

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

**Third Amended Site Certificate
for
Shepherds Flat Central**

ISSUANCE DATES

Site Certificate	July 25, 2008
First Amended Site Certificate	March 12, 2010
Second Amended Site Certificate	October 25, 2019
Third Amended Site Certificate	January 24, 2020

The Oregon Energy Facility Siting Council

FIRST AMENDED SITE CERTIFICATE FOR SHEPHERDS FLAT CENTRAL

I. INTRODUCTION

1 The Oregon Energy Facility Siting Council (Council) issues this amended site certificate
2 for the Shepherds Flat Central (the facility) in the manner authorized under ORS Chapter 469.
3 This amended site certificate is a binding agreement between the State of Oregon (State), acting
4 through the Council, and South Hurlburt Wind, LLC (certificate holder) authorizing the
5 certificate holder to construct and operate the facility in Gilliam County and Morrow County,
6 Oregon. [Amendment #1 for the Shepherds Flat Wind Farm (SFWF), Amendment #2, Amendment #3]

7 The findings of fact, reasoning and conclusions of law underlying the terms and
8 conditions of this site certificate are set forth in the following documents, incorporated herein by
9 this reference: (a) the Council's *Final Order on the Application for the Shepherds Flat Wind*
10 *Farm* issued on July 25, 2008, (b) the *Final Order on Amendment #1 for the Shepherds Flat*
11 *Wind Farm*, (c) the *Final Order on Amendment #1 for Shepherds Flat Central*, (d) the *Final*
12 *Order on Amendment #2 for Shepherds Flat Central*, and (e) the *Final Order on Amendment #3*
13 *for Shepherds Flat Central*. In interpreting this amended site certificate, any ambiguity will be
14 clarified by reference to the following, in order of priority: (1) this Third Amended Site
15 Certificate, (2) the *Final Order on Amendment #3*, (3) the *Final Order on Amendment #2*, (4) the
16 *Final Order on Amendment #1*, (5) the *Final Order on Amendment #1 for the Shepherds Flat*
17 *Wind Farm*, (6) the *Final Order on the Application for the Shepherds Flat Wind Farm* and (7)
18 the record of the proceedings that led to the Final Orders on the Application, Amendment #1,
19 Amendment #2, and Amendment #3 for the Shepherds Flat and Shepherds Flat Central Wind
20 Farm and to the *Final Order on Amendment #1 and #2*. [Amendment #1 (SFWF); Amendment #1]

21 [Text added by Amendment #1 (SFWF) was removed by Amendment #1].

22 In interpreting this site certificate, any ambiguity will be clarified by reference to the
23 following, in order of priority: this Second Amended Site Certificate, Final Order on
24 Amendment #2, the Final Order on Amendment #1, the Final Order on the Application and the
25 record of the proceedings that led to the Final Orders on the Application and Amendments #1,
26 and #2. [Amendments #1, and #2]

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

II. SITE CERTIFICATION

- 29 1. To the extent authorized by state law and subject to the conditions set forth herein, the State
30 authorizes the certificate holder to construct, operate and retire a wind energy facility,
31 together with certain related or supporting facilities, at the site in Gilliam County and
32 Morrow County, Oregon, as described in Section III of this site certificate. ORS 469.401(1).
- 33 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
34 effect on the date that termination is sought or until the site certificate is revoked under ORS
35 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation
36 is ordered. ORS 469.401(1).

- 1 3. This site certificate does not address, and is not binding with respect to, matters that were not
2 addressed in the Council’s Final Orders on the Application and Amendment #1 and
3 Amendment #2 for the Shepherds Flat and Shepherds Flat Central Wind Farm and in the
4 *Final Order on Amendment #1, Final Order on Amendment #2, and Final Order on*
5 *Amendment #3*. Such matters include, but are not limited to: building code compliance, wage,
6 hour and other labor regulations, local government fees and charges and other design or
7 operational issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued
8 under statutes and rules for which the decision on compliance has been delegated by the
9 federal government to a state agency other than the Council. 469.503(3). [Amendment #1
10 (SFWF); Amendment #1, Amendment #3]
- 11 4. Both the State and the certificate holder shall abide by local ordinances, state law and the
12 rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
13 addition, upon a clear showing of a significant threat to public health, safety or the
14 environment that requires application of later-adopted laws or rules, the Council may require
15 compliance with such later-adopted laws or rules. ORS 469.401(2).
- 16 5. For a permit, license or other approval addressed in and governed by this site certificate, the
17 certificate holder shall comply with applicable state and federal laws adopted in the future to
18 the extent that such compliance is required under the respective state agency statutes and
19 rules. ORS 469.401(2).
- 20 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and
21 political subdivisions in Oregon as to the approval of the site and the construction, operation
22 and retirement of the facility as to matters that are addressed in and governed by this site
23 certificate. ORS 469.401(3).
- 24 7. Each affected state agency, county, city and political subdivision in Oregon with authority to
25 issue a permit, license or other approval addressed in or governed by this site certificate shall,
26 upon submission of the proper application and payment of the proper fees, but without
27 hearings or other proceedings, issue such permit, license or other approval subject only to
28 conditions set forth in this site certificate. ORS 469.401(3).
- 29 8. After issuance of this site certificate, each state agency or local government agency that
30 issues a permit, license or other approval for the facility shall continue to exercise
31 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 32 9. After issuance of this site certificate, the Council shall have continuing authority over the site
33 and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or
34 request another state agency or local government to inspect, the site at any time in order to
35 ensure that the facility is being operated consistently with the terms and conditions of this
36 site certificate. ORS 469.430.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

37 The energy facility is an electric power generating facility that produces power from
38 wind energy. The facility consists of not more than 116 wind turbines. The energy facility is
39 described further in the *Final Order on Amendment #1 for the Shepherds Flat Wind Farm*, in the

1 *Final Order on Amendment #1 for the Shepherds Flat Central, in the Final Order on Amendment*
2 *#2, and in the Final Order on Amendment #3 for Shepherds Flat Central.* [Amendment #1 (SFWF);
3 Amendment #1] Request for Amendment #2 approves O&M demonstration activities for two
4 specific wind turbines (T368 and T370). The demonstration activities include replacing the wind
5 turbine blades and modifying the nacelles. [Amendment #2]

6 **Wind Turbine Repower**

7 Wind turbine repowering includes removal and replacement of wind turbine blades and
8 associated wind turbine components on existing turbine towers. Wind turbine repowering
9 requires trucks, small cranes or telehandlers, and a track mounted crane. Trucks deliver new
10 wind turbine components to wind turbine pad sites, and transport the old components offsite for
11 proper disposal or recycling at a licensed facility. Once the new wind turbines components are
12 delivered via truck to each pad site, smaller cranes or telehandlers unload and stage the
13 components. A track mounted crane then mobilizes to the turbine pad area, setting up on the
14 access road adjacent the turbine, and lowers the old rotor down to the pad site for disassembly,
15 followed by the old gearbox. Once disassembled, the old components are staged for truck
16 removal. The track mounted crane then lifts the new gearbox and rotor into place. Once,
17 complete, the track mounted crane advances to the next wind turbine, and the process is repeated.
18

19 The RFA3 facility repower activity results in approximately 150 acres of temporary disturbance
20 from temporary access roads, road improvements and laydown areas.

21 [Amendment #3]

(b) Related or Supporting Facilities

22 The facility includes the following related or supporting facilities described below and in
23 greater detail in the *Final Order on Amendment #1 for the Shepherds Flat Wind Farm* and in the
24 *Final Order on Amendment #1*:

- 25 • Power Collection System
- 26 • Collector Substation
- 27 • Meteorological towers
- 28 • Field workshop
- 29 • Control system
- 30 • Access roads
- 31 • Additional construction areas

32 [Amendment #1 (SFWF); Amendment #1]

33 **Power Collection System**

34 A power collection system operating at 34.5 kilovolts (kV) transports power from each
35 turbine to a collector substation. To the extent practicable, the collection system is installed
36 underground at a depth of at least three feet. Segments of the collector system are aboveground.
37 Aboveground segments are installed on single-pole, cross-arm structures. [Amendment #1]

38 **Collector Substations and Interconnection**

39 The facility includes a collector substation. The facility includes a 230-kV transmission
40 line between the substation and the interconnection site. The interconnection site is located at the
41 Bonneville Power Administration Slatt Switching Station. [Amendment #1 (SFWF)]

1 **Meteorological Towers**

2 The facility includes two permanent meteorological (met) towers. [Amendment #1 (SFWF)]

3 **Field Workshop**

4 The facility includes a field workshop. Including fenced areas, the field workshop
5 occupies about 1.6 acres. [Amendment #1 (SFWF)]

6 **Control System**

7 A fiber optic communications network links the control panels within each wind turbine
8 to a host computer located in the field workshop. Supervisory, Control and Data Acquisition
9 (SCADA) systems at the field workshop collect operating and performance data from the
10 turbines and the facility’s met towers. [Amendment #1 (SFWF)]

11 **Access Roads**

12 The facility includes up to 33 miles of new roads that provide access to the turbine
13 strings. The access roads connect to graveled turbine turnouts at the base of each turbine.
14 [Amendment #1 (SFWF); Amendment #1]

15 **Temporary Construction Areas**

16 During construction, the facility includes temporary laydown areas used to stage
17 construction and store supplies and equipment. The facility includes construction crane paths to
18 move construction cranes between turbine strings.

2. Location of the Facility

19 The facility is located in Morrow County and Gilliam County south of Interstate
20 Highway 84 and east of Arlington, Oregon, between State Highways 19 and 74. The facility is
21 located entirely on private land subject to long-term wind energy leases. [Amendment #1 (SFWF)]

IV. CONDITIONS REQUIRED BY COUNCIL RULES

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

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

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

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

10 1 The Council shall not change the conditions of the site certificate except as provided for in
11 OAR Chapter 345, Division 27.

12 2 The certificate holder shall submit a legal description of the site to the Department of
13 Energy within 90 days after beginning operation of the facility. The legal description
14 required by this rule means a description of metes and bounds or a description of the site by
15 reference to a map and geographic data that clearly and specifically identifies the outer
16 boundaries that contain all parts of the facility.

17 3 The certificate holder shall design, construct, operate and retire the facility:

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

19 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
20 and applicable state and local laws, rules and ordinances in effect at the time the site
21 certificate is issued; and

22 (c) In compliance with all applicable permit requirements of other state agencies.

23 4 The certificate holder shall begin and complete construction of the facility by the dates
24 specified in the site certificate. (*See Conditions 24 and 25.*)

25 5 Except as necessary for the initial survey or as otherwise allowed for wind energy facilities
26 or transmission lines under this section, the certificate holder shall not begin construction,
27 as defined in OAR 345-001-0010, or create a clearing on any part of the site until the
28 certificate holder has construction rights on all parts of the site. For the purpose of this rule,
29 "construction rights" means the legal right to engage in construction activities. For wind
30 energy facilities and transmission lines, if the certificate holder does not have construction
31 rights on all parts of the site, the certificate holder may nevertheless begin construction, as
32 defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate
33 holder has construction rights on that part of the site and:

34 (a) The certificate holder would construct and operate part of the facility on that part of
35 the site even if a change in the planned route of the transmission line occurs during the
36 certificate holder's negotiations to acquire construction rights on another part of the site; or

37 (b) The certificate holder would construct and operate part of a wind energy facility on
38 that part of the site even if other parts of the facility were modified by amendment of the
39 site certificate or were not built.

40 6 If the certificate holder becomes aware of a significant environmental change or impact
41 attributable to the facility, the certificate holder shall, as soon as possible, submit a written
42 report to the Department describing the impact on the facility and any affected site
43 certificate conditions. [Amendment #3]

- 1 7 The certificate holder shall prevent the development of any conditions on the site that
2 would preclude restoration of the site to a useful, non-hazardous condition to the extent that
3 prevention of such site conditions is within the control of the certificate holder.
- 4 8 Before beginning construction of the facility, the certificate holder shall submit to the State
5 of Oregon, through the Council, a bond or letter of credit, in a form and amount satisfactory
6 to the Council to restore the site to a useful, non-hazardous condition. The certificate holder
7 shall maintain a bond or letter of credit in effect at all times until the facility has been
8 retired. The Council may specify different amounts for the bond or letter of credit during
9 construction and during operation of the facility. (*See Condition 30.*)
- 10 9 The certificate holder shall retire the facility if the certificate holder permanently ceases
11 construction or operation of the facility. The certificate holder shall retire the facility
12 according to a final retirement plan approved by the Council, as described in OAR 345-
13 027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-
14 hazardous condition at the time of retirement, notwithstanding the Council’s approval in the
15 site certificate of an estimated amount required to restore the site.
- 16 10 The Council shall include as conditions in the site certificate all representations in the site
17 certificate application and supporting record the Council deems to be binding commitments
18 made by the applicant.
- 19 11 Upon completion of construction, the certificate holder shall restore vegetation to the extent
20 practicable and shall landscape all areas disturbed by construction in a manner compatible
21 with the surroundings and proposed use. Upon completion of construction, the certificate
22 holder shall remove all temporary structures not required for facility operation and dispose
23 of all timber, brush, refuse and flammable or combustible material resulting from clearing
24 of land and construction of the facility.
- 25 12 The certificate holder shall design, engineer and construct the facility to avoid dangers to
26 human safety and the environment presented by seismic hazards affecting the site that are
27 expected to result from all maximum probable seismic events. As used in this rule “seismic
28 hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and
29 consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic
30 softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.
31 For coastal sites, this also includes tsunami hazards and seismically-induced coastal
32 subsidence. [Amendment #2]
- 33 13 The certificate holder shall notify the Department, the State Building Codes Division and
34 the Department of Geology and Mineral Industries promptly if site investigations or
35 trenching reveal that conditions in the foundation rocks differ significantly from those
36 described in the application for a site certificate. After the Department receives the notice,
37 the Council may require the certificate holder to consult with the Department of Geology
38 and Mineral Industries and the Building Codes Division and to propose and implement
39 corrective or mitigation actions. [Amendment #3]
- 40 14 The certificate holder shall notify the Department, the State Building Codes Division and
41 the Department of Geology and Mineral Industries promptly if shear zones, artesian
42 aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the
43 Department receives notice, the Council may require the certificate holder to consult with

1 the Department of Geology and Mineral Industries and the Building Codes Division to
2 propose and implement corrective or mitigation actions. [Amendment #2]

3 15 Before any transfer of ownership of the facility or ownership of the site certificate holder,
4 the certificate holder shall inform the Department of the proposed new owners. The
5 requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a
6 transfer of the site certificate.

7 16 If the Council finds that the certificate holder has permanently ceased construction or
8 operation of the facility without retiring the facility according to a final retirement plan
9 approved by the Council, as described in OAR 345-027-0110, the Council shall notify the
10 certificate holder and request that the certificate holder submit a proposed final retirement
11 plan to the Office within a reasonable time not to exceed 90 days. If the certificate holder
12 does not submit a proposed final retirement plan by the specified date, the Council may
13 direct the Department to prepare a proposed final retirement plan for the Council's
14 approval. Upon the Council's approval of the final retirement plan, the Council may draw
15 on the bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a
16 useful, non-hazardous condition according to the final retirement plan, in addition to any
17 penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of
18 the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate
19 holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous
20 condition. After completion of site restoration, the Council shall issue an order to terminate
21 the site certificate if the Council finds that the facility has been retired according to the
22 approved final retirement plan.

23 17 If the facility includes any transmission line under Council jurisdiction:

24 (a) The certificate holder shall design, construct and operate the transmission line in
25 accordance with the requirements of the National Electrical Safety Code (American
26 National Standards Institute, Section C2, 1997 Edition); and

27 (b) The certificate holder shall develop and implement a program that provides
28 reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or
29 structures of a permanent nature that could become inadvertently charged with electricity
30 are grounded or bonded throughout the life of the line.

31 18 If the proposed energy facility has, as a related or supporting facility, a transmission line,
32 the Council shall specify an approved corridor in the site certificate and shall allow the
33 certificate holder to construct the transmission line anywhere within the corridor, subject to
34 the conditions of the site certificate. If the applicant has analyzed more than one corridor in
35 its application for a site certificate, the Council may, subject to the Council's standards,
36 approve more than one corridor. [Amendment #3]

37 19 In the site certificate, the Council shall include conditions that address monitoring and
38 mitigation to ensure compliance with the standards contained in OAR Chapter 345,
39 Division 22 and Division 24. The site certificate applicant, or for an amendment, the
40 certificate holder, shall develop proposed monitoring and mitigation plans in consultation
41 with the Department and, as appropriate, other state agencies, local governments and tribes.
42 Monitoring and mitigation plans are subject to Council approval. The Council shall
43 incorporate approved monitoring and mitigation plans in applicable site certificate
44 conditions.

1 20 Following receipt of the site certificate or an amended site certificate, the certificate holder
2 shall implement a plan that verifies compliance with all site certificate terms and conditions
3 and applicable statutes and rules. As a part of the compliance plan, to verify compliance
4 with the requirement to begin construction by the date specified in the site certificate, the
5 certificate holder shall report promptly to the Department of Energy when construction
6 begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of
7 construction, the certificate holder shall describe all work on the site performed before
8 beginning construction, including work performed before the Council issued the site
9 certificate, and shall state the cost of that work. For the purpose of this exhibit, “work on
10 the site” means any work within a site or corridor, other than surveying, exploration or
11 other activities to define or characterize the site or corridor. The certificate holder shall
12 document the compliance plan and maintain it for inspection by the Department or the
13 Council.

14 21 The certificate holder shall report according to the following requirements:

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

16 (i) Within six months after beginning construction, and every six months thereafter
17 during construction of the energy facility and related or supporting facilities, the certificate
18 holder shall submit a semiannual construction progress report to the Department of Energy.
19 In each construction progress report, the certificate holder shall describe any significant
20 changes to major milestones for construction. The certificate holder shall include such
21 information related to construction as specified in the site certificate. When the reporting
22 date coincides, the certificate holder may include the construction progress report within the
23 annual report described in OAR 345-026-0080.

24 (ii) By April 30 of each year after beginning construction, the certificate holder shall
25 submit an annual report to the Department addressing the subjects listed in OAR 345-026-
26 0080. The Council Secretary and the certificate holder may, by mutual agreement, change
27 the reporting date.

28 (iii) To the extent that information required by OAR 345-026-0080 is contained in
29 reports the certificate holder submits to other state, federal or local agencies, the certificate
30 holder may submit excerpts from such other reports to satisfy this rule. The Council
31 reserves the right to request full copies of such excerpted reports.

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

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

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

43 (iii) Status of Surety Information: Documentation demonstrating that bonds or letters
44 of credit as described in the site certificate are in full force and effect and will remain in full
45 force and effect for the term of the next reporting period.

1 (iv) Monitoring Report: A list and description of all significant monitoring and
2 mitigation activities performed during the previous year in accordance with site certificate
3 terms and conditions, a summary of the results of those activities and a discussion of any
4 significant changes to any monitoring or mitigation program, including the reason for any
5 such changes.

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

10 (vi) Facility Modification Report: A summary of changes to the facility that the
11 certificate holder has determined do not require a site certificate amendment in accordance
12 with OAR 345-027-0350. [Amendment #3]
13

14 22 The certificate holder and the Department of Energy shall exchange copies of all
15 correspondence or summaries of correspondence related to compliance with statutes, rules
16 and local ordinances on which the Council determined compliance, except for material
17 withheld from public disclosure under state or federal law or under Council rules. The
18 certificate holder may submit abstracts of reports in place of full reports; however, the
19 certificate holder shall provide full copies of abstracted reports and any summarized
20 correspondence at the request of the Department.

21 23 The certificate holder shall notify the Department of Energy within 72 hours of any
22 occurrence involving the facility if:

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

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

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

V. SPECIFIC FACILITY CONDITIONS

28 The conditions listed in this section include conditions based on representations in the
29 site certificate application and supporting record. These conditions are required under OAR 345-
30 025-0006(10). The certificate holder must comply with these conditions in addition to the
31 conditions listed in Section VI. This section includes other specific facility conditions the
32 Council finds necessary to ensure compliance with the siting standards of OAR Chapter 345,
33 Divisions 22 and 24, and to protect the public health and safety. For conditions that require
34 subsequent review and approval of a future action, ORS 469.402 authorizes the Council to
35 delegate the future review and approval to the Department if, in the Council's discretion, the
36 delegation is warranted under the circumstances of the case.

1. Certificate Administration Conditions

37 24 The certificate holder shall begin construction of the facility by July 25, 2011. The Council
38 may grant an extension of the deadline to begin construction in accordance with OAR 345-
39 027-0030 or any successor rule in effect at the time the request for extension is submitted.
40 [Amendment #1 (SFWF)]

1 25 The certificate holder shall complete construction of the facility by July 25, 2014.
2 Construction is complete when: 1) the facility is substantially complete as defined by the
3 certificate holder’s construction contract documents, 2) acceptance testing has been
4 satisfactorily completed and 3) the energy facility is ready to begin continuous operation
5 consistent with the site certificate. The certificate holder shall promptly notify the
6 Department of the date of completion of construction. The Council may grant an extension
7 of the deadline for completing construction in accordance with OAR 345-027-0030 or any
8 successor rule in effect at the time the request for extension is submitted. [Amendment #1
9 (SFWF)]

10 26 The certificate holder shall construct a facility substantially as described in the site
11 certificate and may select turbines of any type, subject to the following restrictions and
12 compliance with all other site certificate conditions. Before beginning construction, the
13 certificate holder shall provide to the Department a description of the turbine types selected
14 for the facility demonstrating compliance with this condition.

15 (a) The total number of turbines at the facility must not exceed 116 turbines.

16 (b) The turbine hub height must not exceed 105 meters and the maximum blade tip height
17 must not exceed 150 meters.

18 (c) The minimum blade tip clearance must be 25 meters above ground. Repowered
19 turbines that comply with the setback requirements of Condition 40 must have a minimum
20 blade tip clearance of 21.5 meters above ground.

21 (d) The maximum volume of concrete above three feet below grade in the turbine
22 foundations must not exceed 66 cubic yards.

23 (e) The maximum combined weight of metals in the tower (including ladders and
24 platforms) and nacelle must not exceed 393 U.S. tons per turbine.

25 (f) The certificate holder shall request an amendment of the site certificate to increase the
26 number of wind turbines to more than 116 wind turbines or to install wind turbines with a
27 hub height greater than 105 meters, a blade tip height greater than 150 meters or a blade tip
28 clearance less than 21.5 meters above ground.

29 [Amendment #1 (SFWF); Amendment #1, Amendment #2, Amendment #3]

30 27 The certificate holder shall obtain all necessary federal, state and local permits or approvals
31 required for construction, operation and retirement of the facility or ensure that its
32 contractors obtain the necessary federal, state and local permits or approvals.

33 28 Before beginning construction, the certificate holder shall notify the Department in advance
34 of any work on the site that does not meet the definition of “construction” in ORS 469.300,
35 excluding surveying, exploration or other activities to define or characterize the site, and
36 shall provide to the Department a description of the work and evidence that its value is less
37 than \$250,000.

38 29 Before beginning construction and after considering all micro-siting factors, the certificate
39 holder shall provide to the Department, to the Oregon Department of Fish and Wildlife
40 (ODFW) and to the Planning Directors of Morrow County and Gilliam County detailed
41 maps of the facility site, showing the final locations where the certificate holder proposes to
42 build facility components, and a table showing the acres of temporary and permanent
43 habitat impact by habitat category and subtype, similar to Table 9 in the Final Order on
44 Amendment #1 for the Shepherds Flat Wind Farm. The detailed maps of the facility site
45 shall indicate the habitat categories of all areas that would be affected during construction

1 (similar to the maps labeled “ODFW-2” in the site certificate application for the Shepherds
2 Flat Wind Farm). In classifying the affected habitat into habitat categories, the certificate
3 holder shall consult with the ODFW. The certificate holder shall not begin ground
4 disturbance in an affected area until the habitat assessment has been approved by the
5 Department. The Department may employ a qualified contractor to confirm the habitat
6 assessment by on-site inspection. [Amendment #1 (SFWF)]

7 30 Before beginning construction, the certificate holder shall submit to the State of Oregon
8 through the Council a bond or letter of credit in the amount described herein naming the
9 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
10 bond or letter of credit amount is either \$9.076 million (1st Quarter 2010 dollars), to be
11 adjusted to the date of issuance as described in (b), or the amount determined as described
12 in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an
13 annual basis thereafter as described in (b).

14 (a) The certificate holder may adjust the amount of the bond or letter of credit based on
15 the final design configuration of the facility and turbine types selected by applying the unit
16 costs and general costs illustrated in Table 2 in the Final Order on the Amendment #1 for
17 the Shepherds Flat Wind Farm and calculating the financial assurance amount as described
18 in that order, adjusted to the date of issuance as described in (b) and subject to approval by
19 the Department.

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

22 (i) Adjust the Subtotal component of the bond or letter of credit amount (expressed in
23 3rd Quarter 2009 dollars) to present value, using the U.S. Gross Domestic Product Implicit
24 Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative
25 Services’ “Oregon Economic and Revenue Forecast” or by any successor agency (the
26 “Index”) and using the index value for 3rd Quarter 2009 dollars and the quarterly index
27 value for the date of issuance of the new bond or letter of credit. If at any time the Index is
28 no longer published, the Council shall select a comparable calculation to adjust 3rd Quarter
29 2009 dollars to present value.

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

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

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

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

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

41 (e) The certificate holder shall describe the status of the bond or letter of credit in the
42 annual report submitted to the Council under Condition 21.

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

45 [Amendment #1 (SFWF); Amendment #1]

- 1 31 If the certificate holder elects to use a bond to meet the requirements of Condition 30, the
2 certificate holder shall ensure that the surety is obligated to comply with the requirements
3 of applicable statutes, Council rules and this site certificate when the surety exercises any
4 legal or contractual right it may have to assume construction, operation or retirement of the
5 energy facility. The certificate holder shall also ensure that the surety is obligated to notify
6 the Council that it is exercising such rights and to obtain any Council approvals required by
7 applicable statutes, Council rules and this site certificate before the surety commences any
8 activity to complete construction, operate or retire the energy facility.
- 9 32 Before beginning construction, the certificate holder shall notify the Department of the
10 identity and qualifications of the major design, engineering and construction contractor(s)
11 for the facility. The certificate holder shall select contractors that have substantial
12 experience in the design, engineering and construction of similar facilities. The certificate
13 holder shall report to the Department any change of major contractors.
- 14 33 The certificate holder shall contractually require all construction contractors and
15 subcontractors involved in the construction of the facility to comply with all applicable
16 laws and regulations and with the terms and conditions of the site certificate. Such
17 contractual provisions shall not operate to relieve the certificate holder of responsibility
18 under the site certificate.
- 19 34 During construction, the certificate holder shall have a full-time, on-site assistant
20 construction manager who is qualified in environmental compliance to ensure compliance
21 with all site certificate conditions. The certificate holder shall notify the Department of the
22 name, telephone number and e-mail address of this person.
- 23 35 Within 72 hours after discovery of conditions or circumstances that may violate the terms
24 or conditions of the site certificate, the certificate holder shall report the conditions or
25 circumstances to the Department.

2. Land Use Conditions

- 26 36 The certificate holder shall consult with area landowners and lessees during construction
27 and operation of the facility and shall implement measures to reduce or avoid any adverse
28 impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- 29 37 The certificate holder shall design and construct the facility using the minimum land area
30 necessary for safe construction and operation. The certificate holder shall locate access
31 roads and temporary construction laydown and staging areas to minimize disturbance with
32 farming practices and, wherever feasible, shall place turbines and transmission
33 interconnection lines along the margins of cultivated areas to reduce the potential for
34 conflict with farm operations.
- 35 38 During construction and operation of the facility, the certificate holder shall implement a
36 plan to control the introduction and spread of noxious weeds. The certificate shall develop
37 the weed control plan consistent with the Gilliam County and Morrow County Weed
38 Control Programs.
- 39 39 Before beginning construction of the facility, the certificate holder shall record in the real
40 property records of Gilliam County a Covenant Not to Sue with regard to generally

1 accepted farming practices on adjacent farmland consistent with Gilliam County Zoning
2 Ordinance 7.020(T)(4)(a)(5).

3 40 The certificate holder shall construct all facility components in compliance with the
4 following setback requirements:

5 (a) All facility components must be at least 3,520 feet from the property line of properties
6 zoned residential use or designated in the Gilliam County Comprehensive Plan as
7 residential.

8 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
9 110-percent of maximum blade tip height, measured from the centerline of the turbine
10 tower to the nearest edge of any public road right-of-way. The certificate holder shall
11 assume a minimum right-of-way width of 60 feet.

12 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
13 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest
14 residence existing at the time of tower construction.

15 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of
16 110-percent of maximum blade tip height, measured from the centerline of the turbine
17 tower to the nearest boundary of the certificate holder's lease area, except as provided in
18 (e).

19 (e) The turbine tower setback distance described in (d) does not apply to the two isolated
20 areas excluded from the certificate holder's lease with the landowner identified as "Area A"
21 and "Area B" in the *Final Order on Amendment #1*.

22 [Amendment #1]

23 41 Within 90 days after beginning operation, the certificate holder shall provide to the
24 Department and to the Planning Directors of Gilliam County and Morrow County the actual
25 latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine
26 tower, connecting lines and transmission lines. In addition, the certificate holder shall
27 provide to the Department and to the Planning Directors of Gilliam County and Morrow
28 County, a summary of as-built changes in the facility compared to the original plan, if any.

29 42 The certificate holder shall install gates on all private facility access roads in Gilliam
30 County, in accordance with Gilliam County Zoning Ordinance Section 7.020(T)(4)(d)(6).

3. Cultural Resource Conditions

31 43 Before beginning construction, the certificate holder shall provide to the Department a map
32 showing the final design locations of all components of the facility and areas that would be
33 temporarily disturbed during construction. In addition, the certificate holder shall comply
34 with the following requirements:

35 (a) The certificate holder shall avoid disturbance within a 30-meter buffer around the
36 prehistoric archaeological sites and historic-period archaeological sites within the facility
37 boundary identified by AINW as "possibly eligible" for listing in the National Register of
38 Historic Places (NRHP) as described in the Final Order on the Application for the
39 Shepherds Flat Wind Farm.

40 (b) The certificate holder shall avoid disturbance of the stacked rock features within the
41 facility boundary identified by AINW as "possibly eligible" for listing in the NRHP as
42 described in the Final Order on the Application for the Shepherds Flat Wind Farm and
43 shall, to the extent practicable, maintain a 30-meter no-construction buffer around these

1 features. If a 30-meter buffer cannot be maintained, the certificate holder shall consult with
2 the State Historic Preservation Office (SHPO) and the Department to determine appropriate
3 action to preserve or document the feature.

4 (c) The certificate holder shall label “no entry” areas around all identified historic,
5 cultural or archaeological resource sites on construction maps and drawings, and if
6 construction activities will occur within 200 feet of an identified site, the certificate holder
7 shall flag a 30-meter buffer around the site.

8 (d) The certificate holder shall hire qualified personnel to conduct pre-construction field
9 investigation for historic, cultural or archaeological resources in any areas of potential
10 construction disturbance that AINW did not previously survey.

11 (e) The certificate holder shall provide written reports of the field investigation required
12 under (d) to the Department and to the SHPO. If any historic, cultural or archaeological
13 resources are found that the SHPO determines to be significant, the certificate holder shall
14 consult with the Department and the SHPO to develop plan to avoid disturbance of the
15 resources during construction and operation of the facility. The certificate holder shall
16 instruct all construction personnel to avoid areas where the resources were found and shall
17 implement other appropriate measures to protect the resources.

18 [Amendment #1 (SFWF)]

19 44 The certificate holder shall ensure that a qualified archeologist, as defined in OAR 736-051-
20 0070, instructs construction personnel in the identification of cultural materials and
21 avoidance of accidental damage to identified resource sites.

22 45 The certificate holder shall ensure that construction personnel cease all ground-disturbing
23 activities in the immediate area if any archaeological or cultural resources are found during
24 construction of the facility until a qualified archeologist can evaluate the significance of the
25 find. The certificate holder shall notify the Department and the State Historic Preservation
26 Office (SHPO) of the find. If the SHPO determines that the resource is significant, the
27 certificate holder shall make recommendations to the Council for mitigation, including
28 avoidance, field documentation and data recovery, in consultation with the Department,
29 SHPO, interested tribes and other appropriate parties. The certificate holder shall not restart
30 work in the affected area until the certificate holder has demonstrated to the Department
31 and the SHPO that it has complied with archaeological resource protection regulations.

32 46 In reference to the presumed alignments of the Oregon Trail described in the Final Order on
33 the Application, the certificate holder shall comply with the following requirements:

34 (a) The certificate holder shall not locate facility components on visible remnants of the
35 Oregon Trail and shall avoid any construction disturbance to those remnants.

36 (b) The certificate holder shall not locate facility components on undeveloped land where
37 the trail alignment was marked by existing Oregon-California Trail Association markers as
38 described in the October 2007 Archaeological Investigations Northwest, Inc. report (No.
39 2012) on the Oregon Trail.

40 (c) Before beginning construction, the certificate holder shall provide to the State Historic
41 Preservation Office (SHPO) and to the Department photographic documentation of the
42 presumed Oregon Trail alignments within the site boundary.

43 (d) The certificate holder shall ensure that construction personnel proceed carefully in the
44 vicinity of the presumed alignments of the Oregon Trail. If any intact physical evidence of
45 the trail is discovered, the certificate holder shall avoid any disturbance to the intact

1 segments, by redesign, re-engineering or restricting the area of construction activity. The
2 certificate holder shall promptly notify the SHPO and the Department of the discovery. The
3 certificate holder shall consult with the SHPO and the Department to determine appropriate
4 mitigation measures.

4. Geotechnical Conditions

5 47 Before beginning construction, the certificate holder shall conduct a site-specific
6 geotechnical investigation and shall report its findings to the Oregon Department of
7 Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall
8 conduct the geotechnical investigation after consultation with DOGAMI and in general
9 accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic
10 Reports and Site-Specific Seismic Hazard Reports.”

11 48 The certificate holder shall design and construct the facility in accordance with
12 requirements set forth by the State of Oregon’s Building Code Division and any other
13 applicable codes and design procedures. The certificate holder shall design facility
14 structures to meet or exceed the minimum standards required by the 2003 International
15 Building Code.

16 49 The certificate holder shall design, engineer and construct the facility to avoid dangers to
17 human safety presented by non-seismic hazards. As used in this condition, “non-seismic
18 hazards” include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

19 50 The certificate holder shall handle hazardous materials used on the site in a manner that
20 protects public health, safety and the environment and shall comply with all applicable
21 local, state and federal environmental laws and regulations. The certificate holder shall not
22 store diesel fuel or gasoline on the facility site.

23 51 If a spill or release of hazardous material occurs during construction or operation of the
24 facility, the certificate holder shall notify the Department within 72 hours and shall clean up
25 the spill or release and dispose of any contaminated soil or other materials according to
26 applicable regulations. The certificate holder shall make sure that spill kits containing items
27 such as absorbent pads are located on equipment and at the field workshop. The certificate
28 holder shall instruct employees about proper handling, storage and cleanup of hazardous
29 materials. [Amendment #1 (SFWF)]

30 52 During construction, the certificate holder shall ensure that construction personnel are
31 trained in fire prevention and response, that construction vehicles and equipment are
32 operated on graveled areas to the extent possible and that open flames, such as cutting
33 torches, are kept away from dry grass areas.

34 53 During operation, the certificate holder shall ensure that all on-site employees receive
35 annual fire prevention and response training, including tower rescue training, by qualified
36 instructors or members of the local fire districts. The certificate holder shall ensure that all
37 employees are instructed to keep vehicles on roads and off dry grassland, except when off-
38 road operation is required for emergency purposes. The certificate holder shall encourage
39 employees to become volunteer members of local fire departments and shall facilitate
40 appropriate training.

- 1 54 During construction and operation of the facility, the certificate holder shall ensure that the
2 field workshop and all service vehicles are equipped with shovels and portable fire
3 extinguishers of a 4A5OBC or equivalent rating. [Amendment #1 (SFWF)]
- 4 55 During construction and operation of the facility, the certificate holder shall develop and
5 implement fire safety plans in consultation with the local fire protection agencies (the North
6 Gilliam County Rural Fire Protection District and the Ione Rural Fire Protection District) to
7 minimize the risk of fire and to respond appropriately to any fires that occur on the facility
8 site. In developing the fire safety plans, the certificate holder shall take into account the dry
9 nature of the region and shall address risks on a seasonal basis. The certificate holder shall
10 meet annually with local fire protection agency personnel to discuss emergency planning
11 and shall invite local fire protection agency personnel to observe any emergency drill or
12 tower rescue training conducted at the facility.
- 13 56 Upon the beginning of operation of the facility, the certificate holder shall provide a site
14 plan to the local fire protection agencies (the North Gilliam County Rural Fire Protection
15 District and the Ione Rural Fire Protection District). The certificate holder shall indicate on
16 the site plan the identification number assigned to each turbine and the location of all
17 facility structures and shall provide an updated site plan if additional turbines or other
18 structures are later added to the facility. During operation, the certificate holder shall ensure
19 that appropriate fire protection agency personnel have an up-to-date list of the names and
20 telephone numbers of facility personnel available to respond on a 24-hour basis in case of
21 an emergency on the facility site.
- 22 57 Before beginning construction, the certificate holder shall submit a Notice of Proposed
23 Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon
24 Department of Aviation identifying the proposed final locations of turbine towers and
25 meteorological towers. The certificate holder shall promptly notify the Department of the
26 responses from the FAA and the Oregon Department of Aviation. [Amendment #1 (SFWF)]
- 27 58 The certificate holder shall construct turbines on concrete foundations and shall surround
28 the base of each tower with a ten-foot pad area of washed crushed rock on all sides. The
29 certificate holder shall cover turbine pad areas with non-erosive, non-flammable material as
30 soon as possible following exposure during construction and shall maintain the pad area
31 covering during operation of the facility.
- 32 59 The certificate holder shall follow manufacturers' recommended handling instructions and
33 procedures to prevent damage to turbine or turbine tower components that could lead to
34 failure.
- 35 60 The certificate holder shall install and maintain self-monitoring devices on each turbine,
36 connected to a fault annunciation panel or supervisory control and data acquisition
37 (SCADA) system at the field workshop to alert operators to potentially dangerous
38 conditions. The certificate holder shall maintain automatic equipment protection features in
39 each turbine that would shut down the turbine and reduce the chance of a mechanical
40 problem causing a fire. [Amendment #1 (SFWF)]
- 41 61 The certificate holder shall construct turbine towers with no exterior ladders or access to the
42 turbine blades and shall install locked tower access doors. The certificate holder shall keep
43 tower access doors locked at all times except when authorized personnel are present.

- 1 62 The certificate holder shall have an operational safety-monitoring program and shall inspect
2 all turbine and turbine tower components on a regular basis. . All turbine and turbine tower
3 components will be inspected within 6 months of being repowered. Following the
4 inspection, the certificate holder shall submit a written report to the Department describing
5 the results of the turbine tower component inspection. The certificate holder shall maintain
6 or repair turbine and turbine tower components as necessary to protect public safety.
7 [Amendment #3]
- 8 63 For turbine types having pad-mounted step-up transformers, the certificate holder shall
9 install the transformers at the base of each tower in locked cabinets designed to protect the
10 public from electrical hazards and to avoid creation of artificial habitat for raptor prey.
- 11 64 To protect the public from electrical hazards, the certificate holder shall enclose the facility
12 substation with appropriate fencing and locked gates. [Amendment #1 (SFWF)]
- 13 65 The certificate holder shall construct access roads with a finished width of approximately
14 16 feet, a compacted base of native soil and a gravel surface to a depth of four to ten inches.
15 [Amendment #1 (SFWF); Amendment #1]
- 16 66 During construction, the certificate holder shall implement measures to reduce traffic
17 impacts, including:
18 (a) Providing notice to the City of Arlington Road Department, the Gilliam County Road
19 Department and the Gilliam County Sheriff’s Office in advance of deliveries that could
20 cause traffic disruption in Arlington.
21 (b) Providing notice to the residents of Arlington in advance of deliveries that could
22 cause traffic disruption.
23 (c) Requiring flaggers to be at appropriate locations at appropriate times during
24 construction to direct traffic.
- 25 67 The certificate holder shall cooperate with the Gilliam County Road Department and the
26 Morrow County Public Works Department to ensure that any unusual damage or wear to
27 county roads that is caused by construction of the facility is repaired by the certificate
28 holder. Submittal to the Department of an executed Road Use Agreement with Gilliam
29 County and Morrow County shall constitute evidence of compliance with this condition.
30 Upon completion of construction, the certificate holder shall restore county roads to pre-
31 construction condition or better, to the satisfaction of the applicable county departments. If
32 required by Morrow County or Gilliam County, the certificate holder shall post bonds to
33 ensure funds are available to repair and maintain roads affected by the proposed facility.
34 [Amendment #3]
- 35 68 During construction, the certificate holder shall require that all on-site construction
36 contractors develop and implement a site health and safety plan that informs workers and
37 others on-site what to do in case of an emergency and that includes the locations of fire
38 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
39 The certificate holder shall ensure that construction contractors have personnel on-site who
40 are trained and equipped for tower rescue and who are first aid and CPR certified.
- 41 69 During operation, the certificate holder shall develop and implement a site health and safety
42 plan that informs employees and others on-site what to do in case of an emergency and that
43 includes the locations of fire extinguishers and nearby hospitals, important telephone
44 numbers and first aid techniques.

- 1 70 During construction and operation of the facility, the certificate holder shall provide for on-
2 site security and shall establish good communications between on-site security personnel
3 and local law enforcement agencies (Gilliam County Sheriff and Morrow County Sheriff).
4 During operation, the certificate holder shall ensure that appropriate law enforcement
5 agency personnel have an up-to-date list of the names and telephone numbers of facility
6 personnel available to respond on a 24-hour basis in case of an emergency on the facility
7 site.
- 8 71 The certificate holder shall notify the Department and the Planning Directors of Gilliam
9 County and Morrow County within 72 hours of any accidents including mechanical failures
10 on the site associated with construction or operation of the facility that may result in public
11 health and safety concerns.

6. Water, Soils, Streams & Wetlands Conditions

- 12 72 The certificate holder shall not build any roads or construct transmission line support poles
13 within Eightmile Creek or within a 10-foot buffer from the ordinary high water line of the
14 creek.
- 15 73 The certificate holder shall conduct all construction work, including the repowering
16 activities associated with Amendment #3, in compliance with an Erosion and Sediment
17 Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and
18 as required under the National Pollutant Discharge Elimination System (NPDES) Storm
19 Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP
20 any procedures necessary to meet local erosion and sediment control requirements or storm
21 water management requirements. [Amendment #3]
- 22 74 During construction, the certificate holder shall limit truck traffic to designated existing and
23 improved road surfaces to avoid soil compaction, to the extent practicable.
- 24 75 During construction, the certificate holder shall implement best management practices to
25 control any dust generated by construction activities, such as applying water to roads and
26 disturbed soil areas.
- 27 76 During construction, the certificate holder shall reduce temporary disturbance impacts by
28 making use of previously disturbed areas, including roadways and tracks, and by preserving
29 vegetation rootstalks by crushing, rather than scraping, vegetation in areas of temporary
30 disturbance.
- 31 77 During facility operation, the certificate holder shall routinely inspect and maintain all
32 roads, pads and trenched areas and, as necessary, maintain or repair erosion and sediment
33 control measures. The certificate holder shall restore areas that are temporarily disturbed
34 during facility maintenance or repair activities to pre-disturbance condition or better.
- 35 78 During facility operation, the certificate holder shall obtain water for on-site uses from a
36 well at the field workshop, subject to compliance with applicable permit requirements. The
37 certificate holder shall not use more than 5,000 gallons of water per day from the facility's
38 on-site well. [Amendment #1 (SFWF)]

7. Transmission Line & EMF Conditions

1 79 The certificate holder shall install the 34.5-kV collector system underground to the extent
2 practicable. The certificate holder shall install underground lines at a minimum depth of
3 three feet. Based on geotechnical conditions or other engineering considerations, the
4 certificate holder may install segments of the collector system aboveground on single-pole,
5 cross-arm structures, but the total length of aboveground double-circuit segments must not
6 exceed 9 miles and the total length of aboveground single-circuit segments must not exceed
7 6 miles. [Amendment #1 (SFWF); Amendment #1]

8 80 The certificate holder shall ground appropriate sections of fencing that parallel transmission
9 lines to reduce the risk of shock from induced voltage. In particular, the certificate holder
10 shall ground appropriate sections of fencing located in the northern project area on the west
11 side of Eightmile Canyon if the certificate holder builds a parallel transmission line in that
12 location that could induce a voltage on the fence.

13 81 The certificate holder shall take reasonable steps to reduce or manage human exposure to
14 electromagnetic fields, including but not limited to:

15 (a) Constructing all aboveground transmission lines at least 200 feet from any residence
16 or other occupied structure, measured from the centerline of the transmission line.

17 (b) Constructing all aboveground 34.5-kV transmission lines with a minimum clearance
18 of 20 feet from the ground.

19 (c) Constructing all aboveground 230-kV transmission lines with a minimum clearance of
20 24 feet from the ground.

21 (d) Fencing the areas near the facility substation to ensure that substation equipment is
22 not accessible to the public.

23 (e) Providing to landowners a map of underground and overhead transmission lines on
24 their property and advising landowners of possible health risks.

25 (f) Designing and maintaining all transmission lines so that alternating current electric
26 fields do not exceed 9 kV per meter at one meter above the ground surface in areas
27 accessible to the public.

28 [Amendment #1 (SFWF)]

29 82 In advance of, and during, preparation of detailed design drawings and specifications for
30 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility
31 Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the
32 designs and specifications are consistent with applicable codes and standards.

8. Plants, Wildlife & Habitat Protection Conditions

33 83 The certificate holder shall conduct wildlife monitoring as described in the *Wildlife*
34 *Monitoring and Mitigation Plan* that is incorporated in the *Final Order on Amendment #2*
35 as Attachment D and as amended from time to time. [Amendment #1 (SFWF); Amendment #1;
36 Amendment #2]

37 84 The certificate holder shall restore areas disturbed by facility construction but not occupied
38 by permanent facility structures, and temporarily disturbed during routine operational road
39 work activity, according to the methods and monitoring procedures described in the
40 Revegetation Plan that is incorporated in the Final Order on Amendment #2 for the

1 Shepherds Flat Wind Farm as Attachment C and as amended from time to time. [Amendment
2 #1 (SFWF); Amendment #2]

3 85 The certificate holder shall acquire the legal right to create, enhance, maintain and protect a
4 habitat mitigation area as long as the site certificate is in effect by means of an outright
5 purchase, conservation easement or similar conveyance and shall provide a copy of the
6 documentation to the Department. Within the habitat mitigation area, the certificate holder
7 shall improve the habitat quality as described in the *Habitat Mitigation Plan* that is
8 incorporated in the *Final Order on Amendment #1* as Attachment C and as amended from
9 time to time. [Amendment #1 (SFWF); Amendment #1]

10 86 The certificate holder shall avoid permanent and temporary disturbance to the areas
11 described in (a) through (g) and, during the times indicated, shall avoid construction
12 disturbance in the areas described in (h) through (k). The certificate holder shall flag these
13 areas for the duration of construction activities nearby and shall ensure that construction
14 personnel avoid disturbance of the areas. The avoidance areas are:

15 (a) All Category 1 habitat and those areas of Category 2 habitat shown on the “ODFW-2”
16 Figures 1 through 12 in the Shepherds Flat Wind Farm Application. [Amendment #1 (SFWF)]

17 (b) Areas of Category 3 shrub-steppe habitat as described in the *Final Order on*
18 *Amendment #1 for the Shepherds Flat Wind Farm*, Section IV.4.(b)A, including three small
19 areas of sage shrub-steppe habitat, one small area of purshia shrub-steppe habitat and one
20 small area of shrub-steppe rabbitbrush habitat. [Amendment #1 (SFWF)]

21 (c) All seeps, riparian areas and vernal pools.

22 (d) All water sources for wildlife, including perennial and intermittent streams, stock
23 ponds and watering stations.

24 (e) All faces of bluffs or rock outcroppings.

25 (f) All trees or other structures that contain active raptor nests.

26 (g) For the facility substation and field workshop, all Category 3 habitat. [Amendment #1
27 (SFWF)]

28 (h) The area within 1,000 feet of Category 2 Washington ground squirrel (WGS) habitat
29 (as shown on “ODFW-2” Figure 8 in the Shepherds Flat Wind Farm Application) during
30 the period in which the squirrels are active. To determine when the WGS are active, the
31 certificate holder shall hire a qualified independent professional biologist to monitor the on-
32 site colony within the Category 1 WGS habitat area described in the Final Order on the
33 Application. The biologist shall begin monitoring the colony on January 15 if construction
34 activity is occurring within 0.5 miles of the Category 2 WGS habitat at that time.

35 Otherwise, the biologist shall begin monitoring upon the start of construction activity
36 within 0.5 miles of the Category 2 WGS habitat at any time between January 15 and June
37 30. The biologist shall conduct weekly monitoring to detect signs of WGS activity. If signs
38 of WGS activity are observed, the certificate holder shall halt construction activities within
39 the avoidance area and shall notify the Department. The certificate holder shall flag the
40 avoidance area and ensure that construction personnel avoid disturbance of the area until
41 the biologist has determined that the WGS are no longer active. While the WGS are active,
42 the biologist may suspend weekly monitoring until May 1. The certificate holder may
43 resume construction activities within the avoidance area when the WGS are no longer
44 active, as determined by the absence of WGS activity during three consecutive weeks of
45 monitoring by the biologist. [This text had been removed by Amendment #1 (SFWF) and was restored
46 by Amendment #1]

1 (i) The area within 0.5 miles of Category 3 curlew nesting habitat and the area within 0.5
2 miles the BLM Horn Butte Wildlife Area during the nesting season (March 8 through June
3 15). Before beginning construction, the certificate holder shall provide to the Department a
4 map showing these avoidance areas relative to areas of potential construction disturbance.
5 The certificate holder may engage in construction activities in these areas at times other
6 than the nesting season.

7 (j) The area within 1,000 feet of any essential, limited and irreplaceable Washington
8 ground squirrel (WGS) habitat within the new areas added to the site by Amendment #1
9 (excluding the areas within the site boundaries of Shepherds Flat North, Shepherds Flat
10 Central and Shepherds Flat South as approved on September 11, 2009) during the period in
11 which the squirrels are active. The certificate holder shall hire a qualified independent
12 professional biologist to conduct pre-construction surveys for State-listed threatened,
13 endangered or sensitive wildlife species in these new areas within 1,000 feet of any area
14 potentially disturbed by facility construction. To determine whether WGS habitat exists and
15 to determine whether WGS are active, the biologist shall search for WGS in suitable habitat
16 using a two-survey protocol approved by the Oregon Department of Fish and Wildlife
17 (ODFW). The certificate holder shall submit the results of the survey to ODFW and to the
18 Department. If signs of WGS activity are observed, the certificate holder shall flag the
19 avoidance area and ensure that construction personnel avoid disturbance of the area until
20 the biologist has determined that the WGS are no longer active.

21 (k) Areas within a suitable buffer around confirmed populations of Laurent's milk-vetch
22 or any other State-listed threatened or endangered plant species within the new areas added
23 to the site by Amendment #1 (excluding the area within the site boundaries of Shepherds
24 Flat North, Shepherds Flat Central and Shepherds Flat South as approved on September 11,
25 2009). The certificate holder shall not install facility components or cause temporary
26 disturbance within these areas. The certificate holder shall hire a qualified independent
27 professional biologist to conduct pre-construction surveys for State-listed threatened or
28 endangered plant species in these new areas within 1,000 feet of any area potentially
29 disturbed by facility construction. The certificate holder shall submit the results of the
30 survey to the Department.

31 [Amendment #1]

32 87 The certificate holder shall microsite the facility in conformance with the industry's best
33 practices. The certificate holder shall follow the recommendations of a qualified wildlife
34 biologist to avoid building turbine towers in the following locations:

35 (a) Areas of increased risk to avian species due to constricted flight paths, such as narrow
36 ridge saddles and gaps between hilltops.

37 (b) Areas on slopes greater than 20 percent.

38 (c) [text removed by Amendment #1 (SFWF)]

39 (d) [text removed by Amendment #1 (SFWF)]

40 88 During construction, the certificate holder shall avoid construction activities in areas around
41 active nests of the following species during the sensitive period, as provided in this
42 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 The certificate holder shall conduct pre-construction surveys, using a protocol approved by
2 the Oregon Department of Fish and Wildlife (ODFW) to determine whether there are any
3 active nests of these species within 0.5 miles of any areas that would be disturbed during
4 construction. The certificate holder shall search the scheduled construction areas and all
5 areas within 0.5 miles of the construction areas. If a nest is occupied by any of these species
6 after the beginning of the sensitive period, the certificate holder will flag the boundaries of
7 a 0.5-mile buffer area around the nest and shall instruct construction personnel to avoid
8 disturbance of the area. The certificate holder shall hire a qualified independent
9 professional biologist to observe the active nest sites during the sensitive period for signs of
10 disturbance and to notify the Department of any non-compliance with this condition. If the
11 biologist observes nest site abandonment or other adverse impact to nesting activity, the
12 certificate holder shall implement appropriate mitigation, in consultation with ODFW and
13 subject to the approval of the Department, unless the adverse impact is clearly shown to
14 have a cause other than construction activity. The certificate holder may begin or resume
15 construction activities within a buffer area before the ending day of the sensitive period if
16 any known nest site is not occupied by the early release date. If a nest site is occupied, then
17 the certificate holder may begin or resume construction before the ending day of the
18 sensitive period with the approval of ODFW, after the young are fledged. The certificate
19 holder shall use a protocol approved by ODFW to determine when the young are fledged
20 (the young are independent of the core nest site).

21 89 The certificate holder shall not remove any trees that are greater than three feet in height.

22 90 The certificate holder shall design all aboveground transmission line support structures
23 following the most current suggested practices for avian protection on power lines
24 published by the Avian Power Line Interaction Committee.

25 91 The certificate holder shall reduce the risk of injuries to avian species by:

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

28 (b) Installing meteorological towers that are non-guyed structures to eliminate the risk of
29 avian collision with guy-wires.

30 (c) Avoiding installation of aboveground transmission lines across narrow saddles,
31 ravines and similar features and, where such crossings cannot be avoided, installing line-
32 markers to make the lines more visible to avian species.

33 92 The certificate holder shall impose and enforce construction and operation speed limits of 5
34 miles per hour on roads within 1,000 feet of Category 1 or Category 2 Washington ground
35 squirrel habitat and 20 miles per hour on all other facility roads and shall ensure that all
36 construction and operations personnel are instructed on the importance of cautious driving
37 practices while on facility roads. [Amendment #1 (SFWF); Amendment #1]

9. Visual Effects Conditions

38 93 To reduce the visual impact of the facility, the certificate holder shall:

1 (a) Mount nacelles on smooth, steel structures, painted uniformly in a matte-finish,
2 neutral white color.

3 (b) Paint substation structures in a neutral color to blend with the surrounding landscape.

4 (c) Not allow any advertising to be used on any part of the facility.

5 (d) Use only those signs required for facility safety, required by law or otherwise required
6 by this site certificate, except that the certificate holder may erect a sign to identify the
7 facility near the field workshop, may paint turbine numbers on each tower and may allow
8 unobtrusive manufacturers' logos on turbine nacelles.

9 (e) Not locate any facility signs along Highway 74.

10 (f) Design signs in accordance with Gilliam County Zoning Ordinance Section 8.030 and
11 Morrow County Zoning Ordinance Section 4.070, as applicable.

12 (g) Maintain any signs allowed under this condition in good repair.

13 [Amendment #1 (SFWF)]

14 94 The certificate holder shall design and construct the field workshop to be generally
15 consistent with the character of similar buildings used by commercial farmers or ranchers in
16 the area and shall paint the building in a neutral color to blend with the surrounding
17 landscape. [Amendment #1 (SFWF)]

18 95 The certificate holder shall not use exterior nighttime lighting except:

19 (a) The minimum turbine tower lighting required or recommended by the Federal
20 Aviation Administration.

21 (b) Security lighting at the field workshop and substation, provided that such lighting is
22 shielded or downward-directed to reduce glare.

23 (c) Minimum lighting necessary for repairs or emergencies.

24 (d) Minimum lighting necessary for nighttime construction. The certificate holder may
25 use lighting only at the work location and only directed downward to illuminate the work
26 area at the turbine base or upward from the base to illuminate the turbine tower;
27 construction lighting shall not be directed outward. The certificate holder shall use
28 nighttime lighting only with the approval of the owner of the property on which the work is
29 conducted and shall provide notice of nighttime construction to occupants of all residences
30 within one-half mile of the construction site.

31 [Amendment #1 (SFWF)]

10. Noise Control Conditions

32 96 To reduce noise impacts at nearby residences, the certificate holder shall:

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

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

36 (c) Establish a complaint response system at the construction manager's office to address
37 noise complaints.

38 97 Before beginning construction, the certificate holder shall provide to the Department:

39 (a) Information that identifies the final design locations of all turbines to be built at the
40 facility.

1 (b) The maximum sound power level for the substation transformers and the maximum
2 sound power level and octave band data for the turbines selected for the facility based on
3 manufacturers' warranties or confirmed by other means acceptable to the Department.

4 (c) The results of noise analysis of the facility to be built according to the final design
5 performed in a manner consistent with the requirements of OAR 340-035-0035
6 (1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total
7 noise generated by the facility (including the noise from turbines and substation
8 transformers) would meet the ambient degradation test and maximum allowable test at the
9 appropriate measurement point for all potentially-affected noise sensitive properties.

10 (d) For each noise-sensitive property where the certificate holder relies on a noise waiver
11 to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a
12 copy of the a legally effective easement or real covenant pursuant to which the owner of the
13 property authorizes the certificate holder's operation of the facility to increase ambient
14 statistical noise levels L₁₀ and L₅₀ by more than 10 dBA at the appropriate measurement
15 point. The legally-effective easement or real covenant must: include a legal description of
16 the burdened property (the noise sensitive property); be recorded in the real property
17 records of the county; expressly benefit the certificate holder; expressly run with the land
18 and bind all future owners, lessees or holders of any interest in the burdened property; and
19 not be subject to revocation without the certificate holder's written approval.

20 98 During operation, the certificate holder shall maintain a complaint response system to
21 address noise complaints. The certificate holder shall promptly notify the Department of
22 any complaints received regarding facility noise and of any actions taken by the certificate
23 holder to address those complaints. In response to a complaint from the owner of a noise
24 sensitive property regarding noise levels during operation of the facility, the Council may
25 require the certificate holder to monitor and record the statistical noise levels to verify that
26 the certificate holder is operating the facility in compliance with the noise control
27 regulations. [Amendment #1 (SFWF)]

11. Waste Management Conditions

28 99 The certificate holder shall provide portable toilets for on-site sewage handling during
29 construction and shall ensure that they are pumped and cleaned regularly by a licensed
30 contractor who is qualified to pump and clean portable toilet facilities.

31 100 During operation, the certificate holder shall discharge sanitary wastewater generated at the
32 field workshop to a licensed on-site septic system in compliance with county permit
33 requirements. The certificate holder shall design the septic system for a discharge capacity
34 of less than 2,500 gallons per day. [Amendment #1 (SFWF)]

35 101 The certificate holder shall implement a waste management plan during construction that
36 includes but is not limited to the following measures:

37 (a) Recycling steel and other metal scrap.

38 (b) Recycling wood waste.

39 (c) Recycling packaging wastes such as paper and cardboard.

40 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
41 hauler or by using facility equipment and personnel to haul the waste.

42 (e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
43 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for

1 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
2 wastes.

3 (f) Discharging all concrete truck rinse water into foundation holes and completing truck
4 wash-down off-site.

5 102 The certificate holder shall implement a waste management plan during operation that
6 includes but is not limited to the following measures:

7 (a) Training employees to minimize and recycle solid waste.

8 (b) Recycling paper products, metals, glass and plastics.

9 (c) Recycling used oil and hydraulic fluid.

10 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
11 hauler or by using facility equipment and personnel to haul the waste.

12 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
13 absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries
14 for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
15 wastes.

16 103 Before beginning construction, the certificate holder shall determine whether any
17 construction disturbance would occur in locations not previously investigated for potential
18 jurisdictional waters as described in the *Final Order on Amendment #1*. The certificate
19 holder shall conduct pre-construction investigations in these new areas within 1,000 feet of
20 any area potentially disturbed by facility construction to determine whether any State-
21 jurisdictional waters exist in those locations. The certificate holder shall submit a written
22 report on the pre-construction investigation to the Department of Energy and to the
23 Department of State Lands for approval before beginning construction and shall ensure that
24 construction would have no impact on any jurisdictional water identified in the report.
25 [Amendment #1]

12. New Conditions applicable to RFA2 facility modifications

26 The conditions listed in this section are specific to the facility modifications approved in the
27 Second Amended Site Certificate.

28
29 104 After January 1 but no later than April 30 of the year after completion of the Operations and
30 Maintenance demonstration activity for wind turbines 368 and 370, as approved in RFA2,
31 the certificate holder shall include in its Annual Report an activity and operational status
32 summary of the repowered wind turbines.
33 [Amendment #2]

34 105 Following completion of the O&M demonstration activity at wind turbines 368 and 370, as
35 approved in RFA2, the certificate holder shall implement an ongoing inspection,
36 monitoring and remediation program as follows:

37 (a) Submit to the Department a copy of an appropriate foundation inspection plan that
38 specifies timing, frequency and methodology for evaluation of wind turbine
39 foundation integrity, fatigue stress and other design checks, as recommended by the
40 wind turbine manufacturer.

41 (b) Within five months of completion of the O&M demonstration activity at wind
42 turbine 368, the certificate holder must complete a crack depth investigation or other

1 testing such as coring to verify if the foundation cracks are surface or deep cracks.
2 The certificate holder shall submit to the Department and DOGAMI the results of
3 the crack depth investigation, remediation recommendations, and remediation
4 schedule.

5 (c) Wind turbine 368 shall not be operated more than five months after the O&M
6 demonstration activity unless the remediation actions are implemented per the
7 investigation report referenced in (b), unless, based on the findings of the
8 investigation report referenced in (b), approval to continue to operate wind turbine
9 368 without remediation actions is granted from the Department in consultation
10 with DOGAMI.

11 [Amendment #2]

12 106 Before beginning the operation and maintenance demonstration activities at Turbines 368
13 and 370, the certificate holder shall submit a Notice of Proposed Construction or Alteration
14 to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation
15 identifying the new maximum blade tip height of 150 meters. The certificate holder shall
16 promptly notify the Department of the responses from the FAA and the Oregon Department
17 of Aviation.

18 [Amendment #2]

19 107 Prior to completion of the O&M demonstration activity for wind turbines 368 and 370, as
20 approved in RFA2, the certificate holder shall submit to the Department the maximum
21 sound power level and octave band for the modified wind turbines based on manufacturer'
22 warranties or confirmed by other means acceptable to the Department.

23 [Amendment #2]

13. New Conditions applicable to RFA3 facility modifications

24 108 The certificate holder shall begin construction of the Shepherds Flat Central facility
25 modifications, as approved in the Third Amended Site Certificate, within three years after
26 the effective date of the amended site certificate [TBD]. The certificate holder shall notify
27 the Department, Gilliam County Planning Department, and the Morrow County Planning
28 Department when construction of the of the facility modifications, as approved in Request
29 for Amendment 3, commences. Under OAR 345-015-0085(8), the amended site certificate
30 is effective upon execution by the Council Chair and the certificate holder. [Amendment #3]

31 109 The certificate holder shall complete construction of the Shepherds Flat Central facility
32 modifications, as approved in the Third Amended Site Certificate, within three years
33 following the date of construction commencement [TBD]. The certificate holder shall
34 promptly notify the Department, Gilliam County Planning Department, and the Morrow
35 County Planning Department of the date of completion of construction of the facility
36 modifications, as approved in Request for Amendment 3. [Amendment #3]

37 110 Prior to Amendment #3 facility repower activities, the certificate holder shall provide the
38 Department with the foundation uprate analysis on facility turbines. If the analysis results
39 identify necessary mitigation and remediation measures, or operational timing
40 recommendations, the certificate holder shall implement the identified measures and
41 recommendations prior to beginning the repowering activities unless otherwise approved by
42 the Department. [Amendment #3]

1 111 Prior to Amendment #3 facility repower activities, the certificate holder shall coordinate
2 with the Gilliam County Weed Department and the Morrow County Weed Control
3 Department, and submit to the Department, a Roadway Weed Control Plan. The
4 Department shall review and approve the plan, in consultation with the Gilliam County
5 Weed Department and the Morrow County Weed Control Department. The Roadway Weed
6 Control Plan shall include, as pertinent, but not be limited to, identification of county-listed
7 weeds of economic concern, methods for evaluating weeds within impact area, results of
8 weed assessment, control methods specific to roadway weed control and timing, agency
9 consultation protocol, and process for evaluating success of weed control. [Amendment #3]

10 112 The certificate holder shall:

11 (a) Prior to RFA3 facility repower activities:

12 (i) Provide an updated habitat assessment of areas of disturbance, based on a protocol
13 approved by the Department in consultation with ODFW.

14 (ii) Identify monitoring and reference sites, including sites within each habitat
15 category and subtype impacted, and the methodology utilized for selecting the
16 number of monitoring and reference sites should be included.

17 (iii) Consult with the Department, ODFW and Gilliam County Weed Control
18 Department and Morrow County Weed Control Department on timing and methods
19 for revegetation and weed control.

20 (b) Following completion of RFA3 facility repower activities:

21 (i) Restore areas temporarily disturbed by RFA3 facility repower activities according
22 to the methods and monitoring procedures described in the Revegetation Plan that is
23 incorporated in the Final Order on Amendment 3 for Shepherds Flat Central as
24 Attachment D and as amended from time to time.

25 (ii) Consult annually with the Department, ODFW, Gilliam and Morrow County
26 Weed Control Departments on timing and methods for revegetation and weed control.
27 If mutually agreed upon by the Department, ODFW, Gilliam and Morrow County
28 Weed Control Departments, the annual consultation may be discontinued after 5
29 years. This provision does not relieve the certificate holder from complying with its
30 weed control obligations as described in Condition 111 and 38, and any other
31 provisions of applicable state or local requirements for weed control.

32 [Amendment #3]

33 113 The certificate holder shall:

34 (a) Prior to RFA3 facility repower activities, the certificate holder shall conduct a pre-
35 construction raptor nest survey, using a protocol approved by the Oregon Department of
36 Fish and Wildlife (ODFW) to determine whether there are any active nests of state
37 sensitive species within 0.5 miles of any areas that would be disturbed.

38 (b) During RFA3 repower activities, if active raptor nests were identified within 0.5-mile
39 of RFA2 repower activities per (a) of this condition or become active during the sensitive
40 season, per (c) below, the certificate holder shall avoid construction activities within 0.25

1 mile buffer in areas around active nests of the following species during the sensitive
2 period, as provided in this condition:

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

3 (c) During RFA3 repower activities, if a nest becomes occupied by any of these species
4 after the beginning of the sensitive period, the certificate holder will flag the boundaries
5 of a 0.25-mile buffer area around the nest and shall instruct construction personnel to
6 avoid disturbance of the area.

7 (d) During RFA3 repower activities, if active nest sites are observed per (b) or (c) of this
8 condition, the certificate holder shall hire a qualified independent professional biologist
9 to observe the active nest sites during the sensitive period for signs of disturbance and to
10 notify the Department of any non-compliance with this condition. If the biologist
11 observes nest site abandonment or other adverse impact to nesting activity, the certificate
12 holder shall implement appropriate mitigation, in consultation with ODFW and subject to
13 the approval of the Department, unless the adverse impact is clearly shown to have a
14 cause other than construction activity. The certificate holder may begin or resume
15 construction activities within a buffer area before the ending day of the sensitive period if
16 any known nest site is not occupied by the early release date. If a nest site is occupied,
17 then the certificate holder may begin or resume construction before the ending day of the
18 sensitive period with the approval of ODFW, after the young are fledged. The certificate
19 holder shall use a protocol approved by ODFW to determine when the young are fledged
20 (the young are independent of the core nest site). [Amendment #3]

21 114 Following completion of Amendment #3 facility repower activities, the certificate holder
22 shall conduct two years of avian and bat fatality monitoring, as described in the Wildlife
23 Monitoring and Mitigation Plan, or based on protocol otherwise approved by the
24 Department in consultation with ODFW, provided as Attachment E of the Final Order on
25 Amendment 3. [Amendment #3]

26 115 During Amendment #3 facility repower activities, the certificate holder shall, or ensure its
27 third-party contractors, reuse or recycle wind turbine blades, hubs and other removed wind
28 turbine components to the extent practicable and in accordance with the Morrow County
29 Solid Waste Management Plan. The certificate holder shall report in its semi-annual report
30 to the Department the quantities of removed wind turbine components recycled, reused,
31 sold for scrap, and disposed of in a landfill, to the extent practicable. [Amendment #3]

32 116 Prior to Amendment #3 facility repower activities, the certificate holder shall submit a
33 Notice of Proposed Construction or Alteration to the Federal Aviation Administration
34 (FAA) and the Oregon Department of Aviation identifying the new maximum blade tip
35 height of 150 meters. The certificate holder shall promptly notify the Department of the
36 responses from the FAA and the Oregon Department of Aviation. [Amendment #3]

37 117 Prior to Amendment #3 facility repower activities, the certificate holder shall provide to the
38 Department:

1 (a) The maximum sound power level and octave band for the modified wind turbines
2 based on manufacturer’s warranties or confirmed by other means acceptable to the
3 Department.

4 (b) If the information provided to the Department in (a) shows that the modified
5 (repowered) wind turbines would produce a higher maximum sound power level and
6 octave band than the currently installed wind turbines, the certificate holder must conduct
7 a noise analysis of the modified (repowered) turbines. If required, the certificate holder
8 must provide to the Department results of the noise analysis for the Amendment #3
9 facility repower, performed in a manner consistent with the requirements of OAR 340-
10 035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department
11 that the total noise generated (including the noise from repowered wind turbines and
12 existing substation transformers) would meet the ambient degradation test and maximum
13 allowable test at the appropriate measurement point for all potentially-affected noise
14 sensitive properties.

15 (c) If the information provided to the Department in (a) shows that the modified
16 (repowered) wind turbines would produce a higher maximum sound power level and
17 octave band than the currently installed wind turbines, the certificate holder must provide
18 to the Department, for each noise-sensitive property where the certificate holder relies on
19 a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035
20 (1)(b)(B)(iii)(III) related to site certificate Amendment #3 activities, a copy of the a
21 legally effective easement or real covenant pursuant to which the owner of the property
22 authorizes the certificate holder’s operation of the facility to increase ambient statistical
23 noise levels L10 and L50 by more than 10 dBA at the appropriate measurement point.
24 The easement must only be provided to the Department if the modified wind turbines
25 would produce a higher maximum sound power level and octave band than the currently
26 installed wind turbines and the current noise-easements do not allow ambient statistical
27 noise levels L10 and L50 by more than the statistical noise levels anticipated to occur
28 from the repowered turbines at the appropriate measurement point. The legally-effective
29 easement or real covenant must: include a legal description of the burdened property (the
30 noise sensitive property); be recorded in the real property records of the county; expressly
31 benefit the certificate holder; expressly run with the land and bind all future owners,
32 lessees or holders of any interest in the burdened property; and not be subject to
33 revocation without the certificate holder’s written approval._[Amendment #3]
34

VI. SUCCESSORS AND ASSIGNS

1 To transfer this site certificate or any portion thereof or to assign or dispose of it in any
2 other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0400.

VII. SEVERABILITY AND CONSTRUCTION

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

VIII. GOVERNING LAW AND FORUM

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

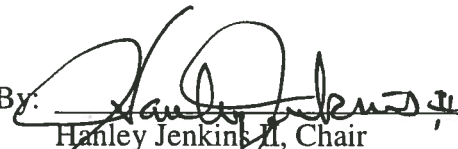
IX. EXECUTION AND EFFECTIVE DATE


9 This site certificate may be executed in counterparts and will become effective upon
10 signature by the Chair of the Energy Facility Siting Council and the authorized representative of
11 the certificate holder. [Amendment #1 (SFWF); Amendment #1; Amendment #2]

12 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting
13 by and through its Energy Facility Siting Council, and by South Hurlburt Wind, LLC.

ENERGY FACILITY SITING COUNCIL

SOUTH HURLBURT WIND, LLC

By: 
Hanley Jenkins II, Chair
Oregon Energy Facility Siting Council

By: 
Print: Vandana Gupta

Date: 1-24-2020

Date: 1-29-2020