

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

**Fifth Amended Site Certificate
for the
Montague Wind Power Facility**

ISSUANCE DATES:

Site Certificate	September 10, 2020
First Amended Site Certificate	June 21, 2013
Second Amended Site Certificate	December 4, 2015
Third Amended Site Certificate	July 12, 2017
Fourth Amended Site Certificate	August 23, 2019
Fifth Amended Site Certificate	September 25, 2020

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Attachment: Figure 1 Facility Site Boundary and Approved 230 kV Transmission Line Corridor

1 **The Oregon Energy Facility Siting Council**

2 **I. INTRODUCTION**

3 The Oregon Energy Facility Siting Council (Council) issues this amended site certificate for the Montague
4 Wind Power Facility (the facility) in the manner authorized under ORS Chapter 469. This site certificate is
5 a binding agreement between the State of Oregon (State), acting through the Council, and Montague
6 Wind Power Facility LLC (certificate holder), a wholly owned subsidiary of Avangrid Renewables, LLC
7 (parent company) authorizing the certificate holder to construct and operate the facility in Gilliam
County, Oregon.

8 The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this
9 amended site certificate are set forth in the following documents, incorporated herein by this reference:
10 (a) the Final Order on the Application for Site Certificate for the Montague Wind Power Facility issued on
11 September 10, 2010 (hereafter, Final Order on the Application), (b) the Final Order on Amendment #1
12 issued on June 21, 2013; (c) the Final Order on Amendment #2 issued on December 4, 2015; (d) the Final
13 Order on Amendment #3 issued on July 11, 2017; (e) the Final Order on Amendment #4 issued on
14 August 23, 2019; and (f) the Final Order on Amendment #5 issued on September 25, 2020. In
15 interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of
16 priority: (1) this Fifth Amended Site Certificate, (2) the Final Order on Amendment #5, (3) the Final Order
17 on Amendment #4, (4) the Final Order on Amendment #3, (5) the Final Order on Amendment #2, (6) the
18 Final Order on Amendment #1, (7) the Final Order on the Application, (8) the record of the proceedings
19 that led to the Final Order on the Application, the Final Order on Amendment #1, the Final Order on
20 Amendment #2; Final Order on Amendment #3; Final Order on Amendment #4; and the Final Order on
21 Amendment #5.

22 As authorized in Final Order on Amendment #5, the Montague Wind Power Facility certificate holder
23 obtained approval to split the Montague Wind Power Facility site certificate into three site certificates –
24 Montague Wind Power Facility, Montague Solar Facility and Oregon Trail Solar Facility. Each of these
25 certificate holders is a wholly owned subsidiary and LLC created by Avangrid Renewables, LLC resulting
26 in each certificate holder owned by the same parent company. In addition, these facilities share facility
27 components, interconnecting facility components and long-term operation.

28
29 Compliance with Council standards requiring an environmental impact analysis should be based on 2010
30 predevelopment conditions and the incremental change in environmental impact from the operational
31 Montague Wind Power Facility, as of 2020 (i.e. 56 wind turbines and related or supporting facilities), and
32 approved facility components as presented in Council’s Final Order on Amendment 4. In other words,
33 because the findings of fact, reasoning and conclusions of law underlying the terms and conditions of
34 the site certificate as set forth in the 2010 Final Order on the Application for Site Certificate and
35 subsequent Final Orders on Requests for Amendment 1 through 5 for the Montague Wind Power Facility
36 are incorporated by reference into the site certificate, these underlying findings, including any findings
37 establishing the predevelopment condition of the site and impacts of approved facility components
38 continue to have bearing on the analysis and findings required to approve any future changes to the site
39 certificates for the successor facilities. This clarification is intended to establish that, with the splitting of
40 facility components under three site certificates, baseline conditions (2010) and subsequent
41 environmental impacts of one facility now split into three facilities shall not be adjusted in a way that
42 results in greater overall impacts than the level of impacts that would be authorized under one site
43 certificate.

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

II. SITE CERTIFICATION

3 (a) To the extent authorized by state law and subject to the conditions set forth herein, the State
4 authorizes the certificate holder to construct, operate and retire a wind energy facility, together
5 with certain related or supporting facilities, at the site in Gilliam County, Oregon, as described in
6 Section III of this site certificate. ORS 469.401(1). [ASC; AMD4; AMD5]
7

8 (b) This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
9 effect on the date that termination is sought or until the site certificate is revoked under ORS
10 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is
11 ordered. ORS 469.401(1).
12

13 (c) This site certificate does not address, and is not binding with respect to, matters that were not
14 addressed in the Final Order on the Application, Final Order on Amendment #1 Final Order on
15 Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, and Final Order
16 on Amendment #5. Such matters include, but are not limited to: building code compliance,
17 wage, hour and other labor regulations, local government fees and charges and other design or
18 operational issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued
19 under statutes and rules for which the decision on compliance has been delegated by the
20 federal government to a state agency other than the Council. 469.503(3). [ASC; AMD1; AMD2;
21 AMD3; AMD4; AMD5]
22

23 (d) Both the State and the certificate holder shall abide by local ordinances, state law and the rules
24 of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition,
25 upon a clear showing of a significant threat to public health, safety or the environment that
26 requires application of later-adopted laws or rules, the Council may require compliance with
27 such later-adopted laws or rules. ORS 469.401(2).
28

29 (e) For a permit, license or other approval addressed in and governed by this site certificate, the
30 certificate holder shall comply with applicable state and federal laws adopted in the future to
31 the extent that such compliance is required under the respective state agency statutes and
32 rules. ORS 469.401(2).
33

34 (f) Subject to the conditions herein, this site certificate binds the State and all counties, cities and
35 political subdivisions in Oregon as to the approval of the site and the construction, operation
36 and retirement of the facility as to matters that are addressed in and governed by this site
37 certificate. ORS 469.401(3).
38

39 (g) Each affected state agency, county, city and political subdivision in Oregon with authority to
40 issue a permit, license or other approval addressed in or governed by this site certificate shall,
41 upon submission of the proper application and payment of the proper fees, but without
42 hearings or other proceedings, issue such permit, license or other approval subject only to
43 conditions set forth in this site certificate. ORS 469.401(3).
44

1 (h) After issuance of this site certificate, each state agency or local government agency that issues a
2 permit, license or other approval for the facility shall continue to exercise enforcement
3 authority over such permit, license or other approval. ORS 469.401(3).
4

5 (i) After issuance of this site certificate, the Council shall have continuing authority over the site
6 and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or
7 request another state agency or local government to inspect, the site at any time in order to
8 ensure that the facility is being operated consistently with the terms and conditions of this site
9 certificate. ORS 469.430.
10

11 (j) Following the completion of pre-construction surveys required by this site certificate, the
12 Department will present the results of those surveys and required consultations at the next
13 regularly scheduled Council meeting. [AMD2]

III. DESCRIPTION

14 1. The Facility

15 (a) The Energy Facility

16 The Montague Wind Power Facility is an electric power generating plant consisting of 56 wind turbines,
17 each consisting of a nacelle, a three-bladed rotor, turbine tower and foundations. The nacelle houses
18 the equipment such as the gearbox, generator, brakes, and control systems for the turbines.

19 The energy facility is described further in the Final Order on the Application, Final Order on Amendment
20 #1, Final Order on Amendment #2, Final Order on Amendment #3, Final Order on Amendment #4, and
21 Final Order on Amendment #5.

22 (b) Related or Supporting Facilities

23 The facility includes the following related or supporting facilities described below and in greater detail in
24 the Final Order on the Application, Final Order on Amendment #1, Final Order on Amendment #2, Final
25 Order on Amendment #3, Final Order on Amendment #4, and Final Order on Amendment #5:

- 26 • Power collection system
- 27 • Control system
- 28 • Collector substation and 230-kV transmission lines
- 29 • Meteorological towers
- 30 • Operations and maintenance (O&M) building
- 31 • Access roads
- 32 • Public roadway modifications
- 33 • Temporary construction areas

1 **Power Collection System**

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

5 **Control System**

6 A fiber optic communications network links the wind turbines to a central computer at the Montague
7 Wind O&M building. A Supervisory, Control and Data Acquisition (SCADA) system collects operating and
8 performance data from each wind turbine and from the facility as a whole and allows remote operation
9 of the wind turbines. The control system is shared with the Montague Solar facility and the Oregon Trail
10 Solar facility.

11 **Collector Substation and 230-kV Transmission Lines**

12 The facility includes a substation (“Montague Wind substation”) and an aboveground, single-circuit 230-
13 kV transmission line that connects the Montague Wind substation to the 500-kV Slatt-Buckley
14 transmission line owned by the Bonneville Power Administration (BPA) at the Slatt substation. The
15 Montague Wind substation and aboveground, single-circuit 230-kV transmission line are shared with the
16 Montague Solar facility, and the Oregon Trail Solar facility.

17 **Meteorological Towers**

18 The facility includes up to four permanent meteorological towers.

19 **Operations and Maintenance Facilities**

20 The facility includes one operations and maintenance (O&M) building (“Montague Wind O&M
21 building”). An on-site well at the Montague Wind O&M building supplies water for use during facility
22 operation. Sewage is discharged to an Oregon Department of Environmental Quality (DEQ)-permitted
23 on-site septic system.

24 **Access Roads**

25 The facility includes access roads to provide access to the turbine strings and related or supporting
26 components.

27 **Public Roadway Modifications**

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

1 **Temporary Construction Areas**

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

5 (c) Shared Related or Supporting Facilities

6 The site certificates for the Montague Wind Power Facility, Montague Solar Facility and Oregon Trail
7 Solar Facility were originally approved as one site certificate for the Montague Wind Power Facility
8 (September 2010 – September 2019). In September 2020, facility components were split or allocated
9 into three separate site certificates, but identified that certain related or supporting facilities would be
10 shared or used by each facility. Sharing of facility components, or use by multiple facilities, is allowable
11 in the EFSC process when the compliance obligation and applicable regulatory requirements for the
12 shared facilities is adequately covered under each site certificate, including under normal operational
13 circumstances, ceasing/termination of operation, emergencies and compliance issues or violations.

14
15 The certificate holder is authorized to share related or supporting facilities between the Montague Wind
16 Power Facility, Montague Solar Facility and Oregon Trail Solar Facility, including the Montague Wind
17 collector substation, 230 kV transmission line, temporary laydown areas, and access roads. These
18 related or supporting facilities are included in each site certificate. Compliance responsibility with site
19 certificate conditions and EFSC standards which apply to these shared related or supporting facilities are
20 shared between site certificates and certificate holders. In accordance with Condition 118, if any
21 certificate holder substantially modifies a shared related or supporting facility or ceases facility
22 operation, each certificate holder would be obligated to submit an amendment determination request
23 or request for amendment to the Department to determine the appropriate process for evaluating the
24 change and ensuring full regulatory coverage under each site certificate, or remaining site certificate if
25 either is terminated, in the future. Additionally, each certificate holder is obligated to demonstrate to
26 the Department that a legally binding agreement has been fully executed between certificate holders to
27 ensure approval and agreement of access to the shared resources has been obtained prior to operation
28 of shared facilities.

29 **2. Location of the Facility**

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

IV. CONDITIONS REQUIRED BY COUNCIL RULES

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

38 The obligation of the certificate holder to report information to the Oregon Department of Energy
39 (Department) or the Council under the conditions listed in this section and in Section V is subject to the
40 provisions of ORS 192.502 et seq. and ORS 469.560. To the extent permitted by law, the Department

1 and the Council will not publicly disclose information that may be exempt from public disclosure if the
2 certificate holder has clearly labeled such information and stated the basis for the exemption at the time
3 of submitting the information to the Department or the Council. If the Council or the Department
4 receives a request for the disclosure of the information, the Council or the Department, as appropriate,
5 will make a reasonable attempt to notify the certificate holder and will refer the matter to the Attorney
6 General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

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

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

16 1 OAR 345-025-0006(1): The Council shall not change the conditions of the site certificate except
17 as provided for in OAR Chapter 345, Division 27.

18 2 OAR 345-025-0006(2): The certificate holder shall submit a legal description of the site to the
19 Department of Energy within 90 days after beginning operation of the facility. The legal
20 description required by this rule means a description of metes and bounds or a description of
21 the site by reference to a map and geographic data that clearly and specifically identifies the
22 outer boundaries that contain all parts of the facility.

23 3 OAR 345-025-0006(3): The certificate holder shall design, construct, operate and retire the
24 facility:

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

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

30 4 OAR 345-025-0006(4): The certificate holder shall begin and complete construction of the
31 facility by the dates specified in the site certificate. (See Conditions 24 and 25)

32 5 OAR 345-025-0006(5): Except as necessary for the initial survey or as otherwise allowed for wind
33 energy facilities, transmission lines or pipelines under this section, the certificate holder shall
34 not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the
35 site until the certificate holder has construction rights on all parts of the site. For the purpose of
36 this rule, “construction rights” means the legal right to engage in construction activities. For
37 wind energy facilities, transmission lines or pipelines, if the certificate holder does not have
38 construction rights on all parts of the site, the certificate holder may nevertheless begin
39 construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the
40 certificate holder has construction rights on that part of the site and:

- 1 (a) The certificate holder would construct and operate part of the facility on that part of the site
2 even if a change in the planned route of the transmission line or pipeline occurs during the
3 certificate holder's negotiations to acquire construction rights on another part of the site; or
- 4 (b) The certificate holder would construct and operate part of a wind energy facility on that
5 part of the site even if other parts of the facility were modified by amendment of the site
6 certificate or were not built.
- 7 6 OAR 345-025-0006(6): If the certificate holder becomes aware of a significant environmental
8 change or impact attributable to the facility, the certificate holder shall, as soon as possible,
9 submit a written report to the Department describing the impact on the facility and any affected
10 site certificate conditions. [AMD4]
- 11 7 OAR 345-025-0006(7): The certificate holder shall prevent the development of any conditions on
12 the site that would preclude restoration of the site to a useful, non-hazardous condition to the
13 extent that prevention of such site conditions is within the control of the certificate holder.
- 14 8 OAR 345-025-0006(8): Before beginning construction of the facility, the certificate holder shall
15 submit to the State of Oregon, through the Council, a bond or letter of credit, in a form and
16 amount satisfactory to the Council to restore the site or a portion of the site to a useful, non-
17 hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at
18 all times until the facility has been retired. The Council may specify different amounts for the
19 bond or letter of credit during construction and during operation of the facility. (See Condition
20 32.) [AMD4]
- 21 9 OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder
22 permanently ceases construction or operation of the facility. The certificate holder shall retire
23 the facility according to a final retirement plan approved by the Council, as described in OAR
24 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-
25 hazardous condition at the time of retirement, notwithstanding the Council's approval in the
26 site certificate of an estimated amount required to restore the site.
- 27 10 OAR 345-025-0006(10): The Council shall include as conditions in the site certificate all
28 representations in the site certificate application and supporting record the Council deems to be
29 binding commitments made by the applicant.
- 30 11 OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall restore
31 vegetation to the extent practicable and shall landscape all areas disturbed by construction in a
32 manner compatible with the surroundings and proposed use. Upon completion of construction,
33 the certificate holder shall remove all temporary structures not required for facility operation
34 and dispose of all timber, brush, refuse and flammable or combustible material resulting from
35 clearing of land and construction of the facility.
- 36 12 OAR 345-025-0006(12): The certificate holder shall design, engineer and construct the facility to
37 avoid dangers to human safety and the environment presented by seismic hazards affecting the
38 site that are expected to result from all maximum probable seismic events. As used in this rule
39 "seismic hazard" includes ground shaking, ground failure, landslide, liquefaction triggering and
40 consequences (including flow failure, settlement buoyancy, and lateral spreading, cyclic

1 softening of clays and silts, fault rupture, directivity effects and soil-structure interaction. For
2 coastal sites, this also includes tsunami hazards and seismically-induced subsidence. [AMD4]

3 13 OAR 345-025-0006(13): The certificate holder shall notify the Department, the State Building
4 Codes Division and the Department of Geology and Mineral Industries promptly if site
5 investigations or trenching reveal that conditions in the foundation rocks differ significantly
6 from those described in the application for a site certificate. After the Department receives the
7 notice, the Council may require the certificate holder to consult with the Department of Geology
8 and Mineral Industries and the Building Codes Division to propose and implement corrective or
9 mitigation actions.

10 14 OAR 345-025-0006(14): The certificate holder shall notify the Department, the State Building
11 Codes Division and the Department of Geology and Mineral Industries promptly if shear zones,
12 artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After
13 the Department receives notice, the Council may require the certificate holder to consult with
14 the Department of Geology and Mineral Industries and the Building Codes Division to propose
15 and implement corrective or mitigation actions. [AMD4]

16 15 OAR 345-025-0006(15): Before any transfer of ownership of the facility or ownership of the site
17 certificate holder, the certificate holder shall inform the Department of the proposed new
18 owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that
19 requires a transfer of the site certificate.

20 16 OAR 345-025-0006(16): If the Council finds that the certificate holder has permanently ceased
21 construction or operation of the facility without retiring the facility according to a final
22 retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall
23 notify the certificate holder and request that the certificate holder submit a proposed final
24 retirement plan to the Department within a reasonable time not to exceed 90 days. If the
25 certificate holder does not submit a proposed final retirement plan by the specified date, the
26 Council may direct the Department to prepare a proposed final retirement plan for the Council's
27 approval. Upon the Council's approval of the final retirement plan, the Council may draw on the
28 bond or letter of credit described in OAR 345-027-0020(8) to restore the site to a useful, non-
29 hazardous condition according to the final retirement plan, in addition to any penalties the
30 Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of
31 credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any
32 additional cost necessary to restore the site to a useful, non-hazardous condition. After
33 completion of site restoration, the Council shall issue an order to terminate the site certificate if
34 the Council finds that the facility has been retired according to the approved final retirement
35 plan.

36 17 OAR 35-027-0023(4):

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

40 ~~(b) The certificate holder shall develop and implement a program that provides reasonable~~
41 ~~assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a~~

1 ~~permanent nature that could become inadvertently charged with electricity are grounded or~~
2 ~~bonded throughout the life of the line. [AMD3, Removed AMD4]~~

3 18 OAR 345-025-0010(5): The certificate holder is authorized to construct a 230-kV transmission
4 line anywhere within the approved corridor, subject to the conditions of the site certificate. The
5 approved corridor is ½-mile in width and extends approximately 10.8 miles from the Montague
6 Wind collector substation to BPA’s Slatt Substation as presented in Figure 1 of the site
7 certificate.
8 [OAR 345-025-0010(5); ASC; AMD5]

9 19 OAR 345-025-0016: The following general monitoring conditions apply:

- 10 (1) In the site certificate, the Council shall include conditions that address monitoring and
11 mitigation to ensure compliance with the standards contained in OAR Chapter 345, Division 22
12 and Division 24. The site certificate applicant, or for an amendment, the certificate holder, shall
13 develop proposed monitoring and mitigation plans in consultation with the Department and, as
14 appropriate, other state agencies, local governments and tribes. Monitoring and mitigation
15 plans are subject to Council approval. The Council shall incorporate approved monitoring and
16 mitigation plans in applicable site certificate conditions. [AMD5]

17 20 OAR 345-026-0048: Following receipt of the site certificate or an amended site certificate, the
18 certificate holder shall implement a plan that verifies compliance with all site certificate terms
19 and conditions and applicable statutes and rules. As a part of the compliance plan, to verify
20 compliance with the requirement to begin construction by the date specified in the site
21 certificate, the certificate holder shall report promptly to the Department of Energy when
22 construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of
23 construction, the certificate holder shall describe all work on the site performed before
24 beginning construction, including work performed before the Council issued the site certificate,
25 and shall state the cost of that work. For the purpose of this exhibit, “work on the site” means
26 any work within a site or corridor, other than surveying, exploration or other activities to define
27 or characterize the site or corridor. The certificate holder shall document the compliance plan
28 and maintain it for inspection by the Department or the Council.

29 21 OAR 345-026-0080: The certificate holder shall report according to the following requirements:

- 30 (a) General reporting obligation for energy facilities under construction or operating:
31 (i) Within six months after beginning construction, and every six months thereafter during
32 construction of the energy facility and related or supporting facilities, the certificate holder
33 shall submit a semiannual construction progress report to the Department of Energy. In
34 each construction progress report, the certificate holder shall describe any significant
35 changes to major milestones for construction. The certificate holder shall report on the
36 progress of construction and shall address the subjects listed in subsections (2)(a), (d), (f)
37 and (g). When the reporting date coincides, the certificate holder may include the
38 construction progress report within the annual report described in this rule.
39 (ii) After January 1 but no later than April 30 of each year after beginning operation of the
40 facility, the certificate holder shall submit an annual report to the Department addressing
41 the subjects listed in Subsection (2). For the purposes of this rule, the beginning of operation
42 of the facility means the date when construction of a significant portion of the facility is
43 substantially complete and the certificate holder begins commercial operation of the facility

- 1 as reported by the certificate holder and accepted by the Department. The Council Secretary
2 and the certificate holder may, by mutual agreement, change the reporting date.
- 3 (iii) To the extent that information required by this rule is contained in reports the certificate
4 holder submits to other state, federal or local agencies, the certificate holder may submit
5 excerpts from such other reports to satisfy this rule. The Council reserves the right to
6 request full copies of such excerpted reports
- 7 (b) In the annual report, the certificate holder shall include the following information for the
8 calendar year preceding the date of the report:
- 9 (i) Facility Status: An overview of site conditions, the status of facilities under construction and
10 a summary of the operating experience of facilities that are in operation. The certificate
11 holder shall describe any unusual events, such as earthquakes, extraordinary windstorms,
12 major accidents or the like that occurred during the year and that had a significant adverse
13 impact on the facility.
- 14 (ii) Reliability and Efficiency of Power Production: For electric power plants, the plant
15 availability and capacity factors for the reporting year. The certificate holder shall describe
16 any equipment failures or plant breakdowns that had a significant impact on those factors
17 and shall describe any actions taken to prevent the recurrence of such problems.
- 18 (iii) Status of Surety Information: Documentation demonstrating that bonds or letters of credit
19 as described in the site certificate are in full force and effect and will remain in full force and
20 effect for the term of the next reporting period.
- 21 (iv) Monitoring Report: A list and description of all significant monitoring and mitigation
22 activities performed during the previous year in accordance with site certificate terms and
23 conditions, a summary of the results of those activities and a discussion of any significant
24 changes to any monitoring or mitigation program, including the reason for any such
25 changes.
- 26 (v) Compliance Report: A description of all instances of noncompliance with a site certificate
27 condition. For ease of review, the certificate holder shall, in this section of the report, use
28 numbered subparagraphs corresponding to the applicable sections of the site certificate.
- 29 (vi) Facility Modification Report: A summary of changes to the facility that the certificate holder
30 has determined do not require a site certificate amendment in accordance with OAR 345-
31 027-0050.

32 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange copies
33 of all correspondence or summaries of correspondence related to compliance with statutes,
34 rules and local ordinances on which the Council determined compliance, except for material
35 withheld from public disclosure under state or federal law or under Council rules. The certificate
36 holder may submit abstracts of reports in place of full reports; however, the certificate holder
37 shall provide full copies of abstracted reports and any summarized correspondence at the
38 request of the Department.

39 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours
40 of any occurrence involving the facility if:
41 (i) There is an attempt by anyone to interfere with its safe operation;
42 (ii) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event
43 such as a fire or explosion affects or threatens to affect the public health and safety or the
44 environment; or
45 (iii) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

1 The conditions listed in this section include conditions based on representations in the site certificate
2 application and supporting record. The Council deems these representations to be binding
3 commitments made by the applicant. These conditions are required under OAR 345-025-0006.
4 The certificate holder must comply with these conditions in addition to the conditions listed in
5 Section IV. This section includes other specific facility conditions the Council finds necessary to ensure
6 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect public
7 health and safety. For conditions that require subsequent review and approval of a future action, ORS
8 469.402 authorizes the Council to delegate the future review and approval to the Department if, in the
9 Council's discretion, the delegation is warranted under the circumstances of the case.

10 1. Certificate Administration Conditions

11 24 The certificate holder shall begin construction of the facility by September 14, 2017. Under OAR
12 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the
13 applicant. The Council may grant an extension of the deadline to begin construction in
14 accordance with OAR 345-027-0385 or any successor rule in effect at the time the request for
15 extension is submitted. [ASC; AMD2; AMD5]

16 25 The certificate holder shall complete construction of the facility by September 14, 2020.
17 Construction is complete when: (1) the facility is substantially complete as defined by the
18 certificate holder's construction contract documents, (2) acceptance testing has been
19 satisfactorily completed and (3) the energy facility is ready to begin continuous operation
20 consistent with the site certificate. The certificate holder shall promptly notify the Department
21 of the date of completion of construction. The Council may grant an extension of the deadline
22 for completing construction in accordance with OAR 345-027-0385 or any successor rule in
23 effect at the time the request for extension is submitted. [ASC; AMD2; AMD5]

24 26 ~~Before beginning construction of the facility, the certificate holder shall notify the Department~~
25 ~~whether the turbines identified as H1, H2, H3, H4, L8, L9, L10, L11 and L12 on Figure C-3a of the~~
26 ~~site certificate application will be built as part of the Montague Wind Power Facility or whether~~
27 ~~the turbines will be built as part of the Leaning Juniper II Wind Power Facility. [Removed AMD5]~~

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

33 For facility components:

- 34 (a) The total number of turbines must not exceed 56 turbines.
35 (b) The turbine hub height must not exceed 100 meters and the maximum blade tip height
36 must not exceed 150 meters.
37 (c) The minimum blade tip clearance must be 14 meters above ground. [Amendment #3]

38 [Final Order on ASC; AMD3; AMD5]

- 1 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals
2 required for construction, operation and retirement of the facility or ensure that its contractors
3 obtain the necessary federal, state and local permits or approvals.
4
- 5 29 The certificate holder shall:
6 (a) Before beginning construction of the facility, provide to the Department a list of all
7 third-party permits which would normally be governed by the site certificate and that
8 are necessary for construction (e.g. Air Contaminant Discharge Permit; Limited Water
9 Use License). Once obtained, the certificate holder shall provide copies of third-party
10 permits to the Department and Gilliam County-and shall provide to the Department
11 proof of agreements between the certificate holder and the third-party regarding access
12 to the resources or services secured by the permits or approvals.
13 (b) During construction and operation, promptly report to the Department if any third-party
14 permits referenced in sub(i) of this condition have been subject to a cited violation,
15 Notice of Violation, or allegation of a violation. [AMD5]
- 16 30 Before beginning construction, the certificate holder shall notify the Department in advance of
17 any work on the site that does not meet the definition of “construction” in ORS 469.300,
18 excluding surveying, exploration or other activities to define or characterize the site, and shall
19 provide to the Department a description of the work and evidence that its value is less than
20 \$250,000.
- 21 31 Before beginning construction but no more than two years before beginning construction and
22 after considering all micro-siting factors, the certificate holder shall provide to the Department,
23 to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning Director of Gilliam
24 County detailed maps of the facility site, showing the final locations where the certificate holder
25 proposes to build facility components, and a table showing the acres of temporary and
26 permanent habitat impact by habitat category and subtype, similar to Table 6 in the Final Order
27 on the Application. The detailed maps of the facility site shall indicate the habitat categories of
28 all areas that would be affected during construction (similar to Figures P-8a through P-8d in the
29 site certificate application). In classifying the affected habitat into habitat categories, the
30 certificate holder shall consult with the ODFW. The certificate holder shall not begin ground
31 disturbance in an affected area until the habitat assessment has been approved by the
32 Department. The Department may employ a qualified contractor to confirm the habitat
33 assessment by on-site inspection.
- 34 32 Before beginning construction of the facility, the certificate holder shall submit to the State of
35 Oregon through the Council a bond or letter of credit in the amount described herein naming
36 the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or
37 letter of credit, as adjusted in August 2018 in accordance with (a) and (b) below, is \$7.705
38 million (3rd Quarter 2018 dollars). The certificate holder shall adjust the amount of the bond or
39 letter of credit on an annual basis thereafter as described in (b).
- 40 (a) The certificate holder may adjust the amount of the bond or letter of credit based on
41 the final design configuration of the facility and turbine types selected by applying the
42 unit costs and general costs illustrated in Table 2 in the *Final Order on the Application*
43 and calculating the financial assurance amount as described in that order, adjusted to
44 the date of issuance as described in (b) and subject to approval by the Department.

- 1 (i) Adjust the Subtotal component of the bond or letter of credit amount
2 (expressed in 3rd Quarter 2017 dollars) to present value, using the U.S. Gross
3 Domestic Product Implicit Price Deflator, Chain-Weight, as published in the
4 Oregon Department of Administrative Services' "Oregon Economic and
5 Revenue Forecast" or by any successor agency (the "Index") and using the 3rd
6 Quarter-2017 index values (to represent mid-2004 dollars) and the quarterly
7 index value for the date of issuance of the new bond or letter of credit. If at
8 any time the Index is no longer published, the Council shall select a comparable
9 calculation to adjust mid-2004 dollars to present value.
- 10 (ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond
11 amount to determine the adjusted Gross Cost.
- 12 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
13 and project management costs and 10 percent of the adjusted Gross Cost (ii)
14 for the adjusted future developments contingency.
- 15 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
16 the resulting total to the nearest \$1,000 to determine the adjusted financial
17 assurance amount.
- 18 (b) The certificate holder shall adjust the amount of the bond or letter of credit, using the
19 following calculation and subject to approval by the Department:
- 20 (c) The certificate holder shall use a form of bond or letter of credit approved by the
21 Council.
- 22 (d) The certificate holder shall use an issuer of the bond or letter of credit approved by the
23 Council.
- 24 (e) The certificate holder shall describe the status of the bond or letter of credit in the
25 annual report submitted to the Council under Condition 21.
- 26 (f) The bond or letter of credit shall not be subject to revocation or reduction before
27 retirement of the facility site.

28 [AMD5]
29

30 33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, the
31 certificate holder shall ensure that the surety is obligated to comply with the requirements of
32 applicable statutes, Council rules and this site certificate when the surety exercises any legal or
33 contractual right it may have to assume construction, operation or retirement of the energy
34 facility. The certificate holder shall also ensure that the surety is obligated to notify the Council
35 that it is exercising such rights and to obtain any Council approvals required by applicable
36 statutes, Council rules and this site certificate before the surety commences any activity to
37 complete construction, operate or retire the energy facility.

38 34 Before beginning construction, the certificate holder shall notify the Department of the identity
39 and qualifications of the major design, engineering and construction contractor(s) for the
40 facility. The certificate holder shall select contractors that have substantial experience in the
41 design, engineering and construction of similar facilities. The certificate holder shall report to
42 the Department any change of major contractors.

1 35 The certificate holder shall contractually require all construction contractors and subcontractors
2 involved in the construction of the facility to comply with all applicable laws and regulations and
3 with the terms and conditions of the site certificate. Such contractual provisions shall not
4 operate to relieve the certificate holder of responsibility under the site certificate.

5 36 To ensure compliance with all site certificate conditions during construction, the certificate
6 holder shall have a full-time, on-site assistant construction manager who is qualified in
7 environmental compliance. The certificate holder shall notify the Department of the name,
8 telephone number and e-mail address of this person.

9 37 Within 72 hours after discovery of conditions or circumstances that may violate the terms or
10 conditions of the site certificate, the certificate holder shall report the conditions or
11 circumstances to the Department.

12 **2. Land Use Conditions**

13 38 The certificate holder shall consult with area landowners and lessees during construction and
14 operation of the facility and implement measures to reduce and avoid any adverse impacts to
15 farm practices on surrounding lands and to avoid any increase in farming costs.-[Final Order on
16 ASC; AMD5]

17 39 The certificate holder shall design and construct the facility using the minimum land area
18 necessary for safe construction and operation. The certificate holder shall locate access roads
19 and temporary construction laydown and staging areas to minimize disturbance of farming
20 practices and, wherever feasible, shall place turbines and transmission interconnection lines
21 along the margins of cultivated areas to reduce the potential for conflict with farm operations.
22 [Final Order on ASC; AMD4; AMD5]
23

24 40 The certificate holder shall install gates on private access roads in accordance with Gilliam
25 County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a variance to
26 this requirement.

27 41 Before beginning construction of the facility, the certificate holder shall record in the real
28 property records of Gilliam County a Covenant Not to Sue with regard to generally accepted
29 farming practices on adjacent farmland consistent with GCZO Section 37 7.020(T)(4)(a)(5).

30 42 The certificate holder shall construct all facility components in compliance with the following
31 setback requirements:

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

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

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

- 1 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
2 percent of maximum blade tip height, measured from the centerline of the turbine tower to
3 the nearest boundary of the certificate holder's lease area.
- 4 (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the
5 center line of each turbine tower to the nearest edge of any railroad right-of-way or
6 electrical substation.
- 7 (f) The certificate holder shall maintain a minimum distance of 250 feet measured from the
8 center line of each meteorological tower to the nearest edge of any public road right-of-way
9 or railroad right-of-way, the nearest boundary of the certificate holder's lease area or the
10 nearest electrical substation.
- 11 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from any
12 facility O&M building to the nearest edge of any public road right-of-way or railroad right-of-
13 way or the nearest boundary of the certificate holder's lease area.
- 14 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from any
15 substation to the nearest edge of any public road right-of-way or railroad right-of-way or the
16 nearest boundary of the certificate holder's electrical substation easement or, if there is no
17 easement, the nearest boundary of the certificate holder's lease area.
- 18 (i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110 percent of
19 maximum blade tip height, measured from the centerline of the turbine tower from any
20 overhead utility line. [Amendment #1]
- 21 (j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150 percent of
22 maximum turbine height from blade tip height, measured from the centerline of the turbine
23 tower from federal transmission lines, unless the affected parties agree otherwise.
24 [Amendment #1]

25
26 43 During construction and operation of the facility, the certificate holder shall implement a weed
27 control plan approved by the Gilliam County Weed Control Officer or other appropriate County
28 officials to control the introduction and spread of noxious weeds.

29 44 During operation of the facility, the certificate holder shall restore areas that are temporarily
30 disturbed during facility maintenance or repair activities using the same methods and
31 monitoring procedures described in the Revegetation Plan referenced in Condition 92.

32 45 Within 90 days after beginning operation of the facility, the certificate holder shall provide to
33 the Department and to the Gilliam County Planning Department the actual latitude and
34 longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines
35 and transmission lines and a summary of as-built changes in the facility compared to the original
36 plan.

37 46 The certificate holder shall deliver a copy of the annual report required under Condition 21 to
38 the Gilliam County Planning Commission on an annual basis unless specifically discontinued by
39 the County.

40 **3. Cultural Resource Conditions**

41 47 Before beginning construction, the certificate holder shall label all identified historic, cultural or
42 archeological resource sites on construction maps and drawings as "no entry" areas. If
43 construction activities will occur within 200 feet of an identified site, the certificate holder shall

1 flag a 30-meter no entry buffer around the site. The certificate holder may use existing private
2 roads within the buffer areas but may not widen or improve private roads within the buffer
3 areas. The no-entry restriction does not apply to public road rights-of-way within the buffer
4 areas or to operational farmsteads. [Final Order on ASC; AMD4; AMD5]
5

- 6 48 In reference to the alignment of the Oregon Trail described in the Final Order on the
7 Application, the certificate holder shall comply with the following requirements:
8 (a) The certificate holder shall not locate facility components on visible remnants of the Oregon
9 Trail and shall avoid any construction disturbance to those remnants.
10 (b) The certificate holder shall not locate facility components on undeveloped land where the
11 trail alignment is marked by existing Oregon-California Trail Association markers.
12 (c) Before beginning construction, the certificate holder shall provide to the State Historic
13 Preservation Office (SHPO) and the Department documentation of the presumed Oregon
14 Trail alignments within the site boundary.
15 (d) The certificate holder shall ensure that construction personnel proceed carefully in the
16 vicinity of the presumed alignments of the Oregon Trail. If any physical evidence of the trail
17 is discovered, the certificate holder shall avoid any disturbance to the intact segments by
18 redesign, re-engineering or restricting the area of construction activity and shall flag a 30-
19 meter no-entry buffer around the intact Trail segments. The certificate holder shall promptly
20 notify the SHPO and the Department of the discovery. The certificate holder shall consult
21 with the SHPO and the Department to determine appropriate mitigation measures.
22

- 23 49 Before beginning construction, the certificate holder shall provide to the Department a map
24 showing the final design locations of all components of the facility, the areas that would be
25 temporarily disturbed during construction and the areas that were surveyed in 2009 as
26 described in the Final Order on the Application. The certificate holder shall hire qualified
27 personnel to conduct field investigations of all areas to be disturbed during construction that lie
28 outside the previously-surveyed areas. The certificate holder shall provide a written report of
29 the field investigations to the Department and to the Oregon State Historic Preservation Office
30 (SHPO) for review and approval. If any potentially significant historic, cultural or archaeological
31 resources are found during the field investigation, the certificate holder shall instruct all
32 construction personnel to avoid the identified sites and shall implement appropriate measures
33 to protect the sites, including the measures described in Condition 47.

- 34 50 During construction, the certificate holder shall:
35 (a) Ensure that a qualified archeologist, as defined in OAR 736-051-0070, instructs construction
36 personnel in the identification of cultural materials and avoidance of accidental damage to
37 identified resource site.
38 (b) Employ a qualified cultural resource monitor to conduct monitoring of ground disturbance
39 at depths of 12 inches or greater. The qualifications of the selected cultural resources
40 monitor shall be reviewed and approved by the Department, in consultation with the CTUIR
41 Cultural Resources Protection Program. In the selection of the cultural resources monitor to
42 be employed during construction, preference shall be given to citizens of the CTUIR. Ground
43 disturbance at depths 12 inches or greater shall not occur without the presence of the
44 approved cultural resources monitor. If any cultural resources are identified during
45 monitoring activities, the steps outlined in the Inadvertent Discovery Plan, as provided in
46 Attachment H of the Final Order on Amendment 5 should be followed. The certificate holder
47 shall report to the Department in its semi-annual report a description of the ground

1 disturbing activities that occurred during the reporting period, dates cultural monitoring
2 occurred, and shall include copies of monitoring forms completed by the cultural resource
3 monitor. [AMD5]

4 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing
5 activities in the immediate area if any archaeological or cultural resources are found during
6 construction of the facility until a qualified archaeologist can evaluate the significance of the
7 find. The certificate holder shall notify the Department and the Oregon State Historic
8 Preservation Office (SHPO) of the find. If the SHPO determines that the resource is significant,
9 the certificate holder shall make recommendations to the Council for mitigation, including
10 avoidance, field documentation and data recovery, in consultation with the Department, SHPO,
11 interested Tribes and other appropriate parties. The certificate holder shall not restart work in
12 the affected area until the certificate holder has demonstrated to the Department and the SHPO
13 that it has complied with archaeological resource protection regulations

14 **4. Geotechnical Conditions**

15 52 Before beginning construction of the facility, the certificate holder shall conduct a site-specific
16 geotechnical investigation and shall report its findings to the Oregon Department of Geology &
17 Mineral Industries (DOGAMI) and the Department. The certificate holder shall conduct the
18 geotechnical investigation after consultation with DOGAMI to confirm appropriate site-specific
19 methodologies for evaluating seismic and non-seismic hazards to inform equipment foundation
20 and road design. [Final Order; AMD5]

21 53 The certificate holder shall design and construct the facility in accordance with requirements of
22 the current Oregon Structural Specialty Code and International Building Code. [AMD5]

23 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to human
24 safety presented by non-seismic hazards. As used in this condition, “non-seismic hazards”
25 include settlement, landslides, flooding and erosion.

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

27 55 The certificate holder shall handle hazardous materials used on the site in a manner that
28 protects public health, safety and the environment and shall comply with all applicable local,
29 state and federal environmental laws and regulations. The certificate holder shall not store
30 diesel fuel or gasoline on the facility site during operations. [AMD5]

31 56 If a spill or release of hazardous material occurs during construction or operation of the facility,
32 the certificate holder shall notify the Department within 72 hours and shall clean up the spill or
33 release and dispose of any contaminated soil or other materials according to applicable
34 regulations. The certificate holder shall make sure that spill kits containing items such as
35 absorbent pads are located on equipment and at the O&M building (shared with Leaning Juniper
36 IIA). The certificate holder shall instruct employees about proper handling, storage and cleanup
37 of hazardous materials

38 57 The certificate holder shall construct turbines and pad-mounted transformers on concrete
39 foundations and shall cover the ground within a 10-foot radius with non-flammable material.

- 1 The certificate holder shall maintain the non-flammable pad area covering during operation of
2 the facility.
- 3 58 The certificate holder shall install and maintain self-monitoring devices on each turbine, linked
4 to sensors at the operations and maintenance building, to alert operators to potentially
5 dangerous conditions, and the certificate holder shall immediately remedy any dangerous
6 conditions. The certificate holder shall maintain automatic equipment protection features in
7 each turbine that would shut down the turbine and reduce the chance of a mechanical problem
8 causing a fire.
- 9 59 During construction and operation of the facility, the certificate holder shall ensure that the
10 O&M building and all service vehicles are equipped with shovels and portable fire extinguishers
11 of a 4A50BC or equivalent rating.
- 12 60 During construction and operation of the facility, the certificate holder shall develop and
13 implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection
14 District to minimize the risk of fire and to respond appropriately to any fires that occur on the
15 facility site. In developing the fire safety plans, the certificate holder shall take into account the
16 dry nature of the region and shall address risks on a seasonal basis. The certificate holder shall
17 meet annually with local fire protection agency personnel to discuss emergency planning and
18 shall invite local fire protection agency personnel to observe any emergency drill or tower
19 rescue training conducted at the facility.
- 20 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site plan to
21 the North Gilliam County Rural Fire Protection District. The certificate holder shall indicate on
22 the site plan the identification number assigned to each turbine and the actual location of all
23 facility structures. The certificate holder shall provide an updated site plan if additional turbines
24 or other structures are later added to the facility. During operation, the certificate holder shall
25 ensure that appropriate fire protection agency personnel have an up-to-date list of the names
26 and telephone numbers of facility personnel available to respond on a 24-hour basis in case of
27 an emergency on the facility site.
- 28 62 During construction, the certificate holder shall ensure that construction personnel are trained
29 in fire prevention and response, that construction vehicles and equipment are operated on
30 graveled areas to the extent possible and that open flames, such as cutting torches, are kept
31 away from dry grass areas.
- 32 63 During operation of the facility, the certificate holder shall ensure that all on-site employees
33 receive annual fire prevention and response training by qualified instructors or members of the
34 local fire districts. The certificate holder shall ensure that all employees are instructed to keep
35 vehicles on roads and off dry grassland, except when off-road operation is required for
36 emergency purposes.
- 37 64 Before beginning construction of the facility, the certificate holder shall submit a Notice of
38 Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the
39 Oregon Department of Aviation identifying the proposed final locations of turbine towers and
40 meteorological towers. The certificate holder shall promptly notify the Department of the
41 responses from the FAA and the Oregon Department of Aviation. [AMD5]

- 1 65 The certificate holder shall follow manufacturers' recommended handling instructions and
2 procedures to prevent damage to turbine or turbine tower components that could lead to
3 failure.
- 4 66 The certificate holder shall construct turbine towers with no exterior ladders or access to the
5 turbine blades and shall install locked tower access doors. The certificate holder shall keep
6 tower access doors locked at all times, except when authorized personnel are present.
- 7 67 During operation of the facility, the certificate holder shall have a safety-monitoring program
8 and shall inspect all turbine and turbine tower components on a regular basis. The certificate
9 holder shall maintain or repair turbine and turbine tower components as necessary to protect
10 public safety.
- 11 68 For turbine types having pad-mounted step-up transformers, the certificate holder shall install
12 the transformers at the base of each tower in locked cabinets designed to protect the public
13 from electrical hazards and to avoid creation of artificial habitat for raptor prey.
- 14 69 To protect the public from electrical hazards, the certificate holder shall enclose the facility
15 substations with appropriate fencing and locked gates. [AMD5]
- 16 70 Before beginning construction of any new State Highway approaches or utility crossings, the
17 certificate holder shall obtain all required permits from the Oregon Department of
18 Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734,
19 Divisions 51 and 55. The certificate holder shall submit the necessary application in a form
20 satisfactory to ODOT and the Department for the location, construction and maintenance of a
21 new approach to State Highway 19 for access to the site south of Tree Lane. The certificate
22 holder shall submit the necessary application in a form satisfactory to ODOT and the
23 Department for the location, construction and maintenance of transmission lines crossing
24 Highway 19.
- 25 71 The certificate holder shall design and construct new access roads and private road
26 improvements to standards approved by the Gilliam County Road Department or, where
27 applicable, the Morrow County Public Works Department. Where modifications of County roads
28 are necessary, the certificate holder shall construct the modifications entirely within the County
29 road rights-of-way and in conformance with County road design standards subject to the
30 approval of the Gilliam County Road Department or, where applicable, the Morrow County
31 Public Works Department. Where modifications of State roads or highways are necessary, the
32 certificate holder shall construct the modifications entirely within the public road rights-of-way
33 and in conformance with Oregon Department of Transportation (ODOT) standards subject to the
34 approval of ODOT.
- 35 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,
36 designed under the direction of a licensed engineer and compacted to meet equipment load
37 requirements.
- 38 73 During construction of the facility, the certificate holder shall implement measures to reduce
39 traffic impacts, including:
40 (a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
41 (b) Providing appropriate traffic safety signage and warnings.

- 1 (c) Requiring flaggers to be at appropriate locations at appropriate times during
- 2 construction to direct traffic.
- 3 (d) Using traffic diversion equipment (such as advance signage and pilot cars) when slow or
- 4 oversize construction loads are anticipated.
- 5 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so that
- 6 roads will not be closed to traffic because of construction vehicles.
- 7 (f) Encouraging carpooling for the construction workforce.
- 8 (g) Including traffic control procedures in contract specifications for construction of the
- 9 facility.
- 10 (h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access
- 11 points.

12 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on any
13 County road whether inside or outside the site boundary. The certificate holder may temporarily
14 park equipment off the road but within County rights-of-way with the approval of the Gilliam
15 County Road Department or, where applicable, the Morrow County Public Works Department.

16 75 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that
17 any unusual damage or wear to county roads that is caused by construction of the facility is
18 repaired by the certificate holder. Submittal to the Department of an executed Road Use
19 Agreement with Gilliam County shall constitute evidence of compliance with this condition.
20 Upon completion of construction, the certificate holder shall restore public roads to pre-
21 construction condition or better to the satisfaction of the applicable county departments. If
22 required by Gilliam County, the certificate holder shall post bonds to ensure funds are available
23 to repair and maintain roads affected by the facility. If construction of the facility will utilize
24 county roads in counties other than Gilliam County, the certificate holder shall coordinate with
25 the Department and the respective county road departments regarding the implementation of a
26 similar Road Use Agreement. [AMD5]

27 76 During construction, the certificate holder shall require that all on-site construction contractors
28 develop and implement a site health and safety plan that informs workers and others on-site
29 about first aid techniques and what to do in case of an emergency and that includes important
30 telephone numbers and the locations of on-site fire extinguishers and nearby hospitals. The
31 certificate holder shall ensure that construction contractors have personnel on-site who are
32 trained and equipped for tower rescue and who are first aid and CPR certified.

33 77 During operation of the facility, the certificate holder shall develop and implement a site health
34 and safety plan that informs employees and others on-site about first aid techniques and what
35 to do in case of an emergency, including a contingency plan in a fire emergency, and that
36 includes important telephone numbers and the locations of on-site fire extinguishers, nearby
37 hospitals, Gilliam County Sheriff's Office and the office locations of the backup law enforcement
38 services. The certificate holder shall ensure that operations personnel are trained and equipped
39 for tower rescue. If the certificate holder conducts an annual emergency drill or performs tower
40 rescue training at the facility, the North Gilliam County Rural Fire Protection District and the
41 Arlington Fire Department will be invited to observe. [AMD5]

42 78 (a) During construction of the facility, the certificate holder shall provide on-site
43 security within the facility site boundary, and shall establish good communications between
44 on-site security personnel and the Gilliam County Sheriff's Office by establishing a

1 communication protocol between the security personnel and the Sherriff's office. The
2 communication protocol shall be sent to the Department prior to construction.
3 (b) During operation, the certificate holder shall ensure that appropriate law enforcement
4 agency personnel have an up-to-date list of the names and telephone numbers of facility
5 personnel available to respond on a 24-hour basis in case of an emergency on the facility
6 site. The list shall also be sent to the Department.
7

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

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

13 80
14 i. The certificate holder shall conduct all construction work in compliance with an Erosion and
15 Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental
16 Quality and as required under the National Pollutant Discharge Elimination System (NPDES)
17 Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the
18 ESCP any procedures necessary to meet local erosion and sediment control requirements or
19 storm water management requirements.
20 ii. Prior to beginning facility operation, the certificate holder shall provide the Department a
21 copy of an operational SPCC plan, if required pursuant to OAR 340-141-0001 to -0240.
22 [AMD5]
23

24 81 During construction, the certificate holder shall limit truck traffic to improved road surfaces to
25 avoid soil compaction, to the extent practicable.

26 82 During construction, the certificate holder shall implement best management practices to
27 control any dust generated by construction activities, such as applying water to roads and
28 disturbed soil areas.

29 83 Before beginning construction of the facility, the certificate holder shall provide to the
30 Department a map showing the final design locations of all components of the facility, and the
31 areas that would be disturbed during construction and showing the wetlands and stream
32 channels previously surveyed by CH2M HILL or HDR as described in the Final Order on the
33 Application and the Final Order on Amendment #4. For areas to be disturbed during
34 construction that lie outside of the previously-surveyed areas, the certificate holder shall hire
35 qualified personnel to conduct a pre-construction investigation to determine whether any
36 jurisdictional waters of the State exist in those locations within the proposed expanded site
37 boundary. The certificate holder shall provide a written report on the pre-construction
38 investigation to the Department and the Department of State Lands for approval before
39 beginning construction. The certificate holder shall ensure that construction and operation of
40 the facility will have no impact on any jurisdictional water identified in the pre-construction
41 investigation.

42 84 The certificate holder shall avoid impacts to waters of the state in the following manner:
43 (a) The certificate holder shall avoid any disturbance to delineated wetlands.

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

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

9 [AMD5]

10
11 85 During facility operation, the certificate holder shall routinely inspect and maintain all facility
12 components including roads, pads, trenched areas and, as necessary, maintain or repair erosion
13 and sediment control measures. [AMD5]

14 86 During facility operation, the certificate holder shall obtain water for on-site uses from on-site
15 wells located near the O&M building. The certificate holder shall construct on-site wells subject
16 to compliance with the provisions of ORS 537.765 relating to keeping a well log. The certificate
17 holder shall not use more than 5,000 gallons of water per day from the on-site well. The
18 certificate holder may use other sources of water for on-site uses subject to prior approval by
19 the Department.

20 87 During facility operation, if wind turbine blade-washing becomes necessary, the certificate
21 holder shall ensure that there is no runoff of wash water from the site or discharges to surface
22 waters, storm sewers or dry wells. The certificate holder shall not use acids, bases or metal
23 brighteners with the wash water. The certificate holder may use biodegradable, phosphate-free
24 cleaners sparingly. [AMD5]

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

26 88 The certificate holder shall install the 34.5-kV collector system underground to the extent
27 practical. The certificate holder shall install underground lines at a minimum depth of three feet.
28 Based on geotechnical conditions or other engineering considerations, the certificate holder
29 may install segments of the collector system aboveground, but the total length of aboveground
30 segments must not exceed 27 miles.

31 89 The certificate holder shall take reasonable steps to reduce or manage human exposure to
32 electromagnetic fields, including but not limited to:

33 ~~(a) Constructing all aboveground transmission lines at least 200 feet from any residence or~~
34 ~~other occupied structure, measured from the centerline of the transmission line.~~
35 [Deleted AMD5, Sept 2020]

36 (b) Providing to landowners a map of underground and overhead transmission lines on
37 their property and advising landowners of possible health risks from electric and
38 magnetic fields.

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

42 (d) Designing and maintaining all transmission lines so that induced voltages during
43 operation are as low as reasonably achievable.

1 90 In advance of, and during, preparation of detailed design drawings and specifications for 230-kV
2 and 34.5-kV transmission lines, the certificate holder shall consult with the Utility Safety and
3 Reliability Section of the Oregon Public Utility Commission to ensure that the designs and
4 specifications are consistent with applicable codes and standards.

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

6 91 Prior to construction of the Facility of the Facility, the certificate holder shall finalize the Wildlife
7 Monitoring and Mitigation Plans (WMMPs), based on the draft WMMP included as Attachment
8 F of the Final Order on Request for Amendment #4, as approved by the Department in
9 consultation with ODFW. The certificate holder shall conduct wildlife monitoring as described in
10 the final WMMP, as amended from time to time. [Amendment #3; AMD5]

11 92 The certificate holder shall restore areas disturbed by facility construction but not occupied by
12 permanent facility structures according to the methods and monitoring procedures described in
13 the final Revegetation Plans of the Facility, as approved by the Department in consultation with
14 ODFW. The final Revegetation Plan shall be based on the draft plan as Attachment E in the Final
15 Order on Request for Amendment #4, and as amended from time to time. [Amendment #3;
16 AMD5]

17 93 The certificate holder shall:

- 18 (a) Acquire the legal right to create, enhance, maintain and protect a habitat mitigation
19 area as long as the site certificate is in effect by means of an outright purchase,
20 conservation easement or similar conveyance and shall provide a copy of the
21 documentation to the Department. Within the habitat mitigation area, the certificate
22 holder shall improve the habitat quality as described in the final Habitat Mitigation Plans
23 for the Facility, as approved by the Department in consultation with ODFW. The final
24 Habitat Mitigation Plans shall be based on the draft plan included as Attachment G to
25 the Final Order on Request for Amendment #3 and updated based on Condition 31. The
26 final Habitat Mitigation Plans may be amended from time to time. [Amendment #3;
27 AMD5]
- 28 (b) Within 90 days of completion of construction, the certificate holder shall submit to the
29 department and ODFW an updated HMP Table.
30 [AMD5]

31
32 94 The certificate holder shall determine the boundaries of Category 1 Washington ground squirrel
33 (WGS) habitat based on the locations where the squirrels were found to be active in the most
34 recent WGS survey prior to the beginning of construction in habitat suitable for WGS foraging or
35 burrow establishment (“suitable habitat”).

- 36 (a) The certificate holder shall hire a qualified professional biologist who has experience in
37 detection of WGS to conduct surveys using a survey protocol approved by the Oregon
38 Department of Fish and Wildlife (ODFW). The biologist shall survey all areas of suitable
39 habitat where permanent facility components would be located or where construction
40 disturbance could occur. Except as provided in (a), the biologist shall conduct the
41 protocol surveys in the active squirrel season (March 1 to May 31) in 2010 and in the
42 active squirrel seasons in subsequent years until the beginning of construction in
43 suitable habitat. The certificate holder shall provide written reports of the surveys to the
44 Department and to ODFW and shall identify the boundaries of Category 1 WGS habitat.
45 The certificate holder shall not begin construction within suitable habitat until the

1 identified boundaries of Category 1 WGS habitat have been approved by the
2 Department. Category 1 WGS habitat includes the areas described in (b) and (c).

- 3 (b) The certificate holder may omit the WGS survey in any year if the certificate holder
4 avoids all permanent and temporary disturbance within suitable habitat until a WGS
5 survey has been completed in the following year and the boundaries of Category 1
6 habitat have been determined and approved based on that survey.
- 7 (c) Category 1 WGS habitat includes the area within the perimeter of multiple active WGS
8 burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS
9 foraging or burrow establishment. If the multiple-burrow area was active in a prior
10 survey year, then Category 1 habitat includes the largest extent of the active burrow
11 area ever recorded (in the current or any prior-year survey), plus a 785-foot buffer.
- 12 (d) Category 1 WGS habitat includes the area containing single active burrow detections
13 plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS foraging or
14 burrow establishment. Category 1 habitat does not include single-burrow areas that
15 were found active in a prior survey year but that are not active in the current survey
16 year.

17
18 95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat
19 during construction including, but not limited to, the following:

- 20 (a) The certificate holder shall not construct any facility components within areas of
21 Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
- 22 (b) Before beginning construction, but no more than two years prior to the beginning of
23 construction, the certificate holder shall hire a qualified professional biologist to
24 conduct a survey of all areas to be disturbed by construction for threatened and
25 endangered species. The certificate holder shall provide a written report of the survey
26 and a copy of the survey to the Department, the Oregon Department of Fish and
27 Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the surveys
28 identify the presence of threatened or endangered species within the survey area, the
29 certificate holder shall implement appropriate measures to avoid a significant reduction
30 in the likelihood of survival or recovery of the species, as approved by the Department,
31 in consultation with ODA and ODFW.
- 32 (c) Before beginning construction of the facility, the certificate holder's qualified
33 professional biologist shall survey the Category 1 Washington ground squirrel habitat to
34 ensure that the sensitive use area is correctly marked with exclusion flagging and
35 avoided during construction. The certificate holder shall maintain the exclusion
36 markings until construction has been completed.
- 37 (d) Before beginning construction of the facility, certificate holder's qualified professional
38 biologist shall complete the avian use studies that began in September 2009 at six plots
39 within or near the facility site as described in the Final Order on the Application. The
40 certificate holder shall provide a written report on the avian use studies to the
41 Department and to ODFW.
- 42 (e) Before beginning construction of the facility, certificate holder's qualified professional
43 biologist shall complete raptor nest surveys within the raptor nest survey area as
44 described in the Final Order on the Application. The purposes of the survey are to
45 identify any sensitive raptor nests near construction areas and to provide baseline
46 information on raptor nest use for analysis as described in the Wildlife Monitoring and
47 Mitigation Plan referenced in Condition 91. The certificate holder shall provide a written
48 report on the raptor nest surveys and the surveys to the Department and to ODFW. If
49 the surveys identify the presence of raptor nests within the survey area, the certificate

holder shall implement appropriate measures to assure that the design, construction and operation of the facility are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved by the Department, in consultation with ODFW.

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

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

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

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

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

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

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

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

5 97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte Wildlife
6 Area during the long-billed curlew nesting season (March 8 through June 15), as described in
7 this condition. Before beginning construction, the certificate holder shall provide to the
8 Department a map showing the areas of potential construction disturbance in the vicinity of the
9 BLM lands that are part of the Horn Butte Wildlife Area and showing a 1,300-foot buffer from
10 those areas. During the nesting season, the certificate holder shall not engage in high-impact
11 construction activities (activities that involve blasting, grading or other major ground
12 disturbance) or allow high levels of construction traffic within the buffer area. The certificate
13 holder shall flag the boundaries of the 1,300-foot buffer area and shall instruct construction
14 personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall
15 restrict construction traffic within the buffer, except on public roads, to vehicles essential to the
16 limited construction activities allowed within the buffer. The certificate holder may engage in
17 construction activities within the buffer area at times other than the nesting season.

18 98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive
19 wildlife habitat during construction including, but not limited to, the following:
20 (a) Preparing maps to show occlusion areas that are off-limits to construction personnel,
21 such as nesting or denning areas for sensitive wildlife species.
22 (b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
23 (c) Limiting construction work to approved and surveyed areas shown on facility constraints
24 maps.
25 (d) Ensuring that all construction personnel are instructed to avoid driving cross-country or
26 taking short-cuts within the site boundary or otherwise disturbing areas outside of the
27 approved and surveyed construction areas.

28
29 99 The certificate holder shall reduce the risk of injuries to avian species by:
30 (a) Installing turbine towers that are smooth steel structures that lack features that would
31 allow avian perching.
32 (b) Locating turbine towers to avoid areas of increased risk to avian species, such as cliff
33 edges, narrow ridge saddles and gaps between hilltops.
34 (c) Installing meteorological towers that are non-guyed structures to eliminate the risk of
35 avian collision with guy-wires.
36 (d) Designing and installing all aboveground transmission line support structures following
37 the most current suggested practices for avian protection on power lines published by
38 the Avian Power Line Interaction Committee.

39 100 The certificate holder shall hire a qualified environmental professional to provide environmental
40 training during construction and operation. Environmental training includes information on the
41 sensitive species present onsite, precautions to avoid injuring or destroying wildlife or sensitive
42 wildlife habitat, exclusion areas, permit requirements and other environmental issues. The
43 certificate holder shall instruct construction and operations personnel to report any injured or
44 dead wildlife detected while on the site to the appropriate onsite environmental manager.

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

7 **9. Visual Effects Conditions**

8 102 To reduce the visual impact of the facility, the certificate holder shall:
9 (a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
10 neutral white color.
11 (b) Paint the substation structures in a low-reflectivity neutral color to blend with the
12 surrounding landscape.
13 (c) Not allow any advertising to be used on any part of the facility.
14 (d) Use only those signs required for facility safety, required by law or otherwise required
15 by this site certificate, except that the certificate holder may erect a sign near the O&M
16 buildings to identify the facility, may paint turbine numbers on each tower and may
17 allow unobtrusive manufacturers' logos on turbine nacelles.
18 (e) Maintain any signs allowed under this condition in good repair.

19 103 The certificate holder shall design and construct the Montague Wind substation to be generally
20 consistent with the character of similar buildings used by commercial farmers or ranchers in the
21 area and shall paint the building in a low-reflectivity, neutral color to blend with the surrounding
22 landscape. [AMD5]

23 104 The certificate holder shall not use exterior nighttime lighting except:
24 (a) The minimum turbine tower lighting required or recommended by the Federal Aviation
25 Administration.
26 (b) Security lighting at the Montague Wind substation, provided that such lighting is
27 shielded or downward-directed to reduce glare.
28 (c) Minimum lighting necessary for repairs or emergencies.
29 (d) Minimum lighting necessary for construction directed to illuminate the work area and
30 shielded or downward-directed to reduce glare.

31 105 The certificate holder shall maintain a minimum distance of 1,000 feet measured from the
32 centerline of each turbine tower or meteorological tower to the centerline of the line-of-sight
33 from the vantage point of the Fourmile Canyon interpretive site looking toward the visible
34 Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude: 45.622047, -120.044112) as
35 described in the Final Order on the Application.

36 **10. Noise Control Conditions**

37 106 To reduce construction noise impacts at nearby residences, the certificate holder shall:
38 (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.
39 (b) Require contractors to install and maintain exhaust mufflers on all combustion engine-
40 powered equipment; and
41 (c) Establish a complaint response system at the construction manager's office to address
42 noise complaints.

1 107 The certificate holder shall provide to the Department:

2 i. Prior to construction:

3 (a) Information that identifies the final design locations of all turbines, to be built at the
4 facility...

5 (b) A noise analysis that includes the following information:

6
7 Final design locations of all noise-generating facility components (all wind turbines and
8 substation transformers).

9
10 The maximum sound power level for the Montague Wind substation transformers; and
11 the maximum sound power level and octave band data for the wind turbines selected
12 for the facility based on manufacturers' warranties or confirmed by other means
13 acceptable to the Department.

14
15 The results of noise analysis of the facility to be built according to the final design
16 performed in a manner consistent with the requirements of OAR 340-035-
17 0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the satisfaction of the Department that
18 the total noise generated by the facility (including the noise from wind turbines and
19 substation transformers,) would meet the ambient degradation test and maximum
20 allowable test at the appropriate measurement point for all potentially-affected noise
21 sensitive properties. The certificate holder shall verify that all noise sensitive properties
22 within one mile of the final design locations of noise-generating components for the
23 facility have been identified and included in the preconstruction noise analysis based on
24 review of the most recent property owner information obtained from the Gilliam
25 County Tax Assessor Roll.

26
27 For each noise-sensitive property where the certificate holder relies on a noise waiver to
28 demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy
29 of the a legally effective easement or real covenant pursuant to which the owner of the
30 property authorizes the certificate holder's operation of the facility to increase ambient
31 statistical noise levels L10 and L50 by more than 10 dBA at the appropriate
32 measurement point. The legally-effective easement or real covenant must: include a
33 legal description of the burdened property (the noise-sensitive property); be recorded in
34 the real property records of the county; expressly benefit the certificate holder;
35 expressly run with the land and bind all future owners, lessees or holders of any interest
36 in the burdened property; and not be subject to revocation without the certificate
37 holder's written approval.

38 [Final Order on ASC; AMD5]

39 108 During operation of the facility, the certificate holder shall implement measures to ensure
40 compliance with the noise control regulation, including:

41 a. Providing notice of the noise complaint system and how to file a noise complaint to noise
42 sensitive receptors within 1-mile of noise generating components.

43 b. Maintain a complaint response system to address noise complaints. The certificate holder
44 shall promptly notify the Department of any complaints received regarding facility noise

1 and of any actions taken by the certificate holder to address those complaints. In response
2 to a complaint from the owner of a noise sensitive property regarding noise levels during
3 operation of the facility, the Council may require the certificate holder to monitor and
4 record the statistical noise levels to verify that the certificate holder is operating the
5 facility in compliance with the noise control regulations.

6 [AMD5]

8 **11. Waste Management Conditions**

9 109 The certificate holder shall provide portable toilets for on-site sewage handling during
10 construction and shall ensure that they are pumped and cleaned regularly by a licensed
11 contractor who is qualified to pump and clean portable toilet facilities.

12 110 During operation of the facility, the certificate holder shall discharge sanitary wastewater
13 generated at the O&M buildings to a licensed on-site septic system in compliance with State
14 permit requirements. The certificate holder shall design the septic system for a discharge
15 capacity of less than 2,500 gallons per day.

16 111 The certificate holder shall implement a waste management plan during construction that
17 includes but is not limited to the following measures:
18 (a) Recycling steel and other metal scrap.
19 (b) Recycling wood waste.
20 (c) Recycling packaging wastes such as paper and cardboard.
21 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
22 hauler.
23 (e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials,
24 and mercury-containing lights for disposal by a licensed firm specializing in the proper
25 recycling or disposal of hazardous wastes. [AMD5]
26 (f) Confining concrete delivery truck rinse-out within the foundation excavation,
27 discharging rinse water into foundation holes and burying other concrete waste as part
28 of backfilling the turbine foundation.

29 112 The certificate holder shall implement a waste management plan during facility operation that
30 includes but is not limited to the following measures:
31 (a) Training employees to minimize and recycle solid waste.
32 (b) Recycling paper products, metals, glass and plastics.
33 (c) Recycling used oil and hydraulic fluid.
34 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
35 hauler.
36 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
37 absorbent materials, and mercury-containing lights for disposal by a licensed firm
38 specializing in the proper recycling or disposal of hazardous wastes. [AMD5]

39 **12. Conditions Added by Amendment #1**

40 ~~113 The transfer of the First Amended Site Certificate from the certificate holder to Portland General~~
41 ~~Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site~~
42 ~~certificate naming PGE the certificate holder, which is attached as Attachment B to the Final~~
43 ~~Order on Amendment #1. Upon closing, the First Amended Site Certificate naming PGE as the~~

1 certificate holder shall be in full force and effect and the First Amended Site Certificate naming
2 Montague Wind Power LLC as the certificate holder shall be considered rescinded and void in its
3 entirety. [Deleted AMD2]

4 ~~114~~ Should the closing contemplated in Condition 113 not occur within 18 months of the effective
5 date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's transfer
6 approval within the Final Order on Amendment #1 shall be void. [Deleted AMD2]

7 ~~115~~ PGE must provide the Department a copy of the executed First Amended Site Certificate and
8 documentation of the asset purchase agreement within 7 days of closing. [Deleted AMD2]

9 ~~116:~~ The certificate holder shall ensure its third-party contractor transports and disposes of battery
10 and battery waste in compliance with all applicable regulations and manufacturer
11 recommendations related to the transport of hazardous battery materials.

12 a. Prior to construction, the certificate holder shall provide a description to the Department
13 of applicable regulations and manufacturer recommendations applicable to the transport
14 and disposal of batteries and battery-related waste.

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

18 [AMD4; Deleted AMD5]

19
20 ~~117~~ During facility operation, the certificate holder shall conduct monthly inspections of the battery
21 storage systems, in accordance with manufacturer specifications. The certificate holder shall
22 maintain documentation of inspections, including any corrective actions, and shall make
23 available for review upon request by the Department. [AMD4; Deleted AMD5]

24 **13. Conditions Added by Amendment #5**

25
26 118 The site certificate authorizes shared use of related or supporting facilities including the
27 Montague Wind collector substation, 230 kV transmission line, access roads, and temporary
28 staging areas under the site certificates issued for the Montague Wind Facility, Montague Solar
29 Facility and Oregon Trail Solar Facility.

30 (a) Within 30 days of shared use, the certificate holder must provide evidence to the
31 Department that the certificate holders have an executed agreement for shared use of
32 facilities.

33 (b) If certificate holders of the Montague Wind Power Facility, Montague Solar Facility or
34 Oregon Trail Solar Facility propose to substantially modify any of the shared facilities
35 listed in sub(a) of this condition, each certificate holder shall submit an amendment
36 determination request or request for site certificate amendment to obtain a
37 determination from the Department on whether a site certificate amendment is required
38 or to process an amendment for both site certificates. If certificate holders opt to submit
39 an amendment determination request, the requirement may be satisfied through
40 submittal of a single amendment determination request with authorization (or signature)
41 provided from all three certificate holders.

42 (c) Prior to facility decommissioning or if facility operations cease, each certificate holder
43 shall submit an amendment determination request or request for site certificate

1 amendment to document continued ownership and full responsibility, including coverage
2 of full decommissioning amount of the shared facilities in the bond or letter of credit
3 pursuant to Condition 32, for the operational facility, if facilities are decommissioned at
4 different times.

5 [AMD5]

6 119

7 Prior to construction and operation of the facility, the certificate holder shall identify the
8 number of outdoor signs and applicable Gilliam County Zoning Ordinance (GCZO) Section
9 8.050 Sign Regulation provisions and provide to the Department and Gilliam County
10 Planning Department written confirmation that outdoor signage complies with the
11 applicable provisions.

12 [AMD5]

13 **VI. SUCCESSORS AND ASSIGNS**

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

16 **VII. SEVERABILITY AND CONSTRUCTION**

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

21 **VIII. GOVERNING LAW AND FORUM**

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

24

25

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1 **IX. EXECUTION**

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


4
5 IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and
6 through its Energy Facility Siting Council, and by Montague Wind Power Facility, LLC.
7
8

ENERGY FACILITY SITTING COUNCIL

By: *Hanley Jenkins, II*
Hanley Jenkins, II (Oct 2, 2020 9:44 PDT)
Print: Hanley Jenkins, II
Date: Oct 2, 2020

MONTAGUE WIND POWER FACILITY, LLC

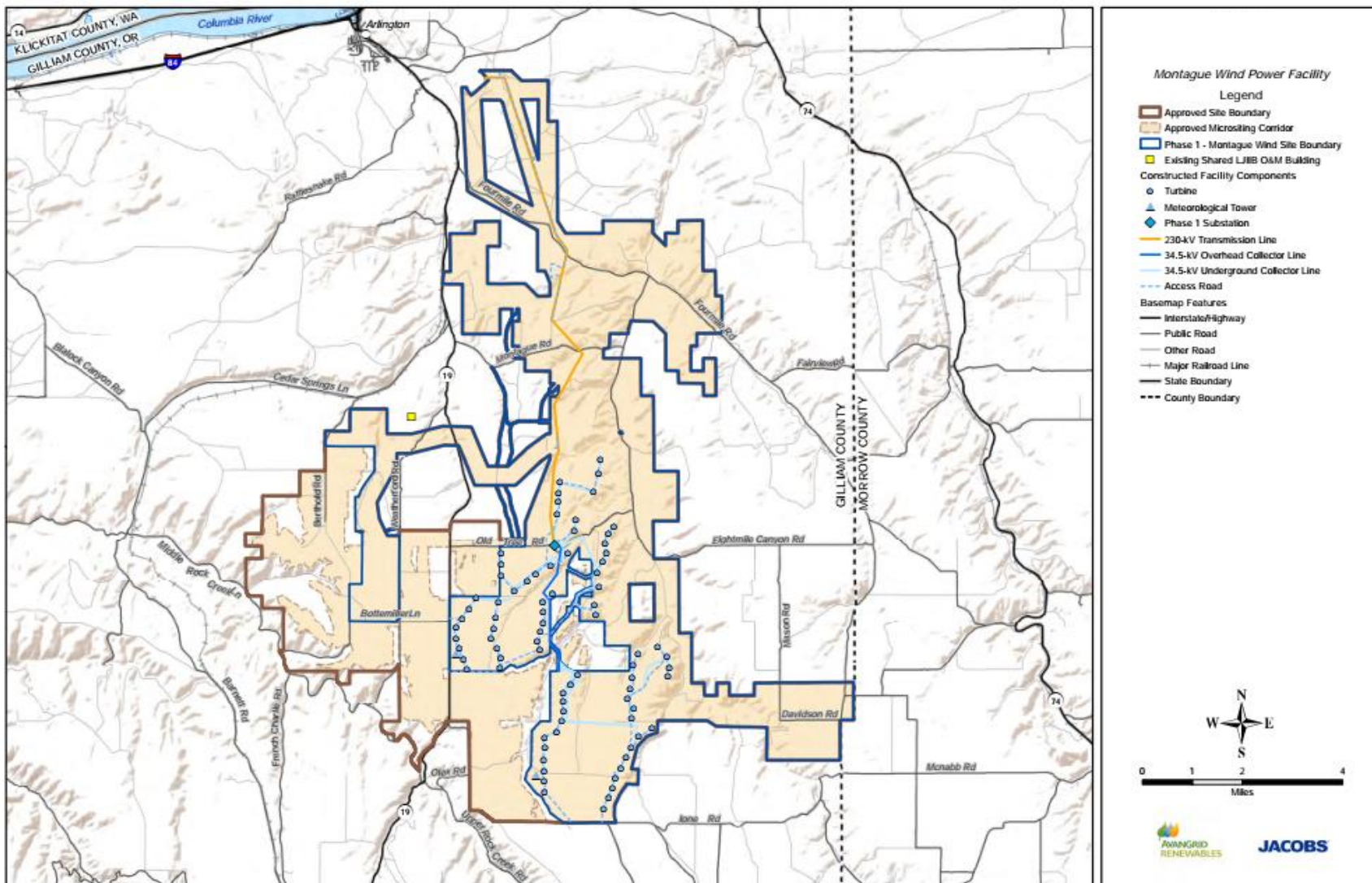
By: *Sara Parsons*
DocuSigned by: Sara Parsons
Print: Sara Parsons
Date: 10/6/2020
and
By: *SK*
DocuSigned by: Steve Krump
Print: Steve Krump
Date: 10/8/2020

Legal 

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11
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1 **Figure 1: Site Boundary and 230 kV transmission line corridor**

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4