife Monitoring Final*  
17 *Report: July 2001 - December 2003* show that fatality rates for other bird species and bats were  
18 not higher than expected. The overall bat fatality rate was 1.7 fatalities per megawatt, which is  
19 below the U.S. average rate of 2.1 fatalities per megawatt.<sup>17</sup> The data collected in 2006 on  
20 turbines in the Stateline 2 area resulted in lower fatality rates for both birds and bats, compared  
21 to the larger Stateline sample studied in 2002 and 2003.<sup>18</sup> Pending analysis of additional data  
22 from future monitoring, the Council determined that additional mitigation for facility impacts to  
23 other bird species and bats was not required as of January 20, 2006.

### 24 **13. Amendment of the Plan**

25 This Wildlife Monitoring and Mitigation Plan may be amended from time to time by  
26 agreement of the certificate holders and the Council. Such amendments may be made without  
27 amendment of the site certificate. The Council authorizes the Department to agree to  
28 amendments to this plan and to mitigation actions that may be required under this plan. The  
29 Department shall notify the Council of all amendments and mitigation actions, and the Council  
30 retains the authority to approve, reject or modify any amendment of this plan or mitigation action  
31 agreed to by the Department.

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<sup>16</sup> *Stateline Wind Project Wildlife Monitoring Annual Report: January - December 2006* (September 4, 2007), Table 2.

<sup>17</sup> The overall bird fatality rate of 2.9 fatalities per megawatt was "slightly below the average for new generation wind projects in the U.S." (3.05 fatalities per megawatt). *Stateline Wind Project Wildlife Monitoring Final Report: July 2001 - December 2003* (December 2004), p. 26.

<sup>18</sup> *Stateline Wind Project Wildlife Monitoring Annual Report: January - December 2006* (September 4, 2007), Table 5.