

Attachment 1: Recommended Site Certificate Conditions
(To be replaced with Site Certificate)

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

**Site Certificate for the
Boardman to Hemingway Transmission Line**

ISSUE DATE

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Table of Contents

1.0	Introduction and Site Certification	1
2.0	Facility Location, Site Boundary and Transmission Line Corridors	3
3.0	Facility Description	3
4.0	Facility Development	3
4.1	Construction.....	3
4.2	Operations and Maintenance	3
5.0	Site Certificate Conditions	3
5.1	Condition Format	3
6.0	Successors and Assigns	49
7.0	Severability and Construction	49
8.0	Execution	49

Attachments

Attachment A Facility Location Mapsets (ASC Exhibit C)

Acronyms and Abbreviations

ASC	Application for Site Certificate
Council	Oregon Energy Facility Siting
Department	Oregon Department of Energy
DOGAMI	Oregon Department of Geology and Mineral Industries
HMP	Habitat Mitigation Plan
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OAR	Oregon Administrative Rule
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statute

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (Council), and Idaho Power Company (certificate holder), which is a wholly owned subsidiary of IDACORP, Inc. (parent company). As authorized under Oregon Revised Statute (ORS) Chapter 469, the Council issues this site certificate authorizing the certificate holder to construct, operate and retire the Boardman to Hemingway Transmission Line Project (facility) within the below described approved corridor within Malheur, Baker, Union, Umatilla, and Morrow counties, subject to the conditions set forth herein.

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

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the *Final Order on the Application for Site Certificate for the Boardman to Hemingway Transmission Line Project* issued on **DATE** (hereafter, *Final Order on the ASC*). Any ambiguity will be clarified by reference to the following, in order of priority: (1) the *Final Order on the ASC*, and (2) the record of the proceedings that led to the *Final Order on the ASC*. This site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation, and retirement of the facility as to matters that are addressed in and governed by this site certificate (ORS 469.401(3)). This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

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

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

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

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

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

2.0 Facility Location, Site Boundary and Transmission Line Corridors

Placeholder – see Proposed Order Section III.B Site Boundary and Right-of-Way

3.0 Facility Description

Placeholder – see Proposed Order Section III.C Proposed Facility

4.0 Facility Development

Placeholder – see Proposed Order Section IV.M. Public Services

4.1 Construction

4.2 Operations and Maintenance

5.0 Site Certificate Conditions

5.1 Condition Format

The conditions in Sections 5.2 through 5.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard the condition is required to satisfy, and an identification number (1, 2, 3, etc.).¹ The table below presents a “key” for phase of implementation:

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

Some conditions are coded for more than one phase of implementation.

The standards are presented using an acronym; for example, the General Standard of Review is

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

represented in the condition numbering as “GS”; the Soil Protection standard is represented in the condition numbering as “SP” and so forth.

For example, the coding of Condition GEN-GS-01 represents that the condition is a general condition (GEN) to be implemented during design, construction and operation of the facility, is required to satisfy the Council’s General Standard of Review, and is condition number 1. The condition language also includes in brackets [] the name of the condition as imposed in the Final Order on the Application (i.e. General Standard of Review Condition 1).

NOTE: These conditions will be organized by phase in the site certificate, if approved (GEN, CON, OPR, RET).

Condition Number	(Recommended site certificate conditions for all standards and phases)
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	<p>General Standard of Review Condition 1:</p> <p>a. Construction Commencement Deadline: The certificate holder shall begin construction of the facility within four years after the effective date of the site certificate. Under OAR 345-015-0085(8), the site certificate is effective upon execution by the Council chair and the certificate holder. Prior to beginning construction as defined in OAR 345-010-0010(12), the certificate holder shall provide the Department written verification of the date that it will begin construction, acknowledge the commencement of the construction completion timeline, and confirm the construction completion deadline as stated in General Standard of Review Condition 1(b).</p> <p>b. Construction Completion Deadline: The certificate holder shall complete construction of the facility within four years after the construction commencement date outlined in General Standard of Review Condition 1(a). Within 90 days of construction completion, the certificate holder shall provide the Department written notification of the anticipated date of construction completion.</p> <p>c. Authorization to construct and operate facility components described in the site certificate, including alternative transmission line routes, Proposed and alternative facility routes expires if not constructed approved in the final order and site certificate (per General Standard of Review Condition 11), but not by the construction completion deadline established in General Standard of Review Condition 11. selected for construction are deemed expired and no longer approved for construction once the construction completion deadline has passed.</p> <p>[Mandatory Condition OAR 345-025-0006(4)]</p>
GEN-GS-02	<p>General Standard of Review Condition 2:</p> <p>a. At least 180 days prior to beginning construction (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a construction plan outlining construction phasing or segments, activities and schedules for completing construction of the facility consistent with the site certificate. Submission of pre-construction surveys or plans shall be conducted in accordance to site certificate conditions and may occur consistent with the phase or segment of the facility that is being constructed.</p> <p>b. Upon Department verification of compliance with applicable pre-construction requirements in the site certificate for any phase or segment of the facility, the Department shall notify the certificate holder in writing that pre-construction requirements have been met and they may commence construction for that phase or segment.</p>

CON-GS-01	<p>General Standard of Review Condition 3: Within six months after the Construction Commencement Deadline in General Standard of Review Condition 1, and every six months thereafter during construction of the facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department consistent with OAR 345-026-0080(1)(a). To the extent that information required by this rule is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule, unless otherwise required by a site certificate condition.</p>
OPR-GS-01	<p>General Standard of Review Condition 4: After January 1 but no later than April 30 of each year after beginning operation of the facility, unless otherwise agreed upon by the certificate holder and the Council Secretary, the certificate holder shall submit an annual report to the Department addressing the subjects listed in OAR 345-026-0080(1)(b). To the extent that information required by this rule is contained in reports the certificate holder submits to other state, federal or local agencies, the certificate holder may submit excerpts from such other reports to satisfy this rule, unless otherwise required by a site certificate condition.</p>
OPR-GS-02	<p>General Standard of Review Condition 5: The certificate holder shall submit a legal description of the site to the Department, Malheur County Planning Department, Baker County Planning Department, Union County Planning Department, Umatilla County Planning Department, and Morrow County Planning Department within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identify the outer boundaries that contain all parts of the facility. [Mandatory Condition OAR 345-025-0006(2)]</p>
GEN-GS-03	<p>General Standard of Review Condition 6: The certificate holder shall design, construct, operate, and retire the facility:</p> <ul style="list-style-type: none"> a. Substantially as described in the site certificate; b. In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and c. In compliance with all applicable permit requirements of other state agencies. <p>[Mandatory Condition OAR 345-025-0006(3)]</p>
CON-GS-02	<p>General Standard of Review Condition 7: The certificate holder may begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and the certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of transmission line occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site. [Mandatory Condition OAR 345-025-0006(5)]</p>

GEN-GS-04	<p>General Standard of Review Condition 8: If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions. [Mandatory Condition OAR 345-025-0006(6)]</p>
OPR-GS-03	<p>General Standard of Review Condition 9: Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. In the annual report, the certificate holder shall report to the Department restoration activities, and applicable sections of the Reclamation and Revegetation Plan provided as Attachment P1-3 of the Final Order on the ASC, by county and area of temporary disturbance (i.e. multi-use areas, light duty fly yards, pulling and tensioning sites). [Mandatory Condition OAR 345-025-0006(11)]</p>
GEN-GS-05	<p>General Standard of Review Condition 10: Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate. [Mandatory Condition OAR 345-025-0006(15)]</p>
GEN-GS-06	<p>General Standard of Review Condition 11: Subject to conditions of the site certificate, the certificate holder may construct the facility anywhere within the site boundary (approved corridor(s)), and as described in ASC Exhibit B and represented in ASC Exhibit C Attachment C-2 and C-3 mapsets. The approved corridors include:</p> <ol style="list-style-type: none"> a. The proposed route <u>transmission line route extending approximately 273-miles through</u> Morrow, Umatilla, Union, Baker, and Malheur counties; b. West of Bombing Range Road alternative 1 and the west of Bombing Range Road alternative 2 in Morrow County; c. Morgan Lake alternative in Union County; and d. Double Mountain alternative in Malheur County. <p>[Site-Specific Condition OAR 345-025-0010(5)]</p>

STANDARD: ORGANIZATIONAL EXPERTISE (OE) [OAR 345-022-0010]

OPR-OE-01	<p>Organizational Expertise Condition 1: During operations, the certificate holder shall provide documentation of inspection, including date inspection(s) occurred, issues identified, and any corrective actions taken, within the annual report submitted to the Department pursuant to OAR 345-026-0080(1)(b), for the following:</p>
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	<p>a. Transmission line(s): Routine line patrols/inspections, unscheduled emergency line patrols, aerial vegetation patrols, and comprehensive 10-year maintenance inspection conducted in accordance with its Transmission Maintenance and Inspection Plan and Transmission Vegetation Management Program.</p> <p>b. Longhorn Station: Monthly inspections including visual inspections of buildings, fencing, and electrical equipment; monitoring of all protective relays, gauges, counters, meters, and communication devices; and, annual infrared assessment of bus and operating equipment carrying capacity in accordance with the Station Maintenance Program.</p>
GEN-OE-01	<p>Organizational Expertise Condition 2: The certificate holder shall:</p> <p>a. Prior to construction, notify the Department and affected counties of the identity and qualifications of the major design, engineering, and construction contractor(s) for the facility. The certificate holder shall select contractors that have substantial experience in the design, engineering, and construction of similar facilities.</p> <p>b. During construction, report to the Department in its semi-annual construction progress report required pursuant to OAR 345-026-0080(1)(a) the identity and qualifications of any new or changes to its design, engineering and construction contractors.</p>
PRE-OE-01	<p>Organizational Expertise Condition 3: Prior to construction, the certificate holder shall notify the Department of the identity and qualifications of any construction managers, including the on-site construction manager(s), to demonstrate that the construction manager is qualified in managing facility construction and has the capability to ensure compliance with all site certificate conditions.</p>
PRE-OE-02	<p>Organizational Expertise Condition 4: Prior to construction, the certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. The certificate holder shall provide <u>to the Department</u> a copy of <u>the</u> executed contract <u>terms requiring legal/site certificate compliances to the Department</u>. Copies of <u>the relevant</u> contracts <u>terms</u> may redact business confidential information. <u>The contractors, on behalf of the certificate holder, may perform the requirements set forth in these site certificate conditions. However, such performance and</u> §such contractual provisions shall not relieve the site certificate holder of responsibility under the site certificate.</p>
GEN-OE-02	<p>Organizational Expertise Condition 5: The certificate holder shall be responsible for any matter of non-compliance under the site certificate. Any notice of violation (NOV) issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.</p>
GEN-OE-03	<p>Organizational Expertise Condition 6: Within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department, in addition to the requirements of OAR 345-026-0170.</p>
GEN-OE-04	<p>Organizational Expertise Condition 7: Prior to construction, the certificate holder</p>

	<p>shall:</p> <ul style="list-style-type: none"> a. Submit to the Department and affected counties a list of third-party permits to be obtained or that have been obtained by Umatilla Electric Co-Op, Pacific Power and Oregon Trail Electric Cooperation for the communication station distribution lines. b. Submit to the Department copies of all obtained third party permits, as identified in (a) of this condition.
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STANDARD: STRUCTURAL STANDARD (SS) [OAR 345-022-0020]

PRE-SS-01	<p>Structural Standard Condition 1: <u>At least 90 days</u> Prior to construction of a phase or segment of the facility:</p> <ul style="list-style-type: none"> a. At least 90 days prior to construction of a phase or segment of the facility, unless otherwise agreed to by the Department, the certificate holder shall submit an investigation plan, <u>prepared by a professional engineer or geologist licensed in Oregon</u>, for the pre-construction site-specific geologic and geotechnical investigation to the Department for review in consultation with DOGAMI. The investigation plan shall specify the investigation methods to be used to evaluate site-specific seismic and non-seismic hazards identified in (b) of this condition and should, at a minimum, be consistent with the Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports and include methods for literature review, geotechnical field exploration program, laboratory testing, mapping and detailed site reconnaissance. b. At least 90 days prior to construction of a phase or segment of the facility, unless otherwise agreed to be the Department, the certificate holder shall submit to the Department and DOGAMI a pre-construction site-specific geological and geotechnical investigation report (report), <u>prepared by a professional engineer or geologist license in Oregon</u>, for review, demonstrating that the facility site has been adequately characterized and the facility and temporary construction activities, such as blasting, have been designed and located to avoid seismic, soil and geologic hazards. <ul style="list-style-type: none"> i. The report shall at a minimum include information derived from the geological and geotechnical investigations regarding: <ol style="list-style-type: none"> 1. Subsurface soil and geologic conditions within the site boundary; 2. Site-specific geotechnical design criteria and data for the facility components <u>informed by a Probabilistic Seismic Hazard Assessment and based on, at a minimum, identified fault sources, ground motion, site class for ground motion, and response spectra</u>; 3. Potentially active faults that may affect the facility and their potential risk to the facility; 4. Potential slope instability and landslide hazards based on boring locations spaced approximately 1 mile along the alignment at dead-end structures; any corners or changes in alignment heading (angles); crossings of highways, major roads, rivers, railroads, and utilities as power transmission lines, natural gas pipelines, and canals; <u>locations where blasting may</u>
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	<p><u>occur</u>; and, locations necessary to verify lithologic changes and/or geologic hazards such as landslides, steep slopes, or soft soil area.</p> <ol style="list-style-type: none"> 5. Potential liquefaction hazards; 6. Potential soil expansion hazards; 7. Groundwater detections and any related potential risk to the facility; 8. Corrosive soils detections and any related potential risk to the facility; and 9. Facility components within the 100-year flood zone and any related potential risk to the facility 10. Define and delineate geological and geotechnical hazards to the facility, and identify means to mitigate the identified hazards. 11. The report shall identify the applicable codes (<u>i.e. Oregon Building Code, Oregon Structural Specialty Code</u>), including name and reference number, that the facility components will be designed to satisfy. <p>ii. <u>In the electronic (email) submission of the report to the Department, as required under (b)(i) of this condition, the certificate holder shall identify whether blasting is recommended. For any recommended blasting locations, in table and map format, specify the transmission line structure number, milepost and county; and, either submit with the report the draft Framework Blasting Plan (Soil Protection Condition 4, Attachment G-5 of this order), following the pre-construction agency review process or provide the schedule for initiation of the established agency review process, as provided in the draft Blasting Framework Plan.</u></p>
<p>GEN-SS-01</p>	<p>Structural Standard Condition 2: The certificate holder shall design, engineer, and construct the transmission lines, Longhorn Station, and communication stations in accordance with the International Building Code, Oregon Structural Specialty Code, and local building codes that are most current at the time that final engineering of each of these components is completed and in a manner that does not conflict with National Electrical Safety Code identified Siting Standards for Transmission Lines Condition 3.</p>
<p>GEN-SS-02</p>	<p>Structural Standard Condition 3: The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. [Mandatory Condition OAR 345-025-0006(12)]</p>
<p>GEN-SS-03</p>	<p>Structural Standard Condition 4: The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries</p>

	and the Building Codes Division to propose and implement corrective or mitigation actions. [Mandatory Condition OAR 345-025-0006(13)]
GEN-SS-04	Structural Standard Condition 5: The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions. [Mandatory Condition OAR 345-025-0006(14)]
STANDARD: SOIL PROTECTION (SP) [OAR 345-022-0022]	
GEN-SP-01	Soil Protection Condition 1: : The certificate holder shall: a. Prior to construction of the facility, submit to the Department a final copy of an ODEQ-issued NPDES 1200-C General Construction Permit, including the final Erosion Sediment Control Plan (ESCP). The protective measures described in the 1200-C Permit Application and ESCP as provided in Attachment I-3 of the Final Order on the ASC, shall be included in the final ESCP. b. During construction of the facility, the certificate holder shall conduct all work in compliance with the NPDES 1200-C General Construction Permit and ESCP.
GEN-SP-02	Soil Protection Condition 2: The certificate holder shall: a. Prior to construction of the facility, submit to the Department a final copy of a Construction Spill Prevention Control and Countermeasures Plan (SPCC Plan). The protective measures described in the draft Construction SPCC Plan, as provided in Attachment G-4 of the Final Order on the ASC, shall be included in the final SPCC Plan, unless otherwise approved by the Department. b. During construction of the facility, the certificate holder shall conduct all work in compliance with the final SPCC Plan.
GEN-SP-03	Soil Protection Condition 3: Prior to operation, if the certificate holder is required by DEQ statutes or rules to implement a SPCC Plan for operation of the facility, the certificate holder shall submit to the Department a copy of a DEQ-approved operation-related SPCC Plan. The certificate holder shall maintain compliance with the operation-related SPCC Plan during operations at the Longhorn Station.
GEN-SP-04	Soil Protection Condition 4: a. Prior to construction, <u>in accordance with the OAR 345-025-0016 agency consultation process outlined in the draft Framework Blasting Plan (attachment G-5 of the Final Order on the ASC)</u> the certificate holder shall finalize, and submit to the Department for approval, a final Blasting Plan. The protective measures described in the draft Blasting Plan in Attachment G-5 attached to the Final Order on the ASC, shall be included as part of the final Blasting Plan, unless otherwise approved by the Department. The final Blasting Plan shall meet <u>all applicable federal, state and local</u> the requirements of the Oregon State Police and the

	<p>Oregon Office of State Fire Marshal related<u>ing</u> to the transportation, storage, and use of explosives.</p> <p>b. <u>During construction</u>, the certificate holder shall conduct all work in compliance with the final Blasting Plan approved by the Department</p>
OPR-SP-01	<p>Soil Protection Condition 5: During operation, the certificate holder shall inspect the facility components for soil impacts as part of the certificate holder’s regular transmission line inspection process and shall implement corrective action and mitigation measures, if necessary.</p>
<p>STANDARD: LAND USE (LU) [OAR 345-022-0030]</p>	
GEN-LU-01	<p>Land Use Condition 1: : For facility components in Morrow County, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction of any phase or segment of the facility, provide to the Department a copy of the following Morrow County approved permits, if such permits are required by Morrow County zoning ordinances: <ul style="list-style-type: none"> i. <u>Zoning permit for facility components to be located in General Industrial (MG) and Port Industrial Zones.</u> ii. Flood plain development permit, for work in the Flood Plain Overlay Zone; iii. Utility crossing permit; iv. Access approach site permit; and v. Construction permit to build on right-of-way. b. Prior to construction of a stream crossing at, or substantial road modification adjacent to, a Goal 5 stream including Sand Hollow Creek, Little Butter Creek, Butter Creek, and Matlock Creek, consult with ODFW on construction methods, measures to minimize riparian impacts, and measures to evaluate and monitor riparian impacts in order to demonstrate maintenance of 75 percent of vegetation layers or stratas within the defined riparian zone. Consultation with DEQ and Morrow County Soil Conservation Services shall be completed if determined by the certificate holder, the Department, or ODFW to be necessary based on extent of potential water and erosion impacts. (MCZO Section 3.200(D)). c. During construction, the certificate holder shall comply with <u>the</u> conditions of permits <u>and consultation requirements</u> listed in (a) and (b), <u>and if applicable, (d).</u> d. During construction, if the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the Department a copy of those additional permits. e. Prior to construction of any phase or segment of the facility, the certificate holder shall provide to the Morrow County Weed Supervisor a list of the suppliers that will be supplying the aggregate used in construction in Morrow County. The certificate holder shall ensure that said suppliers provide the Morrow County Weed Supervisor reasonable access to the aggregate sites for inspection for weeds.
GEN-LU-02	<p>Land Use Condition 2: For facility components in Morrow County, the certificate holder shall design the facility to comply with the following setback distances</p>

	<p>and other requirements:</p> <p><u>Significant Resource Overlay Zone (MCZO Section 3.200(D)(3)(b))</u></p> <p>a. Buildings and the fixed bases of the transmission line towers shall be setback at least 100 feet from the high-water mark of all Goal 5 streams (i.e. Sand Hollow Creek, Little Butter Creek, Butter Creek and Matlock Canyon Creek).</p> <p><u>Sand Hollow Flood Plain Overlay Zone (MCZO Section 3.100(5.1-1))</u></p> <p>b. Buildings and structures located within the multi-use area shall not be located within the Sand Hollow Flood Plain Overlay Zone (see ASC Exhibit K Figure K-21) unless anchored to prevent flotation, collapse or lateral movement of the structure.</p> <p><u>In the EFU Zone (Based solely on certificate holder representations in the ASC)</u></p> <p>c. Buildings and the fixed bases of the transmission line towers shall be setback as follows:</p> <p>i. Front yards shall be set back at least 20 feet from minor collector road rights-of-way, 30 feet from major collector road rights-of-way, 80 feet from arterial road rights-of-way, and 100 feet from intensive agricultural uses;</p> <p>ii. Side yards shall be set back at least 20 feet from the property line, 30 feet for corner lots, and 100 feet from intensive agricultural uses; and</p> <p>iii. Rear yards shall be set back at least 25 feet from the property line, and 100 feet from intensive agricultural uses.</p> <p>d. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams and lakes.</p> <p><u>In the General Industrial Zone (MCZO Section 3.070(D))</u></p> <p>e. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from arterial road rights-of-way, 30 feet from collector road rights-of-way, and 20 feet from lower-class road rights-of-way.</p> <p><u>In the Port Industrial Zone (MCZO Section 3.073(D))</u></p> <p>f. Buildings associated with the Longhorn Station and multi-use area, and the fixed bases of the transmission line towers shall be setback as follows:</p> <p>i. Front yards shall be set back at least 30 feet from the property line; buildings and structures shall be setback at least 90 feet from the centerline of any public, county, or state road;</p> <p>ii. Rear and side yards shall be set back at least 10 feet from the property line.</p>
<p>GEN-LU-03</p>	<p>Land Use Condition 3: For facility components in Umatilla County, the certificate holder shall:</p> <p>a. Prior to construction of any phase or segment of the facility, provide to the Department a copy of the following Umatilla-County issued permits:</p> <p>i. Zoning Permit for <u>each tax lot crossed by</u> facility components evaluated as a Utility Facility Necessary for Public Service (UCDC 152.059) including transmission line, new roads, substantially modified roads, multi-use areas (including batch plant and helipads), and communication stations in EFU-zoned land.</p>

	<p>ii. Installation of Utilities on County and Public Roads Permit.</p> <p>iii.—Road Approach and Crossing Permits <u>as determined necessary by County Public Works Department.</u> ; and</p> <p>b. <u>Flood Plain Development Permit.</u></p> <p>e.b. If after construction commencement the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the Department a copy of those additional permits.</p> <p>d.c. Prior to construction, provide to the Department and Umatilla County a copy of the ODEQ issued Air Contaminant Discharge or General Permit for the mobile batch plant.</p> <p>e.d. During construction, the certificate holder shall comply with all condition requirements of permits identified under (a), (b), and (c) of this condition.</p>
<p>PRE-LU-01</p>	<p>Land Use Condition 4: Prior to construction of any phase or segment of facility components in Umatilla County, the certificate holder shall work with the Public Works Department on building standards for the road improvements and construction, <u>and for any roads constructed in forest lands in Umatilla County, the certificate holder</u> and will ensure road construction is consistent with the Oregon Forest Practices Act.</p>
<p>GEN-LU-04</p>	<p>Land Use Condition 5: For facility components located in Umatilla County, the certificate holder shall design the facility to comply with the following setback distances and other requirements:</p> <p><u>In All Zones:</u></p> <p>a. Buildings, the fixed bases of transmission line towers, and new access roads shall be set back from Class I streams at least 25-feet or one-half the stream width, whichever is greater.</p> <p>b. Permanent vegetation removal within the riparian zone of all Class I streams shall retain 75% of all layers or stratas of vegetation.</p> <p>c. Within the transmission line right-of-way, a maximum of 25% of existing natural vegetation along streams, lakes, and wetlands may be removed, unless <u>removal of a greater quantity of vegetation is</u> necessary for reliability purposes.</p> <p>d. The certificate holder shall coordinate with the Oregon Department of Fish and Wildlife and Soil and Water Conservation District on minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands. Existing drainage ditches may be cleared to original specifications without review.</p> <p>e. Access points to multi-use areas and communication stations shall be limited to one every 200 feet.</p> <p>f. New roads that enter onto a public or county road or state or federal highway shall be constructed of at least similar if not the same material as the public or county road or state or federal highway, and the material shall extend at least 25 feet back from the edge of the existing travel lane surface.</p> <p><u>In the EFU Zone (Based solely on certificate holder representations in the ASC):</u></p>

	<p>g. Buildings shall be setback as follows: (i) at least 30 feet from the property line or private road easement boundary; or (ii) at least 60 feet from the center line of the road, highway, or private road easement, whichever is greater.</p> <p>h. Buildings and the fixed bases of the transmission line towers shall be set back at least 100 feet from the high-water mark of all streams, lakes, and wetlands.</p> <p>1. Parking lots shall be designed and operated as follows:</p> <ul style="list-style-type: none"> i. areas used for standing and maneuvering of vehicles at the multi-use areas will have paved surfaces maintained adequately for all weather use and will be drained as to avoid flow of water across public sidewalks; ii. parking spaces along the outer boundaries of any multi-use area parking lot will be contained by a curb at least four inches high and set back a minimum of four and one-half feet from the property line, or by a bumper rail; and iii. artificial lighting, if provided, will not create or reflect glare in a residential zone or on any adjacent dwelling. <p><u>In the LI zone:</u></p> <p>j. The temporary multi-use area shall include visibility-obscuring fencing or shall setback the fence or limit areas of activity a minimum of 500 feet from adjacent public roads.</p> <p>k. The temporary multi-use area shall be designed to comply with front, side, and rear yard setbacks of 20 feet.</p> <p><u>In the RTC Zone:</u></p> <p>l. The temporary multi-use area shall include a visibility-obscuring fencing as necessary to limit views of the area by travelling public and from surrounding properties.</p>
<p>GEN-LU-05</p>	<p>Land Use Condition 6: For facility components in Union County, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction of any phase or segment of the facility, provide to the Department a copy of the following Union County-approved permits, if such permits are required by Union County zoning ordinances: <ul style="list-style-type: none"> 1. Flood plain development permit; 2. Road approach permit; and 3. Work in county right-of-way permit. b. During construction, the certificate holder shall comply with conditions of permits listed in (a) and (c). c. During construction, if the certificate holder determines additional County-approved permits are required, the certificate holder shall provide to the Department a copy of those additional permits.
<p>GEN-LU-06</p>	<p>Land Use Condition 7: During construction of any phase or segment of the facility in Union County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:</p>

	<p><u>In All Zones:</u></p> <ul style="list-style-type: none"> a. Buildings, the fixed bases of transmission line towers, and new access roads shall be set back from Class I streams at least 25-feet or one-half the stream width, whichever is greater. b. Permanent vegetation removal within the riparian zone of all Class I streams shall retain 75% of all layers or stratas of vegetation. <p><u>In the EFU Zone (Based solely on certificate holder representations in the ASC):</u></p> <ul style="list-style-type: none"> c. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and rear yards shall be set back at least 10 feet from property lines and road rights-of-way. d. A clear-vision area shall be maintained on the corners of all multi-use area properties at the intersection of two or more streets or a street and a railroad as follows: (i) the clear-vision area shall consist of a triangular area with the two lot lines measuring a distance of 30 feet or at an intersection involving an alley of 10 feet; and (ii) the clear-vision area shall not contain any planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, except for trees with branches removed to a height of 8 feet. e. Concrete batch plants shall not be located within 2 miles of a vineyard totaling at least 40 acres and which was planted as of February 27, 2013. <p><u>In the Agricultural Grazing Zone:</u></p> <ul style="list-style-type: none"> f. Buildings shall be setback as follows: (i) front yards shall be set back at least 20 feet from property lines and road rights-of-way; and (i) rear yards shall be set back at least 10 feet from property lines and road rights-of-way. g. All signage shall comply with the provisions of UCZPSO 3.08. <p><u>In the Timber-Grazing Zone:</u></p> <ul style="list-style-type: none"> h. Buildings shall be setback as follows: (i) front and rear yards shall be set back at least 20 feet from property lines and road rights-of-way; (ii) and side yards shall be set back at least 10 feet from property lines and road rights-of-way. i. All signage shall comply with the provision of UCZPSO 5.08.
<p>PRE-LU-02</p>	<p>Land Use Condition 8: Prior to construction of any phase or segment of the facility in Baker County, the certificate holder shall provide to the Baker County Planning Department a list of the suppliers that will be supplying the aggregate used in construction in Baker County along with a copy of the suppliers’ land use permits.</p>
<p>GEN-LU-07</p>	<p>Land Use Condition 9: For facility components in Baker County, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction in Baker County, the certificate holder shall provide to the department a copy of the following Baker County-approved permits, if such permits are required by Baker County ordinances: <ul style="list-style-type: none"> i. Flood plain development permit; ii. Road approach permit; and iii. Work in county right-of-way permit. b. If after commencement of construction the certificate holder determines additional County-approved permits are required, the certificate holder shall

	<p>provide to the department a copy of those additional permits.</p> <p>c. During construction, the certificate holder shall comply with conditions of permits listed in (a) and (b).</p>
GEN-LU-08	<p>Land Use Condition 10: During construction in Baker County, the certificate holder shall construct the facility to comply with the following setback distances and other requirements:</p> <p><u>In the EFU Zone (Based solely on certificate holder representations in the ASC):</u></p> <ul style="list-style-type: none"> a. Buildings shall be setback as follows: front yards shall be set back at least 20 feet from property lines and road rights-of-way. b. Buildings and the fixed bases of transmission line towers shall be set back at least 60 feet from the center line of a road or street or 30 feet from any right-of-way in excess of 60 feet. c. Buildings and the fixed bases of transmission line towers shall be set back at least 10 feet from property lines. d. Buildings and the fixed bases of the transmission line towers shall be set back at least 50 feet from the high-water mark of naturally-occurring riparian area, bog, marsh, or waterway.
PRE-LU-03	<p>Land Use Condition 11: For facility components in Malheur County, prior to construction of any phase or segment of facility components, the certificate holder shall:</p> <ul style="list-style-type: none"> a. <u>Obtain one zoning permit for development of facility components in both the EFU and EUR zone, and one zoning permit for development of facility components in the Heavy Industrial (C-12) zone; copies of zoning permits shall be provided to the Department.</u> b. <u>Provide to the Department a copy of a Malheur County-approved Flood plain development permits for each location where development would occur within a regulatory floodplain.</u> a-c. If after construction commencement, the certificate holder determines additional County-approved permits are required, the certificate holder shall provide a copy of those permits to the Department.
GEN-LU-09	<p>Land Use Condition 12: For facility components in Malheur County, the certificate holder shall design the facility to comply with the following setback distances and other requirements:</p> <p><u>In the EFU and ERU Zones (Based solely on certificate holder representations in the ASC):</u></p> <ul style="list-style-type: none"> b-d. Buildings shall be setback as follows: <ul style="list-style-type: none"> i. at least 40 feet from a street or road right-of-way; and ii. at least <u>125</u> feet from any other property line. e-e. No sight obscuring fence exceeding three feet in height shall be placed within the 40-foot street setback, also within this setback shrubbery other than trees shall be maintained at heights not exceeding three feet.
GEN-LU-10	<p>Land Use Condition 13: For the multi-use area in City of North Powder, the</p>

	<p>certificate holder shall design the site to comply with the following setback distance and other requirements:</p> <p>In the Commercial Interchange Zone</p> <ul style="list-style-type: none"> a. All signs shall comply with NPZO 4.04(B) development standards (ASC Exhibit K p. K-275) b. Based solely on certificate holder representations in ASC, buildings shall not exceed 45 feet in height and shall be setback per NPZO Section 4.03 (ASC Exhibit K p. K-277): <ul style="list-style-type: none"> i. Front yards shall be set back at least 30 feet from property lines; ii. Side yards shall be setback at least 20 feet from a Residential Zone, street, or corner lot; and iii. Rear yards shall be set back at least 20 feet from a Residential Zone.
<p>GEN-LU-11</p>	<p>Land Use Condition 14: The certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction of any phase or segment of the facility, the certificate in accordance with the OAR 345-025-0016 agency consultation process outlined in the draft Agriculture Assessment and Mitigation Plan (Attachment K-1 of the Final Order on the ASC), holder submit to the Department a final Agricultural Assessment and Mitigation Plan (based on the draft plan included as Attachment K-1 of the Final Order on the ASC) for review and approval, in consultation with Morrow, Umatilla, Union, Baker and Malheur counties. b. During construction <u>and operation</u> of any phase or segment of the facility, the certificate holder shall implement the <u>Agriculture Mitigation Plan as finalized per sub(a) of this condition</u> mitigation, monitoring and reporting measures as detailed in the final Agricultural Assessment and Mitigation Plan. c. <u>During operation, implement a post-construction monitoring plan to identify any remaining soil and agricultural impacts associated with construction that require additional restoration or mitigation, in accordance with Section 7.0 of the Agriculture Mitigation Plan, Attachment K-1 pf the Final Order on the ASC.</u>
<p>GEN-LU-12</p>	<p>Land Use Condition 15: The certificate holder shall limit its transmission line right-of-way in Goal 4 forest lands to no wider than 300 feet.</p> <ul style="list-style-type: none"> a. During construction, the certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities. b. During operation, the certificate holder shall limit its use of the portion of the transmission line right-of-way located beyond the center 100 feet to vegetation maintenance activities.
<p>GEN-LU-13</p>	<p>Land Use Condition 16: The certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction, <u>in accordance with the OAR 345-025-0016 agency consultation process outlined in the draft Right-of-Way Clearing Assessment (Attachment K-2 of the Final Order on the ASC),</u> finalize and submit to the Department for its approval, a final Right-of-Way Clearing Assessment. The protective measures described in the draft Right-of-Way Clearing Assessment in Attachment K-2 of the Final Order on ASC shall be included and implemented

	<p>as part of the final Right-of-Way Clearing Assessment, unless otherwise approved by the Department.</p> <p>b. During construction, the certificate holder shall conduct all work in compliance with the final Right-of-Way Clearing Assessment.</p>
CON-LU-01	<p>Land Use Condition 17: <u>Within 90-days of construction within Union County, if the Morgan Lake alternative route segment is selected at final facility design, the certificate holder shall provide the Department a copy of the Memorandum of Agreement, if executed, between the City of La Grande and certificate holder for improvements at Morgan Lake Park.</u></p>
STANDARD: PROTECTED AREA (PA) [OAR 345-022-0040]	
GEN-PA-01	<p>Protected Areas Condition 1: During design and construction of the facility, if the proposed facility route is selected, the certificate holder must:</p> <p>a. Coordinate construction activities in Ladd Marsh Wildlife Area with the Wildlife Area manager.</p> <p>b. Provide evidence to ODFW <u>of a determination of eligibility and findings of effect pursuant to that the certificate holder has received</u> Section 106 NRHP compliance for the proposed facility and, including the final HPMP for the portion of the facility that would cross Ladd Marsh Wildlife Area <u>subject to confidential material submission materials.</u></p>
GEN-PA-02	<p>Protected Areas Condition 2: During design and construction of the facility, if the Morgan Lake alternative route is selected, the certificate holder shall ensure that facility components are not sited within the boundary of the Ladd Marsh Wildlife Area. The certificate holder shall provide to the Department a final design map for Union County demonstrating that the site boundary and facility components are located outside of the protected area boundary.</p>
STANDARD: RETIREMENT AND FINANCIAL ASSURANCE (RT) [OAR 345-022-0050]	
GEN-RT-01	<p>Retirement and Financial Assurance Condition 1: The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. [Mandatory Condition OAR 345-025-0006(7)]</p>
RET-RT-01	<p>Retirement and Financial Assurance Condition 2: The certificate holder must retire the facility in accordance with a retirement plan approved by the Council if the certificate holder permanently ceases construction or operation of the facility. The retirement plan must describe the activities necessary to restore the site to a useful, nonhazardous condition, as described in OAR 345-027-0110(5). After Council approval of the plan, the certificate holder must obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration of the site. [Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RT-02	<p>Retirement and Financial Assurance Condition 3: The certificate holder is obligated to retire the facility upon permanent cessation of construction or operation. If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement</p>

	<p>plan approved by the Council, as described in OAR 345-027-0110, the Council must notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the department to prepare a proposed final retirement plan for the Council’s approval.</p> <p>Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-025-0006(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder must pay any additional cost necessary to restore the site to a useful, nonhazardous condition. After completion of site restoration, the Council must issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.</p> <p>[Mandatory Condition OAR 345-025-0006(16)]</p>
<p>PRE-RT-01</p>	<p>Retirement and Financial Assurance Condition 4: Consistent with Mandatory Condition OAR 345-025-0006(8), before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. During the construction phase (defined as the period of time from the beginning of construction as defined in ORS 469.300(6) to the date when the facility is placed in service), the certificate holder shall adjust the amount of the bond or letter of credit on a quarterly basis, as follows:</p> <ol style="list-style-type: none"> a. The amount of the bond or letter of credit will be increased on a quarterly basis to correspond with the progress of the construction of the facility at the beginning of each quarter. The amount of the bond or letter of credit at the beginning of any such quarterly period will be equal to the product of (i) the estimated total decommissioning cost for the facility, adjusted for inflation, as specified in section (c) of this condition; and (ii) a fraction, the numerator of which is the number of quarters that have passed since commencement of construction, and the denominator of which will be the number of quarters during which the certificate holder must complete the construction phase; provided that in all cases the number resulting from the calculation shall not exceed 1.0. b. The certificate holder and the Department shall assume a four-year construction phase comprising sixteen quarterly periods. Therefore, for the first quarter of the construction phase, the bond or letter of credit will be maintained in an amount equal to one-sixteenth (1/16) of the total estimated decommissioning cost specified in section (c) of this condition. At the end of the first year of construction—i.e., four quarters—the amount of the bond or letter of credit will be equal to four-sixteenths (4/16) of the total estimated decommissioning costs. c. The estimated total decommissioning cost for the facility is \$140,779,000 (3rd

	<p>Quarter 2016 dollars), to be adjusted to the date of issuance of the bond or letter of credit, and on a quarterly basis thereafter during the construction phase. For the purposes of calculating the bond or letter of credit amount required by section (a) of this condition, the certificate holder shall adjust the estimated total decommissioning cost using the following calculation:</p> <ul style="list-style-type: none"> i. Adjust the estimated decommissioning cost to correspond with the progress of the construction of the facility at the beginning of each quarter, based on the unit costs identified in Tab 01 of Attachment W-1 of the Final Order on the ASC. ii. Adjust the estimated total decommissioning cost (expressed in Q3 2016 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services’ “Oregon Economic and Revenue Forecast” or by any successor agency and using the third quarter 2016 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2016 dollars to present value. iii. Round the result total to the nearest \$1,000 to determine the inflated-adjusted estimated total decommissioning cost. <ul style="list-style-type: none"> d. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council. e. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080(1)(b). The bond or letter of credit shall not be subject to revocation or reduction before the facility has been placed in service, at which time the certificate holder must provide the bond or letter of credit specified in Retirement and Financial Assurance Condition 5. f. The amount of the bond or letter of credit may be amended from time to time by agreement of the certificate holder and the Department to account for adjustments in the construction schedule. Subject to Department approval, the certificate holder may request an adjustment of the bond or letter of credit amount based on final design configuration of the facility by applying the unit costs presented in the Attachment W-1 of the Final Order on the ASC, <i>Facilities Removal and Site Restoration Cost Estimate</i>. Such adjustments may be made without amendment to the site certificate. The Council authorizes the Department to agree to these adjustments in accordance with this condition.
<p>OPR-RT-01</p>	<p>Retirement and Financial Assurance Condition 5: Consistent with Mandatory Condition OAR 345-025-0006(8), no later than the date the facility is placed in service (the In-Service Date), the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The certificate holder shall maintain a bond or letter of credit as follows:</p>

- a. From the In-Service Date until In-Service Year 51, the amount of bond or letter of credit shall be \$1.00.
- b. On the 50th anniversary of the In-Service Date, the certificate holder shall begin maintaining a bond or letter of credit in an amount that will increase on an annual basis for the next 50 years. In year 51, the amount of the bond or letter of credit will be set at one-fiftieth (1/50) of the total estimated decommissioning costs, adjusted for inflation, as specified in section (d) of this condition. Each year, through the 100th year of service, the bond or letter of credit shall be increased by one-fiftieth (1/50) of the estimated decommissioning costs. Once the bond or letter of credit is in an amount equal to 100 percent of decommissioning costs, it will remain at that level for the life of the facility.
- c. On the fifth anniversary of the In-Service Date, and on each subsequent quinquennial thereafter, the certificate holder shall notify the Department 60 days prior and report to the Council in writing or in-person on the following subjects: (i) the physical condition of the facility; (ii) any evolving transmission or electrical technologies that could impact the continued viability of the facility; (iii) the facility's performance in the context of the larger power grid; and (iv) the certificate holder's general financial condition, including the certificate holder's credit rating at that time. The Department shall review the 5-year report and may engage its consultant in the review of the 5-year report. The Department may also include other information in its evaluation of the 5 year-report, including but not limited to; expertise of other reviewing agencies and internal Department staff, consultation with industry experts, and other consulting parties. The certificate holder shall be responsible for all costs associated with review of the 5-year report, in accordance with applicable rules and statutes. Based on the information provided in the 5-year report, and the Department's review and recommendations in such reports, the Council will consider whether the certificate holder should be required to post a bond or letter of credit that varies from the financial assurance requirements set forth in sections (a) and (b) of this condition. The certificate holder shall be subject to Council's determination. The Council's determination may include extending the date on which the certificate holder would be required to begin posting the financial assurances set forth in section (b) of this condition.
- d. The estimated total decommissioning cost for the facility is \$140,779,000 (3rd Quarter 2016 dollars), to be adjusted to the date of issuance of the bond or letter of credit in In-Service Year 51, and on an annual basis thereafter. Subject to Department approval, the certificate holder may request an adjustment of the bond or letter of credit amount based on final design configuration of the facility by applying the unit costs presented in, Attachment W-1 of the Final Order on the ASC, *Facilities Removal and Site Restoration Cost Estimate*. Such adjustments may be made without amendment to the site certificate. The Council authorizes the Department to agree to these adjustments in accordance with this condition.

The certificate holder shall adjust the decommissioning cost for inflation using the following calculation:

- i. Adjust the estimated total decommissioning cost (expressed in Q3 2016 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency and using the third quarter 2016 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust third quarter 2016 dollars to present value.
- ii. Round the result total to the nearest \$1,000 to determine the inflated-adjusted estimated total decommissioning cost.
- e. The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
- f. The certificate holder shall use a form of bond or letter of credit approved by the Council. The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under OAR 345-026-0080(1)(b). The certificate holder shall maintain a bond or letter of credit in effect at all times as described in this condition and Retirement and Financial Assurance Condition 4 until the facility has been retired.

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

GEN-FW-01

Fish and Wildlife Condition 1: The certificate holder shall:

- a. Prior to construction of a phase or segment of the facility, finalize, in accordance with the OAR 345-025-0016 agency consultation process outlined in the draft Reclamation and Revegetation Plan (Attachment P1-3 of the Final Order on the ASC), and submit to the Department for its approval, in coordination with ODFW, a final Reclamation and Revegetation Plan for that phase or segment of the facility to be constructed. The protective measures described in the draft Reclamation and Revegetation Plan in Attachment P1-3 of the Final Order on the ASC shall be included and implemented as part of the final Reclamation and Revegetation Plan, unless otherwise approved by the Department. Components of the plan to be finalized are as follows. All components can be specific to the phase or segment of the facility to be constructed:
 - i. Habitat (type/subtype) and disturbance impact (acres) assessment based on final facility design and layout and preconstruction field verification of disturbance areas.
 - ii. Identification and mapping of reclamation treatment and control monitoring sites per habitat type.
 - iii. Identification and mapping of transect size and quantity, based on size of disturbance areas, to be paired with treatment and control monitoring sites per habitat type.

	<ul style="list-style-type: none"> iv. <u>Collection of preconstruction qualitative and quantitative data at treatment and control monitoring sites.</u> v. <u>Development of site-specific data analysis protocol for photographs and a standardized data-recording form.</u> vi. <u>Identification, and confirmation of availability, of appropriate seed mixes per impacted habitat type</u> <p>b. During<u>Post</u>-construction <u>of a phase or segment of the facility</u>, the certificate holder shall conduct all work in compliance with the final Reclamation and Revegetation Plan referenced in sub(a) of this condition.</p>
<p>GEN-FW-02</p>	<p>Fish and Wildlife Condition 2: The certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction <u>of a phase or segment of the facility, in accordance with the OAR 345-025-0016 agency consultation process outlined in the draft Vegetation Management Plan (Attachment P1-4 of the Final Order on the ASC),</u> finalize and submit to the Department for its approval, in consultation with ODFW, a final Vegetation Management Plan. The protective measures described in the draft Vegetation Management Plan in Attachment P1-4 of the Final Order on the ASC, shall be included and implemented as part of the final Vegetation Management Plan, unless otherwise approved by the Department. b. During construction, the certificate holder shall conduct all work in compliance with the final Vegetation Management Plan referenced in sub(a) of this condition. c. During operation, the certificate holder shall conduct all work in compliance with the final Vegetation Management Plan referenced in sub(a) of this condition.
<p>GEN-FW-03</p>	<p>Fish and Wildlife Condition 3: The certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction <u>of a phase or segment of the facility, in accordance with the OAR 345-025-0016 agency consultation process outlined in the draft Noxious Weed Plan(s) (Attachment P1-5 of the Final Order on the ASC),</u> finalize, and submit to the Department for its approval, a final Noxious Weed Plan. The protective measures as described in the draft Noxious Weed Plan provided as Attachment P1-5 to the Final Order on the ASC, shall be included and implemented as part of the final Noxious Weed Plan, unless otherwise approved by the Department. b. During operation, the certificate holder shall conduct all work in compliance with the final Noxious Weed Plan referenced in sub(a) of the condition.
<p>GEN-FW-04</p>	<p>Fish and Wildlife Condition 4: The certificate holder shall:</p> <ul style="list-style-type: none"> a. Prior to construction of any phase or segment of the facility, finalize, and submit to the Department for its approval, a final Fish and Wildlife Habitat Mitigation Plan, based on the plan provided as Attachment P-6 of the Final Order on the ASC. The final Fish and Wildlife Habitat Mitigation Plan shall include the following, unless otherwise approved by the Department: <u>Information To Be Included in Final Habitat Mitigation Plan, based on the phase or segment of the facility to be constructed:</u>

- i. The areas that were surveyed for biological resources;
- ii. The location of all facility components and related and supporting facilities;
- iii. The areas that will be permanently and temporarily disturbed during construction;
- iv. The protective measures described in the draft Fish and Wildlife Habitat Mitigation Plan in Attachment P-6 of the Final Order on the ASC; and
- v. The results of the biological surveys referenced in Fish and Wildlife Conditions 14, 15 and 16.

Final Habitat Mitigation Plan Shall Address the Following: The final Fish and Wildlife Habitat Mitigation Plan shall address the potential habitat impacts through mitigation banking, an in-lieu fee program, development of mitigation projects by the certificate holder, or a combination of the same.

- i. To the extent the certificate holder shall develop its own mitigation projects, the final Habitat Mitigation Plan shall:
 - 1. Identify the location of each mitigation site, including a map of the same;
 - 2. Identify the number of credit-acres that each mitigation site will provide for the certificate holder;
 - 3. Include a site-specific mitigation management plan for each mitigation site that provides for:
 - A. A baseline ecological assessment;
 - B. Conservation actions to be implemented at the site;
 - C. An implementation schedule for the baseline ecological assessment and conservation actions;
 - D. Performance measures;
 - E. A reporting plan; and
 - F. A monitoring plan.
- ii. To the extent the certificate holder shall utilize a mitigation bank or in-lieu fee program, the final Habitat Mitigation Plan shall:
 - 1. Describe the nature, extent, and history of the mitigation bank or in-lieu fee program; and
 - 2. Identify the number of credit-acres that each mitigation site will provide for the certificate holder.
- iii. Oregon's Elk Mitigation Framework shall be used to calculate the amount of elk habitat compensatory mitigation required for the facility.
- iv. The final Fish and Wildlife Habitat Mitigation Plan may be amended from time to time by agreement of the certificate holder and the Department. Such amendments may be made without amendment to the site certificate. The Council authorizes the Department to agree to amendments of the plan and to mitigation actions that may be required under the plan; however, the Council retains the authority to approve, reject, or modify any amendment of the plan agreed to by the

	<p>Department.</p> <p>b. During construction, the certificate holder shall commence implementation of the conservation actions set forth in the final Fish and Wildlife Habitat Mitigation Plan referenced in sub(a) of this condition.</p>
OPR-FW-01	<p>Fish and Wildlife Condition 5: During the third year of operation, the certificate holder shall provide to the Department a report demonstrating that fish and wildlife habitat mitigation is commensurate with the final compensatory mitigation calculations.</p> <p>a. The final calculations shall be based on the as-constructed facility.</p> <p>b. Oregon’s Elk Mitigation Framework shall be used to calculate the amount of elk habitat compensatory mitigation required for the facility, and the information from the pre- and post-construction traffic studies, <u>as required by Fish and Wildlife Conditions 21 and 22</u>, shall be used in the calculation.</p>
PRE-FW-01	<p>Fish and Wildlife Condition 6: Prior to construction of <u>the facility</u>, the certificate holder shall train all construction personnel on the protection of cultural, paleontological, ecological, and other natural resources such as (a) federal and state laws regarding antiquities, paleontological resources, and plants and wildlife, including collection and removal; (b) the importance of these resources; (c) the purpose and necessity of protecting them; and (d) reporting and procedures for stop work. Prior to the training, the certificate holder must provide the Department with a copy of training materials that will be used such as Power Point slides, information hand-outs, maps, and other materials.</p>
PRE-FW-02	<p>Fish and Wildlife Condition 7: Prior to and during construction, the certificate holder shall flag the following environmentally sensitive areas as restricted work zones:</p> <p>a. State protected plant species;</p> <p>b. Wetlands and waterways that are not authorized for construction impacts;</p> <p>c. Areas with active spatial and seasonal restrictions; and</p> <p>d. Category 1 habitat.</p> <p><u>Prior to construction of a phase or segment of the facility,</u> The certificate holder shall submit a mapset showing the location of environmentally sensitive areas and restricted work zones to the department for its approval. The certificate holder shall make the mapset available to all construction personnel.</p>
CON-FW-01	<p>Fish and Wildlife Condition 8: During construction and operation, the certificate holder shall employ a speed limit of 25 miles per hour or less on private facility access roads.</p>
OPR-FW-02	<p>Fish and Wildlife Condition 9: During operation, the certificate holder shall employ access control on facility access roads within elk habitat (elk summer range and elk winter range) and sage-grouse habitat (areas of high population richness, core area habitat, low density habitat, or general habitat), subject to approval by the applicable land-management agency or landowner.</p>
GEN-FW-05	<p>Fish and Wildlife Condition 10: During construction, <u>T</u>he certificate holder shall construct the transmission line to avian-safe design standards, consistent with the certificate holder’s Avian Protection Plan (Idaho Power 2015) <u>as provided in</u></p>

	<u>Attachment P1-9 of the Final Order on the ASC. Within 30-day of identification of an avian fatality within the site boundary, where predicted causal factor is electrocution or collision, the certificate holder shall report the species name and location identified (Milepost) and shall consult with ODFW and the Department on retrofit technologies or other adaptive management strategy to minimize fatality risk.</u>
CON-FW-02	Fish and Wildlife Condition 11: During construction, the certificate holder shall not conduct ground-disturbing activities within elk or mule deer winter range between December 1 to March 31. Upon request by the certificate holder, the Department in consultation with ODFW may provide exceptions to this restriction. The certificate holder's request must include a justification for the request, including any actions the certificate holder will take to avoid, minimize, or mitigate impacts to elk and mule deer in the relevant area.
CON-FW-03	Fish and Wildlife Condition 12: During construction, if active pygmy rabbit colonies or the roost of a State Sensitive bat species is observed during the biological surveys set forth in Fish and Wildlife Conditions 14, 15 and 16, the certificate holder shall submit to the Department for its approval a notification addressing the following: <ul style="list-style-type: none"> a. Identification of the State Sensitive bat species observed; b. Location of pygmy rabbit colony or bat roost; and c. Any actions the certificate holder will take to avoid, minimize, or mitigate impacts to pygmy rabbit colony or bat roost. d. The Department in consultation with the Oregon Department of Fish and Wildlife (ODFW) will review and approve the proposed avoidance, minimization, or mitigation measures prior to the action by the certificate holder to impact State Sensitive bat species roosts or hibernacula.
CON-FW-04	Fish and Wildlife Condition 13: During construction, if the certificate holder will be conducting ground-disturbing activities during the migratory bird nesting season between April 1 and July 15, the certificate holder shall conduct, as applicable, biological surveys for native, non-raptor bird species nests on all portions of the site boundary a maximum of 7 days prior to ground-disturbing activities, regardless of whether those portions have been previously surveyed. If the certificate holder identifies a native, non-raptor bird species nest, the certificate holder shall submit to the Department for its approval a notification addressing the following: <ul style="list-style-type: none"> a. Identification of the native, non-raptor species observed; b. Location of the nest; and c. Any actions the certificate holder will take to avoid, minimize, or mitigate impacts to the nest.
CON-FW-05	Fish and Wildlife Condition 14: During construction, the certificate holder shall not conduct ground-disturbing activities within the following timeframes and spatial buffers surrounding occupied nests of certain raptor species. Upon request by the certificate holder, the Department in consultation with ODFW may provide exceptions to this restriction. The certificate holder's request must include a justification for the request, including any actions the certificate holder will take to

avoid, minimize, or mitigate impacts to the raptor and its nest.

Raptor Nest Buffers		
Nesting Species	Spatial Buffers (radius around nest site):	Temporal Restrictions
Bald eagle	0.5 mile	January 1 to August 15
Golden eagle	0.5 mile	February 1 to August 15
Ferruginous hawk	0.50 mile	March 15 to August 15
Flammulated owl	0.25 mile	March 1 to August 15
Great gray owl	0.25 mile	March 1 to August 15
Northern goshawk	0.5 mile	May 1 to August 15
Peregrine falcon	0.25 mile	January 1 to July 1
Prairie falcon	0.25 mile	March 15 to July 1
Red-tailed hawk	300 to 500 feet	March 1 to August 15
Swainson's hawk	0.25 mile	April 1 to August 15
Western burrowing owl	0.25 mile	April 1 to August 15

PRE-FW-03

Fish and Wildlife Condition 15: Prior to construction of a phase or segment of the facility, the certificate holder shall conduct, as applicable, the following biological surveys on those portions of the site boundary that have not been surveyed at the time of issuance of the site certificate, based on the survey protocols included in ASC Exhibit P Attachment P1-2 Revised Final Biological Survey Work Plan, unless otherwise approved by the Department in consultation with ODFW:

- a. Northern Goshawk;
- b. American Three-Toed Woodpecker;
- c. Great Gray Owl;
- d. Flammulated Owl;
- e. Terrestrial Visual Encounter Surveys;
- f. Wetlands; and
- g. Fish Presence and Crossing Assessment Surveys.

PRE-FW-04

Fish and Wildlife Condition 16: Prior to construction of a phase or segment of the facility, the certificate holder shall conduct, as applicable, the following biological surveys on all portions of the site boundary, regardless of whether those portions have been surveyed at the time of issuance of the site certificate, based on the survey protocols included in ASC Exhibit P Attachment P1-2 Revised Final Biological Survey Work Plan, unless otherwise approved by the Department in consultation with ODFW:

- a. Washington ground squirrels;
- b. Raptor nests;
- c. Pygmy rabbits;
- ~~d.~~ State Sensitive bat species;
- ~~e.~~ State-listed Threatened and Endangered plants (in areas of known or anticipated occurrences)

	<p>e.f. Greater sage-grouse, as necessary for the State of Oregon to calculate the amount of sage-grouse habitat compensatory mitigation required for the facility using ingee Oregon’s Sage-Grouse Habitat Quantification Tool.</p>
<p>PRE-FW-05</p>	<p>Fish and Wildlife Condition 17: At least 90 days prior to construction of a facility phase or component in sage-grouse habitat as mapped by The Oregon Department of Fish and Wildlife (ODFW) at that time, unless otherwise agreed to by the Department, the certificate holder shall finalize, and submit to the Department for its approval, in consultation with ODFW, a final Sage-Grouse Habitat Mitigation Plan <u>for the phase or segment to be constructed</u>.</p> <ol style="list-style-type: none"> a. The certificate holder shall provide to the Department the information necessary for the State of Oregon to calculate the amount of sage-grouse habitat compensatory mitigation required for the facility using Oregon’s Sage-Grouse Habitat Quantification Tool <u>(HQT)</u>. b. The final Sage-Grouse Habitat Mitigation Plan shall address the potential sage-grouse habitat impacts through mitigation banking, an in-lieu fee program, development of mitigation projects by the certificate holder, or a combination of the same. <ol style="list-style-type: none"> i. To the extent the certificate holder develops its own mitigation projects, the final Sage-Grouse Habitat Mitigation Plan shall: <ol style="list-style-type: none"> 1. Identify the location of each mitigation site, including a map of the same; 2. Identify the number of credit-acres that each mitigation site will provide for the certificate holder, <u>including results of the HQT results for the site and mitigation actions</u>; 3. Include a site-specific mitigation management plan for each mitigation site that provides for: <ol style="list-style-type: none"> A. A baseline ecological assessment; B. Conservation actions to be implemented at the site; C. An implementation schedule for the baseline ecological assessment and conservation actions; <u>D. Performance measures and success criteria for mitigation actions</u>; <u>E. Adaptive management considerations for changes in habitat conditions or a results of catastrophic fire</u>; D.F. <u>Weed management plan</u>; E.G. <u>A reporting plan</u>; and <u>H. A monitoring plan</u>; and; F.I. <u>A description of how the durability of the mitigation site will be achieved, including but not limited to, any long-term stewardship plans and financial assurances</u>. ii. To the extent the site certificate utilizes a mitigation bank or in-lieu fee program, the final Sage-Grouse Habitat Mitigation Plan shall: <ol style="list-style-type: none"> 1. Describe the nature, extent, and history of the mitigation bank or in-lieu fee program; and

	<p><u>2.</u> Identify the number of credit-acres that each mitigation site will provide for the certificate holder, <u>and;</u></p> <p><u>2-3. Demonstrate that ODFW has approved the program to fulfill sage-grouse habitat mitigation requirements.</u></p> <p>iii. The final Sage-Grouse Habitat Mitigation Plan shall include compensatory mitigation sufficient to address <u>direct</u> impacts from, at a minimum, all facility components except indirect impacts from <u>existing</u> access roads <u>substantially modified for the facility (related or supporting facilities). For calculation purposes, new facility roads without access control will be assigned a “no-traffic” designation, and new roads with access control will be assigned a “low-traffic” designation.</u> As referenced in Fish and Wildlife Condition 19, the certificate holder shall demonstrate during or about the third year of operation that sage-grouse habitat mitigation shall be commensurate with the final compensatory mitigation calculations, which will be based on the as-constructed facility and will include indirect impacts from access roads, either by showing the already-implemented mitigation is sufficient to cover all facility component impacts, or by proposing additional mitigation to address any uncovered impacts <u>incremental to the initial calculation. The final compensatory mitigation calculations must be based on the as-constructed facility as well as the pre- and post- construction traffic studies, and must include the addition of indirect impacts from substantially modified existing access roads.</u></p> <p>c. Oregon’s Sage-Grouse Habitat Quantification Tool shall be used to calculate the amount of sage-grouse habitat compensatory mitigation required for the facility and the number of credit-acres that each mitigation site will provide for the certificate holder.</p> <p>d. Prior to facility construction <u>of a phase or segment in sage-grouse habitat as mapped by the Oregon Department of Fish and Wildlife (ODFW) at that time</u> and based on final facility design, Oregon’s Sage-Grouse Development Registry shall be used to calculate and verify compliance with the metering and disturbance thresholds established at OAR 660-023-0115(17) and (18). Evidence of compliance must be provided to the Department prior to construction.</p> <p>e. The Sage-Grouse Habitat Mitigation Plan may be amended from time to time by agreement of the certificate holder and the department. Such amendments may be made without amendment to the site certificate. The Council authorizes the Department to agree to amendments of the plan and to mitigation actions that may be required under the plan; however, the Council retains the authority to approve, reject, or modify any amendment of the plan agreed to by the Department.</p>
<p>CON-FW-06</p>	<p>Fish and Wildlife Condition 18: During construction <u>facility phase or component in sage-grouse habitat as mapped by the Oregon Department of Fish and Wildlife (ODFW) at that time,</u> the certificate holder shall implement the conservation actions</p>

	set forth in the final Sage-Grouse Habitat Mitigation Plan referenced in Fish and Wildlife Condition 17 <u>within six months of the impact actions.</u>
OPR-FW-03	<p>Fish and Wildlife Condition 19: During the third year of operation, the certificate holder shall provide to the Department and ODFW the <u>data from the traffic studies in Fish and Wildlife Conditions 21 and 22-information necessary</u> for ODFW to calculate the final amount of indirect impact from facility roads <u>that are considered related or supporting facilities</u> to sage-grouse habitat and corresponding compensatory mitigation required using Oregon’s Sage-Grouse Habitat Quantification Tool. After receiving the calculations from the State, the certificate holder shall provide to the Department a report demonstrating that sage-grouse habitat mitigation shall be commensurate with the final compensatory mitigation calculations.</p> <ol style="list-style-type: none"> The final calculations shall be based on the as-constructed facility. Oregon’s Sage-Grouse Habitat Quantification Tool shall be used to calculate the amount of sage-grouse habitat compensatory mitigation required for the facility, and the information from the pre- and post-construction traffic studies shall be used in the calculation.
CON-FW-07	<p>Fish and Wildlife Condition 20: During construction, the certificate holder shall not conduct ground-disturbing activities within sage-grouse areas of high population richness, core area habitat, low density habitat, or general habitat between March 1 to June 30. Upon request by the certificate holder, the Department in consultation with ODFW may provide exceptions to this restriction. The certificate holder’s request must include a justification for the exception, including any actions the certificate holder will take to avoid, minimize, or mitigate impacts to sage-grouse in the relevant area.</p>
PRE-FW-06	<p>Fish and Wildlife Condition 21: Prior to construction <u>of a phase or segment of the facility</u>, the certificate holder shall conduct a one-year traffic study in elk habitat (elk summer range and elk winter range, based on the most recent ODFW maps available at the time) and sage-grouse habitat (areas of high population richness, core area habitat, low density habitat, and general habitat, based on most recent ODFW maps available at the time). The certificate holder shall submit the traffic study to the Department for its review and approval in consultation with ODFW.</p>
OPR-FW-04	<p>Fish and Wildlife Condition 22: During the second year of facility operation, the certificate holder shall conduct a one-year traffic study in elk habitat (elk summer range and elk winter range, based on the same maps used for the pre-construction traffic study) and sage-grouse habitat (areas of high population richness, core area habitat, low density habitat, general habitat, based on the same maps used for the pre-construction traffic study).</p>
STANDARD: THREATENED AND ENDANGERED SPECIES (TE) [OAR 345-022-0070]	
CON-TE-01	<p>Threatened and Endangered Species Condition 1: During construction, the certificate holder shall not conduct ground-disturbing activities within Category 1 Washington ground squirrel (WAGS) habitat, subject to the following:</p> <ol style="list-style-type: none"> The identification and categorization of WAGS habitat shall be based on the surveys referenced in Fish and Wildlife Condition 16 and the results of the

	<p>surveys shall apply for up to three years.</p> <p>b. The certificate holder may span Category 1 WAGS habitat and may work within Category 1 WAGS habitat, provided such work does not cause any ground disturbance.</p> <p>c. <u>The results of the surveys completed per Fish and Wildlife Condition 16 shall remain valid for 3 years. If, during construction and within three years of the protocol survey, an occupied WAGS colony is encountered in non-Category 1 habitat (based on the surveys referenced in Fish and Wildlife Condition 16), the habitat category identified during the protocol survey shall remain valid (i.e. habitat not considered Category 1); the</u> certificate holder shall submit to the dDepartment for its approval, <u>in consultation with ODFW</u>, a notification addressing the following:</p> <p>i. Location of the <u>burrow or</u> colony; and</p> <p>ii. Any actions the certificate holder will take to avoid, minimize, or mitigate impacts to the colony.</p>
<p>CON-TE-02</p>	<p>Threatened and Endangered Species Condition 2: During construction, the certificate holder shall not conduct ground-disturbing activities within a 33-foot buffer around threatened or endangered plant species, based on pre-construction field surveys required per site certificate condition Fish and Wildlife Habitat 16, subject to the following:</p> <p>a. If complete avoidance is not possible (for example, if the threatened or endangered plant species is located within 33 feet of an existing road where upgrades are authorized), the certificate holder shall install temporary construction mats over soils where the threatened or endangered plant species have been observed and where construction vehicles will be operated; and</p> <p>b. If herbicides are used to control weeds, the certificate holder shall follow agency guidelines including guidelines recommended by the herbicide manufacturer, in establishing buffer areas around confirmed populations of threatened or endangered plant species and refrain from using herbicides within those buffers.</p>
<p>STANDARD: SCENIC RESOURCES (SR) [OAR 345-022-0080]</p>	
<p>GEN-SR-01</p>	<p>Scenic Resources Condition 1: The certificate holder shall use dull-galvanized steel for lattice towers and non-specular conductors.</p>
<p><u>GEN-SR-02</u></p>	<p><u>Scenic Resources Condition 2: If, at final facility design, the transmission line route crosses Ladd Marsh Wildlife Management Area in Union County, the certificate holder shall select transmission structures to be constructed between approximately Milepost 108 and Milepost 113 with design modifications including Lattice-frames with a Natina finish.</u></p>
<p>GEN-SR-03</p>	<p>Scenic Resources Condition 3: At final facility design, During construction, to avoid significant adverse impacts to the scenic resources at the National Historic Oregon Trail Interpretative Center, the certificate holder shall <u>select construct the facility using tower transmission structures, to be constructed in the vicinity of the National</u></p>

	<p><u>Historic Oregon Trail Interpretive Center that meet the following criteria</u> between approximately Milepost 145.1 and Milepost 146.6, <u>with the following design modifications</u>:</p> <ul style="list-style-type: none"> a. H-frames; b. Tower height no greater than 130 feet; and c. Weathered steel (or an equivalent coating). <p>Additionally, the certificate holder shall construct the facility using tower structures that meet the following criteria between approximately Milepost 146.6 and Milepost 146.7:</p> <ul style="list-style-type: none"> a. H-frames; b. Tower height no greater than 154 feet; and c. Weathered steel (or an equivalent coating).
<p>GEN-SR-04</p>	<p>Scenic Resources Condition 43: At final facility design, During construction, to avoid significant adverse impacts to the scenic resources at the Birch Creek Area of Critical Environmental Concern, the certificate holder shall select construct the facility using tower transmission structures, that meet the following criteriato be constructed in the vicinity of Birch Creek Area of Critical Environmental Concern between approximately Milepost 197.9 and Milepost 199.1, Milepost 199.1 and Milepost 197.9 with design modifications including H-frame, with structure height not to exceed 100 feet.:</p> <ul style="list-style-type: none"> a. H frames; and b. Tower Hheight no greater than 100 feet.
<p>STANDARD: HISTORIC, CULTURAL, AND ARCHEOLOGICAL RESOURCES (HC) [OAR 345-022-0090]</p>	
<p>GEN-HC-01</p>	<p>Historic, Cultural, and Archaeological Resources Condition 1: During final design and construction of the facility, the certificate holder shall design and locate facility components to avoid direct impacts to Oregon Trail/National Historic Trail resources consistent with ASC Exhibit S-Attachment S-9 Historic Properties Management Plan (HPMP)-Errata and Table HCA-3 of the Final Order on the ASC.</p>
<p>GEN-HC-02</p>	<p>Historic, Cultural, and Archaeological Resources Condition 2: Prior to construction of a phase or segment of the facility, subject to confidential material submission procedures, and based on 1) new survey data from previously unsurveyed areas and 2) the final design of the proposed facility, the certificate holder shall submit to the Department, the State Historic Preservation Office (SHPO), and applicable Tribal Governments, for review and Department approval a final Historic Properties Management Plan (HPMP) <u>Attachment S-9 of the Final Order on ASC. The Department may engage its consultant to assist in review of the HPMP.</u></p> <p>The final HPMP shall include, unless otherwise approved by the Department:</p> <ul style="list-style-type: none"> 1. The provisions outlined in the Attachment S-9 to the Final Order on the ASC, updated as applicable; 2. A revised High Probability Areas Assessment and revised Inadvertent Discovery Plan;

	<ol style="list-style-type: none"> 3. Updated information to reflect process updates described in the Final Order on the ASC with respect to EFSC historic, cultural, and archaeological resource information to align with the Section 106 federal review; 4. Final eligibility determinations for newly identified resources and previously inventoried resources, with supporting documentation (final Cultural Resources Technical Report, ILS, RLS), from the lead federal agencies; 5. Based on the final eligibility determinations, identify which resources qualify for protections under OAR 345-022-0090(1)(a) through (c); 6. Submit a revised table of resources inventoried including, at a minimum, the resource information included in ASC Exhibit S, Table S-2 or Table HCA-3 of the Final Order on the ASC; 7. Identification of resources not protected under OAR 345-022-0090(1)(a) due to a final eligibility determination of “not eligible for listing on the National Register of Historic Properties Places (NRHP),” yet may qualify for protections under OAR 345-022-0090(1)(b) or (c). The HPMP shall also include the following information for resources on private and public land under OAR 345-022-0090(1)(b) and (c) for Department approval, in consultation with SHPO: 8. Applicant recommendations and supporting documentation to demonstrate if the resource on private or public land qualifies as an archaeological object or site under ORS 358.905(1)(a) and ORS 358.905(1)(c). 9. A proposed site-specific impact assessment including avoidance, minimization and/or mitigation measures for the resource. 10. Final site-specific impact (direct and indirect) avoidance measures and an impact assessment for a phase or segment of the facility, or specific facility component, including avoidance measures in Historic, Cultural, and Archaeological Resources Condition 1; 11. Final site-specific impact (direct and indirect) minimization measures based on final design of a phase or segment of the facility, or specific facility component; 12. Final site-specific impact (direct and indirect) mitigation measures based on final design of a phase or segment of the facility, or specific facility component; 13.1. The certificate holder shall conduct all construction activities in compliance with the final Department-approved HPMP.
<p>CON-HC-01</p>	<p>Historic, Cultural, and Archaeological Resources Condition 3: Within one<u>three</u> year after construction is completed, the certificate holder shall finalize, and submit to the Department for its approval, a final Cultural Resources Technical Report.</p> <ol style="list-style-type: none"> a. The results of all cultural resource monitoring required by the Historic Properties Management Plan (HPMP) referenced in Historic, Cultural, and Archaeological Resources Condition 2; and b. The results of all cultural resources testing or data recovery conducted as a

	<p>result of unanticipated discoveries as required by the Historic Properties Management Plan and Inadvertent Discovery Plan referenced in Historic, Cultural, and Archaeological Resources.</p>
<p>STANDARD: RECREATION (RC) [OAR 345-022-0100]</p>	
<p>GEN-RC-01</p>	<p>Recreation Condition 1: If the Morgan Lake alternative facility route is selected, the certificate holder shall construct the facility using tower structures that meet the following criteria for the transmission line that would be visible from Morgan Lake Park, specifically between <u>milepost (MP) 6.0 to MP 6.9</u>miles 5-7 of the Morgan Lake alternative, as shown on ASC Exhibit C, Attachment C-3, Map 8.</p> <ol style="list-style-type: none"> a. H-frames; b. Tower height no greater than 130 feet; and c. Weathered steel (or an equivalent coating).
<p>STANDARD: PUBLIC SERVICES (PS) [OAR 345-022-0110]</p>	
<p>PRE-PS-01</p>	<p>Public Services Condition 1: <u>Prior to construction within Malheur County,</u></p> <ol style="list-style-type: none"> a. <u>The certificate holder shall consult with the Owyhee Irrigation District on the segment between Milepost 255 and 258. Consultation shall present results of the geotechnical studies within this segment area, evaluate structure interference with irrigation structures, and confirm adequate clearance to minimize impacts to irrigation canal structures.</u> b. <u>The certificate holder shall develop mitigation for any agreed upon impacts from construction and operation of the facility to the South Canal of the Owyhee Project and any other impacted irrigation pipelines or equipment as determined appropriate by the certificate holder and Owyhee Irrigation District. A copy of any finalized agreement shall be submitted to the Department.</u>
<p>PRE-PS-02</p>	<p>Public Services Condition 2 1: At least 90 days prior to construction of a facility phase or segment in each affected county and jurisdiction, unless otherwise approved by the Department, the certificate holder shall complete the following to address traffic impacts and transportation coordination in each county and jurisdiction:</p> <ol style="list-style-type: none"> a. The certificate holder shall, <u>in accordance with the OAR 345-026-0016 agency consultation process outlined in the draft Transportation and Traffic Plan (Attachment U-2 of the Final Order on the ASC)</u> submit to the Department, appropriate county, and jurisdiction, a final county-specific Transportation and Traffic Plan associated with the phase or segment of the facility to be constructed. The protective measures described in the draft Transportation and Traffic Plan, Attachment U-2 to the Final Order on the ASC, shall be included and implemented as part of the final county-specific Plan, unless otherwise approved by the Department, in consultation with the county or jurisdiction; b. The final county-specific Transportation and Traffic Plan submitted to the Department, county, and jurisdiction shall include:

	<ul style="list-style-type: none"> i. The identification of the final material/equipment transportation, <u>access, and /</u>haul routes and the documentation of the existing condition of the routes/roads; ii. Attachment B-5 Road Classification Guide and Access Control Plan attached to the Final Order on the ASC updated to reflect the final design of the proposed facility. Include applicable road segment maps <u>with road names for existing public roads, road names in Appendix A: Access Road Segment Attribute Table</u>, road improvements designations, and final access control device description and locations; <ul style="list-style-type: none"> 1. <u>If, at final facility design, substantial modification of existing roads not identified as related or supporting facilities in Attachment B-5 (maps) of the Final Order on the ASC is necessary, the certificate holder must submit an Amendment Determination Request (OAR 345-027-0357), or submit a site certificate amendment request to the Department, prior to the modification to determine whether the road modifications are related or supporting facilities. Substantial modification of existing roads shall be as defined in Attachment B-5, which includes repairs to more than 20 percent of road surface, defined by the road prism width and longitudinal distance over a defined road segment.</u> iii. List any road use permits, encroachment permits, oversize/overweight permits, or road use or other legal agreements obtained by the construction contractor or applicant. c. The final Transportation and Traffic Plan for a phase or segment of the facility must be approved by the Department, in consultation with each county or jurisdiction, prior to construction.
<p>PRE-PS-03</p>	<p>Public Services Condition 32: At least 90 days prior to use of a helicopter(s) during construction, the certificate holder shall submit to the Department and each affected County Planning Department a proposed Helicopter Use Plan. The plan must be approved by the Department, in consultation with each county where helicopter use is proposed, prior to use of a helicopter during construction. The certificate holder shall conduct all work in compliance with the approved Helicopter Use Plan. The Helicopter Use Plan shall identify or provide:</p> <ul style="list-style-type: none"> a. The type of helicopters to be used (all helicopters must be compliant with the noise certification and noise level limits set forth in 14 CFR § 36.11); b. The duration of helicopter use; c. Approximate helicopter routes to be used; d. Protected areas and recreation areas within two miles of the approximate helicopter routes; e. Roads or residences over which external loads will be carried; f. Multi-use areas and light-duty fly yards containing helipads shall be located: <ul style="list-style-type: none"> (i) in areas free from tall agricultural crops and livestock; (ii) at least 500 feet

	<p>from organic agricultural operations; and (iii) at least 500 feet from existing dwellings on adjacent properties;</p> <ul style="list-style-type: none"> g. Flights shall occur only between sunrise and sunset; h. At least 30 days prior to initiating helicopter operations at any multi-use area or light-duty fly yard, the certificate holder shall contact adjacent property owners within 1,000 feet of the relevant multi-use area or light-duty fly yard; i. At least 30 days prior to initiating helicopter operations, the certificate holder shall <u>consult with the Oregon Department of Aviation regarding the preparation and posting of</u>provide notices to airmen regarding the location and nature of work being performed. The notice will be posted at each of the <u>public</u> airports in the vicinity of the facility to alert other aviators of the location and timing of facility-related helicopter construction activities; and j. The certificate holder shall maintain a customer service telephone line to address, among other things, complaints regarding helicopter operations.
<p>PRE-PS-04</p>	<p>Public Services Condition 43: Prior to construction of any phase or segment of the facility, the certificate holder shall submit to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) a FAA Form 7460-1 Notice of Proposed Construction or Alteration for transmission structures within 5-miles of a public airport (La Grande /Union County Airport and Baker City Airport) and cranes exceeding 200 feet in height. The certificate holder shall submit to the Department a copy of the FAA and ODA hazard determination.</p>
<p>PRE-PS-05</p>	<p>Public Services Condition 54: At least 90 days prior to construction of a facility phase or segment, the certificate holder shall submit to the Department and each affected County Planning Department a proposed Environmental and Safety Training Plan, <u>for review and approval by the Department, in consultation with each county and the medical response entities identified in the plan. The plan must be approved by the Department, in consultation with each affected county planning department, prior to construction of a facility phase or segment.</u> The plan must include at a minimum, the following elements:</p> <ul style="list-style-type: none"> a. Measures for securing multi-use areas and work sites when not in use; b. Drug/alcohol/firearm policies with clear consequences for violations; and c. An emergency and medical response plan including: <ul style="list-style-type: none"> i) Contact information for federal, state, and county emergency management services; ii) Emergency response procedures for helicopter emergency response, spill reporting, hospitals closest to the transmission line route, and any other emergency response procedures; iii) Landing locations for medical emergency life-flights. d. Requirements for training workers on the contents of the plan. e. The certificate holder shall maintain copies of the Environmental and Safety Training Plan onsite and conduct all work in compliance with the plan during construction and operation of the facility.

<p>PRE-PS-06</p>	<p>Public Services Condition 65: At least 90 days prior Prior to construction of a facility phase or segment, <u>in accordance with the OAR 345-025-0016 agency consultation process outlined in the plan (Attachment U-3 of the Final Order on the ASC),</u> the certificate holder shall submit final a Fire Prevention and Suppression Plan(s), for review and approval by the Department, in consultation with each county planning department to the Department. The final Fire Prevention and Suppression Plan shall include the following, unless otherwise approved by the Department:</p> <ol style="list-style-type: none"> a. The protective measures as described in the draft Fire Prevention and Suppression Plan as provided in Attachment U-3 of the Final Order on the ASC. <u>The final plan shall establish that wildfire training for onsite workers and facility personnel be conducted by individuals that are National Wildfire Coordination Group and Federal Emergency Management Agency certified.</u> b. A description of the fire districts and rural fire protection districts that will provide emergency response services during construction and copies of any agreements between the certificate holder and the districts related to that coverage. c. All work must be conducted in compliance with the approved plan during construction and operation of the facility.
<p>OPR-PS-01</p>	<p>Recommended Public Services Condition 7: <u>The certificate holder shall:</u></p> <ol style="list-style-type: none"> a. <u>Prior to operation, provide a copy of its Wildfire Mitigation Plan to the Department and each affected county which provides a wildfire risk assessment and establishes action and preventative measures based on the assessed operational risk from and of wildfire in each county affected by the facility. The plan shall address facility and emergency contacts, agency coordination and responsibilities, necessary fire-fighting equipment, and long-term agreements with service providers, as needed.</u> b. <u>During operation, the certificate holder shall update the Wildfire Mitigation Plan on an annual basis, or frequency determined acceptable by the Department in consultation with the Oregon Public Utilities Commission.</u> c. <u>During operation, for the service territories the facility would be located within, the certificate holder shall provide to each of the fire districts and rural fire protection a contact phone number to call in the event a district needs to request an outage as part of a fire response.</u> d. <u>Any Wildfire Mitigation Plan required by the Oregon Public Utilities Commission shall be considered by EFSC as meeting the requirements of this condition.</u>
<p>STANDARD: WASTE MINIMIZATION (WM) [OAR 345-022-0120]</p>	
<p>CON-WM-01</p>	<p>Waste Minimization Condition 1: At least 90 days prior to construction of a facility phase or segment, the certificate holder shall submit to the Department a Construction Waste Management Plan. The Department must review and approve the plan prior to construction of a facility phase or segment. The site certificate holder shall conduct all work in compliance with the approved Plan. The Plan must address, at a minimum:</p>

- a. The number and types of waste containers to be maintained at multi-use areas and pulling and tensioning sites;
- b. Waste segregation methods for recycling or disposal;
- c. Names and locations of appropriate recycling and waste disposal facilities, collection requirements, and hauling requirements to be used during construction;
- d. Recycling steel and other metal scrap;
- e. Recycling wood waste;
- f. Recycling packaging wastes such as paper and cardboard;
- g. Collecting non-recyclable waste for transport to a local landfill by a licensed waste hauler or by using facility equipment and personnel to haul the waste;
- h. Segregating all hazardous and universal wastes such as used oil, oily rags and oil- absorbent materials, mercury-containing lights and lead-acid and nickel cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous and universal wastes;
- i. When possible, discharging concrete truck rinse-out within foundation holes, completing truck wash-down off-site, and burying other concrete waste as fill on-site whenever possible; and
- j. For waste hauling and disposal within Morrow County, the certificate holder shall ensure its personal or third party contractors adhere to the applicable requirements in the Morrow County Solid Waste Management Ordinance Section 5.000 Public Responsibilities, 5.010 Transportation of Solid Waste and 5.030 Responsibility for Propose Disposal of Hazardous Waste which requires that all loads be covered and secured and that operators be responsible for hazardous waste disposal in accordance with applicable regulatory requirements.
- k. If required by county ordinance, solid waste transported on public roads must be covered and secured during transporting, including:
 - i. Loads which are totally contained within an enclosed vehicle or container;
 - ii. Loads of solid waste contained in garbage cans with tightly fitting lids, tied plastic bags or similar totally enclosed individual containers that are completely contained within the walls of a vehicle or container, such that no solid waste can reasonably be expected to escape during hauling;
 - iii. Loads of brush, building materials and similar bulky materials which are secured in or on the hauling vehicle or completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling; or
 - iv. Loads consisting entirely of rock, concrete, asphalt paving, stumps and similar materials that are completely contained within the walls of a vehicle or container, such that none can reasonably be expected to escape during hauling.

	<p>I. A requirement that the certificate holder report to the Department on the implementation of the Plan during construction must be included in the six month construction report required pursuant to OAR 345-026-0080(1)(a).</p>
<p>STANDARD: SITING STANDARDS FOR TRANSMISSION LINES (TL) [DIVISION 24]</p>	
<p>GEN-TL-01</p>	<p>Siting Standards for Transmission Lines Condition 1: To reduce or manage human exposure to electromagnetic fields, the certificate holder shall design and construct:</p> <ul style="list-style-type: none"> a. All aboveground 500-kV transmission lines with a minimum clearance of 34.5 feet from the ground under all operating conditions; b. All aboveground 230-kV transmission lines with a minimum clearance of 20 feet from the ground under all operating conditions; and c. All aboveground 138-kV transmission lines with a minimum clearance of 20 feet from the ground under all operating conditions. d. In areas where an aboveground transmission line will cross an existing transmission line, the certificate holder shall construct the transmission line at a height and separation that would ensure that alternating current electric fields do not exceed 9-kV per meter at one meter above the ground surface. e. The Department may authorize a lower conductor clearance in areas determined to not be accessible to the public or otherwise demonstrated by the applicant to be compliant with the standard.
<p>OPR-TL-02</p>	<p>Siting Standards for Transmission Lines Condition 2: Prior to placing the facility in service, the certificate holder shall take the following steps to reduce the risk of induced current and nuisance shocks:</p> <ul style="list-style-type: none"> a. Provide to landowners a map of overhead transmission lines on their property and advise landowners of possible health and safety risks from induced currents caused by electric and magnetic fields. b. Implement a safety protocol to ensure adherence to National Electric Safety Code grounding requirements.
<p>GEN-TL-02</p>	<p>Siting Standards for Transmission Lines Condition 3:</p> <ul style="list-style-type: none"> a. The certificate holder shall design, construct, and operate the transmission lines, Longhorn Station, and communication stations in accordance with the requirements of the version of the National Electrical Safety Code that is most current at the time that final engineering of each of these components is completed; and b. The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature <u>in place at the time of construction within the right-of-way</u>, that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. The certificate holder shall be responsible for any costs associated with grounding or bonding of permanent infrastructure <u>in place at the time of construction such as are required for compliance with this condition</u>. <p>[Site-Specific Condition OAR 345-025-0010(4)]</p>
<p>PRE-TL-01</p>	<p>Siting Standards for Transmission Lines Condition 4: Prior to construction, the</p>

	<p>certificate holder shall schedule a time to brief the Public Utility Commission Safety, Reliability, and Security Division (Safety) Staff as to how it will comply with OAR Chapter 860, Division 024 during design, construction, operations, and maintenance of the facilities. The certificate holder shall notify the Department how and when it briefed the Public Utility Commission staff.</p>
<p>OPR-TL-02</p>	<p>Siting Standards for Transmission Lines Condition 5: During operation, the certificate holder shall:</p> <ol style="list-style-type: none"> a. Annually update the Public Utility Commission Safety Staff as to how the operator will comply with OAR Chapter 860, Division 024 considering future operations, maintenance, emergency response, and alterations until project retirement. b. File the following required information with the Commission <u>before January 2 of each even-numbered year, as required by ORS 758.013:</u> 758.013 Operator of electric power line to provide Public Utility Commission with safety information; availability of information to public utilities. (1) Each person who is subject to the Public Utility Commission's authority under ORS 757.035 and who engages in the operation of an electric power line as described in ORS 757.035 must provide the commission with the following information before January 2 of each even-numbered year: <ol style="list-style-type: none"> i. The name and contact information of the person that is responsible for the operation and maintenance of the electric power line, and for ensuring that the electric power line is safe; and ii. The name and contact information of the person who is responsible for responding to conditions that present an imminent threat to the safety of employees, customers and the public. iii. In the event that the contact information described in subsection (1) of this section <u>above in Siting Standards for Transmission Lines Condition 5(b)</u> changes or that ownership of the electric power line changes, the person who engages in the operation of the electric power line must notify the commission of the change as soon as practicable, but no later than within 90 days. If the person described in subsection (1) of this section is not the public utility, as defined in ORS 757.005, in whose service territory the electric power line is located, the commission shall make the information provided to the commission under subsection (1) of this section available to the public utility in whose service territory the electric power line is located. [2013 c.235 §3] c. Provide Public Utility Commission Safety Staff with: <ol style="list-style-type: none"> i. Maps and drawings of routes and installation of electrical supply lines showing: <ul style="list-style-type: none"> • Transmission lines and structures (over 50,000 Volts) • Distribution lines and structures - differentiating underground and

	<p>overhead lines (over 600 Volts to 50,000 Volts)</p> <ul style="list-style-type: none"> • Substations, station, roads and highways <p>ii. Plan and profile drawings of the transmission lines (and name and contact information of responsible professional engineer).</p> <p>d. Document compliance with the above provisions in its annual report to the Department as provided in General Standard Condition 4.</p>
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OTHER APPLICABLE REGULATORY REQUIREMENTS UNDER COUNCIL JURISDICTION

STANDARD: NOISE CONTROL REGULATIONS (NC) [OAR 340-035-0035]

PRE-NC-01	<p>Noise Control Condition 1: Prior to construction, the certificate holder will work with the <u>3641</u> NSR property owners identified in Attachment X-5 of the Final Order on the ASC (NSR: 8, 9, 10, 11, 5002, 69, 70, 5004, <u>46, 119, 121, 125</u>, 5010, 5011, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, <u>518</u>, 111, 112, 133, 5008, 5009, 113, and 115) to develop mutually agreed upon Noise Exceedance Mitigation Plans, specific to each NSR location. The site-specific Noise Exceedance Mitigation Plans will include agreed upon measures that would be implemented at the NSR location to minimize or mitigate the ambient antidegradation standard noise exceedance.</p> <ul style="list-style-type: none"> a. If the certificate holder executes an agreement with the NSR property owner, the certificate holder will submit a signed acknowledgement from the property owner to the Department for its records. b. If the certificate holder cannot reach an agreement with the NSR property owner, the certificate holder will submit to the Department a list of the dates that the certificate holder communicated with, or attempted to communicate with, the NSR property owners; and the names, addresses, and phone numbers of the NSR owners.
OPR-NC-01	<p>Noise Control Condition 2: During operation, the certificate holder shall develop and implement a complaint response plan to address noise complaints. The plan shall be submitted to the Department and shall include the following:</p> <ul style="list-style-type: none"> a. Scope of the complaint response plan, including process for complaint filing, receipt, review and response. The scope shall clearly describe how affected persons will be provided necessary information for filing a complaint and receiving a response. b. The certificate holder shall notify the Department within 3 working days of receiving a noise complaint related to the facility. The notification shall include the date the certificate holder received the complaint, the nature of the complaint, weather conditions of the date for which the complaint is based (including wind speed, temperature, relative humidity, and precipitation) <u>as described by the complainant</u>, duration of perceived noise issue, the complainant’s contact information, the location of the affected property, and a schedule of any actions taken or planned to be taken by the certificate holder (including inspection and maintenance actions, or actions taken or planned to be

taken pursuant to the processes described in subsections c and d of this condition).

- c. If a noise complaint is received, the certificate holder shall follow the following process to determine if corona noise exceeds the ambient antidegradation standard:
 - i. If the complainant's noise sensitive property or properties are included in Attachment X-5 of the Final Order on the ASC, the modeled sound level increases as presented in Attachment X-4 of the Final Order on the ASC may be relied upon to determine whether the corona noise exceeds the ambient antidegradation standard, unless the complainant voluntarily provides alternative noise data.
 - ii. If the complainant's noise sensitive property or properties are not included in Attachment X-5 of the Final Order on the ASC, the certificate holder shall model the sound level increases using the methods set forth in ASC Exhibit X, unless the complainant voluntarily provides alternative noise data.
 - iii. If the complainant voluntarily provides alternative noise data and it represents noise levels greater than the certificate holder's modeling results conducted per (ii), the complaint shall be verified through site specific sound monitoring conducted by the certificate holder. If site specific sound monitoring is not authorized by the complainant, the certificate holder's modeling results may be relied upon to determine compliance.
 - iv. In the event of a dispute regarding complainant's noise data and the certificate holder's data from site specific sound monitoring, the Department, in consultation with its consultant, if necessary, shall make the final determination regarding which data will be used to determine whether corona noise exceeds the ambient antidegradation standard.
- d. If it is determined pursuant to the process described in subsection c of this condition that corona noise exceeds the ambient antidegradation standard, the certificate holder shall address the exceedance by the following process:
 - i. The certificate holder will work with the NSR property owner to develop a mutually agreed upon mitigation plan to include agreed upon measures that would be implemented at the NSR location to minimize or mitigate the ambient antidegradation standard noise exceedance. If the certificate holder executes an agreement with the NSR property owner, the certificate holder will submit a signed copy of the agreement to the Department for its records. If the certificate holder cannot reach an agreement with the NSR property owner, the certificate holder will submit to the Department: (1) the certificate holder's proposed mitigation measures, if any, to avoid, minimize, or mitigate the ambient antidegradation standard noise exceedances at the relevant NSRs; and (2) a list of the dates that the certificate holder communicated with, or attempted to communicate with, the NSR property owners; and the names, addresses, and phone numbers of

	<p>the NSR owners.</p> <p>e. The certificate holder shall provide necessary information to the complainant to support understanding of corona noise, corona noise levels and effects, and of the process to verify actual noise levels of events resulting in complaints. If the complainant opts not to authorize the certificate holder to conduct monitoring, and it is otherwise determined pursuant to the process described in subsection c of this condition that corona noise does not exceed the ambient antidegradation standard, the noise complaint shall be considered fully resolved and no mitigation shall be required.</p>
<p>CON-NC-01</p>	<p>Noise Control Condition 3: During construction, the certificate holder shall implement the following design measures and construction techniques to minimize potential corona noise during operations:</p> <p>a. For 500 kV transmission lines, use a triple bundled conductor configuration.</p> <p>b. Maintain tension on all insulator assemblies to ensure positive contact between insulators.</p> <p>c. Protect conductor surface to minimize scratching or nicking.</p>
<p>OPR-NC-02</p>	<p>Noise Control Condition 4: During operation:</p> <p>a. An exception to compliance with the ambient antidegradation standard at OAR 340-035-0035(1)(b)(B) (i.e. an increase of 10 dBA above ambient sound pressure levels) is granted <u>for infrequent or unusual foul weather events during facility operation</u>, pursuant to OAR 345-035-0035(6)(a) at 36 NSR locations identified in Attachment X-5 of the Final Order on the ASC (NSR: 8, 9, 10, 11, 5002, 69, 70, 5004, 5010, 5011, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 133, 5008, 5009, 113, and 115).</p> <p>b. The ambient antidegradation standard at OAR 340-035-0035(1)(b)(B) may be exceeded <u>by the transmission line at the 36 NSR locations identified in Attachment X-5 of the Final Order on the ASC</u> at any time of day or night <u>during infrequent or unusual foul weather events</u>. [OAR 340-035-0010(2)]</p> <p>c. The quantity and quality of noise generated in exceedance of the ambient antidegradation standard (ambient plus 10 dBA) at OAR 340-035-0035(1)(b)(B), <u>during infrequent or unusual foul weather events</u>, shall not be more than 10 dBA (or ambient plus 20 dBA), <u>as measured</u> at any NSR location and from corona noise consisting of a low hum and hissing, frying or crackling sound, respectively. [OAR 340-035-0010(2)]</p>
<p>OPR-NC-03</p>	<p>Noise Control Condition 5: During operation:</p> <p>a. A variance to compliance with the ambient antidegradation standard at OAR 340-035-0035(1)(b)(B) (i.e. an increase of 10 dBA above ambient sound pressure levels) is granted pursuant to OAR 345-035-0100(1) <u>for the transmission line, at 36 NSR locations identified in Attachment X-5 of the Final Order on the ASC (NSR: 8, 9, 10, 11, 5002, 69, 70, 5004, 5010, 5011, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 133, 5008, 5009, 113, and 115).</u></p> <p>b. The ambient antidegradation standard at OAR 340-035-0035(1)(b)(B) may be</p>

	<p>exceeded by the transmission line at the 36 NSR locations identified in Attachment X 5 of the Final Order on the ASC at any time of day or night. [OAR 340-035-0100]</p>
<p>STANDARD: REMOVAL FILL LAW (RF) [OAR 141-085-0500 through -0785]</p>	
<p>PRE-RF-01</p>	<p>Removal-Fill Condition 1: The certificate holder shall:</p> <ol style="list-style-type: none"> a. Prior to construction of a phase or segment of the facility, submit updated electronic wetland delineation report(s) to the Department and to the Oregon Department of State Lands. All wetland delineation report(s) submitted to the Oregon Department of State Lands shall follow its submission and review procedures. b. Prior to construction of a phase or segment of the facility, the Department must receive a Letter of Concurrence issued by the Oregon Department of State Lands referencing the applicable wetland delineation for the phase or segment of the facility comply with removal fill permit requirements in Removal-Fill Condition 6.
<p>GEN-RF-01</p>	<p>Removal-Fill Condition 2: The certificate holder shall:</p> <ol style="list-style-type: none"> a. Prior to construction of a phase or segment of the facility, the certificate holder shall submit to the Department and Oregon Department of State Lands (DSL) a final Site Rehabilitation Plan (Plan), consistent with the draft Plan provided in Attachment J-2 of the Final Order on the ASC. The Department shall provide written verification of its review of the final Plan, confirming that the Plan is consistent with the draft Site Rehabilitation Plan. b. Following construction and during operation of a phase or segment of the facility, the certificate holder shall ensure that temporary impacts to wetlands and non-wetland waters of the state are restored in accordance with the final Plan. c. The Department will provide updates to Council on the certificate holder’s implementation of the final Plan and of any Plan revisions at Council meetings, following submittal of the certificate holder’s six-month construction progress report per General Standard of Review Condition 3 or annual report per General Standard of Review Condition 4.
<p>GEN-RF-02</p>	<p><u>Removal-Fill Condition 3: The certificate holder shall:</u></p> <ol style="list-style-type: none"> a. Prior to construction of a phase or segment of the facility, submit an updated final Compensatory Wetland and Non-Wetland Mitigation Plan (CWNWMP), consistent with the draft CWNWMP (Attachment J-1 to the Final Order on the ASC), for review and approval by the Department, in consultation with Department of State Lands (DSL). The Department shall provide written verification of its review and approval of the final CWNWMP. The final amount of wetland mitigation credit required shall be based on the final design configuration of the phase or segment of the facility and the estimated acres of wetlands and non-wetland waters of the state that would be permanently impacted, unless otherwise agreed to by the Department. b. Following construction and during operation of a phase or segment of the facility, the certificate holder shall implement the actions described in the final CWNWMP.

	<p>c. The Department will provide updates to Council on the certificate holder’s implementation of the final CWNWMP and of any Plan revisions at Council meetings, following submittal of the certificate holder’s six-month construction progress report per General Standard of Review Condition 3 or annual report per General Standard of Review Condition 4.</p> <p>d. The final CWNWMP version approved when the facility begins operation may be revised or updated from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council. Such revisions or updates may be made without amendment of the site certificate. The Council authorizes the Department to agree to revisions or updates to this plan, in consultation with DSL. The Department shall notify the Council of all revisions or updates, and the Council retains the authority to approve, reject, or modify any revisions or updates of the plan agreed to by the Department.</p>
<p>PRE-RF-02</p>	<p>Removal-Fill Condition 4: Prior to construction of a phase of segment of the facility, the certificate holder shall provide an electronic copy of the updated Joint Permit Application (JPA) to the Department.</p>
<p>GEN-RF-03</p>	<p>Removal-Fill Condition 5: Prior to construction of a phase of segment of the facility and during operation, the certificate holder shall maintain compliance with the General and Special Conditions set forth in the removal-fill permit (Attachment J-3 to the Final Order on the ASC).</p>
<p>GEN-RF-04</p>	<p>Removal-Fill Condition 6: The certificate holder shall:</p> <p>a. Prior to construction of a phase or segment of the facility, comply with procedures in all Removal-Fill Conditions, and receive an updated removal-fill permit reviewed and approved by the Department in consultation with the Oregon Department of State Lands.</p> <p>b. Prior to construction of a phase or segment of the facility, submit a final copy of the updated removal-fill permit issued by the Oregon Department of State Lands.</p> <p>c. Following construction and during operation of a phase or segment of the facility, the certificate holder shall implement the actions described in the removal-fill permit.</p> <p>d. The Department will provide updates to Council on the certificate holder’s implementation of the removal-fill permit and of any permit revisions at Council meetings, following submittal of the certificate holder’s six-month construction progress report per General Standard of Review Condition 3 or annual report per General Standard of Review Condition 4.</p> <p>e. The removal-fill permit version approved when the facility begins operation may be revised or updated from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such revisions or updates may be made without amendment of the site certificate. The Council authorizes the Department to agree to revisions or updates to this plan. The Department shall notify the Council of all revisions or updates, and the Council retains the authority to approve, reject, or modify any revisions or updates of the plan agreed to by the Department.</p>

STANDARD: FISH PASSAGE [OAR 635-412-0035]**Fish Passage Condition 1:**

- a. Prior to construction, the certificate holder shall finalize, and submit to the Department for its approval in consultation with ODFW, a final Fish Passage Plan. As part of finalizing the Fish Passage Plan, the certificate holder shall request from ODFW any new information ODFW may have on the status of the streams within the site boundary and shall address the information in the final Fish Passage Plan. The protective measures described in the draft Fish Passage Plan in Attachment BB-2 to the Final Order on the ASC, shall be included as part of the final Fish Passage Plan, unless otherwise approved by the Department.
- b. The certificate holder shall maintain compliance with the measures outlined in the final Fish Passage Plan approved by the Department in consultation with ODFW.
- c. The certificate holder shall comply with the following operational provisions, as required per ODFW's fish passage approval (December 30, 2015), per Attachment BB-2 Appendix A of the Final Order on the ASC:
1. All in water work shall occur during the ODFW in-water work windows for each waterbody.
 2. Temporary water management and fish rescue, salvage, and recovery, is required (as prescribed in OAR 635-412-0035(10)) prior to all in-water work activities (defined as all work at or below the ordinary high water elevation) associated with the project. Fish salvage activities require the certificate holder to obtain State of Oregon Scientific Take Permits from ODFW.
 3. Wildlife rescue, salvage, and recovery activities associated with the facility require the applicant to obtain State of Oregon Wildlife Rescue Salvage Permits from ODFW.
 4. Fish passage design standards, as defined in OAR 635-412-0035(1) and (3), shall be implemented for all fish passage components of these projects.
 5. The certificate holder shall be responsible for all maintenance required such that projects provide adequate passage for native migratory fish. If monitoring by the certificate holder or ODFW indicates that fish passage is not being provided, the certificate holder in consultation with ODFW, shall determine the cause and, during a work period approved by ODFW, shall modify the structure as appropriate to rectify problems as necessary. Failure to maintain fish passage for the duration of these approvals shall constitute a violation of these approvals and applicable fish passage laws (ORS 509.610).
 6. After construction completion, the certificate holder or its designee, shall maintain, monitor, evaluate and report on the effectiveness of fish passage as required under ORS 509.610, and shall provide written status reports to ODFW's Fish Passage Program annually for the first three (3) years and then a final report at Year 5, or as determined by ODFW. Reports shall include photographs from established photo-points as part of the fish-passage evaluation and monitoring. Monitoring, evaluation, and reporting shall be

GEN-FP-01

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| | <p><u>conducted annually unless problems are observed that may require additional analysis. Fish passage reports shall consist of visual observations, photographs, as-built plan reviews, and future site visits with regards to fish passage at and through the project sites. Reports shall be submitted to the State Fish Passage Coordinator and the La Grande and Malheur Watershed District Fish Biologists. Electronic or hard copy submissions are acceptable.</u></p> <ol style="list-style-type: none">7. <u>Failure to maintain fish passage at these locations shall constitute a violation of these approvals and applicable fish passage laws (ORS 509.585 and 509.610).</u>8. <u>ODFW shall be allowed to inspect the crossing sites at reasonable times for the duration of the approval Unless prompted by emergency or other exigent circumstances, inspection shall be limited to regular and usual business hours, including weekends.</u>9. <u>The appropriate ODFW District Fish Biologist shall be contacted 2-weeks in advance and prior to implementation of fish passage projects.</u>10. <u>These fish passage approval in no way purports or authorize take of a federally listed species.</u> |
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6.0 Successors and Assigns

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

7.0 Severability and Construction

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

8.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Idaho Power Company (certificate holder).

ENERGY FACILITY SITING COUNCIL

By: _____
Hanley Jenkins, II, Chair

Date: _____

Idaho Power Company

By: _____
Authorized Representative

Date: _____

By: _____

Date: _____

Attachment A
Facility Location Mapsets (ASC Exhibit C)
[To be Included in Final Site Certificate]