

ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON
Fourth Amended Site Certificate
for the
Montague Wind Power Facility

August 23, 2019

1

The Oregon Energy Facility Siting Council

I. INTRODUCTION

2 The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Montague Wind
3 Power Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is a
4 binding agreement between the State of Oregon (State), acting through the Council, and Montague
5 Wind Power Facility LLC (certificate holder) authorizing the certificate holder to construct and operate
6 the facility in Gilliam County, Oregon. [Amendment #3]

7 The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site
8 certificate are set forth in the following documents, incorporated herein by this reference: (a) the Final
9 Order on the Application for Site Certificate for the Montague Wind Power Facility issued on September
10 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1 issued on
11 June 21, 2013; and, (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final
12 Order on Amendment #3 issued on July 11, 2017; and (e) the Final Order on Amendment #4 issued on
13 August 23, 2019. In interpreting this site certificate, any ambiguity will be clarified by reference to the
14 following, in order of priority: (1) this Fourth Amended Site Certificate, (2) the Final Order on
15 Amendment #4, (3) the Final Order on Amendment #3, (4) the Final Order on Amendment #2, (5) the
16 Final Order on Amendment #1, (6) the Final Order on the Application, and (7) the record of the
17 proceedings that led to the Final Order on the Application, the Final Order on Amendment #1, and the
18 Final Order on Amendment #2. [Amendment #2]

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

II. SITE CERTIFICATION

21 (a) To the extent authorized by state law and subject to the conditions set forth herein, the
22 State authorizes the certificate holder to construct, operate and retire a wind and
23 photovoltaic (PV) solar energy facility, together with certain related or supporting
24 facilities, at the site in Gilliam County, Oregon, as described in Section III of this site
25 certificate. ORS 469.401(1). [ASC; AMD4]

26 (a) This site certificate is effective until it is terminated under OAR 345-027-0110 or the
27 rules in effect on the date that termination is sought or until the site certificate is
28 revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect
29 on the date that revocation is ordered. ORS 469.401(1).

30 (a) This site certificate does not address, and is not binding with respect to, matters that
31 were not addressed in the Final Order on the Application, Final Order on Amendment #1
32 Final Order on Amendment #2, Final Order on Amendment #3, and Final Order on
33 Amendment #4. Such matters include, but are not limited to: building code compliance,
34 wage, hour and other labor regulations, local government fees and charges and other
35 design or operational issues that do not relate to siting the facility (ORS 469.401(4)) and
36 permits issued under statutes and rules for which the decision on compliance has been
37 delegated by the federal government to a state agency other than the Council.
38 469.503(3). [ASC; AMD1; AMD2; AMD3; AMD4]

- 1 (a) Both the State and the certificate holder shall abide by local ordinances, state law and
2 the rules of the Council in effect on the date this site certificate is executed. ORS
3 469.401(2). In addition, upon a clear showing of a significant threat to public health,
4 safety or the environment that requires application of later-adopted laws or rules, the
5 Council may require compliance with such later-adopted laws or rules. ORS 469.401(2).
- 6 (a) For a permit, license or other approval addressed in and governed by this site
7 certificate, the certificate holder shall comply with applicable state and federal laws
8 adopted in the future to the extent that such compliance is required under the
9 respective state agency statutes and rules. ORS 469.401(2).
- 10 (a) Subject to the conditions herein, this site certificate binds the State and all counties,
11 cities and political subdivisions in Oregon as to the approval of the site and the
12 construction, operation and retirement of the facility as to matters that are addressed in
13 and governed by this site certificate. ORS 469.401(3).
- 14 (a) Each affected state agency, county, city and political subdivision in Oregon with
15 authority to issue a permit, license or other approval addressed in or governed by this
16 site certificate shall, upon submission of the proper application and payment of the
17 proper fees, but without hearings or other proceedings, issue such permit, license or
18 other approval subject only to conditions set forth in this site certificate. ORS
19 469.401(3).
- 20 (a) After issuance of this site certificate, each state agency or local government agency that
21 issues a permit, license or other approval for the facility shall continue to exercise
22 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 23 (a) After issuance of this site certificate, the Council shall have continuing authority over
24 the site and may inspect, or direct the Oregon Department of Energy (Department) to
25 inspect, or request another state agency or local government to inspect, the site at any
26 time in order to ensure that the facility is being operated consistently with the terms
27 and conditions of this site certificate. ORS 469.430.
- 28 (a) Following the completion of surveys required by this site certificate, the Department will
29 present the results of those surveys and required consultations at the next regularly
30 scheduled Council meeting. [AMD2]

III. DESCRIPTION

31 1. The Facility

32 (a) The Energy Facility

33 The Montague Wind Power Facility is an electric power generating plant developed in two phases, Phase
34 1 and Phase 2. Phase 1 consists of 56 wind turbines, each consisting of a nacelle, a three-bladed rotor,
35 turbine tower and foundations. The nacelle houses the equipment such as the gearbox, generator,
36 brakes, and control systems for the turbines.

1 Phase 2 is approved to consist of a combination of up to 81 wind turbines and a solar photovoltaic array
2 on up to 1, 189 acres. The solar array would be composed of solar modules, which are themselves
3 composed of either mono-crystalline or poly-crystalline cells. In addition to the solar modules, the array
4 would also include a tracker system to allow the solar modules to follow the path of the sun throughout
5 the day; cables; inverters; and transformers. The solar array would be connected to the power collection
6 system as described below. The energy facility is described further in the *Final Order on the Application*,
7 *Final Order on Amendment #1*, *Final Order on Amendment #2*, *Final Order on Amendment #3*, and the
8 *Final Order on Amendment #4*.

9 **(b) Related or Supporting Facilities**

10 The facility includes the following related or supporting facilities described below and in greater detail in
11 the *Final Order on the Application*, *Final Order on Amendment #1*, *Final Order on Amendment #2*, *Final*
12 *Order on Amendment #3*, and the *Final Order on Amendment #4*:

- 13 • Power collection system
- 14 • Control system
- 15 • Substations and 230-kV transmission lines
- 16 • Battery storage system
- 17 • Meteorological towers
- 18 • Operations and maintenance facilities
- 19 • Access roads
- 20 • Public roadway modifications
- 21 • Temporary construction areas

22 **Power Collection System**

23 A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine to a
24 collector substation. To the extent practicable, the collection system is installed underground at a depth
25 of at least three feet. Not more than 27 miles of the collector system is installed aboveground.

26 **Control System**

27 A fiber optic communications network links the wind turbines to a central computer at the O&M
28 buildings. A Supervisory, Control and Data Acquisition (SCADA) system collects operating and
29 performance data from each wind turbine and from the facility as a whole and allows remote operation
30 of the wind turbines.

31 **Substations and 230-kV Transmission Lines**

32 The facility includes two collector substations, one associated with Phase 1, and the second associated
33 with Phase 2. An aboveground, single-circuit 230-kV transmission line connects the Phase 2 substation
34 to the Phase 1 substation. An aboveground, single-circuit 230-kV transmission line connects the Phase 1
35 substation to the 500-kV Slatt-Buckley transmission line owned by the Bonneville Power Administration
36 (BPA) at the Slatt substation.

1 **Battery Storage**

2 Phase 2 is approved to include a battery storage system. The battery storage system would be capable
3 of storing up to 100 MW of wind or solar energy generated by the Facility, and would be used to
4 stabilize the wind or solar resource through dispatching of energy stored in the battery system. The
5 battery system is placed in a series of containers or building located near the Phase 2 substation.

6 The battery system would be composed of either lithium-ion (Li-ion) batteries or a flow battery. Lithium-
7 ion batteries are a solid-state rechargeable battery utilizing lithium ions in an electrolyte. Flow batteries
8 are composed of a variety of different technologies; however, all flow batteries dispatch electricity by
9 allowing the migration of electrons from a positive ion tank to a negative ion tank. The electrons migrate
10 between solutions via a membrane.

11 **Meteorological Towers**

12 The facility includes up to eight permanent meteorological towers.

13 **Operations and Maintenance Facilities**

14 The facility includes two operations and maintenance (O&M) facilities, one associated with Phase 1 and
15 the second with Phase 2. An on-site well at each O&M facility supplies water for use during facility
16 operation. Sewage is discharged to an on-site septic system.

17 **Access Roads**

18 The facility includes access roads to provide access to the turbine strings, solar array, battery storage
19 system and other related or supporting components.

20 **Public Roadway Modifications**

21 The certificate holder may construct improvements to existing state and county public roads that are
22 necessary for construction of the facility. These modifications would be confined to the existing road
23 rights-of-way and would be undertaken with the approval of the Gilliam County Road Department or the
24 Oregon Department of Transportation, depending on the location of the improvement.

25 **Temporary Construction Areas**

26 During construction, the facility includes temporary laydown areas used to stage construction and store
27 supplies and equipment. Construction crane paths are used to move construction cranes between
28 turbine strings.

29 **2. Location of the Facility**

30 The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on private land
31 subject to easements or lease agreements with landowners.

IV. CONDITIONS REQUIRED BY COUNCIL RULES

1 This section lists conditions required by OAR 345-025-0006 (Mandatory Conditions in Site Certificates),
2 OAR 345025-0010 (Site Specific Conditions), OAR 345-025-0016 (Monitoring and Mitigation Conditions)
3 and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These conditions
4 should be read together with the specific facility conditions listed in Section V to ensure compliance with
5 the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and
6 safety. In these conditions the definitions in OAR 345-001-0010 apply.

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

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

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

25 1 OAR 345-025-0006-(1): The Council shall not change the conditions of the site certificate except
26 as provided for in OAR Chapter 345, Division 27.

27 2 OAR 345-025-0006-(2): The certificate holder shall submit a legal description of the site to the
28 Department of Energy within 90 days after beginning operation of the facility. The legal
29 description required by this rule means a description of metes and bounds or a description of
30 the site by reference to a map and geographic data that clearly and specifically identifies the
31 outer boundaries that contain all parts of the facility.

32 3 OAR 345-025-0006-(3): The certificate holder shall design, construct, operate and retire the
33 facility:

34 (a) Substantially as described in the site certificate;

35 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and
36 applicable state and local laws, rules and ordinances in effect at the time the site
37 certificate is issued; and (c) In compliance with all applicable permit requirements of
38 other state agencies.

- 1 4 OAR 345-025-0006-(4): The certificate holder shall begin and complete construction of the
2 facility by the dates specified in the site certificate. (See Conditions 24 and 25.)
- 3 5 OAR 345025-0006-(5): Except as necessary for the initial survey or as otherwise allowed for wind
4 energy facilities, transmission lines or pipelines under this section, the certificate holder shall
5 not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the
6 site until the certificate holder has construction rights on all parts of the site. For the purpose of
7 this rule, “construction rights” means the legal right to engage in construction activities. For
8 wind energy facilities, transmission lines or pipelines, if the certificate holder does not have
9 construction rights on all parts of the site, the certificate holder may nevertheless begin
10 construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the
11 certificate holder has construction rights on that part of the site and:
- 12 (a) The certificate holder would construct and operate part of the facility on that part of the
13 site even if a change in the planned route of the transmission line or pipeline occurs
14 during the certificate holder’s negotiations to acquire construction rights on another
15 part of the site; or
- 16 (b) The certificate holder would construct and operate part of a wind energy facility on that
17 part of the site even if other parts of the facility were modified by amendment of the
18 site certificate or were not built.
- 19 6 OAR 345-025-0006-(6): If the certificate holder becomes aware of a significant environmental
20 change or impact attributable to the facility, the certificate holder shall, as soon as possible,
21 submit a written report to the Department describing the impact on the facility and any affected
22 site certificate conditions. [AMD4]
- 23 7 OAR 345-025-0006-(7): The certificate holder shall prevent the development of any conditions
24 on the site that would preclude restoration of the site to a useful, non-hazardous condition to
25 the extent that prevention of such site conditions is within the control of the certificate holder.
- 26 8 OAR 345-025-0006-(8): Before beginning construction of the facility or a phase of the facility, the
27 certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of
28 credit, in a form and amount satisfactory to the Council to restore the site or a portion of the
29 site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter
30 of credit in effect at all times until the facility or the phase of the facility has been retired. The
31 Council may specify different amounts for the bond or letter of credit during construction and
32 during operation of the facility or a phase of the facility. (See Condition 32.) [AMD4]
- 33 9 OAR 345-025-0006-(9): The certificate holder shall retire the facility if the certificate holder
34 permanently ceases construction or operation of the facility. The certificate holder shall retire
35 the facility according to a final retirement plan approved by the Council, as described in OAR
36 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-
37 hazardous condition at the time of retirement, notwithstanding the Council’s approval in the
38 site certificate of an estimated amount required to restore the site.
- 39 10 OAR 345-025-0006-(10): The Council shall include as conditions in the site certificate all
40 representations in the site certificate application and supporting record the Council deems to be
41 binding commitments made by the applicant.

- 1 11 OAR 345-025-0006-(11): Upon completion of construction, the certificate holder shall restore
2 vegetation to the extent practicable and shall landscape all areas disturbed by construction in a
3 manner compatible with the surroundings and proposed use. Upon completion of construction,
4 the certificate holder shall remove all temporary structures not required for facility operation
5 and dispose of all timber, brush, refuse and flammable or combustible material resulting from
6 clearing of land and construction of the facility.
- 7 12 OAR 345-025-0006-(12): The certificate holder shall design, engineer and construct the facility to
8 avoid dangers to human safety and the environment presented by seismic hazards affecting the
9 site that are expected to result from all maximum probable seismic events. As used in this rule
10 “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and
11 consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic
12 softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For
13 coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [AMD4]
- 14 13 OAR 345-025-0006-(13): The certificate holder shall notify the Department, the State Building
15 Codes Division and the Department of Geology and Mineral Industries promptly if site
16 investigations or trenching reveal that conditions in the foundation rocks differ significantly
17 from those described in the application for a site certificate. After the Department receives the
18 notice, the Council may require the certificate holder to consult with the Department of Geology
19 and Mineral Industries and the Building Codes Division to propose and implement corrective or
20 mitigation actions.
- 21 14 OAR 345-025-0006-(14): The certificate holder shall notify the Department, the State Building
22 Codes Division and the Department of Geology and Mineral Industries promptly if shear zones,
23 artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After
24 the Department receives notice, the Council may require the certificate holder to consult with
25 the Department of Geology and Mineral Industries and the Building Codes Division to propose
26 and implement corrective or mitigation actions. [AMD4]
- 27 15 OAR 345-025-0006-(15): Before any transfer of ownership of the facility or ownership of the site
28 certificate holder, the certificate holder shall inform the Department of the proposed new
29 owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that
30 requires a transfer of the site certificate.
- 31 16 OAR 345-025-0006-(16): If the Council finds that the certificate holder has permanently ceased
32 construction or operation of the facility without retiring the facility according to a final
33 retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall
34 notify the certificate holder and request that the certificate holder submit a proposed final
35 retirement plan to the Department within a reasonable time not to exceed 90 days. If the
36 certificate holder does not submit a proposed final retirement plan by the specified date, the
37 Council may direct the Department to prepare a proposed final retirement plan for the Council’s
38 approval. Upon the Council’s approval of the final retirement plan, the Council may draw on the
39 bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, non-
40 hazardous condition according to the final retirement plan, in addition to any penalties the
41 Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of
42 credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any
43 additional cost necessary to restore the site to a useful, non-hazardous condition. After

1 completion of site restoration, the Council shall issue an order to terminate the site certificate if
2 the Council finds that the facility has been retired according to the approved final retirement
3 plan.

4 17 OAR 35-027-0023(4):

5 ~~(a) The certificate holder shall design, construct and operate the transmission line in accordance~~
6 ~~with the requirements of the National Electrical Safety Code approved on June 3, 2011, by the~~
7 ~~American National Standards Institute, and~~

8 ~~(b) The certificate holder shall develop and implement a program that provides reasonable~~
9 ~~assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a~~
10 ~~permanent nature that could become inadvertently charged with electricity are grounded or~~
11 ~~bonded throughout the life of the line. [Amendment 3, Removed by Amendment 4]~~

12 18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230 kV transmission
13 line anywhere within the approved corridor, subject to the conditions of the site certificate. The
14 approved corridor is ½-mile in width and extends approximately 14 miles from the Phase 2
15 collector substation to the Phase 1 collector substation to BPA's Slatt Substation as presented in
16 Figure 1 of the site certificate.
17 [OAR 345-025-0010(5); ASC; AMD4]

18 19 OAR 345-025-0016: The following general monitoring conditions apply:

19 (1) In the site certificate, the Council shall include conditions that address monitoring and
20 mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22
21 and Division 24. The site certificate applicant, or for an amendment, the certificate holder, shall
22 develop proposed monitoring and mitigation plans in consultation with the Department and, as
23 appropriate, other state agencies, local governments and tribes. Monitoring and mitigation
24 plans are subject to Council approval. The Council shall incorporate approved monitoring and
25 mitigation plans in applicable site certificate conditions. [AMD4]

26 20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the
27 certificate holder shall implement a plan that verifies compliance with all site certificate terms
28 and conditions and applicable statutes and rules. As a part of the compliance plan, to verify
29 compliance with the requirement to begin construction by the date specified in the site
30 certificate, the certificate holder shall report promptly to the Department of Energy when
31 construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of
32 construction, the certificate holder shall describe all work on the site performed before
33 beginning construction, including work performed before the Council issued the site certificate,
34 and shall state the cost of that work. For the purpose of this exhibit, "work on the site" means
35 any work within a site or corridor, other than surveying, exploration or other activities to define
36 or characterize the site or corridor. The certificate holder shall document the compliance plan
37 and maintain it for inspection by the Department or the Council.

38 21 OAR 345-026-0080: The certificate holder shall report according to the following requirements:

39 (a) General reporting obligation for energy facilities under construction or operating:

- 1 (i) Within six months after beginning construction, and every six months thereafter
2 during construction of the energy facility and related or supporting facilities, the
3 certificate holder shall submit a semiannual construction progress report to the
4 Department of Energy. In each construction progress report, the certificate holder
5 shall describe any significant changes to major milestones for construction. The
6 certificate holder shall report on the progress of construction and shall address the
7 subjects listed in subsections (2)(a), (d), (f) and (g). When the reporting date
8 coincides, the certificate holder may include the construction progress report within
9 the annual report described in this rule.
- 10 (ii) After January 1 but no later than April 30 of each year after beginning operation of
11 the facility, the certificate holder shall submit an annual report to the Department
12 addressing the subjects listed in Subsection (2). For the purposes of this rule, the
13 beginning of operation of the facility means the date when construction of a
14 significant portion of the facility is substantially complete and the certificate holder
15 begins commercial operation of the facility as reported by the certificate holder and
16 accepted by the Department. The Council Secretary and the certificate holder may,
17 by mutual agreement, change the reporting date.
- 18 (iii) To the extent that information required by this rule is contained in reports the
19 certificate holder submits to other state, federal or local agencies, the certificate
20 holder may submit excerpts from such other reports to satisfy this rule. The Council
21 reserves the right to request full copies of such excerpted reports
- 22 (b) In the annual report, the certificate holder shall include the following information for the
23 calendar year preceding the date of the report:
- 24 (i) Facility Status: An overview of site conditions, the status of facilities under
25 construction and a summary of the operating experience of facilities that are in
26 operation. The certificate holder shall describe any unusual events, such as
27 earthquakes, extraordinary windstorms, major accidents or the like that occurred
28 during the year and that had a significant adverse impact on the facility.
- 29 (ii) Reliability and Efficiency of Power Production: For electric power plants, the plant
30 availability and capacity factors for the reporting year. The certificate holder shall
31 describe any equipment failures or plant breakdowns that had a significant impact on
32 those factors and shall describe any actions taken to prevent the recurrence of such
33 problems.
- 34 (iii) Status of Surety Information: Documentation demonstrating that bonds or letters of
35 credit as described in the site certificate are in full force and effect and will remain in
36 full force and effect for the term of the next reporting period.
- 37 (iv) Monitoring Report: A list and description of all significant monitoring and mitigation
38 activities performed during the previous year in accordance with site certificate terms
39 and conditions, a summary of the results of those activities and a discussion of any
40 significant changes to any monitoring or mitigation program, including the reason for
41 any such changes.

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

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

8 (vii)

9 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange copies
10 of all correspondence or summaries of correspondence related to compliance with statutes,
11 rules and local ordinances on which the Council determined compliance, except for material
12 withheld from public disclosure under state or federal law or under Council rules. The certificate
13 holder may submit abstracts of reports in place of full reports; however, the certificate holder
14 shall provide full copies of abstracted reports and any summarized correspondence at the
15 request of the Department.

16 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours
17 of any occurrence involving the facility if:

18 (a) There is an attempt by anyone to interfere with its safe operation;

19 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused
20 event such as a fire or explosion affects or threatens to affect the public health and
21 safety or the environment; or

22 (c) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

23 The conditions listed in this section include conditions based on representations in the site certificate
24 application and supporting record. The Council deems these representations to be binding
25 commitments made by the applicant. These conditions are required under OAR 345-025-0006.
26 The certificate holder must comply with these conditions in addition to the conditions listed in
27 Section IV. This section includes other specific facility conditions the Council finds necessary to ensure
28 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect public
29 health and safety. For conditions that require subsequent review and approval of a future action, ORS
30 469.402 authorizes the Council to delegate the future review and approval to the Department if, in the
31 Council's discretion, the delegation is warranted under the circumstances of the case.

1. Certificate Administration Conditions

32 24 The certificate holder shall:

- 33 i. Begin construction of Phase 1 of the facility by September 14, 2017. Under OAR 345-015-
34 0085(9), a site certificate is effective upon execution by the Council Chair and the applicant.
35 The Council may grant an extension of the deadline to begin construction in accordance with
36

1 OAR 345-027-0385 or any successor rule in effect at the time the request for extension is
2 submitted. [ASC; AMD2; AMD4]

- 3
4 ii. Begin construction of Phase 2 of the facility by August 30, 2022. The Council may grant an
5 extension of the deadline to begin construction in accordance with OAR 345-027-0385 or any
6 successor rule in effect at the time the request for extension is submitted. [AMD4]

7 25 The certificate holder shall:

- 8 i. Complete construction of Phase 1 of the facility by September 14, 2020. Construction is
9 complete when: (1) the facility is substantially complete as defined by the certificate
10 holder's construction contract documents, (2) acceptance testing has been satisfactorily
11 completed and (3) the energy facility is ready to begin continuous operation consistent with
12 the site certificate. The certificate holder shall promptly notify the Department of the date
13 of completion of construction. The Council may grant an extension of the deadline for
14 completing construction in accordance with OAR 345-027-0385 or any successor rule in
15 effect at the time the request for extension is submitted. [ASC; AMD2; AMD4]

- 16 ii. Complete construction of Phase 2 of the facility by [3 years of from the date of construction
17 commencement]. Construction is complete when: (1) the facility is substantially complete as
18 defined by the certificate holder's construction contract documents, (2) acceptance testing
19 has been satisfactorily completed and (3) the energy facility is ready to begin continuous
20 operation consistent with the site certificate. The certificate holder shall promptly notify the
21 Department of the date of completion of construction. The Council may grant an extension
22 of the deadline for completing construction in accordance with OAR 345-027-0385 or any
23 successor rule in effect at the time the request for extension is submitted. [AMD4]

24 26 Before beginning construction of the facility, the certificate holder shall notify the Department
25 whether the turbines identified as H1, H2, H3, H4, L8, L9, L10, L11 and L12 on Figure C-3a of the
26 site certificate application will be built as part of the Montague Wind Power Facility or whether
27 the turbines will be built as part of the Leaning Juniper II Wind Power Facility.

28 27 The certificate holder shall construct a facility substantially as described in the site certificate
29 and may select turbines of any type, subject to the following restrictions and compliance with all
30 other site certificate conditions. Before beginning construction, the certificate holder shall
31 provide to the Department a description of the turbine types selected for the facility
32 demonstrating compliance with this condition.

- 33 i. For Phase 1 facility components:
34 (a) The total number of turbines must not exceed 81 turbines.
35 (b) The turbine hub height must not exceed 100 meters and the maximum blade tip height
36 must not exceed 150 meters.
37 (c) The minimum blade tip clearance must be 14 meters above ground. [Amendment #3]
38
39 ii. For Phase 2 facility components:
40 (a) Components may include any combination of wind and solar energy generation
41 equipment, up to 81 wind turbines or the maximum layout (including number and size)
42 of solar array components substantially as described in RFA4.

1 (b) The maximum blade tip height must not exceed 597 feet (182 meters). The minimum
2 aboveground blade tip clearance must be 46 feet (14 meters).

3 [Final Order on ASC; AMD3; AMD4]

4 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals
5 required for construction, operation and retirement of the facility or ensure that its contractors
6 obtain the necessary federal, state and local permits or approvals.
7

8 29 The certificate holder shall:

- 9 i. Before beginning construction of each phase of the facility, provide to the Department a
10 list of all third-party permits which would normally be governed by the site certificate
11 and that are necessary for construction (e.g. Air Contaminant Discharge Permit; Limited
12 Water Use License). Once obtained, the certificate holder shall provide copies of third-
13 party permits to the Department and Gilliam County-and shall provide to the
14 Department proof of agreements between the certificate holder and the third-party
15 regarding access to the resources or services secured by the permits or approvals.
16 ii. During construction and operation, promptly report to the Department if any third-party
17 permits referenced in sub(i) of this condition have been subject to a cited violation,
18 Notice of Violation, or allegation of a violation. [AMD4]
19

20 30 Before beginning construction, the certificate holder shall notify the Department in advance of
21 any work on the site that does not meet the definition of “construction” in ORS 469.300,
22 excluding surveying, exploration or other activities to define or characterize the site, and shall
23 provide to the Department a description of the work and evidence that its value is less than
24 \$250,000.

25 31 Before beginning construction but no more than two years before beginning construction and
26 after considering all micrositing factors, the certificate holder shall provide to the Department,
27 to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Gilliam
28 County detailed maps of the facility site, showing the final locations where the certificate holder
29 proposes to build facility components, and a table showing the acres of temporary and
30 permanent habitat impact by habitat category and subtype, similar to Table 6 in the Final Order
31 on the Application. The detailed maps of the facility site shall indicate the habitat categories of
32 all areas that would be affected during construction (similar to Figures P-8a through P-8d in the
33 site certificate application). In classifying the affected habitat into habitat categories, the
34 certificate holder shall consult with the ODFW. The certificate holder shall not begin ground
35 disturbance in an affected area until the habitat assessment has been approved by the
36 Department. The Department may employ a qualified contractor to confirm the habitat
37 assessment by on-site inspection.

38 32 i. Before beginning construction of Phase 1 of the facility, the certificate holder shall submit to
39 the State of Oregon through the Council a bond or letter of credit in the amount described
40 herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee.
41 The initial bond or letter of credit is either \$21.511 million (3rd Quarter 2010 dollars), to be
42 adjusted to the date of issuance as described in (b), or the amount determined as described in

1 (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual
2 basis thereafter as described in (b).

3 a. The certificate holder may adjust the amount of the bond or letter of credit based
4 on the final design configuration of the facility and turbine types selected by
5 applying the unit costs and general costs illustrated in Table 2 in the *Final Order on*
6 *the Application* and calculating the financial assurance amount as described in that
7 order, adjusted to the date of issuance as described in (b) and subject to approval by
8 the Department.

9 i. Adjust the Subtotal component of the bond or letter of credit amount
10 (expressed in 3rd Quarter 2017 dollars) to present value, using the U.S. Gross
11 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
12 Oregon Department of Administrative Services' "Oregon Economic and
13 Revenue Forecast" or by any successor agency (the "Index") and using the
14 3rd Quarter-2017 index values (to represent mid-2004 dollars) and the
15 quarterly index value for the date of issuance of the new bond or letter of
16 credit. If at any time the Index is no longer published, the Council shall
17 select a comparable calculation to adjust mid-2004 dollars to present value.

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

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

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

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

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

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

32 e. The certificate holder shall describe the status of the bond or letter of credit in the
33 annual report submitted to the Council under Condition 21.

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

36 ii. Before beginning construction of Phase 2 of the facility, the certificate holder shall submit to
37 the State of Oregon through the Council a bond or letter of credit in the amount described
38 herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee.
39 The bond or letter of credit will be issued for Phase 2 in an amount that is either \$10.429
40 million (1st Quarter 2019 dollars), to be adjusted to the date of issuance as described in (b), or
41 the amount determined as described in (a). The certificate holder shall adjust the amount of
42 the bond or letter of credit on an annual basis thereafter as described in (b).

- 1 a. The certificate holder may adjust the amount of the bond or letter of credit based
2 on the final design configuration of the facility, and both the-battery storage or
3 turbine types selected by applying the unit costs and general costs illustrated in
4 Table 5 of the *Final Order on Amendment 4* and calculating the financial assurance
5 amount as described in that order, adjusted to the date of issuance as described in
6 (b) and subject to approval by the Department. The certificate holder may adjust the
7 amount of the bond or letter of credit under (a) if opting to construct only a portion
8 of the facility.
- 9 b. The certificate holder shall adjust the amount of the bond or letter of credit, using
10 the following calculation and subject to approval by the Department:
- 11 i. Adjust the Subtotal component of the bond or letter of credit amount
12 (expressed in mid-2004 dollars) to present value, using the U.S. Gross
13 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
14 Oregon Department of Administrative Services' "Oregon Economic and
15 Revenue Forecast" or by any successor agency (the "Index") and using the
16 average of the 2nd Quarter and 3rd Quarter-2004 index values (to represent
17 mid-2004 dollars) and the quarterly index value for the date of issuance of
18 the new bond or letter of credit. If at any time the Index is no longer
19 published, the Council shall select a comparable calculation to adjust mid-
20 2004 dollars to present value.
- 21 c. The certificate holder shall adjust the amount of the bond or letter of credit, using
22 the following calculation and subject to approval by the Department:
- 23 i. Adjust the Subtotal component of the bond or letter of credit amount
24 (expressed in mid-2004 dollars) to present value, using the U.S. Gross
25 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
26 Oregon Department of Administrative Services' "Oregon Economic and
27 Revenue Forecast" or by any successor agency (the "Index") and using the
28 average of the 2nd Quarter and 3rd Quarter-2004index values (to represent
29 mid-2004 dollars) and the quarterly index value for the date of issuance of
30 the new bond or letter of credit. If at any time the Index is no longer
31 published, the Council shall select a comparable calculation to adjust mid-
32 2004 dollars to present value.
- 33 ii. Add 1 percent of the adjusted Subtotal (i) for the adjusted performance
34 bond amount to determine the adjusted Gross Cost.
- 35 iii. Add 10 percent of the adjusted Gross Cost (ii) for the adjusted
36 administration and project management costs, add 20 percent of the
37 adjusted Gross Cost of the Solar Generation and Battery Storage System (ii)
38 and 10 percent of the adjusted Gross Cost of all other facility components(ii)
39 for the adjusted future developments contingency.
- 40 iv. Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and
41 round the resulting total to the nearest \$1,000 to determine the adjusted
42 financial assurance amount.
- 43 d. The certificate holder shall use a form of bond or letter of credit approved by the
44 Council.
- 45 e. The certificate holder shall use an issuer of the bond or letter of credit approved by
46 the Council.
- 47 f. The certificate holder shall describe the status of the bond or letter of credit in the
48 annual report submitted to the Council under Condition 21.

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

3 [AMD4]
4

5 33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, the
6 certificate holder shall ensure that the surety is obligated to comply with the requirements of
7 applicable statutes, Council rules and this site certificate when the surety exercises any legal or
8 contractual right it may have to assume construction, operation or retirement of the energy
9 facility. The certificate holder shall also ensure that the surety is obligated to notify the Council
10 that it is exercising such rights and to obtain any Council approvals required by applicable
11 statutes, Council rules and this site certificate before the surety commences any activity to
12 complete construction, operate or retire the energy facility.

13 34 Before beginning construction, the certificate holder shall notify the Department of the identity
14 and qualifications of the major design, engineering and construction contractor(s) for the
15 facility. The certificate holder shall select contractors that have substantial experience in the
16 design, engineering and construction of similar facilities. The certificate holder shall report to
17 the Department any change of major contractors.

18 35 The certificate holder shall contractually require all construction contractors and subcontractors
19 involved in the construction of the facility to comply with all applicable laws and regulations and
20 with the terms and conditions of the site certificate. Such contractual provisions shall not
21 operate to relieve the certificate holder of responsibility under the site certificate.

22 36 To ensure compliance with all site certificate conditions during construction, the certificate
23 holder shall have a full-time, on-site assistant construction manager who is qualified in
24 environmental compliance. The certificate holder shall notify the Department of the name,
25 telephone number and e-mail address of this person.

26 37 Within 72 hours after discovery of conditions or circumstances that may violate the terms or
27 conditions of the site certificate, the certificate holder shall report the conditions or
28 circumstances to the Department.

29 **2. Land Use Conditions**

30 38 The certificate holder shall:

31 i. Consult with area landowners and lessees during construction and operation of Phase 1 of
32 the facility and implement measures to reduce and avoid any adverse impacts to farm
33 practices on surrounding lands and to avoid any increase in farming costs.
34

35 ii. Consult with area landowners and lessees during construction and operation of Phase 2 of
36 the facility and implement measures to reduce and avoid any adverse impacts to ongoing
37 farm practices on surrounding lands, including coordination with the landowner of the solar
38 micro-siting area to ensure that the final solar array layout does not prevent the landowner
39 from maximizing agricultural production on the land not occupied by the solar array.

40 [Final Order on ASC; AMD4]

41 39 The certificate holder shall design and construct:

- 1 i. Phase 1 of the facility using the minimum land area necessary for safe construction and
2 operation. The certificate holder shall locate access roads and temporary construction
3 laydown and staging areas to minimize disturbance of farming practices and, wherever
4 feasible, shall place turbines and transmission interconnection lines along the margins of
5 cultivated areas to reduce the potential for conflict with farm operations. [Final Order on
6 ASC; AMD4]
7
- 8 ii. Phase 2 of the facility to minimize the permanent impacts to agricultural land, including to
9 the extent practicable, using existing access roads, co-locating facilities, reducing road and
10 transmission line/collector line lengths, and designing facility components to allow ongoing
11 access to agricultural fields.
12 [Final Order on ASC; AMD4]

13 40 The certificate holder shall install gates on private access roads in accordance with Gilliam
14 County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to
15 this requirement.

16 41 Before beginning construction of the facility, the certificate holder shall record in the real
17 property records of Gilliam County a Covenant Not to Sue with regard to generally accepted
18 farming practices on adjacent farmland consistent with GCZO Section 37 7.020(T)(4)(a)(5).

19 42 The certificate holder shall construct all facility components in compliance with the following
20 setback requirements:

- 21 (a) All facility components must be at least 3,520 feet from the property line of properties
22 zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.
- 23 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
24 percent of maximum blade tip height, measured from the centerline of the turbine tower to
25 the nearest edge of any public road right-of-way. The certificate holder shall assume a
26 minimum right-of-way width of 60 feet.
- 27 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320
28 feet, measured from the centerline of the turbine tower to the center of the nearest
29 residence existing at the time of tower construction.
- 30 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
31 percent of maximum blade tip height, measured from the centerline of the turbine tower to
32 the nearest boundary of the certificate holder's lease area.
- 33 (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the
34 center line of each turbine tower to the nearest edge of any railroad right-of-way or
35 electrical substation.
- 36 (f) The certificate holder shall maintain a minimum distance of 250 feet measured from the
37 center line of each meteorological tower to the nearest edge of any public road right-of-way
38 or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the
39 nearest electrical substation.
- 40 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from any
41 facility O&M building to the nearest edge of any public road right-of-way or railroad right-of-
42 way or the nearest boundary of the certificate holder's lease area.
- 43 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from any
44 substation to the nearest edge of any public road right-of-way or railroad right-of-way or the

- 1 nearest boundary of the certificate holder’s electrical substation easement or, if there is no
2 easement, the nearest boundary of the certificate holder’s lease area.
- 3 (i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of
4 maximum blade tip height, measured from the centerline of the turbine tower from any
5 overhead utility line. [Amendment #1]
- 6 (j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of
7 maximum turbine height from blade tip height, measured from the centerline of the turbine
8 tower from federal transmission lines, unless the affected parties agree otherwise.
9 [Amendment #1]
- 10 (k) The certificate holder shall maintain a minimum distance of 25 feet measured from the
11 fence line of the solar array to the nearest property line.
- 12 (l) The certificate holder shall maintain a minimum distance of 25 feet measured from the
13 front, rear and side yard of the battery storage system site to the nearest property line.
- 14 (m) For Phase 2 facility components, all wind turbines must be setback a minimum distance of
15 656 feet (200 meters), measured from the centerline of the turbine tower to the nearest
16 edge of the breaks of Rock Creek Canyon. [AMD4]
17

18 43 During construction and operation of the facility, the certificate holder shall implement a weed
19 control plan approved by the Gilliam County Weed Control Officer or other appropriate County
20 officials to control the introduction and spread of noxious weeds.

21 44 During operation of the facility, the certificate holder shall restore areas that are temporarily
22 disturbed during facility maintenance or repair activities using the same methods and
23 monitoring procedures described in the Revegetation Plan referenced in Condition 92.

24 45 Within 90 days after beginning operation of the facility or a phase of the facility, the certificate
25 holder shall provide to the Department and to the Gilliam County Planning Department the
26 actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine
27 tower, connecting lines and transmission lines and a summary of as-built changes in the facility
28 compared to the original plan.

29 46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to
30 the Gilliam County Planning Commission on an annual basis unless specifically discontinued by
31 the County.

32 **3. Cultural Resource Conditions**

33 47 Before beginning construction, the certificate holder shall:

- 34 (a) Label all identified historic, cultural or archeological resource sites on construction maps and
35 drawings as “no entry” areas. If construction activities will occur within 200 feet of an
36 identified site, the certificate holder shall flag a 30-meter no entry buffer around the site. The
37 certificate holder may use existing private roads within the buffer areas but may not widen or
38 improve private roads within the buffer areas. The no-entry restriction does not apply to
39 public road rights-of-way within the buffer areas or to operational farmsteads. [Final Order
40 on ASC]
- 41 (b) Submit for review and approval by the Department in consultation with the State Historic
42 Preservation Office, a final Phase 2 Historical Resource Mitigation Plan (HRMP), based on the

1 draft HRMP provided in Attachment H of the Final Order on Request for Amendment 4. The
2 final HRMP shall include the following:

- 3 i. Confirmation on established setback of Phase 2 facility components to the
4 Weatherford Barn, if confirmed by the Department and SHPO to represent a
5 distance whereby indirect impacts to setting and feeling would be minimized to less
6 than significant. In the alternative, the certificate holder shall specify the mitigation
7 option selected from the HRMP and the implementation schedule to reduce
8 significant adverse indirect impacts to the Weatherford Barn.
- 9 ii. Concurrence from SHPO that the Olex Townsite, Olex School, and the Olex
10 Cemetery (“Olex resources”) are not likely eligible for listing as individual properties
11 or together as a historic district on the National Register of Historic Places (NRHP);
12 or if SHPO concurs that the Olex resources either individually or as a historic district
13 are likely eligible for listing, the certificate holder shall include in its final HRMP
14 appropriate descriptions of the resources and mitigation, which could include an
15 appropriate setback of Phase 2 facility components to the Olex resources as
16 confirmed by the Department in consultation with SHPO to represent a distance
17 whereby indirect impacts to setting and feeling would be minimized to less than
18 significant. In the alternative, the certificate holder shall specify the mitigation
19 option selected and the implementation schedule to reduce significant adverse
20 indirect impacts to the Olex resources such as: historic photo documentation and
21 scale drawings of Olex; additional archival and literature review; video media
22 publications; public interpretation funding; or other form of compensatory
23 mitigation deemed appropriate by the Department, in consultation with SHPO.
24 [AMD4]

25
26 48 In reference to the alignment of the Oregon Trail described in the Final Order on the
27 Application, the certificate holder shall comply with the following requirements:

- 28 (d) The certificate holder shall not locate facility components on visible remnants of the
29 Oregon Trail and shall avoid any construction disturbance to those remnants.
- 30 (e) The certificate holder shall not locate facility components on undeveloped land where
31 the trail alignment is marked by existing Oregon-California Trail Association markers.
- 32 (f) Before beginning construction, the certificate holder shall provide to the State Historic
33 Preservation Office (SHPO) and the Department documentation of the presumed
34 Oregon Trail alignments within the site boundary.
- 35 (g) The certificate holder shall ensure that construction personnel proceed carefully in the
36 vicinity of the presumed alignments of the Oregon Trail. If any physical evidence of the
37 trail is discovered, the certificate holder shall avoid any disturbance to the intact
38 segments by redesign, re-engineering or restricting the area of construction activity and
39 shall flag a 30-meter no-entry buffer around the intact Trail segments. The certificate
40 holder shall promptly notify the SHPO and the Department of the discovery. The
41 certificate holder shall consult with the SHPO and the Department to determine
42 appropriate mitigation measures.

1 49 Before beginning construction, the certificate holder shall provide to the Department a map
2 showing the final design locations of all components of the facility, the areas that would be
3 temporarily disturbed during construction and the areas that were surveyed in 2009 as
4 described in the Final Order on the Application. The certificate holder shall hire qualified
5 personnel to conduct field investigations of all areas to be disturbed during construction that lie
6 outside the previously-surveyed areas. The certificate holder shall provide a written report of
7 the field investigations to the Department and to the Oregon State Historic Preservation Office
8 (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological
9 resources are found during the field investigation, the certificate holder shall instruct all
10 construction personnel to avoid the identified sites and shall implement appropriate measures
11 to protect the sites, including the measures described in Condition 47.

12 50 During construction, the certificate holder shall:
13 (a) Ensure that a qualified archeologist, as defined in OAR 736-051-0070, instructs construction
14 personnel in the identification of cultural materials and avoidance of accidental damage to
15 identified resource site.
16 (b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance
17 at depths of 12 inches or greater. The qualifications of the selected cultural resources
18 monitor shall be reviewed and approved by the Department, in consultation with the CTUIR
19 Cultural Resources Protection Program. In the selection of the cultural resources monitor to
20 be employed during construction, preference shall be given to citizens of the CTUIR. Ground
21 disturbance at depths 12 inches or greater shall not occur without the presence of the
22 approved cultural resources monitor. If any cultural resources are identified during
23 monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in
24 Attachment H of the Final Order on Amendment 4 should be followed. The certificate holder
25 shall report to the Department in its semi-annual report a description of the ground
26 disturbing activities that occurred during the reporting period, dates cultural monitoring
27 occurred, and shall include copies of monitoring forms completed by the cultural resource
28 monitor. [AMD4]

29 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing
30 activities in the immediate area if any archaeological or cultural resources are found during
31 construction of the facility until a qualified archaeologist can evaluate the significance of the
32 find. The certificate holder shall notify the Department and the Oregon State Historic
33 Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant,
34 the certificate holder shall make recommendations to the Council for mitigation, including
35 avoidance, field documentation and data recovery, in consultation with the Department, SHPO,
36 interested Tribes and other appropriate parties. The certificate holder shall not restart work in
37 the affected area until the certificate holder has demonstrated to the Department and the SHPO
38 that it has complied with archaeological resource protection regulations

39 **4. Geotechnical Conditions**

40
41 52 Before beginning construction of each phase of the facility, the certificate holder shall conduct a
42 site-specific geotechnical investigation and shall report its findings to the Oregon Department of
43 Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct
44 the geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific

1 methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation
2 and road design. [Final Order; AMD4]

3 53 The certificate holder shall design and construct the facility in accordance with requirements of
4 the current Oregon Structural Specialty Code and International Building Code. [AMD4]

5 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human
6 safety presented by non-seismic hazards. As used in this condition, “non-seismic hazards”
7 include settlement, landslides, flooding and erosion.

8 **5. Hazardous Materials, Fire Protection & Public Safety Conditions**

9 55 The certificate holder shall handle hazardous materials used on the site in a manner that
10 protects public health, safety and the environment and shall comply with all applicable local,
11 state and federal environmental laws and regulations. The certificate holder shall not store
12 diesel fuel or gasoline on the facility site during operations. [AMD4]

13 56 If a spill or release of hazardous material occurs during construction or operation of the facility,
14 the certificate holder shall notify the Department within 72 hours and shall clean up the spill or
15 release and dispose of any contaminated soil or other materials according to applicable
16 regulations. The certificate holder shall make sure that spill kits containing items such as
17 absorbent pads are located on equipment and at the O&M buildings. The certificate holder shall
18 instruct employees about proper handling, storage and cleanup of hazardous materials

19 57 The certificate holder shall construct turbines and pad-mounted transformers on concrete
20 foundations and shall cover the ground within a 10-foot radius with non-flammable material.
21 The certificate holder shall maintain the non-flammable pad area covering during operation of
22 the facility.

23 58 The certificate holder shall install and maintain self-monitoring devices on each turbine, linked
24 to sensors at the operations and maintenance building, to alert operators to potentially
25 dangerous conditions, and the certificate holder shall immediately remedy any dangerous
26 conditions. The certificate holder shall maintain automatic equipment protection features in
27 each turbine that would shut down the turbine and reduce the chance of a mechanical problem
28 causing a fire.

29 59 During construction and operation of the facility, the certificate holder shall ensure that the
30 O&M buildings and all service vehicles are equipped with shovels and portable fire extinguishers
31 of a 4A50BC or equivalent rating.

32 60 During construction and operation of the facility, the certificate holder shall develop and
33 implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection
34 District to minimize the risk of fire and to respond appropriately to any fires that occur on the
35 facility site. In developing the fire safety plans, the certificate holder shall take into account the
36 dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall
37 meet annually with local fire protection agency personnel to discuss emergency planning and
38 shall invite local fire protection agency personnel to observe any emergency drill or tower
39 rescue training conducted at the facility.

- 1 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to
2 the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on
3 the site plan the identification number assigned to each turbine and the actual location of all
4 facility structures. The certificate holder shall provide an updated site plan if additional turbines
5 or other structures are later added to the facility. During operation, the certificate holder shall
6 ensure that appropriate fire protection agency personnel have an up-to-date list of the names
7 and telephone numbers of facility personnel available to respond on a 24-hour basis in case of
8 an emergency on the facility site.
- 9 62 During construction, the certificate holder shall ensure that construction personnel are trained
10 in fire prevention and response, that construction vehicles and equipment are operated on
11 graveled areas to the extent possible and that open flames, such as cutting torches, are kept
12 away from dry grass areas.
- 13 63 During operation of the facility, the certificate holder shall ensure that all on-site employees
14 receive annual fire prevention and response training by qualified instructors or members of the
15 local fire districts. The certificate holder shall ensure that all employees are instructed to keep
16 vehicles on roads and off dry grassland, except when off-road operation is required for
17 emergency purposes.
- 18 64 Before beginning construction of:
- 19 i. Phase 1, the certificate holder shall submit a Notice of Proposed Construction or Alteration
20 to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation
21 identifying the proposed final locations of turbine towers and meteorological towers. The
22 certificate holder shall promptly notify the Department of the responses from the FAA and
23 the Oregon Department of Aviation.
- 24 ii. Phase 2, the certificate holder shall submit a Notice of Proposed Construction or Alteration
25 to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation
26 identifying the proposed final locations of turbine towers and meteorological towers to
27 determine if the structure(s) are a hazard to air navigation and aviation safety. The
28 certificate holder shall promptly notify the Department of the responses from the FAA and
29 the Oregon Department of Aviation. The FAA and ODA evaluation and determinations are
30 valid for 18 months (per OAR 738-070-0180), once issued. The certificate holder shall
31 maintain current hazard determinations on file commensurate with construction timelines.
32 [AMD4]
- 33 65 The certificate holder shall follow manufacturers' recommended handling instructions and
34 procedures to prevent damage to turbine or turbine tower components that could lead to
35 failure.
- 36 66 The certificate holder shall construct turbine towers with no exterior ladders or access to the
37 turbine blades and shall install locked tower access doors. The certificate holder shall keep
38 tower access doors locked at all times, except when authorized personnel are present.
- 39 67 During operation of the facility, the certificate holder shall have a safety-monitoring program
40 and shall inspect all turbine and turbine tower components on a regular basis. The certificate

- 1 holder shall maintain or repair turbine and turbine tower components as necessary to protect
2 public safety.
- 3 68 For turbine types having pad-mounted step-up transformers, the certificate holder shall install
4 the transformers at the base of each tower in locked cabinets designed to protect the public
5 from electrical hazards and to avoid creation of artificial habitat for raptor prey.
- 6 69 To protect the public from electrical hazards, the certificate holder shall enclose the facility
7 substations, solar array, and battery storage systems with appropriate fencing and locked
8 gates. [AMD4]
- 9 70 Before beginning construction of any new State Highway approaches or utility crossings, the
10 certificate holder shall obtain all required permits from the Oregon Department of
11 Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734,
12 Divisions 51 and 55. The certificate holder shall submit the necessary application in a form
13 satisfactory to ODOT and the Department for the location, construction and maintenance of a
14 new approach to State Highway 19 for access to the site south of Tree Lane. The certificate
15 holder shall submit the necessary application in a form satisfactory to ODOT and the
16 Department for the location, construction and maintenance of transmission lines crossing
17 Highway 19.
- 18 71 The certificate holder shall design and construct new access roads and private road
19 improvements to standards approved by the Gilliam County Road Department or, where
20 applicable, the Morrow County Public Works Department. Where modifications of County roads
21 are necessary, the certificate holder shall construct the modifications entirely within the County
22 road rights-of-way and in conformance with County road design standards subject to the
23 approval of the Gilliam County Road Department or, where applicable, the Morrow County
24 Public Works Department. Where modifications of State roads or highways are necessary, the
25 certificate holder shall construct the modifications entirely within the public road rights-of-way
26 and in conformance with Oregon Department of Transportation (ODOT) standards subject to the
27 approval of ODOT.
- 28 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,
29 designed under the direction of a licensed engineer and compacted to meet equipment load
30 requirements.
- 31 73 During construction of the facility, the certificate holder shall implement measures to reduce
32 traffic impacts, including:
- 33 (h) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
- 34 (i) Providing appropriate traffic safety signage and warnings.
- 35 (j) Requiring flaggers to be at appropriate locations at appropriate times during
36 construction to direct traffic.
- 37 (k) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or
38 oversize construction loads are anticipated.

- 1 (l) Maintaining at least one travel lane at all times to the extent reasonably possible so that
2 roads will not be closed to traffic because of construction vehicles.
- 3 (m) Encouraging carpooling for the construction workforce.
- 4 (n) Including traffic control procedures in contract specifications for construction of the
5 facility.
- 6 (o) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access
7 points.
- 8 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any
9 County road whether inside or outside the site boundary. The certificate holder may temporarily
10 park equipment off the road but within County rights-of-way with the approval of the Gilliam
11 County Road Department or, where applicable, the Morrow County Public Works Department.
- 12 75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that
13 any unusual damage or wear to county roads that is caused by construction of the facility is
14 repaired by the certificate holder. Submittal to the Department of an executed Road Use
15 Agreement with Gilliam County shall constitute evidence of compliance with this condition.
16 Upon completion of construction, the certificate holder shall restore public roads to pre-
17 construction condition or better to the satisfaction of the applicable county departments. If
18 required by Gilliam County, the certificate holder shall post bonds to ensure funds are available
19 to repair and maintain roads affected by the facility. If construction of a phase of the facility will
20 utilize county roads in counties other than Gilliam County, the certificate holder shall coordinate
21 with the Department and the respective county road departments regarding the
22 implementation of a similar Road Use Agreement. [AMD4]
- 23 76 During construction, the certificate holder shall require that all on-site construction contractors
24 develop and implement a site health and safety plan that informs workers and others on-site
25 about first aid techniques and what to do in case of an emergency and that includes important
26 telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The
27 certificate holder shall ensure that construction contractors have personnel on-site who are
28 trained and equipped for tower rescue and who are first aid and CPR certified.
- 29 77 During operation of the facility, the certificate holder shall develop and implement a site health
30 and safety plan that informs employees and others on-site about first aid techniques and what
31 to do in case of an emergency, including a contingency plan in a fire emergency, and that
32 includes important telephone numbers and the locations of on-site fire extinguishers, nearby
33 hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement
34 services. The certificate holder shall ensure that operations personnel are trained and equipped
35 for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower
36 rescue training at the facility, the North Gilliam County Rural Fire Protection District and the
37 Arlington Fire Department will be invited to observe. [AMD4]
- 38 78
39 (a) During construction of each phase of the facility, the certificate holder shall provide on-site
40 security within the facility site boundary, and shall establish good communications between on-
41 site security personnel and the Gilliam County Sheriff's Office by establishing a communication

1 protocol between the security personnel and the Sherriff's office. The communication protocol
2 shall be sent to the Department prior to construction.

- 3 (b) During operation, the certificate holder shall ensure that appropriate law enforcement agency
4 personnel have an up-to-date list of the names and telephone numbers of facility personnel
5 available to respond on a 24-hour basis in case of an emergency on the facility site. The list shall
6 also be sent to the Department.

7 79 The certificate holder shall notify the Department of Energy and the Gilliam County Planning
8 Department within 72 hours of any accidents including mechanical failures on the site
9 associated with construction or operation of the facility that may result in public health and
10 safety concerns

11 **6. Water, Soils, Streams & Wetlands Conditions**

12 80

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

19 ii.

- 20 a. Before beginning construction of Phase 2 wind energy generation components, the
21 certificate holder shall submit to the Department and Gilliam County Planning Director
22 for review and approval a topsoil management plan including how topsoil will be
23 stripped, stockpiled, and clearly marked in order to maximize topsoil preservation and
24 minimize erosion impacts. [OAR 660-033-0130(38)(f)(B)]. The topsoil management plan
25 may be incorporated into the final Erosion and Sediment Control Plan, required under
26 sub(c) or may be provided to the Department as a separate plan.
- 27 b. Prior to beginning facility operation, the certificate holder shall provide the Department
28 a copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240.
29 [AMD4]

30
31 81 During construction, the certificate holder shall limit truck traffic to improved road surfaces to
32 avoid soil compaction, to the extent practicable.

33 82 During construction, the certificate holder shall implement best management practices to
34 control any dust generated by construction activities, such as applying water to roads and
35 disturbed soil areas.

36 83 Before beginning construction of the facility or a phase of the facility, the certificate holder shall
37 provide to the Department a map showing the final design locations of all components of the
38 facility or phase of the facility, and the areas that would be disturbed during construction and
39 showing the wetlands and stream channels previously surveyed by CH2M HILL or HDR as
40 described in the Final Order on the Application and the Final Order on Amendment #4. For areas
41 to be disturbed during construction that lie outside of the previously-surveyed areas, the
42 certificate holder shall hire qualified personnel to conduct a pre-construction investigation to
43 determine whether any jurisdictional waters of the State exist in those locations within the

1 proposed expanded site boundary. The certificate holder shall provide a written report on the
2 pre-construction investigation to the Department and the Department of State Lands for
3 approval before beginning construction of the phase. The certificate holder shall ensure that
4 construction and operation of the facility will have no impact on any jurisdictional water
5 identified in the pre-construction investigation.

6 84 The certificate holder shall avoid impacts to waters of the state in the following manner:

7 (a) The certificate holder shall avoid any disturbance to delineated wetlands.

8 (b) The certificate holder shall construct stream crossings for roads and underground
9 collector lines substantially as described in the Final Order on the Application or the
10 Final Order on Amendment #4. In particular, the certificate holder shall not remove
11 material from waters of the State or add new fill material to waters of the State such
12 that the total volume of removal and fill exceeds 50 cubic yards for the project as a
13 whole.

14 (c) The certificate holder shall construct support poles for aboveground lines outside of
15 delineated stream channels and shall avoid in-channel impacts.

16 [AMD4]

17 85 During facility operation, the certificate holder shall routinely inspect and maintain all facility
18 components including roads, pads (including turbine and battery storage pad), solar array, and
19 trenched areas and, as necessary, maintain or repair erosion and sediment control measures.

20 [AMD4]

21 86 During facility operation, the certificate holder shall obtain water for on-site uses from on-site
22 wells located near the O&M buildings. The certificate holder shall construct on-site wells subject
23 to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate
24 holder shall not use more than 5,000 gallons of water per day from the on-site wells. The
25 certificate holder may use other sources of water for on-site uses subject to prior approval by
26 the Department.

27 87 During facility operation, if wind turbine blade or solar panel-washing becomes necessary, the
28 certificate holder shall ensure that there is no runoff of wash water from the site or discharges
29 to surface waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or
30 metal brighteners with the wash water. The certificate holder may use biodegradable,
31 phosphate-free cleaners sparingly. [AMD4]

32 **7. Transmission Line & EMF Conditions**

33 88 The certificate holder shall install the 34.5-kV collector system underground to the extent
34 practical. The certificate holder shall install underground lines at a minimum depth of three feet.
35 Based on geotechnical conditions or other engineering considerations, the certificate holder
36 may install segments of the collector system aboveground, but the total length of aboveground
37 segments must not exceed 27 miles.

38 89 The certificate holder shall take reasonable steps to reduce or manage human exposure to
39 electromagnetic fields, including but not limited to:

- 1 (a) Constructing all aboveground transmission lines at least 200 feet from any residence or
2 other occupied structure, measured from the centerline of the transmission line.
- 3 (b) Providing to landowners a map of underground and overhead transmission lines on
4 their property and advising landowners of possible health risks from electric and
5 magnetic fields.
- 6 (c) Designing and maintaining all transmission lines so that alternating current electric fields
7 do not exceed 9 kV per meter at one meter above the ground surface in areas accessible
8 to the public.
- 9 (d) Designing and maintaining all transmission lines so that induced voltages during
10 operation are as low as reasonably achievable.
- 11 90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV
12 and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and
13 Reliability Section of the Oregon Public Utility Commission to ensure that the designs and
14 specifications are consistent with applicable codes and standards.

15 **8. Plants, Wildlife & Habitat Protection Conditions**

- 16 91 Prior to construction of the Facility or a phase of the Facility, the certificate holder shall finalize
17 the Wildlife Monitoring and Mitigation Plans (WMMPs), based on the draft WMMP included as
18 Attachment F of the Final Order on Request for Amendment #4, as approved by the Department
19 in consultation with ODFW. The certificate holder shall conduct wildlife monitoring as described
20 in the final WMMP, as amended from time to time. [Amendment #3; AMD4]
- 21 92 The certificate holder shall restore areas disturbed by facility construction but not occupied by
22 permanent facility structures according to the methods and monitoring procedures described in
23 the final Revegetation Plans for each phase of the Facility, as approved by the Department in
24 consultation with ODFW. The final Revegetation Plan shall be based on the draft plan as
25 Attachment E in the Final Order on Request for Amendment #4, and as amended from time to
26 time. [Amendment #3; AMD4]
- 27 93 The certificate holder shall:
- 28 (a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as
29 long as the site certificate is in effect by means of an outright purchase, conservation
30 easement or similar conveyance and shall provide a copy of the documentation to the
31 Department. Within the habitat mitigation area, the certificate holder shall improve the
32 habitat quality as described in the final Habitat Mitigation Plans for each phase of the
33 Facility, as approved by the Department in consultation with ODFW. The final Habitat
34 Mitigation Plans shall be based on the draft plan included as Attachment G to the Final
35 Order on Request for Amendment #3 and updated based on Condition 31. The final Habitat
36 Mitigation Plans may be amended from time to time. [Amendment #3; AMD4]
- 37 (b) Prior to construction of Phase 2 components, the certificate holder shall finalize and
38 implement the Phase 2 Habitat Mitigation Plan (HMP) included as Attachment D of the Final
39 Order, as approved by ODOE in Consultation with ODFW. Provision 93(b)(A) regarding

1 impacted acreage calculations shall be completed and submitted to the department after
2 construction is complete as described in the condition below.

3 (c) Within 90 days of completion of construction, the certificate holder shall submit to the
4 department and ODFW an updated HMP Table.
5 [AMD4]

6 94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel
7 (WGS) habitat based on the locations where the squirrels were found to be active in the most
8 recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or
9 burrow establishment (“suitable habitat”). The certificate holder shall hire a qualified
10 professional biologist who has experience in detection of WGS to conduct surveys using a survey
11 protocol approved by the Oregon Department of Fish and Wildlife (ODFW). The biologist shall
12 survey all areas of suitable habitat where permanent facility components would be located or
13 where construction disturbance could occur. Except as provided in (a), the biologist shall
14 conduct the protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in
15 the active squirrel seasons in subsequent years until the beginning of construction in suitable
16 habitat. The certificate holder shall provide written reports of the surveys to the Department
17 and to ODFW and shall identify the boundaries of Category 1 WGS habitat. The certificate holder
18 shall not begin construction within suitable habitat until the identified boundaries of Category 1
19 WGS habitat have been approved by the Department. Category 1 WGS habitat includes the
20 areas described in (b) and (c).

21 (a) The certificate holder may omit the WGS survey in any year if the certificate holder
22 avoids all permanent and temporary disturbance within suitable habitat until a WGS
23 survey has been completed in the following year and the boundaries of Category 1
24 habitat have been determined and approved based on that survey.

25 (b) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS
26 burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS
27 foraging or burrow establishment. If the multiple-burrow area was active in a prior
28 survey year, then Category 1 habitat includes the largest extent of the active burrow
29 area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.

30 (c) Category 1 WGS habitat includes the area containing single active burrow detections
31 plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or
32 burrow establishment. Category 1 habitat does not include single-burrow areas that
33 were found active in a prior survey year but that are not active in the current survey
34 year.

35 95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat
36 during construction including, but not limited to, the following:

37 (a) The certificate holder shall not construct any facility components within areas of
38 Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

39 (b) Before beginning construction, but no more than two years prior to the beginning of
40 construction of a phase of the facility, the certificate holder shall hire a qualified

1 professional biologist to conduct a survey of all areas to be disturbed by construction for
 2 threatened and endangered species. The certificate holder shall provide a written report
 3 of the survey and a copy of the survey to the Department, the Oregon Department of
 4 Fish and Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the
 5 surveys identify the presence of threatened or endangered species within the survey
 6 area, the certificate holder shall implement appropriate measures to avoid a significant
 7 reduction in the likelihood of survival or recovery of the species, as approved by the
 8 Department, in consultation with ODA and ODFW.

9 (c) Before beginning construction of a phase of the facility, the certificate holder’s qualified
 10 professional biologist shall survey the Category 1 Washington ground squirrel habitat to
 11 ensure that the sensitive use area is correctly marked with exclusion flagging and
 12 avoided during construction. The certificate holder shall maintain the exclusion
 13 markings until construction has been completed.

14 (d) Before beginning construction of a phase of the facility, certificate holder’s qualified
 15 professional biologist shall complete the avian use studies that began in September
 16 2009 at six plots within or near the facility site as described in the Final Order on the
 17 Application. The certificate holder shall provide a written report on the avian use studies
 18 to the Department and to ODFW.

19 (e) Before beginning construction of a phase of the facility, certificate holder’s qualified
 20 professional biologist shall complete raptor nest surveys within the raptor nest survey
 21 area as described in the Final Order on the Application. The purposes of the survey are
 22 to identify any sensitive raptor nests near construction areas and to provide baseline
 23 information on raptor nest use for analysis as described in the Wildlife Monitoring and
 24 Mitigation Plan referenced in Condition 91. The certificate holder shall provide a written
 25 report on the raptor nest surveys and the surveys to the Department and to ODFW. If
 26 the surveys identify the presence of raptor nests within the survey area, the certificate
 27 holder shall implement appropriate measures to assure that the design, construction
 28 and operation of the facility are consistent with the fish and wildlife habitat mitigation
 29 goals and standards of OAR 635-415-0025, as approved by the Department, in
 30 consultation with ODFW.

31 (f) In the final design layout of the facility, the certificate holder shall locate facility
 32 components, access roads and construction areas to avoid or minimize temporary and
 33 permanent impacts to high quality native habitat and to retain habitat cover in the
 34 general landscape where practicable.

35 96 During construction, the certificate holder shall avoid all construction activities within a 1,300-
 36 foot buffer around potentially-active nest sites of the following species during the sensitive
 37 period, as provided in this condition:

<u>Species</u>	<u>Sensitive Period</u>	<u>Early Release Date</u>
Swainson’s hawk	April 1 to August 15	May 31
Ferruginous hawk	March 15 to August 15	May 31

Burrowing owl

April 1 to August 15

July 15

1 During the year in which construction occurs, the certificate holder shall use a protocol
2 approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether there
3 are any active nests of these species within a half-mile of any areas that would be disturbed
4 during construction. The certificate holder shall begin monitoring potential nest sites by March
5 15 and shall continue monitoring until at least May 31 to determine whether any potentially-
6 active nest sites become active during the sensitive period.

7 If any nest site is determined to be unoccupied by the early release date (May 31), then
8 unrestricted construction activities may occur within 1,300 feet of the nest site after that date. If
9 a nest is occupied by any of these species after the beginning of the sensitive period, the
10 certificate holder will flag the boundaries of a 1,300-foot buffer area around the nest site and
11 shall instruct construction personnel to avoid disturbance of the buffer area. During the
12 sensitive period, the certificate holder shall not engage in high-impact construction activities
13 (activities that involve blasting, grading or other major ground disturbance) within the buffer
14 area. The certificate holder shall restrict construction traffic within the buffer, except on public
15 roads, to vehicles essential to the limited construction activities allowed within the buffer.

16 If burrowing owl nests are occupied during the sensitive period, the certificate holder may
17 adjust the 1,300-foot buffer around these nests after consultation with ODFW and subject to the
18 approval of the Department.

19 The certificate holder shall hire a qualified independent professional biologist to observe the
20 active nest sites during the sensitive period for signs of disturbance and to notify the
21 Department of any non-compliance with this condition. If the biologist observes nest site
22 abandonment or other adverse impact to nesting activity, the certificate holder shall implement
23 appropriate mitigation, in consultation with ODFW and subject to the approval of the
24 Department, unless the adverse impact is clearly shown to have a cause other than construction
25 activity.

26 The certificate holder may begin or resume construction activities within the buffer area before
27 the ending day of the sensitive period with the approval of ODFW, after the young are fledged.
28 The certificate holder shall use a protocol approved by ODFW to determine when the young are
29 fledged (the young are independent of the core nest site).

30 97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte Wildlife
31 Area during the long-billed curlew nesting season (March 8 through June 15), as described in
32 this condition. Before beginning construction, the certificate holder shall provide to the
33 Department a map showing the areas of potential construction disturbance in the vicinity of the
34 BLM lands that are part of the Horn Butte Wildlife Area and showing a 1,300-foot buffer from
35 those areas. During the nesting season, the certificate holder shall not engage in high-impact
36 construction activities (activities that involve blasting, grading or other major ground
37 disturbance) or allow high levels of construction traffic within the buffer area. The certificate
38 holder shall flag the boundaries of the 1,300-foot buffer area and shall instruct construction
39 personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall
40 restrict construction traffic within the buffer, except on public roads, to vehicles essential to the

1 limited construction activities allowed within the buffer. The certificate holder may engage in
2 construction activities within the buffer area at times other than the nesting season.

3 98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive
4 wildlife habitat during construction including, but not limited to, the following:

5 (a) Preparing maps to show occlusion areas that are off-limits to construction personnel,
6 such as nesting or denning areas for sensitive wildlife species.

7 (b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.

8 (c) Limiting construction work to approved and surveyed areas shown on facility constraints
9 maps.

10 (d) Ensuring that all construction personnel are instructed to avoid driving cross-country or
11 taking short-cuts within the site boundary or otherwise disturbing areas outside of the
12 approved and surveyed construction areas.

13 99 The certificate holder shall reduce the risk of injuries to avian species by:

14 (a) Installing turbine towers that are smooth steel structures that lack features that would
15 allow avian perching.

16 (b) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff
17 edges, narrow ridge saddles and gaps between hilltops.

18 (c) Installing meteorological towers that are non-guyed structures to eliminate the risk of
19 avian collision with guy-wires.

20 (d) Designing and installing all aboveground transmission line support structures following
21 the most current suggested practices for avian protection on power lines published by
22 the Avian Power Line Interaction Committee.

23 100 The certificate holder shall hire a qualified environmental professional to provide environmental
24 training during construction and operation. Environmental training includes information on the
25 sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive
26 wildlife habitat, exclusion areas, permit requirements and other environmental issues. The
27 certificate holder shall instruct construction and operations personnel to report any injured or
28 dead wildlife detected while on the site to the appropriate onsite environmental manager.

29 101 The certificate holder shall impose and enforce a construction and operation speed limit of 20
30 miles per hour throughout the facility site and, during the active squirrel season (March 1 to
31 May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour after
32 sunrise on private roads near known Washington ground squirrel (WGS) colonies. The certificate
33 holder shall ensure that all construction and operations personnel are instructed to watch out
34 for and avoid WGS and other wildlife while driving through the facility site.

1 **9. Visual Effects Conditions**

2 102 To reduce the visual impact of the facility, the certificate holder shall:

- 3 (a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
4 neutral white color.
- 5 (b) Paint the substation structures in a low-reflectivity neutral color to blend with the
6 surrounding landscape.
- 7 (c) Not allow any advertising to be used on any part of the facility.
- 8 (d) Use only those signs required for facility safety, required by law or otherwise required by
9 this site certificate, except that the certificate holder may erect a sign near the O&M
10 buildings to identify the facility, may paint turbine numbers on each tower and may allow
11 unobtrusive manufacturers' logos on turbine nacelles.
- 12 (e) Maintain any signs allowed under this condition in good repair.

13 103 The certificate holder shall design and construct the O&M buildings, substation, and buildings
14 and containers associated with battery storage to be generally consistent with the character of
15 similar buildings used by commercial farmers or ranchers in the area and shall paint the building
16 in a low-reflectivity, neutral color to blend with the surrounding landscape. [AMD4]

17 104 The certificate holder shall not use exterior nighttime lighting except:

- 18 (a) The minimum turbine tower lighting required or recommended by the Federal Aviation
19 Administration.
- 20 (b) Security lighting at the O&M buildings and at the substations, provided that such lighting
21 is shielded or downward-directed to reduce glare.
- 22 (c) Minimum lighting necessary for repairs or emergencies.
- 23 (d) Minimum lighting necessary for construction directed to illuminate the work area and
24 shielded or downward-directed to reduce glare.

25 105 The certificate holder shall maintain a minimum distance of 1,000 feet measured from the
26 centerline of each turbine tower or meteorological tower to the centerline of the line-of-sight
27 from the vantage point of the Fourmile Canyon interpretive site looking toward the visible
28 Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude: 45.622047, -120.044112) as
29 described in the Final Order on the Application.

30 **10. Noise Control Conditions**

31 106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

- 32 (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.

1 (b) Require contractors to install and maintain exhaust mufflers on all combustion engine-
2 powered equipment; and

3 (c) Establish a complaint response system at the construction manager’s office to address
4 noise complaints.

5 107 The certificate holder shall provide to the Department:

6 i. Prior to Phase 1 construction:

7 a. Information that identifies the final design locations of (all turbines, to be built at the
8 facility...

9 ii. Prior to Phase 2 construction:

10 a. A noise analysis that includes the following Information:

11 Final design locations of all Phase 1 and Phase 2 noise generating facility components
12 (all wind turbines; substation transformers; inverters and transformers associated with
13 the photovoltaic solar array; and inverters and cooling systems associated with battery
14 storage system).

15 The maximum sound power level for the Phase 2 substation transformers; inverters and
16 transformers associated with the photovoltaic solar array; inverters and cooling systems
17 associated with battery storage system; and the maximum sound power level and
18 octave band data for the Phase 2 wind turbines selected for the facility based on
19 manufacturers’ warranties or confirmed by other means acceptable to the Department.

20 The results of noise analysis of Phase 1 and Phase 2 components according to the final
21 design performed in a manner consistent with the requirements of OAR 340-035-
22 0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the satisfaction of the Department that
23 the total noise generated by the facility (including the noise from wind turbines,
24 substation transformers, inverters and transformers associated with the photovoltaic
25 solar array; inverters and cooling systems associated with battery storage system) would
26 meet the ambient degradation test and maximum allowable test at the appropriate
27 measurement point for all potentially-affected noise sensitive properties. The certificate
28 holder shall verify that all noise sensitive properties within one mile of the final design
29 locations of noise generating components for Phase 1 and Phase 2 have been identified
30 and included in the preconstruction noise analysis based on review of the most recent
31 property owner information obtained from the Gilliam County Tax Assessor Roll.

32 For each noise-sensitive property where the certificate holder relies on a noise waiver to
33 demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy
34 of the a legally effective easement or real covenant pursuant to which the owner of the
35 property authorizes the certificate holder’s operation of the facility to increase ambient
36 statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
37 measurement point. The legally-effective easement or real covenant must: include a
38 legal description of the burdened property (the noise-sensitive property); be recorded in
39 the real property records of the county; expressly benefit the certificate holder;
40 expressly run with the land and bind all future owners, lessees or holders of any interest

1 in the burdened property; and not be subject to revocation without the certificate
2 holder's written approval.

3 [Final Order on ASC; AMD4]

4 108 During operation of the facility, the certificate holder shall implement measures to ensure
5 compliance with the noise control regulation, including:

- 6 a. Providing notice of the noise complaint system and how to file a noise complaint to noise
7 sensitive receptors within 1-mile of noise generating components.
- 8 b. Maintain a complaint response system to address noise complaints. The certificate holder
9 shall promptly notify the Department of any complaints received regarding facility noise
10 and of any actions taken by the certificate holder to address those complaints. In response
11 to a complaint from the owner of a noise sensitive property regarding noise levels during
12 operation of the facility, the Council may require the certificate holder to monitor and
13 record the statistical noise levels to verify that the certificate holder is operating the
14 facility in compliance with the noise control regulations.

15 [AMD4]

16
17 **11. Waste Management Conditions**

18 109 The certificate holder shall provide portable toilets for on-site sewage handling during
19 construction and shall ensure that they are pumped and cleaned regularly by a licensed
20 contractor who is qualified to pump and clean portable toilet facilities.

21 110 During operation of the facility, the certificate holder shall discharge sanitary wastewater
22 generated at the O&M buildings to licensed on-site septic systems in compliance with State
23 permit requirements. The certificate holder shall design the septic systems for a discharge
24 capacity of less than 2,500 gallons per day.

25 111 The certificate holder shall implement a waste management plan during construction that
26 includes but is not limited to the following measures:

- 27 (a) Recycling steel and other metal scrap.
- 28 (b) Recycling wood waste.
- 29 (c) Recycling packaging wastes such as paper and cardboard.
- 30 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
- 31 (e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials,
32 mercury-containing lights and lithium-ion, flow, lead-acid and nickel-cadmium batteries
33 for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
34 wastes. [AMD4]
- 35 (f) Confining concrete delivery truck rinse-out within the foundation excavation, discharging
36 rinse water into foundation holes and burying other concrete waste as part of backfilling
37 the turbine foundation.

- 1 112 The certificate holder shall implement a waste management plan during facility operation that
2 includes but is not limited to the following measures:
- 3 (a) Training employees to minimize and recycle solid waste.
 - 4 (b) Recycling paper products, metals, glass and plastics.
 - 5 (c) Recycling used oil and hydraulic fluid
 - 6 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler.
 - 7 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
8 absorbent materials, mercury-containing lights and lithium-ion, flow, lead-acid and nickel-
9 cadmium batteries for disposal by a licensed firm specializing in the proper recycling or
10 disposal of hazardous wastes. [AMD4]

11 **VI. CONDITIONS ADDED BY AMENDMENT # 1 OF MONTAGUE**

12 113 ~~The transfer of the First Amended Site Certificate from the certificate holder to Portland General~~
13 ~~Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site~~
14 ~~certificate naming PGE the certificate holder, which is attached as Attachment B to the Final~~
15 ~~Order on Amendment #1. Upon closing, the First Amended Site Certificate naming PGE as the~~
16 ~~certificate holder shall be in full force and effect and the First Amended Site Certificate naming~~
17 ~~Montague Wind Power LLC as the certificate holder shall be considered rescinded and void in its~~
18 ~~entirety. [Removed by Amendment #2.]~~

19 114 ~~Should the closing contemplated in Condition 113 not occur within 18 months of the effective~~
20 ~~date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's transfer~~
21 ~~approval within the Final Order on Amendment #1 shall be void. [Removed by Amendment #2.]~~

22 115 ~~PGE must provide the Department a copy of the executed First Amended Site Certificate and~~
23 ~~documentation of the asset purchase agreement within 7 days of closing. [Removed by~~
24 ~~Amendment #2.]~~

25 **VII. CONDITIONS ADDED BY AMENDMENT #4 OF MONTAGUE**

26 116: The certificate holder shall ensure its third-party contractor transports and disposes of battery
27 and battery waste in compliance with all applicable regulations and manufacturer
28 recommendations related to the transport of hazardous battery materials.

29 a. Prior to construction, the certificate holder shall provide a description to the Department
30 of applicable regulations and manufacturer recommendations applicable to the transport
31 and disposal of batteries and battery related waste.

32 b. During construction and operation, the certificate holder shall report to the Department
33 any potential compliance issue or cited violations of its third-party contractor for the
34 requirements identified in sub(a) of this condition.

35 [AMD4]

1 117 During facility operation, the certificate holder shall conduct monthly inspections of the battery
2 storage systems, in accordance with manufacturer specifications. The certificate holder shall
3 maintain documentation of inspections, including any corrective actions, and shall make
4 available for review upon request by the Department. [AMD4]
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

1 **VIII. SUCCESSORS AND ASSIGNS**

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

-0400 OWW
9/6/2019

4 **IX. SEVERABILITY AND CONSTRUCTION**

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

9 **X. GOVERNING LAW AND FORUM**

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

12 **XI. EXECUTION**

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

15
16 IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and
17 through its Energy Facility Siting Council, and by Montague Wind Power Facility, LLC.
18
19

ENERGY FACILITY SITING COUNCIL

By: [Signature]
Print: BARREY BEYZELER
Date: 8/23/2019

MONTAGUE WIND POWER FACILITY, LLC

By: [Signature]
Print: Sara M Parsons
Date: 8/30/2019

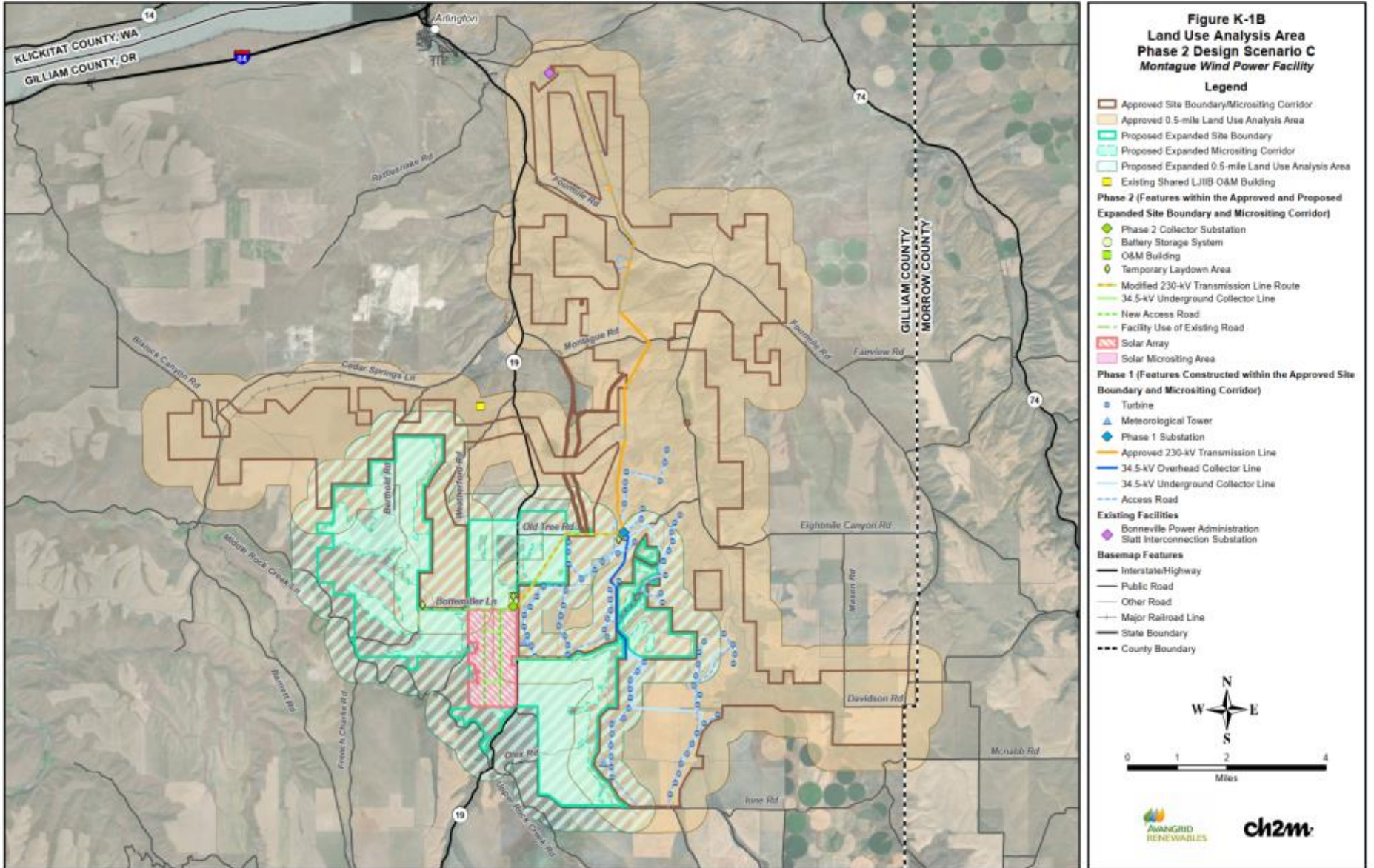
LEGAL
[Signature]

and
By: [Signature]
Print: Sara M Parson S
Date: 8/30/2019

By: [Signature]
Name: Jeremy Aird
Title: Authorized Representative

20
21
22
23

1 **Figure 1: Site Boundary and 230 kV transmission line corridor**



2 \\gaf7prq\Avangrid\683329\MapFiles\RFM4\Exhibit_K\Figure_K1B_190320.mxd 3/2/2019 8:29:24 PM kgarr1

Basemap Source: ESRI World Imagery

