

Request for Amendment #6 for the Stateline Wind Project

Prepared for



Prepared by



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Acronyms and Abbreviations

AC	alternating current
ASC	Application for Site Certificate
BMPs	best management practices
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
DC	direct current
Council or EFSC	Energy Facility Siting Council
ESCP	Erosion and Sediment Control Plan
FAA	Federal Aviation Administration
Certificate Holder; FPL Stateline	FPL Energy Stateline II, Inc.
FPL Vansycle	FPL Energy Vansycle, LLC
MVA	mega-volt-ampere
MWh	megawatt-hours
MW	megawatt
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NEER	NextEra Energy Resources, LLC
NSR	noise sensitive receptors
O&M	operations and maintenance
OAR	Oregon Administrative Rules
OARRA	Oregon Archaeological Records Remote Access
ODOE	Oregon Department of Energy
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
DOGAMI	Oregon Department of Geology and Mineral Industries
ORS	Oregon Revised Statutes
RPS	Renewable Portfolio Standard
RFA	Request for Amendment
SWP	Stateline Wind Project
UCDC	Umatilla County Development Code
Facility	Vansycle II Wind Project
WAGS	Washington ground squirrel
ZVI	zone of visual influence

1.0 Introduction

1.1 Project Summary and Request

The Stateline Wind Project (SWP) consists of three wind farm developments (phases) in Umatilla County (Figure 1), all of which are operational wind farms: Stateline 1, Stateline 2, and Vansycle II¹. Per the Final Order on Amendment #4, SWP is divided into two separate parts (Stateline 1 & 2 and Stateline 3) with separate Site Boundaries. The Certificate Holder for Stateline 1 and 2 is FPL Energy Vansycle, LLC (FPL Vansycle), and the Certificate Holder for Vansycle II is FPL Energy Stateline II, Inc. (FPL Stateline), both of which are wholly-owned subsidiaries of NextEra Energy Resources, LLC (NEER).

FPL Stateline (the Certificate Holder) is submitting this Request for Amendment (RFA) 6, to amend the approved turbine specifications, megawatt (MW) output, number of turbines and associated development improvements in consideration of repowering of the Vansycle II Wind Project (Facility) and to add 50 MW of battery storage. RFA 5 approved dimensional changes to the approved turbine dimensions to allow for existing turbine towers to be upgraded/repowered to current technology by replacing the nacelles, hubs, rotors and turbine blades and associated temporary construction impacts². However, since RFA 5's approval, technology has changed and the components planned to be used for the repower are no longer available. Therefore, RFA 6 proposes changes that allow for repowering flexibility, which includes repowering all existing turbines (Base Case) to updated technology (similar to what was approved in RFA 5); but also includes two options for repowering existing turbines with the following exceptions:

- Option A replaces three existing turbines; and
- Option B adds two new turbines and replaces one existing turbine.

See Section 3.0 for a detailed description of the proposed changes.

1.2 Procedural History

The Oregon Energy Facility Siting Council (EFSC) issued a Site Certificate for SWP on September 14, 2001. FPL Vansycle began construction of the first phase of the SWP (Stateline 1) on September 17, 2001 and completed construction on December 20, 2001. The first phase of construction (Stateline 1) consists of 126 Vestas V47 660-kilowatt wind turbines with a combined peak electric generating capacity of approximately 83 MW and related facilities. Stateline 1 began commercial operation on December 21, 2001. Since issuance of the Site Certificate, there have been five amendments:

- Amendment #1 – On May 17, 2002, EFSC approved a request by FPL Vansycle for an expansion of the SWP. Amendment #1 authorized a second phase of construction (Stateline

¹ Stateline 3 was renamed to Vansycle II Wind Project as a result of Request for Amendment 5 (RFA 5).

² Increasing the maximum blade tip height from 416 to 440 feet, rotor diameter from 305 to 354 feet; and decreasing minimum aboveground blade tip clearance from 110 to 85 feet

2) consisting of 60 Vestas V47 660-kilowatt wind turbines and related facilities. FPL Vansycle completed construction of these turbines on December 15, 2004. Amendment #1 increased the combined peak generating capacity of the SWP to approximately 123 MW.

- Amendment #2 – On June 6, 2003, EFSC approved a request by FPL Vansycle for a further expansion of the SWP. Amendment #2 authorized a third phase of construction (Stateline 3) consisting of 279 Vestas V47 660-kilowatt wind turbines and related facilities. Amendment #2 included a Site Certificate condition (Condition 106) requiring the Certificate Holder to begin construction of Stateline 3 by June 23, 2005.
- Amendment # 3 – On March 28, 2005, FPL Vansycle requested an extension of the deadline to begin construction of Stateline 3. On June 20, 2005, EFSC approved Amendment #3 and extended the deadline to begin construction to June 23, 2007.
- Amendment #4 – On December 22, 2006, FPL Vansycle requested a further extension of the deadline to begin construction of Stateline 3. On April 10, 2007, FPL Vansycle withdrew its RFA #4 before EFSC had taken any action on the amendment request. The deadline to begin construction of Stateline 3 expired on June 23, 2007. On October 24, 2008, FPL Vansycle and FPL Stateline2 submitted their Revised Application for a Fourth Amended Site Certificate, including a Request for Partial Transfer of the Site Certificate as It Pertains to Stateline 3 (Revised RFA #4). On March 27, 2009, EFSC issued the Fourth Amended Site Certificate for SWP. Construction began on June 9, 2009. Stateline 3 became operational on December 16, 2009.
- Amendment #5 – On January 8, 2019, FPL Vansycle requested to change the name of the Facility from Stateline 3 to Vansycle II Wind Project, repower existing turbines (replacement of nacelles, rotors, hubs and blades) and redevelop to the extent necessary, previously approved temporary laydown areas and temporary access road improvements. The repowering increased the blade lengths from 148 feet to 177 feet, increase the rotor diameter from 305 feet to 354 feet, increased the total height from 416 feet to 440 feet, and decreased the minimum ground clearance from 111 feet to 85 feet. On May 17, 2019, EFSC approved Amendment #5.

1.3 Amendment Required under OAR 345-027-0350 and Review Process under OAR 345-027-0351

Except for changes allowed under OAR 345-027-0353 of this rule, an amendment to a site certificate is required to:

- (1) Transfer ownership of the facility or the certificate holder as described in OAR 345-027-0400;*
- (2) Apply later-adopted law(s) as described in OAR 345-027-0390;*
- (3) Extend the construction beginning or completion deadline as described in OAR 345-027-0385;*

(4) Design, construct or operate a facility in a manner different from the description in the site certificate, if the proposed change:

(a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource or interest protected by an applicable law or Council standard;

*(b) Could impair the certificate holder's ability to comply with a site certificate condition;
or*

(c) Could require a new condition or a change to a condition in the site certificate.

The changes the Certificate Holder proposes require a Site Certificate amendment under Oregon Administrative Rules (OAR) 345-027-0350(4)(c) because it will require changes to conditions in the Site Certificate. Specifically, an amendment is required because the total blade tip height will be increased from 440 feet to 489 feet and the hub height will be increased from 263 feet to 295 feet, which will require a change to Condition 37(c). Additionally, the permitted number of turbines is proposed to be increased from 43 to up to 45. No new conditions will be required for the RFA 6 Facility modifications. Note that no changes to Site Certificate conditions are proposed as a result of adding battery storage, though battery storage will be added as a related or supporting facility (see Attachment 1 for the red-lined site certificate). The modifications proposed in RFA 6 do not alter the Certificate Holder's ability to comply with EFSC's earlier findings in the Final Order on Amendment #5 as documented in this RFA. In addition, the Facility is already in operation and there will be no changes to the Site Boundary; RFA 6 proposes replacing nacelles, hubs, rotors and turbine blades on existing turbine towers, potentially adding or replacing turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine), in previously approved turbine locations (depending on the repower configuration chosen, see Section 3.0), and adding 50 MW of battery storage within the approved Site Boundary. Therefore, the proposed changes will not result in a significant adverse impact to a resource or interest protected by an applicable law or Council standard that the Council has not addressed in an earlier order.

OAR 345-027-0357(8) In determining whether a request for amendment justifies review under the type B review process described in 345-027-0351(3), the Department and the Council may consider factors including but not limited to:

As noted above, the proposed changes will not alter the Site Boundary and there will be no substantive changes to site certificate conditions other than necessary to facilitate the repowering. The record for the Facility, the findings of fact, reasoning and conclusions of law underlying the terms and conditions of the site certificate, has been repeatably reviewed since issuance of the Site Certificate in 2001 (RFA 1, RFA 2, RFA 3, RFA 4, and RFA 5). For these reasons, and the fact that the Council has previously applied the Type B process to similar amendment requests,³ the Type B review process is the appropriate amendment review process for this request. Therefore, RFA 6

³ Energy Facility Siting Council of the State of Oregon, Final Order on Request for Amendment 5 May 17, 2019.

also serves as an Amendment Determination Request pursuant to OAR 345-027-0357(3) to provide the justification documentation that the Type B review process is the appropriate process for the proposed changes. Accordingly, the following analysis of OAR 345-027-0357(8) addresses the evaluation criteria for the Type B process further substantiated by the information provided in the entirety of RFA 6 which also provides the required information for an Amendment Determination Request pursuant to OAR 345-027-0357(4).

OAR 345-027-0357(8)(a) The complexity of the proposed change;

The purpose of RFA 6 is to add battery storage and repower, as part of operations and maintenance (O&M) to an existing, operational wind farm on existing turbine structures, as well potentially add or replace turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.0). There will be no changes to the Site Boundary. RFA 6 proposes to add 50 MW of battery storage, to be collocated with the existing Facility substation on agricultural land. RFA 6 also proposes to switch out the nacelles, hubs, and rotors (including blades) for new nacelles, hubs and rotors – the repower, addition, or replacement of turbines will be sited within previously approved turbine locations (see Section 3.0). In general, a majority of the changes proposed by RFA 6 are simple maintenance and operational projects to an already developed Facility.

The addition of 50 MW of battery storage is small in nature and will be collocated with the existing substation upon previously impacted construction areas.

RFA 6 proposes only a 49-foot total turbine height increase with a total height of 489 feet. There are several other site certificates with approved turbine heights higher than 489 feet (e.g., Wheatridge Renewable Energy Facility I, Golden Hills Wind Project, Summit Ridge Wind Farm, Montague Wind Power Facility, and Summit Ridge Wind Farm). Although replacing the blades will also lower the blade tip clearance by 26 feet to 59 feet, similar to turbine total height, there are several approved wind facilities with lower blade tip clearance (e.g., Wheatridge Renewable Energy Facility I, Golden Hills Wind Project, Summit Ridge Wind Farm, Montague Wind Power Facility, and Summit Ridge Wind Farm; see Table 1).

Table 1. Wind Turbine Specifications for Approved Wind Projects and Vansycle II (Proposed)

Specification	Wheatridge	Golden Hills	Summit Ridge	Montague	Vansycle II (Proposed)
Individual Turbine Generating Capacity (MW)	1.7	3.2	2.7	3.6	2.66
Maximum Blade Length in feet (meters)	204 (62)	246 (75)	200 (61)	164 (50)	213 (65)
Maximum Hub Height in feet (meters)	291 (89)	404 (123)	299 (91)	328 (100)	295 (90)
Rotor Diameter (Rotor Swept Height) in feet (meters)	417 (127)	492 (150)	400 (122)	328 (100)	426 (129)
Total Height (tower height plus blade length) in feet (meters)	500 (152)	650 (198)	499 (152)	492 (150)	489 (149)
Minimum Ground Clearance in feet (meters)	71 (22)	45 (14)	59 (18)	45 (14)	59 (18)

Based on review of RFA 6, the Oregon Department of Energy (ODOE) may determine that there will be no visual impact from the battery storage, minor change in total turbine height (from 440 to 489 feet) as a result of repowering, or potential addition/replacement of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.0) compared to EFSC's previous analysis for the Recreation, Scenic Resources, Protected Areas, and Historic, Cultural and Archeological Resources Standards. Similarly, ODOE may determine that there will be no change to accepted farm practices and cost of farm practices under the Land Use standard because the Facility Site Boundary will not change from what was previously approved and the Facility has been operational for almost 10 years. There are no airports or airfields that will be affected by the modified turbines because they are all at a distance where they do not affect airport operations.

Turbine manufacturers and the Certificate Holder undertake significant measures to ensure blade safety to minimize risk and liability. Modifying the existing turbines nor adding/replacing turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.0) will not impact the Certificate Holder's ability to operate the turbines. It is not yet known whether current foundations have sufficient capacity to support the incremental increase in weight associated with the repowered turbine and this foundation design will be applied to the potential new turbine foundations (see Section 3.0 and 6.1.3). The Facility is located in a rural area entirely on private property which restricts public access to the turbine and other Facility component locations. To summarize, although replacing the nacelle, hub and rotors on existing turbines will increase the total turbine height and lower the ground clearance, and adding battery storage and potentially adding/replacing turbines will add Facility infrastructure (see Section 3.0), the resulting battery storage and turbine configuration will remain benign compared to other turbines and wind projects approved by EFSC in northeastern Oregon.

OAR 345-027-0357(8)(b) The anticipated level of public interest in the proposed change;

There will be no change to the overall operation of the Facility. The height of the turbines will increase due to the new turbine blades, but the blades will be placed on the existing towers. Moreover, because they are existing, operational turbines, the height difference between the existing turbines and the modified turbines will be generally imperceptible by the public. Similarly, the potential addition/replacement of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.0) will be generally indiscernible from the existing turbines and would be sited in previously approved turbine locations. The battery storage will be collocated with the existing Facility substation and will generally be indiscernible compared to the much taller Facility turbines. The addition of battery storage and repowering for operation and maintenance activities will generally be the same as other activities and in a rural unpopulated area where there many existing windfarms. The Certificate Holder has coordinated with landowners in advance of RFA 6.

OAR 345-027-0357(8)(c) The anticipated level of interest by reviewing agencies;

As part of RFA 6, the Certificate Holder will coordinate with reviewing agencies, as applicable, and has incorporated any findings into the RFA. The Certificate Holder has coordinated with Umatilla County, the Department of Defense regarding airspace, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Coordination with the Oregon Department of Fish and Wildlife (ODFW) has occurred for Washington ground squirrels (WAGS). Protocol-level WAGS surveys were completed in May 2018 and April/May 2021 and no WAGS active colonies, sign, or potential burrows were identified. Because this is an existing wind farm, total height increases are minor and the addition of battery storage and potential addition/replacement of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.0) within previously impacted construction areas and/or approved turbine locations are not likely to peak public interest. Additionally, there will be no changes to the previously approved Site Boundary. Therefore, the Certificate Holder anticipates the level of agency interest to be low.

OAR 345-027-0357(8)(d) The likelihood of significant adverse impact; and

RFA 6 is an addition of battery storage and repowering of the Facility for O&M purposes at an existing, operational wind farm. There will not be any changes to the Site Boundary. Temporary ground disturbance will be in areas that were temporarily developed during initial construction and, consistent with the conditions of the Site Certificate, these areas will be graded and reseeded to wheat or native grasses as necessary to restore the areas to their pre-construction condition. Changes to total turbine dimensions are minor in scale. The addition of battery storage and the potential addition/replacement of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.0) will cause permanent impacts where new foundations are sited. However, those impacts would occur in previously impacted construction areas and/or approved turbine locations within the previously approved Site Boundary. Any temporary ground disturbance that occurs as a result will be developed and restored similarly to other repower temporarily impacted areas. Therefore, there is little likelihood of significant, adverse impact.

OAR 345-027-0357(8)(e) The type and amount of mitigation, if any.

The addition of battery storage and potential addition/replacement of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.0) will cause permanent impacts where new foundations are sited. However, those impacts would occur in previously impacted construction areas and/or approved turbine locations within the previously approved Site Boundary. Any temporary ground disturbance that occurs as a result will be developed and restored similarly to other repower temporarily impacted areas. Therefore, the Certificate Holder does not anticipate substantial, if any, changes to existing mitigation plans.

2.0 Certificate Holder Information – OAR 345-027-0360(1)(a)

OAR 345-027-0360(1) To request an amendment to the Site Certificate required by OAR 345-027-0350(3) and (4), the certificate holder shall submit a written preliminary request for amendment to the Department of Energy that includes the following:

OAR 345-027-0360(1)(a) The name of the facility, the name and mailing address of the certificate holder, and the name, mailing address, email address and phone number of the individual responsible for submitting the request.

2.1 Name of the Facility

The name of the Facility is Vansycle II Wind Project and the Certificate Holder is FPL Energy Stateline II, Inc.⁴

2.2 Name and Mailing Address of the Certificate Holder

David Lawlor
FPL Energy Stateline II, Inc.
FEW/JB
700 Universe Blvd.
Juno Beach, FL 33408
David.Lawlor@nexteraenergy.com

⁴ Stateline Wind Project.

2.3 Current Parent Company of Certificate Holder

NextEra Energy Resources, LLC
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Juno Beach, FL 33408

Contact Name, Mailing Address, Email Address, and Telephone Number:

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Senior Project Manager
NextEra Energy Resources, LLC
700 Universe Boulevard
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Christopher.Powers@nexteraenergy.com

2.4 Name and Mailing Address of the Individuals Responsible for Submitting the Request

David Lawlor
Director of Development
NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd
Juno Beach, FL 33408
David.Lawlor@nexteraenergy.com
(403) 689-6285

3.0 Detailed Description of the Proposed Change – OAR 345-027-0360(1)(b)

OAR 345-027-0360(1)(b) A detailed description of the proposed change, including:

3.1 Repowering

The purpose of the repowering is for operational and maintenance improvements to take advantage of technological advancements to optimize consistent energy output. The Certificate Holder presents three repower scenarios to convey the requested design flexibility for repowering the Facility (Table 2). The Base Case includes repowering the existing Siemens turbines to 2.66-129 wind turbine models, although there are two other design options:

- **Option A:** Turbine IDs 11, 12, and 13 will be converted General Electric (GE) 2.3-116 (hub height 90 meters) and the remaining 40 turbines will be repowered as Siemens 2.66-129 (hub height 83 meters); and
- **Option B:** Addition of two new GE turbines (at previously approved ALT-1 and ALT-2 turbine locations), Turbine ID 11 will be converted to GE 2.3-116 (hub height 90 meters), and repowering of 42 Siemens as 2.66-129 wind turbine models.

Table 2. Turbine Specifications and Power Configurations

Specification	Existing	Proposed		
		Base Case	Option A	Option B ¹
Individual Turbine Generating Capacity (MW)	2.3	2.66 ¹	2.32-2.66 ¹	2.32-2.66 ²
Maximum Blade Length in feet (meters)	177 (54)	213 (65)	190 (58)-213 (65)	190 (58)-213 (65)
Hub Height in feet (meters)	262.5 (80)	272 (83)	262 (80)-272 (83)	272 (83) - 295 (90)
Rotor Diameter (Rotor Swept Height) in feet (meters)	354 (108)	426 (129)	380 (116)-426 (129)	380 (116)-426 (129)
Total Height (tower height plus blade length) in feet (meters)	440 (134)	489 (149)	452 (138)-489 (149)	489 (149) - 485 (148)
Minimum Ground Clearance in feet (meters)	85 (26)	59 (18)	59 (18) - 72 (22)	59 (18) - 105 (32)
Number of turbines	43	43	43	45
Total Turbine Nameplate Capacity	98.9 MW	43 x 2.66 = 114.38 MW	40 x 2.66 + 3 x 2.32 = 113.36 MW	42 x 2.66 + 3 x 2.32 = 118.68 MW
Proposed Permit Amendment		Increased Siemens MW and Rotor to 2.66 MW.	Turbine IDs 11, 12, and 13 will be converted GE 2.3-116 (hub height 90 meters) and the remaining 40 turbines will be repowered as Siemens 2.66-129 (hub height 83 meters).	Addition of two new GE turbines (at previously approved ALT-1 and ALT-2 turbine locations), Turbine ID 11 will be converted to GE 2.3-116 (hub height 90 meters), and repowering of 42 Siemens as 2.66-129 wind turbine models.

Repowering will generally consist of replacing existing nacelles, hubs and rotors, including blades for a new maximum blade tip height of approximately 489 feet (the Facility is currently permitted for a maximum height of 440 feet) on the existing turbine towers. Options A and B will include the addition of new foundations, towers, and power units.

Repowering activities as part of O&M of the Facility will be entirely within the existing Site Boundary and will utilize existing facilities and infrastructure to the extent practicable. The general sequence to replace the components is as follows:

1. Temporary improvements made to access roads and turbine work area as necessary.
2. Foundation modifications completed, if required (see Section 6.1.3).
3. A track mounted crane mobilizes to a turbine and sets up on the access road adjacent to the turbine.
4. A truck delivers the new gearbox or generator and stages on the road.
5. The crane lowers rotor and sets it on the right or left side of the crane.
6. The crane lowers old gearbox and sets it on the road temporarily or on the same trailer as the new gearbox.
7. The crane lifts the new gearbox into place.
8. Trucks deliver the new blades and hub to the turbine pad using the gravel access road.
9. Either a boom truck or telehandler unloads the turbine blades and hub, and assembles them into a complete rotor on the turbine pad. Trucks leave after unloading.
10. The crane picks and sets the new rotor.
11. The crane leaves.
12. Either a boom truck or telehandler disassembles the old rotor and loads the blades and hub onto trucks which are staged on the access road.
13. Materials are transported off site for proper disposal at a licensed disposal facility (blades) or recycling (blades) and/or reuse (gear oils and gearbox components).
14. The crane mobilizes to the next turbine and the process repeats.

Technology replacement and addition of turbines (as proposed for repowering configurations Options A and B) will follow similar steps except the following steps will be added after the crane mobilizes to a turbine and sets up but prior to installation of the gearbox or generator and stage:

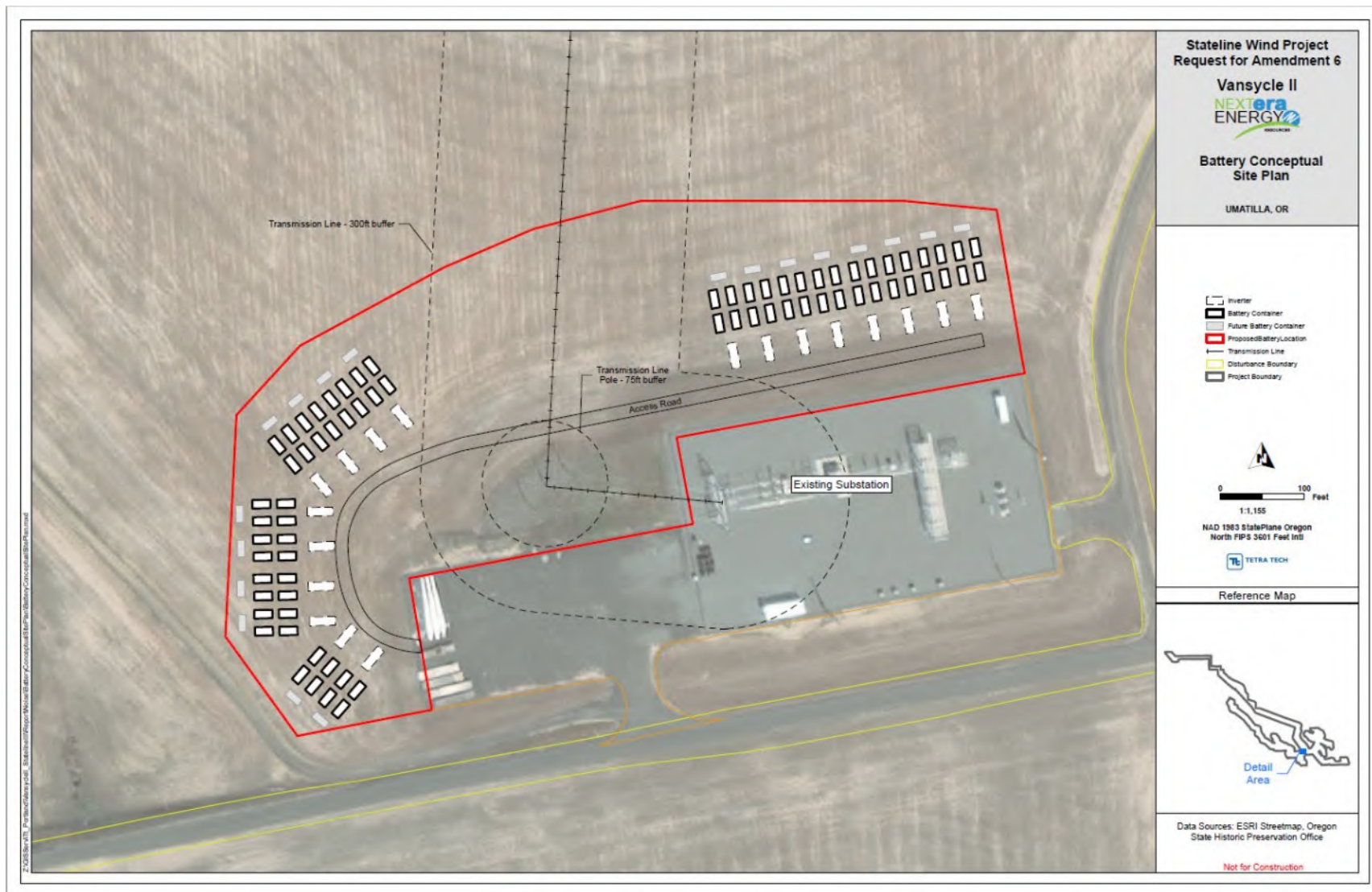
1. Excavator and backhoes to remove existing foundations (as applicable), level ground and remove soil for foundations. Equipment leaves after foundation preparation.
2. Concrete truck to pour concrete pad and footing. Concrete truck leaves after pour.
3. Trucks deliver the turbine tower in pieces to the adjacent laydown area. Trucks leave after unloading.
4. Turbine tower is assembled.
5. The crane lifts turbine tower into place in foundation and footing.

Replacement of Turbine 11 (as proposed by repowering configuration Option B) will occur in the reverse order.

- Previously approved temporary laydown areas (entirely in previously disturbed area) will be redeveloped to the extent necessary. During repowering, a temporary laydown or staging area will be required at each new and existing tower location (depending on the repowering option selected; approximately 350 foot impact area around each turbine), and a staging area will be required for temporary equipment storage and parking. The equipment storage staging area will be a 20-acre Facility siting area that was used during construction of the Facility across from the road from the substation. This area is located on agricultural land. This staging area will be where the turbine blades and other materials will be temporarily stored during construction. This staging area also will be used for parking construction vehicles, construction employees' personal vehicles, and other construction equipment (see Figure 2). In addition, each tower location will have a temporary cleared area for rotor and turbine assembly approximately 122,499 square feet in size.
- Previously approved temporary access road improvements (entirely in previously disturbed areas) will be redeveloped to the extent necessary. Approximately 15.7 miles of existing, 16-foot wide access roads will be temporarily widened to 32 feet wide with an additional 3 feet of shoulder on each side (38 feet total). The temporary widened areas will be reclaimed after use according to the Revegetation Plan. With the possible exception of new gravel, as needed, no improvements that will result in land disturbing activities will be made to existing County roads. Note that to access the alternative turbine locations (per repowering configuration Option B), approximately 0.44 miles of new road will be created. See impact table below for further detail. Note that the crane paths will follow these improved and new roads.

3.2 Battery Storage

RFA 6 also proposes to add 50 MW of battery storage within the Site Boundary, directly north of the approved and existing Facility substation. The total area of the battery storage site would be approximately 11 acres. Figure 2 shows the location of the battery storage relative to the existing Facility substation. See Graphic 1 for a conceptual site plan of the 50-MW battery energy storage system, as well as connection into the substation and control house.



Graphic 1. Typical 50-MW Battery Energy Storage System Conceptual Site Plan

A battery storage system operates in the following ways:

- A battery management system monitors the individual cells and controls the voltage, temperature, and current for safe, reliable transfer of energy. The system automatically shuts off if the batteries are operating outside of predefined parameters.
- A computerized monitoring system provides up-to-date weather forecasts, power prices, historical electrical use, the amount of charge remaining in the batteries and when to use the energy storage system.
- Energy from the power grid or from renewable energy sources is delivered via a bidirectional inverter, which converts the energy from alternating current (AC) into direct current (DC). Today's batteries can only store DC. This energy goes into an array of batteries that is typically housed within a battery container or a building structure.
- When the energy is needed on the power system, the inverters are then used again, but this time to convert the DC from the batteries into AC. Once the power has been transformed, it is stepped up in voltage and subsequently sent to an on-site substation or directly to a distribution or transmission line.
- The electricity is then distributed to homes, schools, businesses and other consumers.

The battery storage site will consist of lithium-ion batteries in a series of modular unoccupied containers, as described in more detail below:

- Approximately 72 containers total, each approximately 20 feet in length by 9 feet in width.
- Approximately 18 inverters (four containers per inverter) with associated step up transformers, each having a combined skid footprint approximately 30 feet by 10 feet and power ratings for 3.43 mega-volt-ampere (MVA) and 3.55 MVA, respectively.
- Interconnection facilities including a control house, protective device, and power transformer. The actual design of energy storage, inverters and batteries may change, but the estimated permanent footprint will not exceed 11 acres. Battery containers and inverter skids will either be placed on an engineered grade or on poured concrete foundations or utilize steel piles, depending on site conditions and Umatilla County Building Department requirements. Battery and inverter equipment will be electrically connected via a combination of above ground cable trays, underground conduit, direct-buried cable and/or covered cable trenches. Site surfacing will remain primarily gravel.
- Utilize existing control house for communication equipment.
- Each container within the battery storage system will have its own skid-mounted power transformer and bi-directional inverter as shown in Graphic 1. The bi-directional inverter allows energy to flow in or out of the battery to provide charge and discharge. Power switches and relays will protect the system. No emergency generator or backup power system will be provided, however local distribution could be used as a backup auxiliary source.

- Cooling units will be placed either on top of the building enclosure or containers or along the side.

O&M activities will remain the same as previously described with the exception of battery energy storage maintenance activities described below in Section 6.0. Site Certificate Conditions imposed on the Facility will apply to the energy storage site and no new conditions are needed to comply with the standards.

3.3 Effect of Proposed Changes on the Facility – OAR 345-027-0360(1)(b)(A)

OAR 345-027-0360(1)(b)(A) a description of how the proposed change affects the facility,

The purpose of RFA 6 is to take advantage of technological developments to optimize consistent energy output and storage as part of overall Facility O&M. ODOE has reviewed other facilities for the purposes of repowering, reaffirming that replacing rotors and nacelles are typical to industry activities as part of O&M.

The battery storage system will support the Facility's energy supply to the regional grid by stabilizing the wind energy resource to allow for better control of the Project's energy distribution in response to market and customer demands. Battery or more generally energy storage allows for energy generated from a wind facility to be stored as available, and later deployed as needed, providing greater consistency of energy supply and the opportunity to respond to market demands. Energy storage can balance load on the power system grid by moving energy when demands are low to times when demands are high. The technology also allows for a seamless switch between power sources and protects equipment by controlling voltage and frequency. Energy storage also fills in the gaps resulting from intermittent resources like wind and solar generation. That means operators can more easily bring on and off renewable energy, reducing the need for load balancing services and rapid generation ramping. By reducing the load on congested transmission and distribution systems, energy storage may defer expensive upgrades. In some cases, storage may also reduce new investment in conventional resources, such as adding generating plants to meet systemwide peak load.

The proposed changes will not change how the Facility is operated as previously approved by EFSC. There will be no new structures or permanent ground development for a majority of the repowering proposed, mostly alteration of existing structures. The potential addition and replacement of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.1) and addition of battery storage will create new structures, but these changes would be located at previously disturbed construction areas and approved turbine locations. There also will be no change to the previously approved Site Boundary. RFA 6 will extend the useful life of the Facility by approximately 10 years (the Facility began operation in 2009 and was expected to have a 30-year useful life). Ultimately, the proposed changes will maximize the use of current technology, while supporting renewable energy production in the region.

3.4 Applicable Laws and Council Rules – OAR 345-027-0360(1)(b)(B)

OAR 345-027-0360(1)(b)(B) a description of how the proposed change affects those resources or interests protected by applicable laws and Council standards, and

There has been no change to local, state, or federal law that would prohibit the changes requested in RFA 6. Compliance with applicable laws is integrated into the Site Certificate conditions, including conditions related to noise analysis, the National Pollutant Discharge Elimination System (NPDES) 1200-C permit, consultation with ODFW, among others. Although, minor changes to Site Certificate conditions are being requested, RFA 6 can still comply with the purpose or intent of all Site Certificate conditions. In general, the proposed changes do not affect the resources or interests protected by applicable laws and EFSC standards in a substantially different way than approved by EFSC. The Facility is operational, and the Site Boundary of the Facility will not be changed from what was previously approved; therefore, there are no new areas that would need to be considered that were not previously evaluated. Other than the change in turbine dimensions, addition of battery storage, and potential replacement/addition of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine; see Section 3.1), RFA 6 will be operated in the same manner as already approved by EFSC and as documented through annual reporting that has been completed since the Facility was operational in 2009. Sections 4.0 and 6.0, demonstrate how the proposed changes are consistent with EFSC's previous findings.

3.5 Location of the Proposed Change – OAR 345-027-0060(1)(b)(C)

OAR 345-027-0360(1)(b)(C) the specific location of the proposed change, and any updated maps and/or geospatial data layers relevant to the proposed change.

Figure 1 shows the Facility location, while Figure 2 shows the as-built Facility layout. Anticipated permanent and temporary impacts are detailed in Table 3.

Table 3. Estimated Maximum Permanent and Temporary Impacts

Feature	Unit	Dimensions	Quantity	Acres ¹
Permanent Impacts				
Potential New Turbine Foundations	Acres	0.04	2	0.08
Battery Storage	Acres	11	1	11
New Access Road (to reach ALT-1 and ALT-2)	Width (feet)	16	0.44 miles	0.9
Total				12
Temporary Impacts				
Staging Area	Acres	20	1	20
Rotor Assembly Area ²	Square feet	122,499	45 (max)	126.5
Road Widening and Crane Paths	Width (feet)	23	15.7 miles	68
Total				211.7
1. Impact quantities present the maximum disturbance for repowering considering options. 2. Rotor Assembly Area acreages include existing permanent facilities (existing roads and pads); therefore the temporary disturbance is overestimated.				

4.0 Division 21 Requirements – OAR 345-027-0060(1)(c)

OAR 345-027-0360(1)(c) References to any specific Division 21 information that may be required for the Department to make its findings.

References to specific Division 21 information are included in this section containing the information required under OAR 34-021-0010 to address the applicable Division 22 standards and other laws as shown in Section 6.

4.1 Required Permits – OAR 345-021-0010(1)(e)

Exhibit E of RFA 5 identified the federal, state, and local government permits related to the siting of the Facility, which were incorporated into Site Certificate conditions as necessary. The proposed changes do not require any new permits, nor any new Site Certificate conditions for permits, which were not previously considered by the Council.

4.2 Materials Analysis – OAR 345-021-0010(1)(f)

Construction materials for the repowering will generally be the same as those approved for construction of the Facility as previously approved by the Council. In general, the proposed repowering will not exceed the amount of solid waste and wastewater generated by the Facility previously, and will not modify the procedures and practices used for handling these materials.

The battery storage site (50 MW) will use materials previously identified in Exhibit G of RFA 5 and typical to construction (i.e., steel, concrete, gravel). Quantities of these materials will be small in comparison to the quantities previously estimated for the entire Facility. The energy storage sites

also will use new materials consisting of the lithium-ion batteries. The following materials are anticipated:

- Steel Containers - The amount of steel will vary depending on the type and configuration of the energy storage system.
- Steel piles – The amount of steel piles for foundations will vary depending on the type and configuration of the energy storage system. Concrete foundations are not likely.
- Water – Constructing the energy storage facility will require approximately 12,500 gallons of water. The water source will remain the same as previously described.
- Gravel - A maximum of 7.2 acres of the energy storage area will be graveled to a depth of 6 inches, using approximately 4,160 tons of gravel. The gravel source will remain the same as previously described.
- Batteries - Lithium-ion system will require regular change out of batteries as they degrade over time at a rate depending on usage. For example, a battery that is cycled or used more often will degrade faster than one that is used less often. It is assumed that conservatively the battery will need to be replaced every 15-20 years, or 1-2 times over the life of the Facility (30 years). At the time of initial operation the total number of containers (as proposed in Section 3.2) may not be required and additional containers may be augmented within the battery site footprint over the life of the Facility as the initially installed batteries degrade over time.

For the replacement of batteries during operation, the certificate holder will follow the handling guidelines of 49 Code of Federal Regulations 173.185 – Department of Transportation Pipeline and Hazardous Material Administration related to the shipment of lithium-ion batteries. The regulations, among other thing, include requirements for the:

- Prevention of a dangerous evolution of heat;
- Prevention of short circuits;
- Prevention of damage to the terminals; and
- Prevention of contact with other batteries or conductive materials.

Licensed third party battery suppliers will be responsible for transporting batteries to and from the Project in accordance with applicable regulations, as required through their licensure. Spent batteries will be disposed at a facility permitted to handle them in compliance with applicable Resource Conservation and Recovery Act and Toxic Substances Control Act regulations administered by the U.S. Environmental Protection Agency or the Oregon Department of Environmental Quality (ODEQ). Adherence to the requirements and regulations (including personnel training, safe interim storage, and segregation from other potential waste streams) minimizes the potential for safety hazards related to the transport, use, or disposal of batteries. The Chemical Waste Management facility in Arlington, Oregon (“Arlington Landfill”) holds a permit under the Resource Conservation and Recovery Act Part B as well as the Toxic Substances Control

Act. The landfill, which is regulated by EPA Region X and the ODEQ, is licensed to handle hazardous materials, including transportation and disposal of hazardous wastes. See Attachment 2 for a fact sheet describing the Arlington Landfill's chemical waste disposal capabilities.

The respective certificate holders will continue to comply with Site Certificate conditions related to materials and waste management.

4.3 Other Participants – OAR 345-021-0010(1)(a)

The Certificate Holder's information, including contact information, is included in Section 2. FPL Stateline is a wholly-owned indirect subsidiary of NEER. The full name and address of NEER is provided in Section 2.

No other participants are anticipated at this time, with the exception of potential third party permits that would be obtained by the construction firm selected to install battery storage and repower the Facility. The Certificate Holder anticipates that these third-party permits may include permits for obtaining aggregate and other construction materials, transporting materials to the site, and other building- related permits that are typically obtained immediately prior to construction activities. This said, based on its team's vast experience and the parent company's portfolio as one of the largest provider of renewable energy in the world, the Certificate Holder will select qualified contractors, engineers, and manufacturers with experience in the wind industry. The Certificate Holder anticipates that these permits would meet the Facility standards adopted by EFSC.

The Certificate Holder and its parent company have extensive relationships with all the major wind turbine manufacturers, as well as with the chief balance-of-plant contractors in the United States. The Certificate Holder has also relied on the input of external consultants with decades of relevant experience developing successful wind energy facilities in the Pacific Northwest.

4.4 Construction Schedule – OAR 345-021-0010(1)(b)(F)

Battery storage installation and repowering is planned to begin in March 2022 (mobilization) and continue through December 2022. No other construction work is anticipated to begin prior to issuance of the Amendment.

5.0 Site Certificate Revisions – OAR 345-027-0360(1)(d)

OAR 345-027-0360(1)(d) The specific language of the site certificate, including conditions, that the certificate holder proposes to change, add or delete through the amendment.

Attachment 1 includes the red-lined SWP Site Certificate to reflect proposed changes. In addition to adding battery storage in Section III (2), the proposed changes include:

- Alteration of Condition 37: change maximum hub height from 263 to 295 feet.
- Alteration of Condition 93: change reference from Fifth Amended Site Certificate to Sixth Amended Site Certificate.

- Alteration of Conditions 137 through 148: change references as appropriate from the Fifth Amended Site Certificate/RFA5 to the Sixth Amended Site Certificate/RFA 6. Also update Conditions 137, 140, 141, and 142 to include updated turbine related details and design conditions (Table 4).

Table 4. Proposed Turbine Updates

Update	Approved	Proposed
Maximum Individual Turbine Generating Capacity (MW)	2.3	2.66
Maximum Blade Length in feet (meters)	177 (54)	213 (65)
Maximum Hub Height in feet (meters)	262.5 (80)	295 (90)
Maximum Rotor Diameter (Rotor Swept Height) in feet (meters)	354 (108)	426 (129)
Maximum Total Height (tower height plus blade length) in feet (meters)	440 (134)	489 (149)
Minimum Ground Clearance in feet (meters)	85 (26)	59 (18)
Maximum Number of turbines	43	45
Maximum Total Turbine Nameplate Capacity	98.9 MW	118.68 MW

6.0 Other Standards and Permits – OAR 345-027-0360(1)(e)

OAR 345-027-0360(1)(e) A list of all Council standards and other laws, including statutes, rules and ordinances, applicable to the proposed change, and an analysis of whether the facility, with the proposed change, would comply with those applicable laws and Council standards. For the purpose of this rule, a law or Council standard is “applicable” if the Council would apply or consider the law or Council standard under OAR 345-027-0375(2).

A list of statutes, administrative rules, and local government ordinances relevant to Site Certificate issuance for the facility was provided in Exhibit CC of RFA 5. No additional statutes, rules, or ordinances need to be added based on inclusion of the energy storage facility. The Oregon Community Right to Know Act was inadvertently omitted from Exhibit CC but should have been included (ORS 453; OAR Chapter 837, Divisions 85 and 95). The Oregon Fire Code division of Chapter 837 was included in Exhibit CC (OAR Chapter 837, Division 40) as it is applicable to the facility as a whole, including energy storage. Oregon Public Utility Commission requirements are addressed in Site Certificate Conditions 6, 108, 110, and 113 (OAR Chapter 860, Division 024). These requirements address safety standards for the transmission line as well as related or supporting facilities including the energy storage component. No new requirements are triggered by the inclusion of energy storage.

EFSC standards relevant to RFA 6 include Division 22 (General Standards for Siting Facilities) and Division 24 (Specific Standards for Siting Facilities). Division 23, which applies to non-generating facilities, does not apply to wind power generating facilities. Similarly, inapplicable provisions of

Division 24 (e.g., standards applicable to gas plants, gas storage, non-generating facilities) are not discussed.

The modifications proposed to the operational Facility do not alter the Certificate Holder's ability to comply with EFSC's earlier findings in the Final Order on Amendment #5. The primary purpose of RFA 6 is to take advantage of technological advances in energy storage and optimization of wind harvesting efficiency as part of typical operational and maintenance activities for the Facility. The Site Boundary will not be changed from what was previously approved. Ultimately, the Facility will be operated in the same manner as previously approved by EFSC which imposed conditions, as necessary, for Facility operations. The Facility will comply with all existing Site Certificate conditions except for the conditions noted in Section 5. Table 5 identifies EFSC standards and other laws reviewed as part of RFA 6, their applicability to RFA 6, and the Site Certificate conditions that govern Facility compliance for each standard.⁵ Section 6.1 contains the information necessary for EFSC to find that the Facility, as modified by RFA 6, meets the standards of the relevant laws.

⁵ The Facility, with proposed changes, will comply with the Site Certificate conditions. Site Certificate compliance will continue to be documented through the annual compliance report and as applicable for the activities for repowering, as part of pre-construction compliance.

Table 5. Standards and Laws Relevant to Proposed Amendment

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-022-0000 General Standard of Review	<p>The Council previously found that the Facility complies with the General Standard of Review. For RFA 6, the requirements of OAR 345-022-0000 are addressed in the findings, analysis, and conclusions discussed in Section 6.1.</p> <p>Oregon’s Renewable Portfolio Standard (RPS) establishes a requirement for how much of Oregon’s electricity must come from renewable resources like wind. The current RPS is set at 50 percent by 2040. RFA 6 is another step for the Facility to contribute to meeting this requirement.</p>	(2) Compliance during all phases (3) Completion of construction (4) Prevention of hazardous site conditions (8) General reporting obligation for energy facilities under construction or operating (23) Notification to DOE of natural event, fatal injury, compromised safety operations (25) Report of Site Certificate violations (137) Compliance as amended and wind turbine dimensions (138) Commencement of Facility modifications (139) Completion of Facility modifications
OAR 345-022-0010 Organizational Expertise	<p>Applicable and complies. The Council has previously determined that NEER has adequate organizational expertise to construct, operate and retire a wind energy facility. There is no proposed change to the Certificate Holder who has been operating the Facility for over 11 years and implementing mitigation and monitoring per applicable Site Certificate Conditions. The Certificate Holder management team and the NEER family of companies have deep regional expertise, derived over years of successfully permitting and operating hundreds of MWs of wind energy projects in the Oregon. See sections 4.5 and 6.1.1 for accompanying analyses.</p>	(28) Report of change in corporate structure (46) Notification of contractor identities (47) Compliance of construction workers (57) Notification of changing construction contractors (136) Notification to third party interest
OAR 345-022-0020 Structural Standard	<p>Applicable and complies. Exhibit H of RFA 5 included updated information regarding climate change and the potential impacts to the Facility. This sixth RFA makes no changes that would alter the basis for the Council’s prior findings for the structural standard and does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions (see Section 6.1.2).</p>	(16) Avoidance of seismic hazards (17) Notification of foundation changes (18) Notification of other geological observations. (49) Compliance of building codes (95) Inspection of turbine blades (140) Operations wind turbine foundation inspections (141) Operations wind turbine tension inspections
OAR 345-022-0022 Soil Protection	<p>Applicable and complies. Exhibit I of RFA 5 reviewed impacts for the Facility on soils and included the NPDES 1200-C permit which was submitted to the ODEQ The Council previously found that the Facility would comply with the Soil Protection Standard. The total maximum permanent and temporary disturbance will be similar to or less than analyzed in Exhibit I of RFA 5 (see Section 6.1.3). Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings.</p>	(29) Prevention of erosion, soil disturbance (60) Erosion and Sediment Control Plan (ESCP) (61) Best management practices (BMPs) to be included in ESCP (92) Prevention of impacts from erosion

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-022-0030 Land Use	Applicable and complies. Exhibit K of RFA 5 reviewed impacts for the Facility on Land Use. The Facility with proposed changes will not force a significant change in accepted farm practices, nor will it significantly increase the cost of farm practices. The Facility is already operational and the addition of battery storage, turbine repowering and potential replacement/addition of turbines (Option A replaces three existing turbines and Option B adds two new turbines and replaces one existing turbine) would only result in minimal impacts contained within previously disturbed construction areas. Approval of the amendment would not result in any land use impacts that have not been addressed by the Council; the amendment would not expand the Site Boundary or alter the authorized uses (see Section 6.1.4). Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings under OAR 345-022-0030 that the Land Use Standard is satisfied.	(30) Weed control and reseeding (31) Storage of fuel and chemicals (40) Disturbance of farming activities on adjacent lands (44) Usage of minimum land area for roads (45) Agreement to use specific roads and restoration (77) Traffic control procedures (81) Restoration of county roads (82) Restoration of laydown areas (125) Record Covenant Not to Sue regarding farming practices (126) Compliance with county setbacks (127) Annual report delivered annually to County (142) County road right of way setback adherence
OAR 345-022-0040 Protected Areas	Applicable and complies. Exhibit L of RFA 5 reviewed impacts for the Facility on Protected Areas. The proposed changes do not modify EFSC’s previous finding for Protected Areas (see Section 6.1.5). Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0040 the Protected Areas Standard is satisfied.	N/A
OAR 345-022-0050 Retirement and Financial Assurance	Applicable and complies. The Certificate Holder is still able to restore the site to a useful, nonhazardous condition following permanent cessation of construction or operation of the facilities (see Section 6.1.6; Exhibit W of RFA 5). Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0050 Retirement and Financial Assurance Standard is satisfied.	(19) Retirement plan (109) Letter of credit naming State as payee
OAR 345-022-0060 Fish and Wildlife Habitat	Applicable and complies. Proposed changes will be within existing Site Boundary in areas surveyed for fish and wildlife habitat as documented in Exhibit P of RFA 5. Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0060 Fish and Wildlife Habitat Standard is satisfied (see Section 6.1.7).	(39) Protection of listed species present (52) Design to avoid wildlife impacts (63) Implementation of wildlife impact mitigation (64) Prevention of raptor prey habitat (65) Fish and wildlife habitat mitigation measures (68) Minimalization of impacts to Category 6 habitat (89) Flagging of environmentally sensitive areas (90) Environmental training for personnel (91) Prevention of erosion, weeds, and revegetation (93) Wildlife Monitoring and Mitigation Plan (94) Mitigation for loss of habitat (112) Provide maps, locations to agencies (114) Installation of bird deterring devices (131) Avoid disturbance to Category 1 and 2 habitats

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-022-0070 Threatened and Endangered Species	Applicable and complies. The Facility will be constructed within the approved Site Boundary where impacts to T&E species have already been reviewed (Exhibit Q of RFA 5). Therefore, impacts to threatened and endangered species have already been found by Council to be consistent with the relevant standards (see Section 6.1.8).	(53) Status of Swainson’s hawk nests (54) Burrowing owl surveys (55) Listed plant species surveys (69) Avoidance of WAGS colonies and burrows (70) Reducing injuries and fatalities to migratory species (117) Construction buffer around ferruginous hawk nests
OAR 345-022-0080 Scenic Resources	Applicable and complies. Exhibit R of RFA 5 reviewed impacts for the Facility on Scenic Resources. The proposed changes do not modify EFSC’s previous finding for Scenic areas (see Section 6.1.9). Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0080 Scenic Resources Standard is satisfied.	(37) Minimization of visual impacts
OAR 345-022-0090 Historic, Cultural and Archaeological Resources	Applicable and complies. Desktop surveys were conducted for the Site Boundary and identified resources will be protected per conditions (see Section 6.1.10). Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0090 Historic, Cultural and Archaeological Resources is satisfied.	(75) Marking of buffer areas (76) Work cease due to historical find (143) Training and Inadvertent Discovery Plan implementation
OAR 345-022-0100 Recreation	Applicable and complies. Exhibit T of RFA 5 reviewed impacts for the Facility on Recreation Areas. The proposed changes do not modify EFSC’s previous finding for Recreation Areas (see Section 6.1.11). Therefore, this sixth RFA makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0100 Recreation Standard is satisfied.	N/A
OAR 345-022-0110 Public Services	Applicable and complies. RFA 6 does not alter the basis for the Council’s prior findings for public services and does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions (see Section 6.1.12). Existing conditions apply to the Facility which will include the battery storage.	(33) Contract with local fire department (35) Installation of security measures (48) Development of health and safety plan (85) Prepare and maintain health and safety plan (88) Turbine blade washing (96) Fire prevention and response training (103) Fire prevention construction practices (130) On-site well water usage (144) Installation of traffic reduction measures
OAR 345-022-0120 Waste Minimization	Applicable and complies. RFA 6 is not anticipated to substantially increase the amount of solid waste and wastewater generated by the Facility (see Section 6.1.13). Therefore, this first RFA makes no changes that would alter the basis for the Council’s earlier findings that the OAR 345-022-0120 Waste Minimization Standard is satisfied.	(33) Waste carrying trailers (71) Minimum waste management plan requirements (73) On-site sewage handling (74) On-site assistant of waste management (83) Materials disposed of as fill on-site (86) Recycling on solid during operation (129) Discharge of sanitary wastewater (145) Recycling and reusing of repowered parts

Standard	Applicability & Compliance	Related Site Certificate Conditions
OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities	Applicable and complies. See Section 6.1.3 for structural safety information. NEER family of companies has expertise, derived over years of successfully operating hundreds of MWs of wind energy projects (see Section 6.2.1). RFA 6 does not alter the basis for the Council’s prior findings regarding public and safety and does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions (see Section 6.2.1).	(31) Storage of fuel or chemicals (32) Following handling instructions (33) Contract with Milton-Freewater Rural Fire Department (34) Water-carrying trailers (35) Installation of security measures (36) Notification of accidents/failures (58) Prevention of construction fires (96) Annual fire prevention and response training (103) Fire prevention measures (113) Electric and magnetic field safety measures (128) Water truck on-site (146) Notice of Proposed Construction or Alteration
OAR 345-024-0015 Siting Standards for Wind Energy Facilities	Applicable and complies. The Facility is operational with existing infrastructure. The proposed changes are being designed in consideration of cumulative adverse environmental effects. RFA 6 does not alter the basis for the Council’s prior findings for OAR 345-024-0015 Siting Standards for Wind Energy Facilities and does not alter the Certificate Holder’s ability to comply with the Site Certificate conditions (see Section 6.2.2).	(44) Usage of minimum land area for roads
OAR 345-024-0090 Transmission Lines	Not Applicable. There will be no changes to the transmission line as part of RFA 6.	N/A
OAR 340-035-0035 Noise	Applicable. The noise study results indicated compliance with the ODEQ noise limits at all 37 of the noise sensitive receptor (NSRs); however, noise levels at five of the 37 NSRs (IDs 21, 23, 33, 35 and 37) were predicted to exceed the decibel limit. Noise waivers were obtained from NSR IDs 21, 23, 33 and 35. NSR ID 37 is a non-participant; therefore, further action may be required to address the predicted exceedance of the OAR ambient degradation standard at that location. The study showed that noise levels would be in compliance with the ODEQ ambient noise degradation rule at the remaining 32 of 37 NSRs. See Section 6.3.1.	(78) Confine noise activities to daylight hours (120) Verification of actual sound lower level (133) Final Facility design noise analysis and noise waiver if applicable (147) Location of temporary staging areas and notice to landowners (148) Final modified Facility design noise analysis and noise waiver if applicable
Removal-Fill Law	Applicable and complies. A removal-fill permit is not needed for the Facility because the Facility will not temporarily or permanently impact waters of the state (see Section 6.3.2).	(118) Removal Fill
Water Rights	Applicable and complies. Water volumes will not substantially increase and sources will not change from what was previously approved by Council for use during construction and operation of the Facility. (see Section 6.3.3).	N/A

6.1 Applicable Division 22 Standards

6.1.1 General Standard of Review – OAR 345-022-0000

The Council previously found that the Facility complies with the General Standard of Review. For RFA 6, the requirements of OAR 345-022-000 are addressed in the findings, analysis, and conclusions discussed in the following sections (and previously incorporated into all exhibits of RFA 5, particularly Exhibit E and CC). As detailed in the following sections, RFA 6 meets all applicable standards and conditions (General Conditions 2, 3, 4, 8, 23, 25, 137, 138, and 139) and the Council can continue to find that the requirements of OAR 345-022-000 are met. Note that the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 137, 138, and 139 to reflect the changes proposed by RFA 6 (see Section 5.0).

Oregon's RPS establishes a requirement for how much of Oregon's electricity must come from renewable resources like wind. The current RPS is set at 50 percent by 2040. In addition to Oregon's RPS, private companies have their own renewable energy procurement policies, which increase the demand for renewable energy in Oregon. These public and private policies are intended to reduce greenhouse gas emissions, mitigate climate impact, and reduce reliance on carbon-based fuels. Wind generation, battery storage and wind upgrading or repowering projects like this upgrade to the Facility provide for future optimized, consistent energy output to help further these policies. In addition, a mission of Oregon's Climate Action Plan is to achieve a reduction in greenhouse gas emissions levels to at least 45 percent below 1990 emissions levels by 2035, and at least 80 percent below 1990 emissions levels by 2050. By producing renewable energy more consistently, the Facility upgrade will contribute to the reduction of greenhouse gas emissions.

NEER maintains a strong presence in the local community and thereby provides a positive economic impact and public benefit. For the entire SWP, during operations there are over 32 direct jobs on site, with a majority living in-state. The SWP provides approximately \$40 million of capital annually to the local community, between lease payments to landowners and property taxes. On balance, the Council may find that proposed change in RFA 6 promotes Oregon energy policy and provides a net public benefit, and may conclude that the Facility, as modified by RFA 6, continues to comply with the General Standard.

6.1.2 Organizational Expertise – OAR 345-022-0010

The Certificate Holder's information, including contact information, is included in Section 2. The Certificate Holder is a wholly-owned indirect subsidiary of NEER. The full name and address of NEER is provided in Section 2.

The Council previously found the Certificate Holder Owner has demonstrated an ability to construct, operate, and retire the Facility in compliance with Council standards and conditions (Conditions 28, 46, 27, 57, and 136) of the Site Certificate as reviewed during RFA 1, RFA 2, RFA 3, RFA 4 and RFA 5. This finding was based on a review of qualifications of NEER personnel who

would be responsible for the construction and operation of the Facility. There has been no change to NEER' ownership, management, or holdings that would alter the previous conclusion.

NEER is the world's largest generator of renewable energy from the wind and sun. NEER is a regionally diversified company with approximately 5,100 employees dedicated to the production of approximately 21,000 MW, from 175 facilities in 36 states and four Canadian provinces. With more than 10,000 wind turbines in its fleet, NEER's wind generation capacity totals more than 15,000 MW. NEER is also capable of generating more than 2,100 MW of electricity from natural gas facilities, operates three nuclear power plants with a capacity of more than 2,700 MW, and operates more than 3,000 MW of solar energy. It is estimated that nearly 95 percent of the electricity produced by NEER comes from clean or renewable sources. Along with its rate-regulated sister company, Florida Power and Light, NEER is a wholly owned subsidiary of NextEra Energy, Inc. NextEra Energy, Inc. is a Fortune 150 Company with a market capitalization of approximately 134 billion dollars. The financial strength of NEER and its parent company provides the company with the financial capital to self-finance and build up to 4 billion dollars of projects per year on its own balance sheet.

NEER's energy storage team is leading the growth of the storage market with more than 145 MW of operating energy storage assets, including the Lee DeKalb Energy Storage Facility in Illinois and the Blue Summit Energy Storage Facility in Texas. There have been no citations for the operating facility. Further, it is integrating another 100 MW of energy storage systems that are under late stage development or construction today. NEER has also signed Power Purchase Agreements for several of the largest solar plus storage projects in the United States including 10 MW/40 megawatt-hours (MWh) energy storage paired with 20 MW of solar under long-term contract with Salt River Project and currently operating in Arizona; 30 MW/120 MWh storage project paired with 100 MW of solar under long-term contract with Tucson Electric Power which began operation in 2021. Additionally, according to Jim Robo, the Chairman and CEO of NEER, "NEER expects to invest more than \$1 billion in storage in 2021, which would be the largest-ever annual battery storage investment by any power company in history."

Within Oregon, NEER subsidiaries—FPL Vansycle, LLC and FPL Energy Stateline II—constructed, own, and operate 186 turbines, with a total peak generating capacity of 123 MW at the Stateline 1 and 2 wind energy facilities, and 43 turbines with a total peak generating capacity of 99 MW at the Vansycle II Wind Energy Facility. NEER subsidiaries recently completed a 300-MW wind farm in Morrow County, Oregon – the Wheatridge Wind facilities – and are currently constructing a solar facility that includes battery storage in Morrow County, Oregon. Through this relationship, the Certificate Holder's management team and the NEER family of companies have deep regional expertise, derived over years of successfully permitting and operating hundreds of MWs of wind energy projects in Oregon. NEER employees have deep local ties to the communities we operate in, and a solid history of understanding local economic development, permitting, environmental concerns and compliance with the various conditions stipulated within an EFSC Site Certificate as documented through the annual reporting (Condition 127) which has been completed for the SWP since 2001. There are no recorded citations, nor North American Energy Reliability Corporation

violations, for these projects. NEER repowered 1,591 MW of wind in the United States in 2017, including blade and gearbox change outs across nine sites in Texas, and (partnering with Blattner and SGRE) NEER successfully executed the repower of almost 200 SWT 2.3-93 machines owned by NextEra Energy, Inc. for ERCOT in West Texas in 2017, constituting approximately 29 percent, or 460 MWs, of the total 1,591 MWs that NEER repowered in 2017. Therefore, NEER has experience in turbine repowering tasks and actions including wind tower repower, blade and nacelle replacement, and associated construction activities.

The Facility has been operational since 2009 and there are no circumstances that would alter the basis for the Council's earlier findings regarding organizational expertise. Therefore, the Council may rely on its previous findings that the Certificate Holder continues to have the organizational expertise to construct, operate, and retire the Facility in compliance with Council standards and Site Certificate conditions.

6.1.3 Structural Standard – OAR 345-022-0020

The Council previously found that the Facility complies with the Structural Standard. The Structural Standard generally requires the Council to evaluate whether the Certificate Holder has adequately characterized the potential seismic, geological, and soil hazards within the Site Boundary, and that the Certificate Holder can design, engineer, and construct the Facility to avoid dangers to human safety from these hazards. Prior to construction of the Facility, the Certificate Holder adequately characterized the seismic hazard risk of the site through an appropriate site-specific study and had designed, engineered, and constructed the Facility in accordance with the requirements set forth by the State of Oregon's Building Code Division, as well as all other applicable codes and design procedures, to meet or exceed the minimum standards required by the Oregon Structural Specialty Code and 2006 International Building Code (Site Certificate Condition 49; see Exhibit H of RFA 5). In addition, the Certificate Holder met Site Certificate Condition 16 by designing, engineering, and constructing the Facility to avoid dangers to human safety presented by seismic hazards and completed site-specific geotechnical investigations in compliance with Condition 132 (SWP Fourth Amended Site Certificate, May 2009). The Certificate Holder previously complied with Site Certificate Conditions 50 and 51, which provide design requirements for foundations. The Certificate Holder will comply with Conditions 140 and 141 (and as proposed to be amended), which generally require foundation and anchor bolt inspections after the repower, and remediation if warranted by the inspections.

The Certificate Holder conducted a detailed, site-specific geotechnical investigation of the Facility site before construction began on the Stateline 3 iteration of the Facility. The Final Order for Amendment 4 stated:

DOGAMI requested the results of future site-specific geotechnical investigation prior to construction of the Stateline 3 components and advised the applicants to prepare reports according the Guidelines for Engineering Geology Reports and Site-Specific Hazard Report (Open File Report 00-00-4). DOGAMI advised that the facilities should be designed to meet the current 2007 Oregon Structural Specialty Code and the 2006 International Building Code.

The Certificate Holder submitted the requested site-specific geotechnical investigation to DOGAMI and ODOE in May 2009 as part of Condition 132 of the SWP Fourth Amended Site Certificate. DOGAMI confirmed receipt of the report in June 2009, and provided no other comments or response to the geotechnical investigation.

Consultation with the Oregon Department of Geology and Mineral Industries (DOGAMI) was conducted in support of RFA 5 on March 5, 7, and 9, 2018 (see Attachment H-1 of Exhibit H, RFA 5). During consultation, DOGAMI confirmed that based on the Certificate Holder's proposed repower to the Facility, no additional geotechnical or geologic hazards analyses would be required but requested that RFA 5 address disaster resilience and future climate conditions (see discussion below). All the proposed changes are within the Site Boundary and the areas assessed in Exhibit H of RFA 5.

During completeness review of the preliminary RFA 5, DOGAMI requested additional foundation assessments to support RFA 5, as provided in Attachment H-2 of Exhibit H, RFA 5 (submitted under separate cover; confidential). In consideration of DOGAMI's request for RFA5, the Certificate Holder is completing an updated foundation assessment for the turbine changes proposed in RFA 6. Based on the results of the foundation assessment, any identified necessary mitigation and remediation measures will be implemented prior to repower, and/or operational inspection timing recommendations will be implemented once the repower has been complete. Because the results of the foundation assessment will be specific to the changes proposed in RFA 6, the Certificate Holder proposes to amend Condition 140 which was developed specific to RFA 5 design considerations and remove Condition 141 to provide for compliance documentation that reflect the foundation assessment findings and recommendations.

The Certificate Holder will continue to inspect all turbine and turbine tower components on a regular basis and maintain or repair turbine and turbine tower components as necessary in compliance with Site Certificate Condition 95. The regular turbine and tower component inspection process will not change as a result of the repowering project because the turbine components and how they function will generally stay the same. However, the annual inspection process and procedures will "restart" as if the Facility is new rather than having been operational for over 11 years. Therefore, the turbines will undergo the same and more rigorous inspections of a new facility, which will start with a full inspection of all turbines and turbine components within 6 months of being upgraded. After the 6-month inspection, the Facility will be in the typical annual inspection process. Additionally, the Supervisory Control and Data Acquisition system provides 24/7, real-time monitoring and control for every turbine for potential maintenance needs. Because there will be no change to the inspection process and procedures that have been in effect for the Facility since it began operation over 11 years ago other than an additional inspection at 6-months after repowering, the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 140 and 141 to reflect the changes proposed by RFA 6 (see Section 5.0).

The battery storage will be collocated with the existing substation within the approved and existing Site Boundary; therefore, areas that were assessed in Exhibit H of RFA 5 still remain valid. The most

up-to-date building and structural codes, reflecting the most up to date methodologies and definitions of the ground motions used for seismic design, will be used during the construction of the proposed updates. Land disturbing activities associated with Facility construction will be mitigated through reseeding and restoration, as per the conditions stipulated in the Site Certificate; Additionally, BMPs will be implemented through the NPDES 1200-C permit (see Section 6.1.4).

The information requested for an ASC to address the Structural Standard has been revised since the time the Site Certificate was issued (OAR 345-021-0010(h)). Although the OAR-345-022-0020 standard itself has not been substantively modified, the Certificate Holder provides information below to address two new areas of concern requested for Exhibit H of new applications: disaster resilience and climate change impacts.

The Facility has been in operation for over 11 years. During that time, climate change has not impacted the Facility. Future climate conditions, which may include greater-intensity rainfall events, fluctuations in typical annual snowpack (above or below normal), and warmer average annual temperatures, are also not anticipated to have a major impact on the geologic, geotechnical, and seismic conditions at the Facility. Sea level rise will not affect the Facility due to its location. The Facility's design accounts for future climate extremes during its projected lifespan. To provide disaster resiliency, the Certificate Holder has designed the battery storage installation and repower to current code and taken into consideration seismic ground motions that exceed the building code response spectrum.

The Certificate Holder operations team maintains an Emergency Action Plan (see Attachment H-3 of Exhibit H, RFA 5) for the Facility that is updated annually. The plan outlines the procedures to effectively respond to a natural disaster, including on-site safety requirements and communication protocol. The Emergency Action Plan also addresses how to safely return to operations following an emergency. While it is hard to predict all future climatic conditions, current codes and design specifications are continuously evolving and go through annual technical reviews to ensure they are current to the latest technology and means and methods for renewable energy facilities. See Section 6.1.1 above for additional discussion on how the facility may help minimize the impacts of climate change.

RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). BMPs will continue to be implemented for the facilities, as proposed, through the NPDES 1200-C permit (see Section 6.1.4 below) and the Emergency Action Plan. The proposed battery storage installation and repowering of the Facility does not change the Facility's compliance with OAR 345-022-0020 or any structural conditions in the Site Certificate (see Table 5). Based on the information provided, the Council may conclude that the Facility, as modified by RFA 6, continues to comply with the Structural Standard.

6.1.4 Soil Protection – OAR 345-022-0022

The Council previously found that the Facility complies with the Soil Protection Standard. The Soil Protection Standard requires the Council to find that, after taking mitigation into account, the design, construction, and operation of a facility will not likely result in a significant adverse impact to soils. Exhibit I of RFA 5 identified the soil conditions and land uses in accordance with the submittal requirements in OAR 345-021-0010 (1)(I) paragraphs (A) through (E). Battery storage installation and upgrading the Facility will cause minimal permanent disturbance and moderate temporary disturbance, largely in areas that were previously temporarily and permanently disturbed as part of Facility construction. However, disturbance from battery storage installation and upgrading will be substantially less in area and depths compared to Facility construction (See Section 3.0). Most temporary disturbance will occur at the staging area, around turbines, and along the Facility roads/crane paths where the cranes will move turbine components. The majority of soil erosion impacts would be of limited duration, a maximum of 10 months (including mobilization). The Certificate Holder would minimize temporary disturbance by making use of previously disturbed areas, including staging areas, roadways and turbine pads. Any temporarily disturbed sites will be restored to pre-construction condition or better as described in the Facility Revegetation Plan (Condition 65; see Fish and Wildlife standard), as is routinely done as part of O&M activities. The Certificate Holder shall also inspect and maintain roads pads and trenched areas to minimize erosion (Condition 29).

New permanent disturbance will occur as a result of the battery storage installation and if repowering configuration Options A or B are chosen (see Section 3.0); However all proposed updates will be within the previous Site Boundary and in previously disturbed construction areas. The battery storage will be a total of 7.21 acres, collocated with the existing substation. If repower configuration Options A or B are chosen, up to three new foundation are proposed, however all updates will occur at previously approved turbine locations. The replacement of three Siemens turbines to GE technology (at turbines 11, 12, and 13), as proposed for Option A, would occur within one arc of the current turbine(s), as permitted by the FAA Determinations of Hazard. The addition of two new GE turbines (and replacement of existing Siemens turbine 11), as proposed for Option B, would occur at previously approved alternative turbine locations (ALT-1 and ALT-2). As stated in Section 6.1.3, updated site-specific geotechnical work will be required prior to construction to incorporate the changes to the Facility.

All work conducted at the site during Facility construction followed requirements of the ESCP and the NPDES 1200- C permit as required by Site Certificate Condition 60 and as reviewed by ODOE through construction and annual reporting (Condition 127). As noted above, battery storage installation and upgrading the Facility will have fewer permanent and temporary impacts than Facility construction both in area and depth of ground disturbance. Although there will be approximately 12 acres of potential permanent impacts (depending on repowering configuration option chosen) and 211.7 acres of temporary impacts, as noted above, not all will be disturbance causing areas of bare soil (see Table 3). Battery storage installation and upgrading activities will primarily occur at the battery storage site, staging area, turbine pads, and along roadways/crane

paths. Vegetation will be permanently disturbed due to the battery storage installation and if repowering configuration Options A or B are chosen, which either relocate, replace, or add turbines; note that for either option, the turbines would be located in previously approved turbine locations (see above). Vegetation will be temporarily disturbed by crane tracks and semi-trucks as they briefly drive over vegetation, or the placement of components around the turbines and battery storage. Grading or earth disturbing activities will be needed in areas of new foundations (if repowering configuration Options A or B are chosen; see Section 3.0), the battery storage, and for some widening improvements along existing Facility roads. There will also be some additional spots of earth disturbing activities, primarily at laydown areas and along access roads/crane paths. Therefore, it is anticipated that there will be roughly 223.7 acres total of earth disturbing activities (see Table 3). Regardless if a NPDES 1200-C is required, local, county, and state erosion control standards and erosion control BMPs will be followed, as pertinent, to the upgrading activities. Erosion control BMPs as outlined in Conditions 61 and 92 may include the following, which would be incorporated into the NPDES 1200-C, if applicable:

- Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters.
- Installing sediment fence/straw bale barriers at locations shown on the plans.
- Wherever feasible, constructing roadways so that surface drainage continues along natural drainage patterns with minimal diversions through ditches and culverts.
- Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads.
- Straw mulching and disking at locations adjacent to the road that have been impacted.
- Providing temporary sediment traps downstream of intermittent stream crossings.
- Providing SediMat type mats downstream of perennial stream crossings.
- Planting designated seed mixes at impacted areas adjacent to the roads
- Installing sediment fencing along the downslope side of construction equipment staging areas.
- Seeding all areas that are impacted by construction and reseeding as necessary to establish a healthy cover crop.
- Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated.
- Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces, and thereby limiting soil compaction and disturbances.
- Scarifying and reseeding compacted areas after construction is completed.
- Using appropriate erosion control methods to limit soil loss due to water and wind action.

- Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion.
- Using water for dust suppression during construction.
- Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials.
- Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs.
- If areas of erosion are observed during operation, implementing mitigation and reclamation measures.

Lithium-ion battery systems are modular systems. Each module contains multiple smaller battery cells, each measuring up to approximately 3.2 centimeters by 7 centimeters. The cells are the primary containment for the gel or liquid electrolyte materials. The module containing the cells is relatively small, generally about the size of a desktop computer processor, and serves as leak-proof secondary containment. Modules are placed in anchored racks within the steel containers; typically, each rack houses six to 13 battery modules along with a switchgear assembly. Although leaks from the modules are very unlikely because any leak would require failure of the individual cell(s) as well as the sealed module, any material that might leak from the cell into the module and then to the floor of the container would easily be contained within the 20-foot by 9-foot container. During O&M of the facility, maintenance staff will regularly check the battery systems to confirm that no unusual conditions have developed, and will take immediate action to remove and replace any battery modules that might malfunction. Any battery malfunctions would generally be detected as a reduction in battery function well before an actual leak developed. Each battery module and battery rack are individually protected by overcurrent fuses that operate independently of the control system to avoid out of specification voltage. The potential for site contamination by the lithium-ion battery modules is remote. Inspections of the Facility combined with electronic monitoring of battery performance are sufficient to detect a leak in the unlikely case one were to occur. If a module (secondary containment) were to leak, any spill would be necessarily small given the size of the module and small quantities of fluid or gel electrolyte involved. Such a leak would easily be contained inside the storage facility (tertiary containment) and would be cleaned up as soon as it was discovered. There is virtually no possibility of such contamination reaching the ground without being discovered and therefore no monitoring plan or a condition for monitoring plan is warranted.

During the Facility upgrade and battery storage installation, potentially hazardous materials that could be used include lubricating oils. As with other O&M activities that are conducted at the Facility, the Certificate Holder will continue to enforce adherence to the Facility's construction Spill Prevention Control and Countermeasures Plan and Site Certificate Condition 32 to handle hazardous materials present on site in a manner that protects public health, safety, and the environment (see Public Health and Safety Standard). Additionally, for the battery storage, the Certificate Holder will follow the handling guidelines of 49 Code of Federal Regulations 173.185 –

Department of Transportation Pipeline and Hazardous Material Administration related to the shipment of lithium-ion batteries. The regulations include the following requirements, among others:

- Prevention of a dangerous evolution of heat;
- Prevention of short circuits;
- Prevention of damage to the terminals; and
- Prevention of contact with other batteries or conductive materials.

Third party energy suppliers will be responsible for transporting batteries to and from the Facility in accordance with applicable regulations, as required through their licensure. In general, adherence to the requirements and regulations will minimize the potential for impacts to soil related to transport, use, or disposal of batteries.

The proposed change in this RFA do not affect the basis for the Council's previous findings of compliance with the Soil Protection Standard because the Facility upgrade and battery storage installation will occur within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments) and disturbance will be minor in comparison to Facility construction. RFA 6 does not seek to enlarge the existing Site Boundary. The Facility must still comply with the Soil Protection Conditions previously imposed on the Facility (as discussed above; Table 5) as they relate to upgrading. The Facility is already constructed, and the Certificate Holder has met all pre-construction and construction conditions, and continues to meet operational conditions as documented in annual reporting (Condition 127). Therefore, the Council may conclude that the Facility, as modified by RFA 6, continues to comply with the Soil Protection Standard.

6.1.5 *Land Use – OAR 345-022-0030*

The Council previously concluded that the Facility complies with the Land Use Standard. Under OAR 345-021-0010(1)(k), an applicant must elect to address the Council's Land Use standard by obtaining local land use approvals under Oregon Revised Statutes (ORS) 469.504(1)(a), or by obtaining a Council determination under ORS 469.504(1)(b). The Certificate Holder elected to have the Council make the land use determination for the Facility under ORS 469.504(1)(b) and OAR 345-022-0030(2)(b).

RFA 6 does not affect the Council's previous findings of compliance with the Land Use Standard, because the upgrades will not enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments; see Exhibit K of RFA 5). Most turbine improvements (for all three repowering configurations) will be done to existing turbines within the previously approved and disturbed construction areas, thus maintaining a majority of the Facility footprint and reducing the amount of new facilities required. The proposed battery

storage will be collocated with the approved and existing substation. Note that the changes as proposed by RFA 6 will not change how the Facility is operated. RFA 6 does not propose alterations to any Facility infrastructure besides turbines and proposes only the new addition of battery storage technology. Therefore, the Certificate Holder addresses the Land Use Standard accordingly, and does not review the transmission line or features other than those identified in Sections 1 and 3.

In its evaluation of the Facility under the Land Use Standard (OAR 345-022-0030) in the Final Order on the ASC, and in subsequent RFAs, the Council considered the applicable, substantive criteria. This includes the Umatilla County Development Code (UCDC); adopted 1983 and amended through 2020. The UCDC has not had changes to the applicable sections that would impact the Council's prior findings under the Land Use Standard. The changes to these documents either do not apply to the location or zoning of the Facility site, or to the land use classification of the Facility or the Facility improvements. The Certificate Holder has addressed the applicable substantive criteria for RFA 6 in Attachment 3 and has summarized the findings herein.

The energy storage system is a related or supporting facility under OAR 345-001-0010(51) because it "...would not be built but for the construction and operation of the Facility." Similarly, under OAR 660-033-0130(37), it is an "other necessary appurtenance" to the wind power generation facility. In Umatilla County, all components of the Facility and its related or supporting facilities (including energy storage) qualify as a "wind power generation facility," which is a type of "commercial utility facility for the purpose of generating power for public use by sale" allowed as a conditional use under UCDC 152.060(F). Energy storage supports the Facility by providing an energy distribution function, like a substation provides an energy wattage conversion for distribution function. Therefore, the energy storage system is a necessary appurtenance to the Facility.

As stated in Section 152.616(HHH)(10) of the UCDC, an amendment to the conditional use permit shall be required if the proposed Facility changes include any of the following:

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

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

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

(2) Increase the number of towers;

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

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

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

Under RFA 6, the Facility could require an amendment to its Conditional Use Permit for Umatilla County. The Facility will not exceed the boundaries of the Umatilla County conditional use permit where the original Wind Power Generation Facility was constructed. UCDC §152.611(C) states that any alteration to a structure shall conform to the requirements for a conditional use or land use decision. Alter is defined as any change, addition or modification in construction or occupancy of a building or structure in UCDC § 152.003 Definitions. Therefore, replacing the nacelles and turbine blades would be an alteration to a structure. However, thresholds for permit amendments specific to wind facilities are included in UCDC § 152.616(HHH)(10)(b). The repowering activities as part of O&M would meet only one of these thresholds (2; increase the number of towers) but only if repowering configuration Option B is chosen. The addition of two new GE turbines (and replacement of existing Siemens turbine 11), as proposed for Option B, would occur at previously approved alternative turbine locations (ALT-1 and ALT-2). Additionally, there will be temporary widening on the existing access roads, but no changes to private roads or access points that are established at or inside the Site Boundary as part of RFA 6. The temporary road widening will be within the area previously disturbed for Facility construction as permitted in RFA 5. Note that per UCDC § 152.616(HHH)(10)(C), there will be no change to the Facility owner/operator of record, no change in the emergency plan, and no change in the maintenance contact as part of RFA 6. In addition, the conditional use criteria for a wind farm on Exclusive Farm Use zoned land is UCDC § 152.616(HHH) which generally applies to the procedure for taking action on the siting of a Wind Power Generation Facility rather than structural alterations to a sited and operational facility. Because the Facility is already sited and constructed rather than in the process of being sited, most of the applicable conditional use criteria do not apply. Therefore, only the applicable substantive criteria of the UCDC that apply to operational facilities are addressed herein in support of an amendment to the existing conditional use permit, if required for adding a turbine.

The upgrade will occur at mostly existing turbines (depending on the repowering configuration chosen) and both the repowering and battery storage installation will only impact land previously disturbed by construction of the Facility, and which is typically used for Facility O&M activities. Potential technology replacement or addition of turbines (as proposed by repowering configuration Options A and B) will occur in previously approved turbine locations. The replacement of three Siemens turbines to GE technology (at turbines 11, 12, and 13), as proposed for Option A, would occur within one arc of the current turbine(s), as permitted by the FAA Determinations of Hazard. The addition of two new GE turbines (and replacement of existing Siemens turbine 11), as

proposed for Option B, would occur at previously approved alternative turbine locations (ALT-1 and ALT-2). The battery storage will be collocated with the approved and existing substation on agricultural land. RFA 6 will continue to comply with all previous setback standards imposed through UCDC Sections 152.063 and 152.616(HHH)(k)(6)(a), as well as Site Certificate Conditions 126 and 142. Note that the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 142 to reflect the changes proposed by RFA 6 (see Section 5.0). Additionally, no impacts or increased farming costs will occur because the Facility is already established and will continue to comply with the terms of the Site Certificate to mitigate on and off-site impacts. During battery storage installation and upgrading activities affecting cultivated land, the Certificate Holder would consult with landowners and implement measures to avoid or reduce disruption of ongoing farming activities, including coordinating with landowners prior to farm road improvements, using the minimum land area necessary, minimizing traffic conflicts, and pursuing a Covenant Not to Sue with regard to accepted farming practices (Conditions 40, 44, 77, and 125). Therefore, the proposed change will not “force a significant change in” the adjacent farming practices or “significantly increase the cost of”⁶ an adjacent farming operation. Additionally, the Certificate Holder shall carry out weed control and reseedling for the life of the Facility and will not store fuel or chemicals onsite (Conditions 30 and 31). The Certificate Holder will also continue to enforce proper treatment of Umatilla County roads and reduce traffic conflicts through restoration efforts and use of flaggers (Conditions 45, 77, and 81). Similarly, laydown areas will also be restored through grading and reseedling efforts (Condition 82). Compliance with all land use conditions will continue to be documented through annual reporting (Condition 127).

As described herein, the changes proposed in RFA 6 comply with all applicable substantive criteria. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Therefore, the Council can find that the Facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission. Additionally, the Facility will comply with Land Use conditions previously imposed on the Facility as they relate to the proposed change (see Table 5). For the reasons discussed above, the Council can find that, with approval of RFA 6, the Facility continues to comply with the Land Use Standard.

6.1.6 Protected Areas – OAR 345-022-0040

The Council previously concluded that the Facility complies with the Protected Areas Standard. The Protected Areas Standard requires the Council to find that, taking into account mitigation, the design, construction, and operation of a facility are not likely to result in significant adverse impacts to any protected area as defined by OAR 345-022-0040. Per Exhibit L of RFA 5, there are 11 defined protected areas within the 20-mile analysis area, the nearest being 5.2 miles away from the Site

⁶ ORS 215.296(1).

Boundary. Based on the Certificate Holder's review of protected areas listed in OAR 345-022-0040(1), there are no new protected areas located within the analysis area.

The proposed battery storage installation and upgrades would generate construction-related traffic, but none that would substantially differ from the impacts included in the Final Order on Amendment 5. The previously approved transportation route does not pass through any protected areas. Council previously found that temporary increases in traffic during construction would not result in traffic delays affecting access to protected areas and would not result in a significant adverse impact to any protected area. Based on Council's previous reasoning and because construction-related traffic would not utilize primary roads used to access protected areas within the analysis area, the Council can continue to find that construction-related traffic impacts would not be likely to result in a significant adverse traffic impact to protected areas within the analysis area. Additionally, the proposed RFA 6 facility modifications would not result in changes to operational-related traffic. Therefore, the Council can continue to find that operational-traffic impacts would not impact protected areas within the analysis area.

The proposed RFA 6 facility modifications would utilize water during construction for dust suppression and road compaction, to be obtained by a third-party contractor from the City of Helix. The proposed RFA 6 facility modifications would not utilize water during operations, except for the use of water at the existing O&M building, which was previously evaluated and approved. Construction and operation of the proposed RFA 6 facility modifications would not result in wastewater disposal. Therefore, the Council can continue to find that the proposed RFA 6 facility modifications would not be likely to result in significant adverse impacts from water use and wastewater disposal within any protected area.

The proposed wind turbine repowering would increase the maximum blade tip height from 440 to 489 feet and potentially add up to two new turbines (and replacement of existing Siemens turbine 11, as proposed by repowering configuration Option B; considered worst-case scenario). To support its evaluation of potential worst-case visual impacts of the proposed repowered wind turbines at protected areas, the certificate holder completed a comparative "zone of visual influence" (ZVI) analysis, presenting the incremental increase in visibility of the existing 440-foot wind turbines compared to 489-foot wind turbines. As described in RFA 5, the ZVI analysis addresses potential wind turbine visibility based on topography and does not take into account screening from vegetation or structures. The Certificate Holder's revised ZVI analysis represents minor increases in visibility along the edges of all of the protected areas except Hat Rock State Park (see Figure 3, ZVI Comparative Analysis). Note that the battery storage will be collocated with the existing substation and will generally be indiscernible compared to the proposed and existing Facility turbines. Based on the distance and minimal amount of potential visibility, the Council can find that the visual impacts of the proposed RFA 6 facility modifications would not result in a significant adverse impact to these protected areas.

The Council did not impose any conditions related to this standard. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or

disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Therefore, RFA 6, as proposed, does not alter the basis for the Council's prior findings that the Facility complies with the Protected Areas Standard.

6.1.7 Retirement and Financial Assurance – OAR 345-022-0050

The Council previously found that the Facility, taking into account mitigation, could be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation (see Exhibit W of RFA 5; Final Order on Amendment 5). In addition, the Certificate Holder has obtained a bond or letter of credit in a form that satisfies Site Certificate Condition 109, and will continue to adjust the amount of the bond or letter of credit on an annual basis per Site Certificate Condition 109.

It is anticipated that after updating the Facility, the Facility's useful life would be approximately 30 years. The Site Boundary will not be changed from what was previously approved. Any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Therefore, the specific actions and tasks to restore the site to a useful, non-hazardous condition are substantially similar to that approved for RFA 5. Prior to the start of decommissioning, the Certificate Holder will submit a final retirement plan for Council approval, which will satisfy Condition 19 by describing the activities required to retire the site. After the Council approves the retirement plan, the Certificate Holder will obtain the necessary authorization from the appropriate regulatory agencies to proceed with restoration. The retirement plan would include, pursuant to OAR 345-027-0110(5), the following information:

5) In the proposed final retirement plan, the certificate holder shall include: (a) A plan for retirement that provides for completion of retirement without significant delay and that protects public health, safety and the environment. (b) A description of actions the certificate holder proposes to take to restore the site to a useful, non-hazardous condition, including information on how impacts to fish, wildlife and the environment would be minimized during the retirement process. (c) A current detailed cost estimate and a plan for ensuring the availability of adequate funds for completion of retirement. (d) An updated list of the owners of property located within or adjacent to the site of the facility, as described in OAR 345-021-0010(1)(f).

The battery storage in particular will be restored by utilizing the following procedures:

- Batteries shall be removed, packaged and transported to an offsite disposal / recycling facility. Final disposition to be accomplished using legal and permitted methods.
- Remaining system components and structures shall be dismantled using industry standard methods, and transported to an offsite disposal / recycling facility. Final disposition to be accomplished using legal and permitted methods.

- Steel pile foundations shall be broken to a maximum of 3' below grade, excavated and transported to an offsite disposal / recycling facility. Final disposition to be accomplished using legal and permitted methods.
- Underground utilities shall be removed to a maximum of 3' below grade and transported to an offsite disposal / recycling facility. Final disposition to be accomplished using legal and permitted methods.
- Topsoil shall be imported and placed to restore the area to pre-construction grade. The area will then be seeded with native vegetation.

The total site restoration cost for the Facility was estimated at \$4,961,000 (Q3 2018 dollars; as submitted in Exhibit W of RFA 5) and continues to be updated annually since construction per Site Certificate Condition 109. Of this amount, approximately \$4,112 was estimated per turbine for removal of hubs and blades by ODOE (see Exhibit W of RFA 5). Since there will be an addition of battery storage and potential change to the number of turbines at the Facility (depending on the turbine configuration option chosen; see Table 2), there would be an increase to this estimate amount to a maximum of \$6,993,000 for the full project (based on the most extensive turbine configuration, Option B) and \$1,683,789 for the battery storage system (Q1 2021 dollars; see Attachment 4). The cost of transport and disposal of nacelles and towers is calculated per net ton of steel. With turbine configuration Option B, there would be an increase of two turbine towers; Option A would remain a total of 43 turbines, as previously described and approved for RFA 5. The weight of the new nacelle configurations per turbine will be less than the existing nacelle configuration, which may reduce the total estimated restoration cost for the facility. Prior to repowering, the Certificate Holder will update the cost estimate to reflect the decrease and any increase in the cost estimate for the additional turbines and battery storage. Since there would only be one more turbine, and the cost of removing the other turbines would decrease due to the decrease in weight, the estimate would be within the range of the existing bond. Therefore, the Certificate holder has the financial means to restore the site with the changes proposed by RFA 6. RFA 6 does not propose any other changes that would significantly change the total site restoration cost or how the site would be adequately restored to a useful, non-hazardous condition following permanent cessation of construction or operation than was previously approved by the Council. Based on the above information, the Council may find that the Retirement and Financial Assurance Standard is satisfied.

6.1.8 *Fish and Wildlife Habitat – OAR 345-022-0060*

As noted in the Final Order on RFA 5 to the Site Certificate, the Council's Fish and Wildlife Habitat Standard requires the Council to find that the design, construction, and operation of a facility is consistent with ODFW's habitat mitigation goals and standards, as set forth in OAR 635-415-0025. The Council previously found that the Facility complies with the Fish and Wildlife Habitat Standard. The following describes the Certificate Holder's review of how the effects on fish and wildlife habitat from the Facility as proposed under RFA 6 may differ from the previously approved Facility and any additional information required to comply with the Fish and Wildlife Habitat Standard.

6.1.8.1 Information Review and Field Surveys

The Certificate Holder reviewed information presented in RFA 5 and previous amendments as well as performed the following surveys to inform RFA 6:

- WAGS (*Urocyon v. washingtoni*) surveys (Attachment 5);
- Raptor nest surveys (Attachment 6).

No WAGS colonies were observed during two rounds of survey (Attachment 5). Raptor nest surveys identified three active raptor nests within the survey area (Attachment 6).

6.1.8.2 Potential Impacts to Habitat

Repowering the Facility would require a larger temporary disturbance area than discussed for RFA 5. Table 6 below shows the change in temporary disturbance acreages to habitat types. A majority of the increased temporary disturbances occur in developed and dry agriculture habitat types. This leaves a total of 4.1 acres of grassland habitat that will be temporarily disturbed during repowering (4.0 acres of Category 3 and 0.2 acres of Category 4). Temporarily disturbed grassland habitat will be revegetated per the SWP Revegetation Plan included as part of RFA 5. New permanent impacts associated with RFA 6 total 12.1 acres and include the footprint of two new turbines, a service road to connect the new turbines, and the proposed battery storage location. All of these new permanent facilities are sited in dry agriculture habitat type and would have no impact on wildlife habitat.

Table 6. Temporary Disturbance Acreages by Habitat Type

ODFW Habitat Category	Habitat Type	Analysis Area (acres)	RFA 5 Temporary Disturbance (acres)	RFA 6 Anticipated Maximum Temporary Disturbance (acres)
1	CRP or revegetated	125.4	0.0	0.0
	Grassland	11.0	0.0	0.0
2	Grassland	14.4	0.0	0.0
	Riparian or riparian trees	2.1	0.0	0.0
3	CRP or revegetated	665.4	0.0	0.0
	Grassland	732.5	1.8	4.0
	Grassland – shrub steppe	261.7	0.0	0.0
	Shrub steppe	42.3	0.0	0.0
4	Grassland	95.8	0.2	0.2
5	Grassland	10.7	0.0	0.0
	Shrub steppe	44.0	0.0	0.0
6	Dry agriculture	5,025.0	106.2	168.9
	Developed	66.0	37.7	37.7
Total		7,096.2	145.9	210.9¹
1. Total temporary disturbance acres differ from those presented in Table 3 by less than an acre due to rounding.				

6.1.8.3 Potential Impacts to State Sensitive Species

The list of state sensitive wildlife species has not changed from RFA 5 and the same species are expected to occur. One of the nests identified during raptor nest surveys is occupied by a Swainson's hawk (*Buteo swainsonii*), which is a state sensitive species. The active Swainson's hawk nest is approximately 0.25 miles from proposed ground disturbance. In accordance with Condition 53, the Certificate Holder will coordinate with ODFW and ODOE to determine if construction restrictions will apply in the vicinity of the nest. Other than updated raptor nest occupancy information, no other information has been identified that would warrant a change in the discussion of impacts on state sensitive species presented in RFA 5.

6.1.8.4 Measure to Avoid, Reduce, or Mitigate Impacts

Impacts to non-ag habitat will be restored per the Revegetation Plan, included as part of RFA 5. The Certificate Holder performed surveys in 2021 in anticipation that these surveys would constitute pre-construction surveys if construction begins in early 2022. If that is the case, the findings of the 2021 surveys will inform any fish and wildlife compliance needs associated with the Site Certificate Conditions. Otherwise, pre-construction surveys will be performed in 2022. The Certificate Holder proposes that EFSC considers the habitat enhancement actions and conservation actions performed on the existing 50-acre Habitat Mitigation Area to be more than adequate to account for the initial 11 acres of mitigation calculated for RFA 4 for which the Habitat Mitigation Area was established as well as the additional acreage of disturbance to grasslands calculated for this RFA. Therefore, the Certificate Holder does not propose any additional habitat mitigation.

6.1.8.5 Monitoring Program

One year of post-construction mortality monitoring will be performed in accordance with the SWP Wildlife Monitoring and Mitigation Plan (included as part of RFA 5) to ensure that established fatality thresholds are not exceeded after repowering. If necessary, the Certificate Holder will coordinate with the ODOE regarding appropriate mitigation measures.

Monitoring of the revegetation of three acres of grassland habitat will follow the monitoring procedures presented in the Revegetation Plan (Attachment P-4 of Exhibit P, RFA 5. If an area is not trending toward meeting the success criteria described, the Certificate Holder may conclude that revegetation of the area was unsuccessful and additional measures may be implemented at the existing HMA to address the loss of habitat quantity and quality.

6.1.8.6 Conclusion

All previously imposed Council conditions for fish and wildlife habitat apply to RFA 6. There will be no changes to the conditions, and the proposed changes to the facility do not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for fish and wildlife habitat. RFA 6 would not alter the basis for the Council's previous findings. Therefore, for the reasons discussed above and subject to the Site Certificate conditions, the Council can find that the facilities, as proposed, comply with the Council's Fish and Wildlife Standard.

6.1.9 Threatened and Endangered Species – OAR 345-022-0070

The Council previously found the Certificate Holder has demonstrated an ability to construct, operate, and retire the Facility in compliance with Council standards and conditions of the Site Certificate, including the Threatened and Endangered Species Standard (OAR 345-022-0070). The Certificate Holders' assessment of the Facility's compliance with the Threatened and Endangered Species Standard was included as Exhibit Q of RFA 5.

As described for RFA 5, the two state-threatened or endangered species that may occur in the Exhibit Q analysis area include WAGS and Laurent's milkvetch (*Astragalus collinus* var. *laurentii*). Past surveys associated with the Facility identified WAGS in proximity to the transmission line corridor. RFA 6 does not propose any ground disturbing activities near the transmission line where the colonies were identified. Surveys performed in 2018 for RFA 5 and 2021 for RFA 6 did not identify any WAGS colonies. Laurent's milkvetch is not known to occur in the Exhibit Q analysis area (included as part of RFA 5). The Certificate Holder performed surveys for Laurent's milkvetch in July of 2021 in accordance with Condition 55. No Laurent's milkvetch individuals or populations were found within the temporary disturbance footprint associated with RFA 6.

All previously imposed Council conditions for threatened and endangered species apply to RFA 6. There will be no changes to the conditions, and the proposed changes to the Facility do not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for threatened and endangered species. RFA 6 would not alter the basis for the Council's previous findings. Therefore, for the reasons discussed above and subject to the Site Certificate conditions, the Council can find that the facilities, as proposed, comply with the Council's Threatened and Endangered Species Standard.

6.1.10 Scenic Resources – OAR 345-022-0080

The Council previously concluded that the Facility complies with the Scenic Resources Standard. OAR 345-022-0080 requires the Council to determine that the design, construction, and operation of the proposed Facility will not have a "significant adverse impact" to any significant or important scenic resources and values in the analysis area. The previous scenic resource analysis for RFA 5 (Exhibit R) found nine applicable federal and local land use management plans within the 10-mile analysis area of the Facility. Based on the Certificate Holder's review of applicable land use plans, four of the nine plans have been updated since RFA 5 (NPS 2021, Walla Walla County 2019, WDFW 2019, Umatilla County 2018). The updates did not identify additional scenic resources or include provisions that would warrant changes to the previous analyses of scenic resources.

Per Exhibit R of RFA 5, the previous repowering proposal (up to 440 feet total turbine height) increased the Facility visibility for 4⁷ out of the 9 applicable land use management plan areas (Helix,

⁷ The previous Exhibit R analysis mistakenly used a turbine height of 440 meters as opposed to 440 feet. Therefore, the finding that 3 out of the 9 applicable land use management plan areas experienced increased Facility visibility has been updated to the correct amount of 4 out of the 9 applicable land use management areas.

Athena, Weston, and Adams, Oregon) from what was previously approved for in RFA 4. The proposed repowering and battery storage installation of RFA 6 will impact the same resources. The proposed wind turbine repowering would increase the maximum blade tip height from 440 to 489 feet and potentially add up to two new turbines (and replacement of existing Siemens turbine 11, as proposed by repowering configuration Option B). As stated in the Protected Areas section, the certificate holder completed a comparative ZVI analysis, presenting the incremental increase in visibility of the existing 440-foot wind turbines compared to 489-foot wind turbines based on Option B. The closest town, Helix, is approximately 4 miles away (following a straight line), and the turbines will not dominate the landscape due to the distance and intervening manmade and natural features in the fore- and middleground. Note that the battery storage will be collocated with the existing substation and will generally be indiscernible compared to the proposed and existing Facility turbines. Figure 3 demonstrates that the area where the Facility will be newly visible in each of the cities is very small. The views from all four cities are already altered by wind turbines; therefore, views from Helix, Athena, Weston, and Adams will not be significantly impacted by installation of larger turbine blades and potential addition of turbines at the Facility.

The Council previously imposed Condition 37 which lists mitigation measures to reduce visual impacts from the Facility; this condition will continue to apply to RFA 6. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Therefore and with continued implementation of Condition 37, RFA 6, as proposed, does not alter the basis for the Council's prior findings that the Facility complies with the Scenic Resources Standard.

6.1.11 Historical, Cultural and Archaeological Resources – OAR 345-022-0090

The Council previously concluded that the Facility complies with the Historical, Cultural and Archaeological Resources Standard. OAR 345-022-0090 requires the Council to determine that the design, construction, and operation of the proposed Facility will not have a significant adverse impact on historic, cultural, or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places (NRHP); For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and for a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c). The previous historic, cultural and archaeological resource analysis for RFA 5 (Exhibit S) found a single archaeological site (35UM 00343) within the Analysis Area. Consistent with the Analysis Area for RFA 5, the Analysis Area for RFA 6 is defined as the area that could be temporarily disturbed during repowering. No historic or cultural resources listed, or likely eligible for listing, on the NRHP are within the Analysis Area. Private lands comprise the entire land base of the Facility, therefore no public lands are proposed for repowering activities associated with the Facility.

Several pre-construction surveys were conducted for the existing Vansycle/Stateline projects, and archaeological monitoring was conducted during construction. No additional cultural resources survey was conducted of the Analysis Area for RFA 6. However, an updated desktop review via Oregon SHPO's Oregon Archaeological Records Remote Access (OARRA) and Historic Sites databases was conducted to confirm the continued validity of surveys conducted for previous applications and amendments associated with the previous Stateline/Vansycle projects. Five cultural resource surveys and one archaeological monitoring report were identified in OARRA as covering the Analysis Area. One archaeological resource, identified by surveys and monitoring conducted for the previous Vansycle/Stateline projects, is within the Analysis Area: 35UM 00343. The nearest historic buildings are over 3 miles from the Project. Previous project-related surveys and studies are listed in Table 7.

Table 7. Previously Conducted Cultural Resource Surveys Covering the Analysis Area

OARRA Survey #	Author/Date	Report Title	Associated Project Name and Phase
16315	James C. Bard & Robin McClintock (CH2M Hill) and Thomas Bailor and Jeff Van Pelt (CTUIR) 1997	<i>Cultural Resources Assessment, Vansycle Wind Project, Umatilla County, Oregon (Draft)</i>	Vansycle I (pre-construction survey)
18489	James C. Bard & Robin McClintock (CH2M Hill) 2000	<i>Cultural Resources Assessment, Stateline Wind Project, Umatilla County, Oregon, Walla Walla County, Washington</i>	Stateline 1 (pre-construction survey)
18475	Shawn Steinmetz (CTUIR) 2003	<i>Stateline Wind Project Phase 2a and 3 Cultural Resource Inventory, Walla Walla County, Washington and Umatilla County, Oregon</i>	Stateline 2a and 3 (pre-construction survey)
22383	James J. Sharpe, James C. Bard, and Robin McClintock (CH2M Hill) 2008	<i>Cultural Resources Survey for the Helix Wind Power Facility, Umatilla County, Oregon</i>	Helix (pre-construction survey)
22471	Shawn Steinmetz (CTUIR) 2009	<i>Archaeological Investigation for the Stateline 3 Wind Project, Umatilla County, Oregon and Walla Walla County, Washington</i>	Stateline 3 (pre-construction survey)
23367	Amy K. Senn (CTUIR) 2010	<i>Results of the Vansycle II Wind Project, Umatilla County, Oregon, and Walla Walla County, Washington</i>	Vansycle II (construction monitoring)
CTUIR = Confederated Tribes of the Umatilla Indian Reservation			

During the desktop review for RFA 6, two small areas of the potential disturbance area were found to extend beyond previously surveyed areas, as indicated in OARRA (see Map 4 in Confidential Attachment 7). The easternmost area is 0.12-acre and the westernmost is 0.5-acre. These areas are within existing and maintained access roads associated with the existing project. These areas were disturbed during construction of the previous projects and were monitored by CTUIR Professional

Archaeologists for archaeological resources at that time (Steinmetz 2009). No cultural resources were identified in these areas during monitoring. Since the areas were subjected to monitoring and no resources were identified, the likelihood of encountering cultural resources in these areas is considered low to minimal.

One archaeological site, 35UM 00343, is within the Analysis Area of RFA 6 (Confidential Attachment 7). The site is unevaluated for NRHP-eligibility. The resource is the historic railroad grade of the Oregon and Washington Territory Railroad. The railroad is decommissioned and portions incorporated into existing agricultural fields and area roads. In the Analysis Area, it is a graded road. The site was monitored during the 2009 construction phase of the Stateline 3 project, when a minor amount of associated historic artifacts (brick fragment, railroad spike, bolt, and miscellaneous metal) were identified within the road/former railroad grade immediately outside the Analysis Area. CTUIR recommended that alterations to 35UM 00343 consistent with its current use at the time (a road) would not be a significant impact (Steinmetz 2009). The Final Order on Amendment 4 documented the Certificate Holder's agreement to implement the measures recommended by CTUIR, along with modified Conditions 75 and 76. Temporary disturbances to the site planned as part of RFA 6 would remain consistent with its current use as a road. As such, consistent with Amendment 4, RFA 6 would not have a significant impact on 35UM 00343.

Isolated find (archaeological object) 092312-08-I, an NRHP-ineligible basalt projectile point fragment in an agricultural field, is 46.75 meters from a proposed new access road. Archaeological site 35UM 00435, historic refuse scatter unevaluated for the NRHP in an agricultural field, is 743.35 feet from the disturbance footprint of a turbine pad. Both resources are avoided by the Project by more than 30 meters (Site Certificate Condition 75) and will not be impacted.

The visual effects of the Facility to historic properties in the study area and surrounding area were not addressed in the original approved application or past amendments. RFA 6 includes a minor 49-foot height increase due to larger turbine blades and potential addition of up to two turbines (as proposed by repowering configuration Option B; see Section 3.0). Viewshed analyses conducted for RFA 6 show that the viewshed expansion as a result is very minimal. The nearest recorded historic buildings are over 3 miles to the southwest of the Analysis Area, in Helix, which will experience minor increases to the viewshed (Figure 3). The minor height difference is not anticipated to have a significant impact on any cultural resources within the Analysis Area or viewshed.

Additional unidentified cultural resources may exist in the Analysis Area, although the potential for this is considered low based on the history of surveys, monitoring, and disturbance from agriculture and construction of the existing facility. Disturbance of previously unidentified cultural resources could result in significant impacts. Therefore, the Certificate Holder implemented Site Certificate Conditions 75, 76, and 143. Site Certificate Condition 75, which addresses posting of barriers and implementation of buffers (30-meters) around recorded cultural and archaeological sites, is also applicable to cultural resources, but is not applicable to the Analysis Area for RFA 6. Although there is one archaeological site within the Analysis Area that cannot be avoided (Attachment 7), the Facility will not have a significant impact on the resource and therefore barriers around this site will not be posted during repowering. The nearest archaeological

resources outside of the Analysis Area, 092312-08-I and 35UM 00435, are more than 30 meters away and will not be impacted. The nearest historic sites are over 3 miles from the Analysis Area and indirect visual effects from the Project will not be significant. To meet obligations under Conditions 75 and 76, the Certificate Holder prepared a cultural resources monitoring plan which it submitted to ODOE in May 2009 as part of RFA 4. The plan contains three basic components that will reduce potential impacts to cultural resources identified and those not discovered during previous field surveys: Cultural Resources Awareness Training for Construction Crews; Unanticipated Discovery Protocol; and Monitoring. Although construction monitoring is not recommended for activities proposed under RFA 6, due to the low to minimal potential for cultural resources in the Analysis Area, the awareness training and unanticipated discovery protocols from the monitoring plan will be implemented to meet the same conditions as part of RFA 6.

Condition 143 was implemented due to the changes proposed by RFA 5. The condition includes the implementation of environmental awareness training for all construction personnel and adherence to the Unanticipated Discovery Protocol. Note that the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 143 to reflect the changes proposed by RFA 6 (see Section 5.0).

RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). The proposed amendment makes no changes that would alter the basis for the Council's earlier findings, or its conclusion that the Facility would not likely result in a significant adverse impact to any historical, cultural and archaeological resources in the Analysis Area, and therefore the amendment request meets the requirement of the Historical, Cultural and Archaeological Resources Standard.

6.1.12 Recreation – OAR 345-022-0100

The Council previously found that the Facility will not result in direct or indirect loss of any of the recreational opportunities identified as important within the 5-mile analysis area (see Exhibit T of RFA 5; Final Order on Amendment 5). The Recreation Standard requires the Council to find that the design, construction, and operation of a facility will not likely result in significant, adverse impacts to important recreational opportunities. Therefore, the Council's Recreation Standard applies to only those recreation areas that the Council deems important. No recreational lands other than the local park and recreation facilities in the unincorporated community of Touchet (in Washington) have been identified within the analysis area. Per the Final Order on the Application, the Council determined that although these recreational opportunities were deemed important, the Facility would not interfere significantly with the recreational activities that occur there. Based on the Certificate Holder's review, the battery storage, upgraded turbine locations and corresponding 5-mile analysis area offer no new recreational opportunities. The Council did not impose any conditions related to this standard. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering

will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). The proposed amendment makes no changes that would alter the basis for the Council's earlier findings, or its conclusion that the Facility would not likely result in a significant adverse impact to any important recreational opportunities in the analysis area, and therefore the amendment request meets the requirement of the Recreation Standard.

6.1.13 Public Services – OAR 345-022-0110

The Council relied on information provided in the ASC and in subsequent amendment requests to conclude that the Public Services Standard was met for the existing Facility. The Council's Public Services Standard requires the identification of likely, significant, adverse impacts caused by the Facility on the ability of public and private service providers to supply sewer and sewage treatment, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, and schools. The Facility is already constructed such that the Certificate Holder met all pre-construction and construction conditions, and will continue to meet construction measures, as they apply to battery storage installation and upgrading (see Table 5), and operation conditions as documented through annual reporting (Condition 127). The battery storage installation as well as upgrading and operation of the turbines does not affect the Certificate Holder's ability to comply with the Site Certificate conditions as written (Conditions 33, 35, 48, 85, 88, 96, 103, 130, and 144). Note that the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 144 to reflect the changes proposed by RFA 6 (see Section 5.0). Condition 144 includes several traffic reduction measures including the usage of traffic diversion equipment and flagging.

The proposed battery storage installation and upgrades to the turbines will not affect any aspect of the analysis (see Exhibit U of RFA 5; Final Order on Amendment 5) conducted to support issuance of the Site Certificate with regards to public services. The Facility is already constructed and is operational. The battery storage installation and upgrade work for the Facility will be short-term and temporary and the influx of workers necessary for the proposed RFA 6 Facility modifications will be less than what was previously approved by the Council. The previously evaluated peak number of workers needed during construction will continue to represent a worst-case scenario related to impacts to public services. No operations staff changes are expected following the installation of the battery storage and upgraded turbines, and therefore no new, permanent residents would require housing, schools, or other services. Therefore, the ability of communities to provide housing, police and fire protection, health care and school is not likely to be significantly impacted.

The addition of an energy storage system adds an additional aspect to the analysis for fire protection, however existing Site Certificate conditions are sufficient to be meet the Public Services standard. In addition, the batteries at the energy storage site will be restricted from the public via a fenced and secured sited (per Condition 35), a site health and safety plan (Emergency Action Plan [as provided as Attachment H-3, Exhibit H of RFA 5]) if an emergency should occur (per Conditions

48 and 85), and be operated and maintained by trained and skilled operations personnel. Water has been shown to be the most effective fire suppressant for lithium ion batteries due to its ability to both extinguish the fire and remove excess heat. A water-carrying trailer will be placed near the battery storage and a water truck will be on-site while personnel are present in case of fire (per Condition 34).

The proposed on-site fire protection measures are consistent with battery manufacturer recommendations and are consistent with fire codes. For example, for pre-construction compliance, the Certificate Holder provided ODOE a copy of the contract with the Milton-Freewater Rural Fire Department for fire protection services during construction and operation (per Condition 33). On-site employees will continue to receive annual fire prevention and response training by a professional fire-safety training firm (per Condition 96). Additionally, Condition 103 requires turbine parts to consist of fire-retardant materials, requires turbines to have built in fire prevention measures, and prohibits the storage of combustible materials. See Section 6.2.1, Public Health and Safety Standards for further discussion of fire safety adherence.

The lithium-ion battery storage system will be kept in a temperature-controlled facility with individual battery modules isolated to prevent the spread of fire if it were to occur. In addition, the following measures will be implemented for lithium-ion battery systems to minimize fire and safety risks:

- The battery systems will be stored in completely contained, leak-proof modules.
- O&M staff will conduct frequent (monthly) inspections of the battery systems according to the manufacturer's recommendations.
- Battery storage and fire protection systems will comply with applicable standards specified by the Umatilla County building department through the permitting process which will include the 2014 Oregon Structural Specialty Code et. seq., as documented through the facility's building permit application(s).
- The Emergency Action Plan (as provided as Attachment H-3, Exhibit H of RFA 5) will be adhered to which includes response procedures in the event of an emergency, such as a fire (see Conditions 48 and 85).

Transportation of lithium-ion batteries is subject to 49 Code of Federal Regulations 173.185 – Department of Transportation Pipeline and Hazardous Material Administration. The regulations include requirements for prevention of a dangerous evolution of heat, prevention of short circuits, prevention of damage to the terminals, and require that no battery come in contact with other batteries or conductive materials.

Water during construction will likely continue to be provided by the City of Helix (see Section 6.3.3). During operation, water will continue to be provided by an on-site well, and sanitary water will be disposed of at on-site septic systems (see Condition 130). If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right (per Condition 88). No

stormwater drainage services will be required. The proposed RFA 6 Facility modifications will generate solid waste including non-hazardous packaging associated with equipment, concrete waste, removed wind turbine blades, erosion control materials (i.e. straw bales and silt fencing), and assorted battery storage parts, which will be removed and recycled or taken to the Finley Buttes Regional Landfill in compliance with federal, state and local regulations (see Section 6.1.14). The battery storage installation and Facility upgrade will not significantly increase the amount of solid waste generated by the Facility during operation (see Section 6.1.14). Currently, turbine blades and other materials used for Facility maintenance are taken to the Finley Buttes Regional Landfill.

RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments); there are no other circumstances that would alter the basis for the Council's earlier determination. Therefore, the proposed amendment does not affect the Council's previous findings on public services. The Council adopted Site Certificate conditions to address Public Services and the Certificate Holder can comply with all Site Certificate conditions previously adopted by the Council for the Facility. Based upon the findings above, the Council can conclude that repowering the Facility complies with the Council's Public Services Standard.

6.1.14 Waste Minimization – OAR 345-022-0120

The Council previously found that the accumulation, storage, disposal, and transportation of waste generated by construction and operation of the Facility are not likely to have an adverse impact on surrounding and adjacent areas and that the Facility complies with the Waste Minimization standard (see Exhibit G and V of RFA 5; Final Order on Amendment 5). The Facility is already constructed such that the Certificate Holder met all pre-construction and construction conditions, and will continue to meet construction measures, as they apply to battery storage installation and upgrading, and operation conditions as documented through annual reporting (Condition 127). Site Certificate conditions to address the Waste Minimization Standard directly applicable to upgrading the turbines includes Conditions 33, 71, 73, 74, 83, 86, 129, and 145. Note that the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 145 to reflect the changes proposed by RFA 6 (see Section 5.0). Condition 145 requires third-party contractors to reuse and recycle turbine components to the extent practicable, as maintained and reported in annual reporting (Condition 127).

Construction of the modified turbine types and quantities will generally be the same as previously reviewed by the Council. Construction of the battery storage will generate similar types of waste as the turbines and substation components (see below). Therefore, no new types of solid waste will be generated from the construction of additional Facility components proposed under RFA 6. However, during operations, the battery storage may generate incidental waste from repair or replacement of electrical equipment and periodic replacement of the batteries. Lithium-ion

batteries are expected to last between 15 and 20 years. The certificate holder anticipates a 15-year replacement cycle to be conservative.

Self-contained battery components (modules) will be removed and disposed of or recycled by a qualified vendor as needed to keep the facility operational. Battery modules will be transported intact. The modules will be transported to their final destination either for recycling or disposal as appropriate within the approved destination facility. No routine storage of spent batteries is anticipated.

No hazardous materials will be extracted or handled on-site. The only potentially hazardous materials associated with the battery storage are the battery cells themselves, which contain lithium-ion electrolyte gel or liquid. Handling of hazardous materials will follow the guidelines of Condition 32 in order to protect against accidental releases (see Section 6.2.1). Non-hazardous materials associated with the battery storage include the battery module cases; storage racks; electrical wiring to connect the battery modules to the switchgear; up to 72 metal 20-foot x 9-foot containers; 1 transformer and 1 bi-directional inverter for every 4 containers (18 total); one cooling system for each container; and electrical cabling to connect the container systems to the transformers/inverters and into the substation. A water-carrying trailer will be placed near the battery storage and a water truck will be on-site while personnel are present in case of fire (per Condition 34; see Section 6.2.1). Existing measures are sufficient to prevent and contain spills (per Conditions 32 and 128; see Section 6.2.1). Other non-hazardous, inert wastes types generating during battery storage installation and upgrading would include packaging associated with equipment, removed wind turbine blades, concrete waste, and erosion control materials (i.e. straw bales and silt fencing). Most solid waste will be removed from the site and reused, recycled, or disposed of at an appropriate facility and in compliance with U.S. Environmental Protection Agency standards. Packaging wastes, such as paper and cardboard, will be separated and recycled. Removed wind turbine blades will be reused or sold as scrap metal, or otherwise lawfully disposed of, as determined by the turbine manufacturer. Wood waste will be recycled or re-processed depending on size and quantity of scrap or leftover materials. Any non-recyclable wastes will be collected and transported routinely and regularly via truck to the Finley Buttes Regional Landfill. Solid waste from operations of the battery storage and upgraded the turbines will not substantially increase the existing amount of solid waste generated from the Facility. Water used during battery storage installation and upgrading would not be discharged to wetlands, lakes, rivers, or streams (per Condition 129). Battery storage and upgrade employees will adhere to the construction waste management plan as applicable (per Condition 71).

RFA 6 will not impact the Facility's ability to comply with existing Site Certificate conditions for waste management, and is not anticipated to substantially increase the amount of solid waste and wastewater generated by the Facility during operations. This request does not seek to enlarge the existing Site Boundary, and the battery storage installation and upgrading activities will be short-term and temporary. Any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent

amendments). Therefore, Council may rely on its prior analysis to conclude that OAR 345-022-0120 is met and no changes to the Site Certificate conditions related to the Waste Minimization Standard are required.

6.2 Applicable Division 24 Standards

6.2.1 *Public Health and Safety Standards for Wind Energy Facilities – OAR 345-024-0010*

The Council previously found that the Facility complies with the Public Health and Safety Standards for Wind Energy Facilities. The proposed changes will be contained within the existing Site Boundary. The repowering will occur to existing turbine structures, except for the replacement and addition of turbines as proposed by repowering configurations Options A or B; However, these new structures will be constructed on previously impacted construction areas and on previously approved alternate turbine locations (see Section 3.0). The battery storage will also be located on previously disturbed construction areas, collocated with the existing Facility substation. All changes proposed by RFA 6 will remain within rural eastern Oregon, located entirely on private property, which restricts public access to turbine and other Facility component locations in compliance with Conditions 35 and 38 of the Site Certificate. For example, fencing and access gates will be required around dangerous equipment or portions of the site as feasible, including battery storage. Both the battery storage and turbine modifications will be designed with several levels of built-in safety and comply with the codes set forth by the Occupational Safety and Health Administration and American National Standards Institute. In general, because of the limited population base, the Facility is and will be after the addition of battery storage and proposed turbine modifications, operated to exclude members of the public from close proximity to the turbine blades and electrical equipment.

Per Condition 36, if any accidents or mechanical failures occur, they will be reported to ODOE and Umatilla County. Additionally, no changes to the transmission lines or substation are proposed, but both were designed and constructed in adherence with Condition 113 as part of preconstruction compliance to protect the public from exposure to electromagnetic fields. The collocated battery storage would be restricted from the public via a fenced and secured site (Condition 35; see Section 6.1.13). Lastly, handling of hazardous materials will follow the guidelines of Condition 32 in order to protect against accidental releases. As required by the condition, the Certificate Holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for recycling or disposal by a licensed contractor specializing in the proper recycling or disposal of hazardous and universal wastes. Lithium-ion batteries are considered “universal wastes” under U.S. Environmental Protection Agency rules. Note that the Certificate Holder shall not store fuel or chemicals onsite per Condition 31.

The fire risks for Facility configuration are similar to the risks previously considered by EFSC. Although the addition of battery storage adds an additional aspect to the analysis for fire protection, the existing Site Certificate conditions are sufficient to meet the Public Services

standard and Public Health and Safety Standards. Site Certificate conditions addressing fire protection and response include Conditions 31, 33, 34, 48, 58, 96, 103, and 128. For example, Conditions 48 and 85 requires the preparation of a site health and safety plan, which includes the locations of fire extinguishers and appropriate fire response measures (Emergency Action Plan [as provided as Attachment H-3, Exhibit H of RFA 5]; see Section 6.1.13). Condition 58 requires all construction personnel to receive appropriate fire safety instruction from qualified local fire departments or fire-fighting trainers on the job site. Additionally, Condition 96 requires annual fire prevention and response training for all on-site employees, conducted in coordination with local agencies. Condition 35 also requires construction contractors to provide specific job-related training to employees, including safety equipment inspection. Although some of the changes requested by RFA 6 would result in new fire risks that would be different from the types of risk already considered by the Council, no new fire protection conditions are proposed due to the existing conditions being written broadly enough to address the proposed inclusion of battery storage.

Determinations of No Hazard to Air Navigation have been received for all previously constructed turbines at the Facility. Because the upgrading of the turbines will alter the existing turbine height, the Certificate Holder will be required to submit the Notice of Alteration to the FAA, per previous Condition 146. Note that the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 146 to reflect the changes proposed by RFA 6 (see Section 5.0).

The proposed modifications to the turbines structure will result in a maximum blade tip height that is lower than most turbine dimensions that are currently approved by EFSC. Similarly, RFA 6 requests a modified minimum blade tip clearance that is higher than the minimum blade tip clearance currently approved for most facilities under EFSC jurisdiction. The battery storage will be collocated with the existing substation, both prohibiting public access. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Thus, the changes described in RFA 6 will not alter the basis for EFSC's earlier findings, nor change the Certificate Holder's ability to comply with the intent of any requirements and conditions issued by EFSC regarding public health and safety. Therefore, EFSC may find that the Public Health and Safety Standard for Wind Energy Facilities is satisfied.

6.2.2 *Siting Standards for Wind Energy Facilities – OAR 345-024-0015*

The Facility is operational, with existing access roads that will be used for RFA 6-related battery storage installation, repowering and operations (per Condition 44). There will be no changes to the existing substation or transmission line nor to the previously approved Site Boundary. Raptors and sensitive species have been considered as part of RFA 6 as previously described in Exhibits P and Q of RFA 5. As described in Exhibits L and R of RFA 5, although the existing turbines will have an increased height, the changes to visual impact on protected areas or public viewing areas will not be significant. Battery storage will add new Facility infrastructure but will generally be indiscernible

compared to the existing and repowered Facility turbines. Proposed changes will not significantly affect wetlands or other waters of the state because construction related to RFA 6 will avoid impacts to jurisdictional wetlands and waters (see Exhibit J of RFA 5 and Attachment 8, Wetlands and Waters Survey Memo). There will be no changes to lighting as part of RFA 6 other than those that may be required by FAA although changes are not anticipated. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Therefore, EFSC may find that the Siting Standard for Wind Energy Facilities is satisfied.

6.3 Other Standards and Laws

6.3.1 Noise Control Regulations – OAR 340-035-0035

The Certificate Holder addressed compliance with the ODEQ noise regulations in Exhibit X of RFA 5. The requirements of OAR 340-035- 0035(1)(b)(B)(iii) apply to noise levels generated by a “wind energy facility.” Therefore, the Facility is reviewed under OAR 340-035-0035(1)(b)(B)(iii). Under the regulation, the noise generated by a new wind energy facility located on a previously unused site must comply with two tests: the “ambient noise degradation test” and the “maximum allowable noise test”; however, if a wind energy facility is planned on a previously used site, then it must just demonstrate compliance with the “maximum allowable noise test”. Since this is a repower project, it will be constructed on a previously used site.⁸

OAR 340-035-0035(5)(g) specifically exempts noise caused by construction activities. As reviewed by the Council in RFA 5, upgrading would produce localized, short-duration noise levels similar to those produced by any large construction project with heavy construction equipment. To reduce noise impacts at nearby NSRs, the Council prescribed Site Certificate Condition 78 to confine the noisiest operation of heavy construction equipment to daylight hours.

The Council previously imposed Site Certificate Conditions 120, 133, and 148, which requires that the final design locations, sound power levels, noise analysis, and noise easements be provided to ODOE to demonstrate that the Facility complies with ODEQ’s noise control standards in OAR 340-035-0035. Additionally, Condition 147 requires staging areas to be located in areas of minimal impact and that landowners within 1-mile of the Site Boundary are notified prior to construction (implemented as part of Amendment #5). Note that the Certificate Holder does not propose to add any new conditions, rather proposes updates to Conditions 147 and 148 to reflect the changes proposed by RFA 6 (see Section 5.0). As originally proposed and amended, the Council concluded that the Facility, subject to site certificate conditions, would comply with the applicable State noise regulations.

⁸ According to ODOE’s findings for the Stateline Wind Project, “...the Council assumes that because the facility is currently in operation and has been in operation for more than 10 years, the site, could be characterized as previously used – and the standards that apply to a previously used site could be use.”

In support of RFA 6, an acoustic assessment was conducted based on a layout of the battery storage and three different turbine configurations being considered for the Project. The first of these is the Base Case, or repowering all 43 Siemens turbines to 2.66-129 wind turbine models, while the other two options are:

- **Option A:** Turbine IDs 11, 12, and 13 will be converted GE 2.3-116 (hub height 80 meters) and the remaining 40 turbines will be repowered as Siemens 2.66-129 (hub height 83 meters).
- **Option B:** Addition of two new GE turbines (at previously approved ALT-1 and ALT-2 turbine locations), replacement of existing Turbine ID 11, and repowering of 42 Siemens as 2.66-129 wind turbine models.

All turbines were modeled at their respective maximum rated sound power, which is 107.5 dBA for the GE 2.32 MW wind turbine and 109.5 for the Siemens 2.66 MW wind turbine. In addition, a confidence interval, or k-factor, of 2 dB, was added to the nominal sound power level in the acoustic modeling analysis. The noise study results indicated compliance with the ODEQ 50 dBA L_{50} limit at all 37 of the NSRs; however, noise levels at five of the 37 NSRs (IDs 21, 23, 33, 35 and 37) were predicted to exceed the ambient hourly L_{50} ambient degradation limit of 36 dBA. Noise waivers were obtained from NSR IDs 21, 23, 33 and 35. NSR ID 37 is a non-participant; therefore, further action may be required to address the predicted exceedance of the OAR ambient degradation standard at that location. The study showed that noise levels would be in compliance with the ODEQ ambient noise degradation rule at the remaining 32 of 37 NSRs.

In addition to the proposed changes to the wind turbine locations, the Certificate Holder is planning to add battery storage. The battery storage area would consist of a number of energy storage inverters, distribution transformers, and battery containers. The energy storage inverters would potentially operate on a 24-hour basis and charge the batteries either by wind or from the grid and when converting the stored energy for generation onto the grid. These inverters would be actively cooled, with the cooling fans operation whilst the inverters were working. The battery storage containers would incorporate heating, ventilation, and air conditioning equipment to ensure the correct temperature was maintained within the containers during charging and discharge cycles. Sound profiles from the inverters, distribution transformers, and battery heating, ventilation, and air conditioning units were included in the acoustic modeling analysis and their contribution is reflected in the received sound level results at NSRs. No modifications to the substation are proposed.

Acoustic modeling results indicate that noise impacts at NSRs are expected to be relatively consistent with those reported in RFA 5. Per Site Certificate Condition 147, the Certificate Holder will maintain a compliant response system to address noise complaints. For the reasons discussed above and subject to the applicable conditions in the Site Certificate, the Council can find that the Facility as proposed will comply with the applicable noise control regulations.

6.3.2 *Removal-Fill Law*

The Oregon Removal-Fill Law (ORS 196.795 through ORS 196.990) and Oregon Department of State Lands regulations (OAR 141-085-0500 through OAR 141-085-0785) require a removal-fill permit if 50 cubic yards or more of material is removed, filled, or altered within any “waters of the state.” A removal-fill permit will not be needed for the Facility because the Facility, including with the proposed modifications, will not temporarily or permanently impact waters of the state such that a removal-fill permit is required (see Exhibit J from RFA 5 and Attachment 8, Wetlands and Waters Survey Memo). The Facility is currently operational; Construction of the Facility did not require a removal-fill permit. The Facility including, roads, road improvements, and construction activities were located outside of wetlands and jurisdictional waters. The Facility will utilize existing access roads and works spaces in upland areas that were permitted and used during the construction of the Facility. Access road deviations were determined to avoid wetlands through desktop evaluation. All jurisdictional wetlands and other waters will be avoided. The Council previously imposed Condition 118 to provide additional protection to waters of the state. The proposed addition of battery storage and repowering of the Facility does not seek to enlarge the existing Site Boundary, and therefore, the proposed change in RFA 6 does not alter the prior analysis and the Council can find that RFA 6 would not affect any “waters of the state.”

6.3.3 *Water Rights*

Under ORS Chapters 537 and 540 and OAR Chapter 690, the Oregon Water Resources Department administers the appropriation of water rights and regulates the use of the water resources of the state. The proposed Facility modifications do not substantially change construction or operation water usage or sources approved for use at the Facility. The Facility would use a small amount of water for road and earthwork compaction during the battery storage installation and repower phase, as well as for dust suppression. During the operations phase, a limited amount of water would be used for sanitary purposes. Water for the Facility would continue to be sourced primarily from the City of Helix (see Exhibit O from RFA 5); therefore, no new water permit or water right would be required. The Council did not impose any conditions related to this standard. Thus, the Council can conclude that addition of battery storage and repowering the Facility will continue to comply with the applicable regulations pertaining to water rights.

7.0 *Property Owners Located within or Adjacent to the Site of the Facility – OAR 345-027-0360(1)(f)*

The property owner list is provided in Attachment 9.

8.0 Conclusion

For the reasons stated above, the Certificate Holder respectfully requests approval of RFA 6.

9.0 References

- Bard, James C., and Robin McClintock. 2000. Cultural Resources Assessment, Stateline Wind Project, Umatilla County, Oregon, Walla Walla County, Washington. CH2M Hill, Portland, Oregon. Submitted to FPL Energy, Inc., Juno Beach, Florida, and Bonneville Power Administration, Portland, Oregon. Oregon SHPO Report #18489.
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Figures

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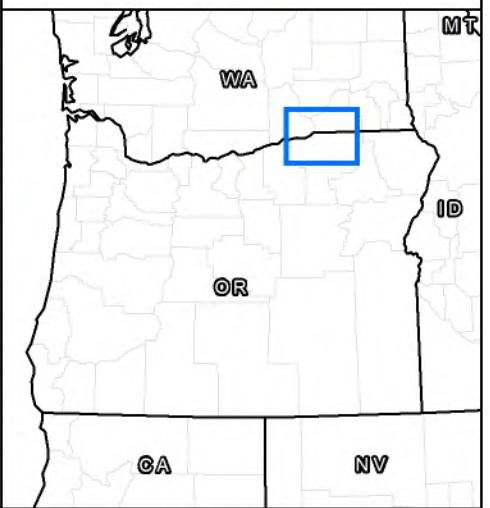
Stateline Wind Project
Request for Amendment 6

Vansycle II

Figure 1
Project Location

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Interstate Highway
- Primary Highway
- Secondary Highway
- Secondary Road
- Stream
- Stream Intermittent
- State Boundary
- County Boundary

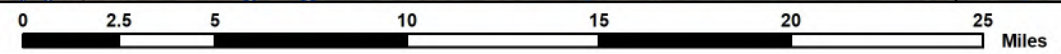


Project Continues
into Washington

Project Area



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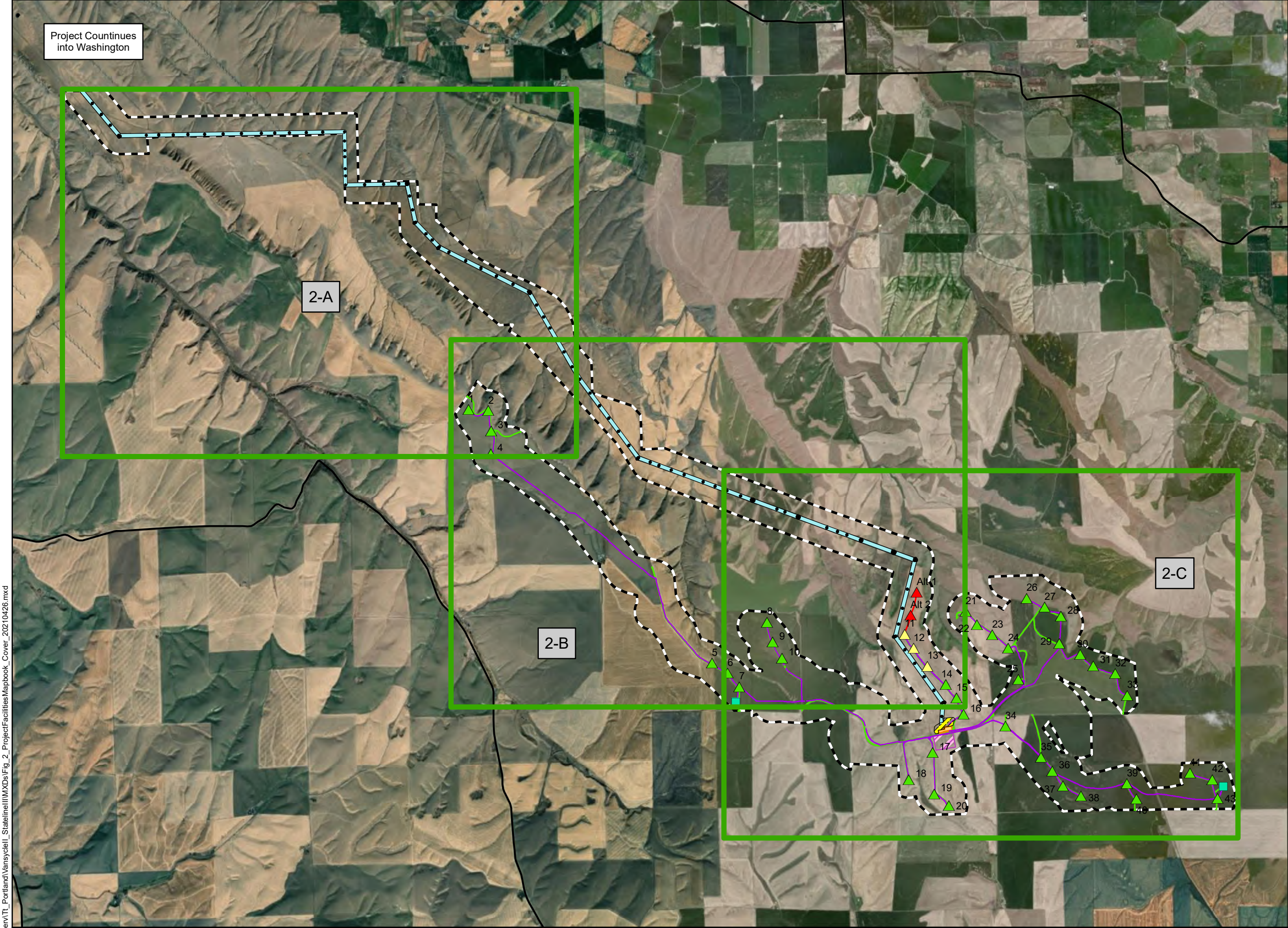
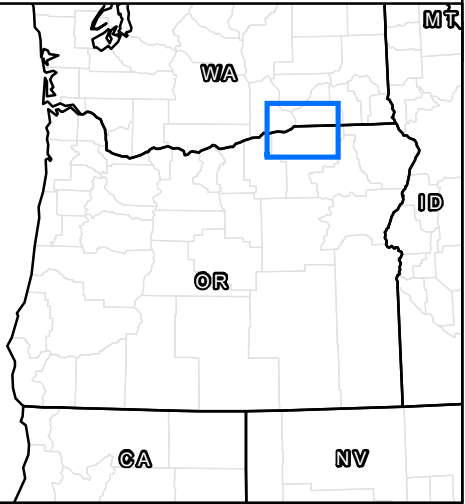
Stateline Wind Project
Request for Amendment 6

Vansycle II

Figure 2
Project Facilities

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Map Grid
- Existing Turbines (Repower Only)
- Replaced Turbines - Option A (11, 12, 13)
- Additional Turbines - Option B (ALT-1 and ALT-2)
- New Road Construction
- Proposed Battery Location
- Met Tower
- Collection Line
- Service Road (RFA 6 – Temporary widening to previously approved construction width)
- Substation
- Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary
- Secondary Road
- Laydown Area (RFA 6 - Temporary disturbance to previously approved area for construction staging)



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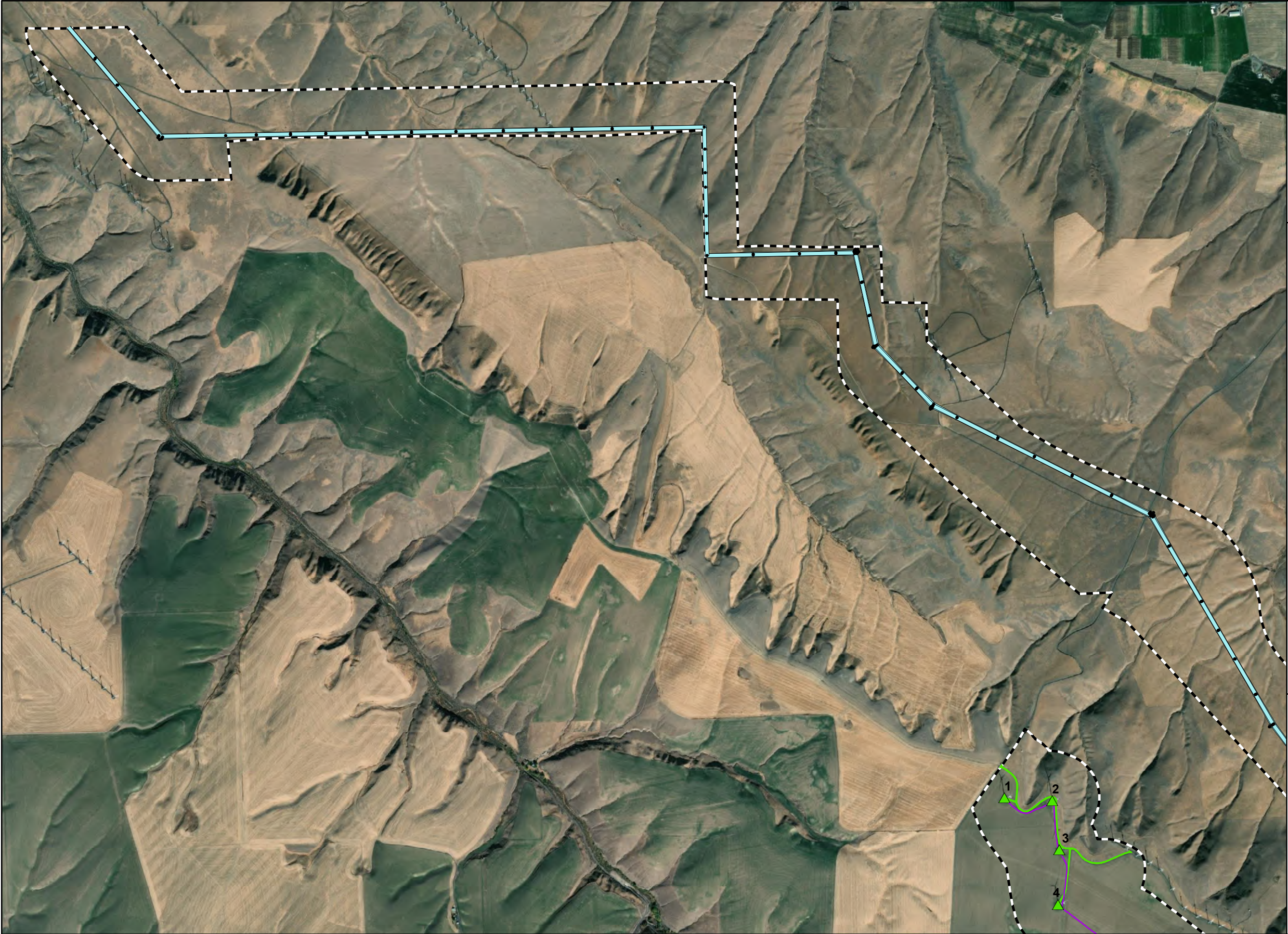
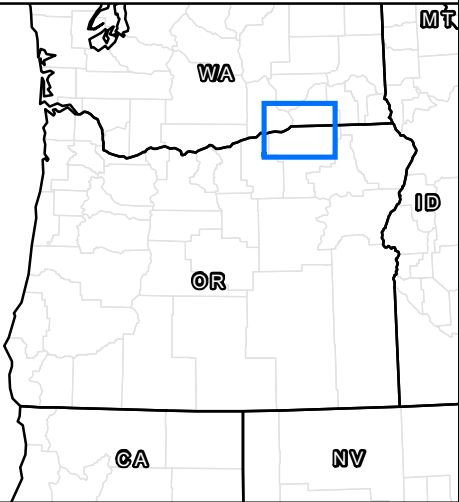
Stateline Wind Project
Request for Amendment 6

Vansycle II

Figure 2-A
Project Facilities

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Existing Turbines (Repower Only)
- Collection Line
- Service Road (RFA 6 – Temporary widening to previously approved construction width)
- Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary



1:25,000

NAD 1983 StatePlane Oregon North FIPS 3601 Feet



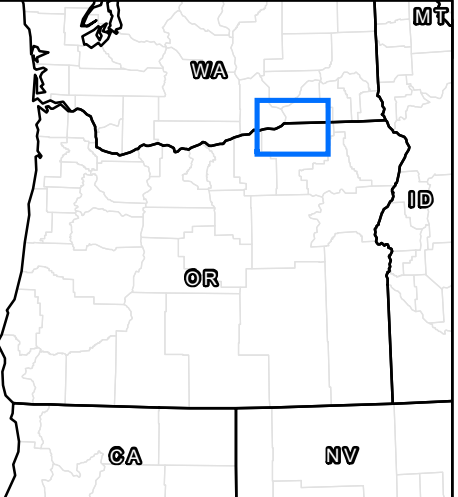
Stateline Wind Project
Request for Amendment 6

Vansycle II

Figure 2-B
Project Facilities

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Existing Turbines (Repower Only)
- Replaced Turbines - Option A (11, 12, 13)
- Additional Turbines - Option B (ALT-1 and ALT-2)
- New Road Construction
- Met Tower
- Collection Line
- Service Road (RFA 6 – Temporary widening to previously approved construction width)
- Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary



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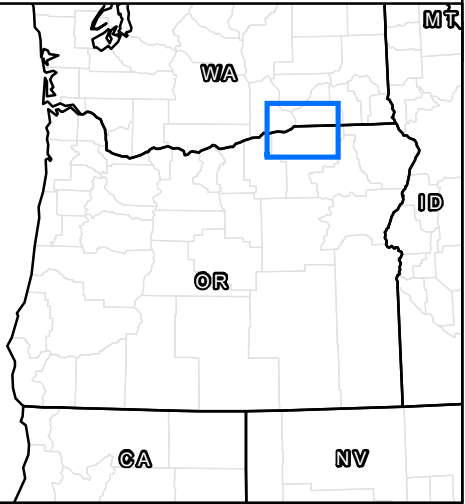
Stateline Wind Project
Request for Amendment 6

Vansycle II

Figure 2-C
Project Facilities

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Existing Turbines (Repower Only)
- Replaced Turbines - Option A (11, 12, 13)
- Additional Turbines - Option B (ALT-1 and ALT-2)
- New Road Construction
- Proposed Battery Location
- Met Tower
- Collection Line
- Service Road (RFA 6 – Temporary widening to previously approved construction width)
- Substation
- Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary
- Laydown Area (RFA 6 - Temporary disturbance to previously approved area for construction staging)



Turbine 11 (Replaced in Option A;
Repower in Base Case and Option B)

Alt 1

Alt 2

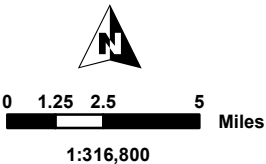
Stateline Wind Project
Request for Amendment 6
Vansycle II

Figure 3.1
Protected Areas
ZVI Comparison

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- ▲ Repower Turbines
- ▲ Repower Turbines - Option B Alternatives
- City Limits
- Protected Area - 20 Mile Boundary
- Protected Area
- Area of Turbine Visibility (Existing Turbine Height 440')
- Additional Visible Areas with RFA 6 Modifications (Proposed Turbine Height 489')

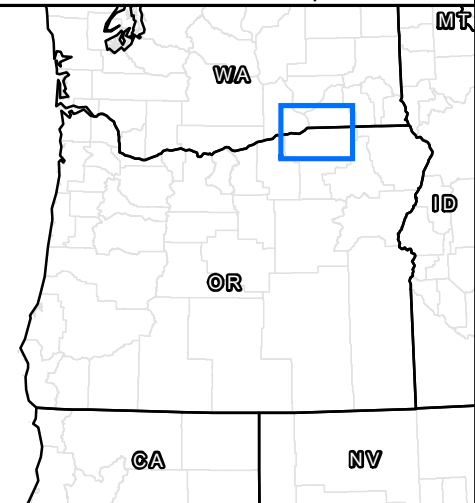
Analysis Area: 20 Miles from Site Boundary
Assumed Viewer Height: 6-foot tall person



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources:
ESRI Streetmap

Not for Construction

Map ID	Protected Area	Approximate Distance to Project Boundary (Miles)
1	Mcnary National Wildlife Refuge	5.20
2	McDonald Bridge Wildlife Area	7.49
3	Whitman Mission National Historic Site	8.63
4	Columbia Basin Agriculture Research Center	11.75
5	Oregon Trail National Historic Trail	15.49
6	South Fork Walla Walla River Area of Critical Environmental Concern	16.56
7	North Fork Umatilla Wilderness	17.62
8	Columbia Plateau State Trail	18.04
9	Cold Springs National Wildlife Refuge	18.45
10	Hat Rock State Park	18.60
11	Sacajawea State Park	18.63

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Stateline Wind Project
Request for Amendment 6
Vansycle II

**Figure 3.2 Scenic
Areas ZVI**

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- ▲ Repower Turbines
- ▲ Repower Turbines - Option B Alternatives
- ▭ Scenic Area - 10 Mile Boundary
- ▭ City Limits
- ▭ Scenic Area
- Zone of Visual Influence
- Number of Turbines Visible
 - 0
 - 1 - 10
 - 11 - 20
 - 21 - 30
 - 31 - 40
 - 41 - 43

Analysis Area: 10 Miles from Site Boundary
Assumed Viewer Height: 6-foot tall person

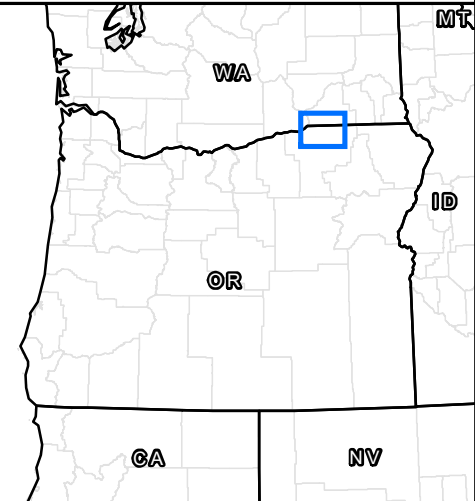


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NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources:
ESRI Streetmap

Not for Construction

Map ID	Scenic Area	Approximate Distance to Project Boundary (Miles)
1	McNary National Wildlife Refuge	5.20
2	McDonald Bridge Wildlife Area	7.49
3	Whitman Mission National Historic Site	8.63

Stateline Wind Project
Request for Amendment 6

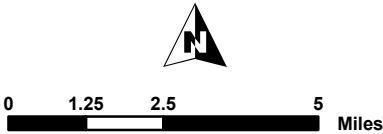
Vansycle II

Figure 3.3 Scenic
Areas ZVI
Comparison

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- ▲ Repower Turbines
- ▲ Repower Turbines - Option B Alternatives
- ▭ City Limits
- ▭ Scenic Area - 10 Mile Boundary
- ▭ Scenic Area
- ▭ Area of Turbine Visibility (Existing Turbine Height 440')
- ▭ Additional Visible Areas with RFA 6 Modifications (Proposed Turbine Height 489')

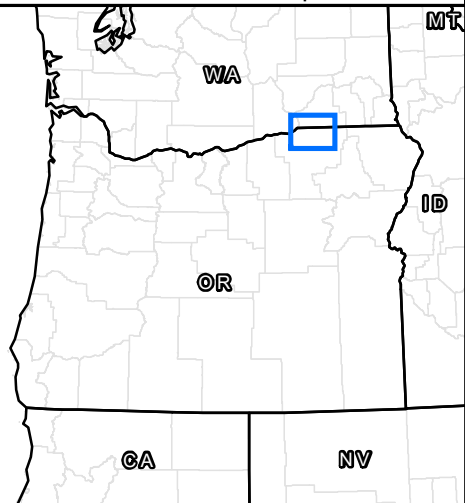
Analysis Area: 10 Miles from Site Boundary
Assumed Viewer Height: 6-foot tall person



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources:
ESRI Streetmap

Not for Construction

Map ID	Scenic Area	Approximate Distance to Project Boundary (Miles)
1	Mcrary National Wildlife Refuge	5.20
2	McDonald Bridge Wildlife Area	7.49
3	Whitman Mission National Historic Site	8.63

Attachment 1. Stateline Wind Project Red-lined Site Certificate

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

**~~Sixth~~^{Fifth} Amended Site
Certificate for the
Stateline Wind Project**

~~Month~~^{May} 2021~~19~~

ISSUANCE DATES

Site Certificate	September 14, 2001
First Amended Site Certificate	May 24, 2002
Second Amended Site Certificate	June 6, 2003
Third Amended Site Certificate	June 20, 2005
Fourth Amended Site Certificate	March 27, 2009
Fifth Amended Site Certificate	May 17, 2019

Oregon Energy Facility Siting Council

FIFTH AMENDED SITE CERTIFICATE FOR THE STATELINE WIND PROJECT

I. INTRODUCTION

The Energy Facility Siting Council (“Council”) issues this site certificate for the Stateline Wind Project in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (“State”), acting through the Council, and the certificate holders. The certificate holders are FPL Energy Vansycle LLC (“FPL Vansycle”) and FPL Energy Stateline II, Inc. (“FPL Stateline”). This site certificate authorizes the certificate holders to construct and operate the Stateline Wind Project (the “facility”) in Umatilla County, Oregon. [Amendment #4]

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the Council’s Final Order in the Matter of the Application for a Site Certificate for the Stateline Wind Project (“Final Order on the Application”), issued on September 14, 2001, (b) the Council’s Final Order in the Matter of the Request for Amendment #1 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #1”), (c) the Council’s Final Order in the Matter of the Request for Amendment #2 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #2”), (d) the Council’s Final Order in the Matter of the Request for Amendment #3 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #3”), (e) the Council’s Final Order in the Matter of the Request for Amendment #4 of the Site Certificate for the Stateline Wind Project (“Final Order on Amendment #4”), ~~and~~ (f) the Council’s Final Order in the Matter of the Request for Amendment #5 (“Final Order on Amendment #5”), and (g) the Council’s Final Order in the Matter of the Request for Amendment #6 (“Final Order on Amendment #6”). [Amendments #1, #2, 3, #4, #5, #6]

[Text added here by Amendment #3 was deleted by Amendment #4]

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: this ~~Sixth Amended Site Certificate, Final Order on Amendment #6~~, Fifth Amended Site Certificate, Final Order on Amendment #5, Fourth Amended Site Certificate, Final Order on Amendment #4, the Final Order on Amendment #3, the Final Order on Amendment #2, the Final Order on Amendment #1, the Final Order on the Application and the record of the proceedings that led to the Final Orders on the Application and Amendments #1, #2, #3, #4, ~~and~~ #5, and #6. [Amendments #1, #2, #3, #4, ~~and~~ #5, and #6]

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

II. SITE CERTIFICATION

1. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes FPL Vansycle to construct, operate and retire Stateline 1&2 and authorizes FPL Stateline to construct, operate and retire Vansycle II as described in Section III of this site certificate. ORS 469.401(1). [Amendment #4; AMD5]
2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS 469.401(1). [AMD5]

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3. This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council’s Final Orders on the Application and Amendments #1, #2, #3, #4 ~~and #5, and #6~~. These matters include, but are not limited to: building code compliance, wage, hour and other labor regulations, local government fees and charges and other design or operational issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council. ORS 469.503(3).
[Amendments #1, #2, #3, #4, ~~and #5, and #6~~]
4. The State and the certificate holders shall abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a clear showing of a significant threat to public health, safety or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules. ORS 469.401(2). [Amendment #4; AMD5]
5. For a permit, license or other approval addressed in and governed by this site certificate, the certificate holders shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules. ORS 469.401(2). [Amendment #4; AMD5]
6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation and retirement of the facility as to matters that are addressed in and governed by this site certificate. ORS 469.401(3). [AMD5]
7. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a permit, license or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. ORS 469.401(3). [AMD5]
8. After issuance of this site certificate, each state agency or local government agency that issues a permit, license or other approval for the facility shall continue to exercise enforcement authority over such permit, license or other approval. ORS 469.401(3). [AMD5]
9. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (“Department”) to inspect, or request another state agency or local government to inspect, the site at any time in order to assure that the facility is being operated consistently with the terms and conditions of this site certificate. ORS 469.430. [AMD5]

III. DESCRIPTIONS AND DIVIDED RESPONSIBILITY

1. Stateline 1&2

(i) Major Structures

Stateline 1&2 consists of 186 Vestas V47-660-kilowatt (kW) wind turbines, each having a peak generating capacity of 0.66 MW.¹ Each wind turbine is connected to a 34.5-kilovolt (kV) collector system. The wind turbines are grouped in “strings” of turbines, each turbine spaced

¹ The site certificate authorizes up to 187 turbines, but the certificate holder chose to build 186.

approximately 250 feet from the next, generally slightly downwind of the crest of ridges. Major facility structures are further as described in the Final Orders on the Application and Amendments #1 and #2. [Amendments #1, #2 and #4]

(ii) Related or Supporting Facilities

Stateline 1&2 includes the following related or supporting facilities described below and in greater detail in the Final Order on Amendment #4:

- Access roads to reach each turbine for construction and maintenance
- Underground collector cables that transmit the electrical output of the wind turbines to a substation in Washington [Amendment #2]
- [Text added by Amendment #2 was deleted by Amendment #4]
- [Text added by Amendment #2 was deleted by Amendment #4]
- Meteorological towers
- A satellite operations and maintenance building

Access Roads

County roads that extend south from Highway 12 in Washington (e.g., Hatch Grade Road and Butler Grade Road) and north from Oregon Highway 11 (e.g., Vansycle Canyon Road and Butler Grade Road) are the primary routes of access to the facility site. From the county roads, a web of private farm roads provides access to most of the ridges upon which the facility is located. Additional access roads are located along the length of each turbine string and connecting each turbine string to the next. Access roads are further as described in the Final Orders on the Application and Amendments #1 and #2. [Amendments #1 and #2]

Collector System

The wind turbines generate power at 690 volts. A transformer adjacent to each tower transforms the power to 34.5 kV. From the turbines, power is transmitted via an underground 34.5-kV collector system. Overhead transmission lines, located entirely within Washington, connect the Washington substation to a BPA 115-kV transmission line north of the Walla Walla River and to a PacifiCorp substation just north of Highway 12. [Amendments #1, #2 and #4]

Meteorological Towers

Stateline 1&2 includes up to six permanent meteorological (met) towers to measure wind conditions. The met towers are unguyed towers. [Amendments #1, #2 and #4]

Satellite O&M Building

Stateline 1&2 includes an operation and maintenance (O&M) facility, which is a satellite to the primary O&M facility located in Washington. The satellite O&M facility is located along Butler Grade Road south of Gardena and just south of the state line in Oregon. [Amendment #4]

2. Vansycle II²

(i) Major Structures

Stateline 3 consists of up to 43 Siemens 2.663-MW wind turbines and up to 3 GE 2.32-MW wind turbines (depending on the repowering configuration chosen). Stateline 3 has a combined peak generating capacity of up to 118.6898-9 MW. Major facility structures are further as described in the Final Order on Amendment #4. [Amendment #4; AMD5; AMD6]

² Prior to the Fifth Amended Site Certificate, Vansycle II was referred to as Stateline 3.

Wind Turbine Repower

Wind turbine **partial** repowering includes removal and replacement of wind turbine hub (blade and rotor) and gearbox (nacelles). Haul trucks, boom trucks and cranes are used to support repowering activities. A crane is mobilized and new gearboxes, blades and hub are delivered onsite. A boom truck or telehandler is used to unload and assemble new turbine blades and hub into a complete rotor. Gearboxes and assembled hubs are set up on the access road adjacent to the wind turbine. The crane is used to lower rotors and gearbox, which is then be place next to the crane; and, then used to pick up and set the new rotor. Either a boom truck or telehandler is used to disassemble the replaced rotor (blade and hub); materials are then transported offsite for proper disposal at a licensed disposal or recycling facility.

[AMD5; **AMD6**]

(ii) Related or Supporting Facilities

Stateline 3 includes the following related or supporting facilities described below and in greater detail in the Final Order on Amendment #4 **and Final Order on Amendment #6**:

- Access roads to reach each turbine for construction and maintenance
- Underground collector cables that transmit the electrical output of the wind turbines to a substation
- A substation
- A 230-kV transmission line
- Meteorological towers
- An operations and maintenance building
- Temporary laydown areas and access roads
- **50 MW battery energy storage system**

[Amendment #4; AMD5; **AMD6**]

Access Roads

County roads that extend south from Highway 12 in Washington (e.g., Hatch Grade Road and Butler Grade Road) and north from Oregon Highway 11 (e.g., Vansycle Canyon Road and Butler Grade Road) are the primary routes of access to the facility site. From the county roads, a web of private farm roads provides access to most of the ridges upon which the facility is located. Additional access roads are located along the length of each turbine string and connecting each turbine string to the next. [Amendment #4]

Collector System, Substation and Transmission Line

The wind turbines generate power at 690 volts. A transformer adjacent to each tower transforms the power to 34.5 kV. From the turbines, power is transmitted via an underground 34.5-kV collector system to a substation located in Township 5 North, Range 34 East. Approximately 16 miles of aboveground 230-kV transmission line (13 miles in Oregon) connects the Stateline 3 substation to existing major transmission lines in Washington. [Amendment #4]

Meteorological Towers

Stateline 3 includes two permanent meteorological (met) towers. The met towers are unguyed towers. [Amendment #4]

O&M Building

Stateline 3 includes an O&M building near the intersection of Wayland Road and

Gerking Flat Road north of Helix. [Amendment #4]

Temporary Laydown Areas, ~~and~~ Access Roads, and Crane Paths

Temporary laydown or staging areas used during construction of facility modifications approved in the ~~SixthFifth~~ Amended Site Certificate are located at each ~~new and existing~~ tower location (approximately ~~2.814~~ acres of temporary disturbance at up to ~~453~~ wind turbine locations, totaling approximately ~~126.560~~ acres, ~~depending on the repowering configuration chosen~~), and an additional 20-acre staging area is used for temporary equipment storage and parking.

Temporary access roads used during construction of facility modifications approved in the ~~SixthFifth~~ Amended Site Certificate include approximately 15.7 miles of existing 16-foot access roads, temporarily widened to ~~323~~ feet plus an additional 3 feet of shoulder on each side (or ~~389~~-feet total and approximately ~~6842~~ acres total). ~~Note that to access the alternative turbine locations (per repowering configuration Option B), approximately 0.44 miles of new road will be created. Note that the crane paths will follow these improved and new roads.~~

Temporary road widening uses the same design specifications (e.g., graded level to the current road profile) as the existing road. Temporary widening of the access roads prior to construction generally consists of clearing vegetation by mowing and minor grading of the road.

[AMD5; ~~AMD6~~]

Battery Energy Storage System

~~A 50-MW battery energy storage system will be collocated with the facility substation, totaling approximately 7.21 acres.~~

3. Location of the Facility

The facility is located in Umatilla County, north and east of Helix, Oregon. The towns closest to the facility are Helix, Oregon, and Touchet, Washington. The wind turbines would be located on ridges east of the Columbia River and south of the Walla Walla River. The location of the facility is further as described in the Final Orders on the Application and Amendments #1, #2 and #4. [Amendments #1, #2 and #4]

4. Responsibility for Stateline 1&2 and Vansycle II

FPL Vansycle shall be individually responsible for compliance with all conditions relating to Stateline 1&2, and FPL Stateline shall not be jointly responsible for such compliance. FPL Stateline shall be individually responsible for compliance with all conditions relating to Vansycle II and FPL Vansycle shall not be jointly responsible for such compliance. If the Council or the Oregon Department of Energy (“Department”) determines that a violation of the Site Certificate or any Council order pertaining to the facility may have occurred, the Council or the Department may direct appropriate inquiries to the responsible entity. If the Council or the Department is unable to determine which entity is responsible, the Council or the Department may direct appropriate inquiries to both entities. [Amendment #4; AMD5]

IV. CONDITIONS REQUIRED BY COUNCIL RULES

This section lists conditions specifically required by OAR 345-027-0020 (Mandatory Conditions in Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring Conditions) and in OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). These conditions should be read together with the additional

specific facility conditions in section V to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24 and to protect the public health and safety. [Amendments #1 and #4]

The Council recognizes that many specific tasks related to the design, construction, operation and retirement of the facility will be undertaken by agents or contractors. However, FPL Vansycle is responsible for ensuring compliance with all provisions of the site certificate pertaining to Stateline 1&2, and FPL Stateline is responsible for ensuring compliance with all provisions of the site certificate pertaining to Vansycle II. [Amendment #4].

Citation to the sources of, or basis for, certain conditions are shown in parentheses.³ Conditions are numbered continuously throughout sections IV through IX of this site certificate. [Amendment #4]

In applying the conditions in this section, “certificate holder” means FPL Vansycle with regard to Stateline 1&2 and FPL Stateline with regard to Vansycle II. [Amendment #4]

1. General Conditions

- (1) The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27. (OAR 345-027-0020(1))
- (2) The certificate holder shall design, construct, operate and retire the facility:
 - (a) Substantially as described in the site certificate;
 - (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
 - (c) In compliance with all applicable permit requirements of other state agencies.(OAR 345-027-0020(3))
- (3) The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. (345-027-0020(4))
See conditions (24), (97) and (106). [Amendment #4]
- (4) The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder. (345-027-0020(7))
- (5) The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant. (OAR 345-027-0020(10))
- (6) For the related or supporting transmission lines:
 - (a) The certificate holder shall design, construct and operate the transmission line in accordance with the requirements of the National Electrical Safety Code (American National Standards Institute, Section C2, 1997 Edition); and

³ References to the site certificate application are to the application as modified by the supplement and later revisions, abbreviated as “App.”

(b) The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line. (OAR 345-027-0023(6)) [Amendment #4]

(7) The following general monitoring conditions apply:

(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources addressed by applicable statutes, administrative rules and local ordinances. The certificate holder must submit the monitoring programs to the Department of Energy and receive Department approval before beginning construction or, as appropriate, operation of the facility.

(b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.

(c) For each monitoring program described in sections (a) and (b), the certificate holder shall have quality assurance measures approved by the Department before beginning construction or, as appropriate, before beginning commercial operation.

(d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.

(OAR 345-027-0028) [Amendment #4]

(8) The certificate holder shall report according to the following requirements:

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

(i) Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall include such information related to construction as specified in the site certificate. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this rule;

(ii) By April 30 of each year after beginning construction, the certificate holder shall submit an annual report to the Department addressing the subjects listed in this rule. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

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

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

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

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

(iii) Fuel Use: For thermal power plants:

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

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

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

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

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

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

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

(OAR 345-026-0080) [Amendment #4]

(9) [Condition removed by Amendment #4]

(10) The certificate holder and the Department of Energy shall exchange copies of all correspondence or summaries of correspondence related to compliance with statutes, rules and local ordinances on which the Council determined compliance, except for material withheld from public disclosure under state or federal law or under Council rules. The certificate holder may submit abstracts of reports in place of full reports; however, the certificate holder shall provide full copies of abstracted reports and any summarized correspondence at the request of the Department. (OAR 345-026-0105) [Amendment #4]

2. Conditions That Must Be Met Before Construction Begins

- (11) Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under OAR 345-027-0020(5), the certificate holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:

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

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

(OAR 345-027-0020(5)) [Amendment #4]

- (12) Following receipt of a site certificate or an amended site certificate, the certificate holder shall implement a plan that verifies compliance with all site certificate terms and conditions and applicable statutes and rules. As a part of the compliance plan, to verify compliance with the requirement to begin construction by the date specified in the site certificate, the certificate holder shall report promptly to the Department of Energy when construction begins. Construction is defined in OAR 345-001-0010. In reporting the beginning of construction, the certificate holder shall describe all work on the site performed before beginning construction, including work performed before the Council issued the site certificate, and shall state the cost of that work. For the purpose of this exhibit, “work on the site” means any work within a site or corridor, other than surveying, exploration or other activities to define or characterize the site or corridor. The certificate holder shall document the compliance plan and maintain it for inspection by the Department or the Council. (OAR 345-026-0048) [Amendment #4]

- (13) The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility. (OAR 345-027-0020(2)) [Amendment #4]

See Condition (84).

- (14) If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility. (OAR 345-027-0020(6))

- (15) Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council. The certificate holder shall maintain the bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. (OAR 345-027-0020(8))

See Conditions (80) and (109).

[Amendment #4]

3. Conditions That Apply During Construction

- (16) The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence. (OAR 345-027-0020(12))
- (17) The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions. (OAR 345-027-0020(13)) [Amendment #4]
- (18) The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. (OAR 345-027-0020(14)) [Amendment #4]

4. Conditions That Must Be Met Before Operation Begins

- (19) The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site. (OAR 345-027-0020(9)) [Amendment #4]
- (20) Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape portions of the site disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility. (OAR 345-027-0020(11)) [Amendment #4]
- (21) If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved

corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor. (OAR 345-027-0023(5)) [Amendment #4]

5. Conditions That Must Be Met During Operation

(22) [Condition removed by Amendment #4]

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

- (a) There is an attempt by anyone to interfere with its safe operation;
- (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-caused event such as a fire or explosion affects or threatens to affect the public health and safety or the environment; or
- (c) There is any fatal injury at the facility.

(OAR 345-026-0170) [Amendment #4]

V. SPECIFIC FACILITY CONDITIONS

The conditions listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-027-0020(10). [Amendments #1 and #4]

This section includes other specific facility conditions the Council finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public health and safety.

Citation to the sources of, or basis for, certain conditions are shown in parentheses. [Amendment #4]

Except as specifically noted, these conditions apply to all phases of the Stateline Wind Project. In applying the conditions in this section, "certificate holder" means FPL Vansycle with regard to Stateline 1&2 and FPL Stateline with regard to Vansycle II. [Amendment #4]

1. General Conditions

(24) This condition applies to Stateline 1 only. The certificate holder shall begin construction of Stateline 1 within one year after the effective date of the site certificate. The certificate holder shall complete construction of Stateline 1 on or before two years from the effective date of the site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 1 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #4]

See condition (3).

- (25) Within 72 hours of discovery of conditions or circumstances that may violate the terms or conditions of the site certificate, the certificate holder shall report the conditions or circumstances to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]
- (26) Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the proposed change would increase the electrical generation capacity of the facility and would increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-0020(3))
- (27) [Condition removed by Amendment #4]
- (28) The certificate holder shall report promptly to the Department of Energy any change in its corporate relationship with NextEra Energy Resources LLC. The certificate holder shall report promptly to the Department any change in its access to the resources, expertise and personnel of NextEra Energy Resources LLC. (App A-3, D-2, OAR 345-022-0010) [Amendment #4; AMD5]
- (29) The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize erosion. (App B-11) [AMD5]
- (30) The certificate holder shall carry out weed control and reseedling as necessary for the life of the facility, in consultation with the weed control board of Umatilla County. (App B-11) [AMD5]
- (31) The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)
- (32) The certificate holder shall use hazardous materials in a manner that is protective of human health and the environment and shall comply with all applicable local, state, and federal environmental laws and regulations. The certificate holder shall make sure that accidental releases of hazardous materials will be prevented or minimized through the proper containment of these substances during transportation and use on the site. The certificate holder shall make sure that any oily waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing items such as absorbent pads on equipment and in storage facilities to respond to accidental spills. If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the spill or release and shall treat or dispose of contaminated soil or other materials according to applicable regulations. (App G-2, V-3) [AMD5]
- (33) The certificate holder shall provide to the Department of Energy a copy of the contract with the Milton-Freewater Rural Fire Department for fire protection services during construction and operation of the facility before beginning construction. (App U-25) [Amendment #4; AMD5]
- (34) During construction and operation of the facility, the certificate holder shall have water-carrying trailers (“water buffaloes”) at appropriate locations around the facility. The certificate holder shall bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder shall coordinate with the fire chiefs of the Helix and Milton-Freewater Rural Fire Departments as to the number, capacity and location of the water buffaloes. The certificate holder shall make sure that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose equipment, as approved by the local fire chiefs. The certificate holder shall have service trucks and pickup trucks capable of

towing water buffaloes available in sufficient numbers at all times during construction and operation of the facility. (App B-12) [AMD5]

- (35) The certificate holder shall take steps to protect the facility and property from unauthorized access and to reduce the risk of accidental injury during construction and operations by (App U-25, 26) [Amendment #3; AMD5]:

(a) Maintaining fencing and access gates around dangerous equipment or portions of the site as feasible. [Amendments #3 and #4]

(b) Posting warning signs near high-voltage equipment.

(c) Requiring construction contractors to provide specific job-related training to employees, including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and safety equipment inspection.

(d) Requiring each worker to be familiar with site safety.

(e) Assigning safety officers to monitor construction activities and methods during each work shift.

(f) Ensuring that workers on each shift are certified in first aid.

(g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each worker knows its location.

(h) Conducting periodic safety meetings for construction and maintenance staff.

- (36) The certificate holder shall notify the Department of Energy and the Umatilla County Planning Department of any accidents including mechanical failures on the site associated with the operation of the wind power facility that may result in public health and safety concerns. (ORS 469.310) [Amendment #4; AMD5]

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

(a) Design, construct and operate a facility consisting of the major structures and related or supporting facilities described in the Site Certificate. [Amendments #1, #2 and #4]

(b) Group the turbines in strings of 2 to 37. [Amendments #1, #2 and #4]

(c) Construct each turbine to be not more than ~~295~~63 feet tall at the turbine hub and with a total height of not more than ~~489~~46 feet with the nacelle and blades mounted (App B-5) [Amendment #4; AMD6]⁴

(d) Mount nacelles on smooth, hollow steel towers. [Amendment #4]

(e) Paint all towers uniformly in a neutral light gray or white color. [Amendments #2 and #4]

(f) Not allow any advertising to be used on any part of the facility or on any signs posted at the facility, except that the turbine manufacturer's logo may appear on turbine nacelles. (App BB-2)

(g) Use only the minimum lighting on its turbine strings required by the Federal Aviation Administration, except:

(i) The Stateline 1&2 satellite operations and maintenance building may have a small amount of low-impact exterior lighting for security purposes (App BB-2).

(ii) Low-impact lighting may be used for occasional nighttime repairs, operations or maintenance at the substation (at other times this lighting would be turned off).

(iii) Security lighting may be used at the Vansycle II O&M building and substation if it is shielded or downward-directed to reduce glare.

[Amendments #2 and #4]

⁴ See also site certificate Condition 137.

(h) Use only those signs required for facility safety or required by law and comply with Umatilla County design requirements for signs as described in UCDC Sections 152.545 through 152.548. (App BB-2) [Amendment #4]

(i) Design and construct the operation and maintenance building to be generally consistent with the character of similar buildings used by commercial farmers or ranchers. Upon retirement of the energy facility, the operations and maintenance building must be removed or converted to farm use, in accordance with Condition 19. [Amendment #3 and #4]

(38) To restrict public access to turbine towers, the certificate holder shall install locked access doors accessible only to authorized project staff. (App BB-3)

(39) If any state-listed threatened, endangered or candidate plant species are found during the pre-construction surveys described in condition (55), the certificate holder shall use appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility.

See condition (55).

(40) In constructing and operating the facility, the certificate holder shall make reasonable efforts not to disturb the farming and ranching activities on adjacent lands. (App K-6) [AMD5]

(41) If the certificate holder elects to use a bond to meet the requirements of Conditions (80) or (109), the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also assure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the energy facility. [Amendments #1, #2 #4, and #5]

See Condition (2).

2. Conditions That Must Be Met Before Construction Begins

(42) The certificate holder shall notify the Department of Energy in advance of any initial road improvement work that does not meet the definition of “construction” in OAR 345-001-0010(10) or ORS 469.300(6) and shall provide to the Department plans of the work and evidence that its value is less than \$250,000. (App B-21) [Amendment #4; AMD5]

(43) [Condition removed by Amendment #4]

(44) The certificate holder shall locate roads to minimize disturbance and maximize transportation efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall use existing county roads and private farm roads to the maximum extent feasible. The certificate holder shall coordinate farm road improvements with landowners to minimize crop impacts and to assure that the final road provides useful access, where possible, to the landowners’ fields. (App B-6)

(45) The certificate holder shall videotape all Umatilla County roads used as access to the facility and shall require construction contractors to enter into a written agreement with

Umatilla County stating that all roads used by the contractor will be restored to as good or better condition than they were before construction. (App U-24)

- (46) The certificate holder shall notify the Department of Energy of the identity and qualifications of major construction contractors for the facility. The certificate holder shall select major construction contractors based on a proven record of environmental compliance and stewardship, a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3, 4) [Amendment #4; AMD5]
- (47) The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.
See condition (2). [AMD5]
- (48) The certificate holder shall require that all on-site construction contractors prepare a site health and safety plan before beginning construction activities. The certificate holder shall ensure that the plan informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25) [AMD5]
- (49) The certificate holder shall design the facility in accordance with seismic design provisions given in the Oregon Building Code. The certificate holder shall identify localized areas of S_C and S_D soil types and assure that any structures to be built in those areas are designed according to the code. The certificate holder shall design all components constructed after 2008 to meet the current Oregon Structural Specialty Code (OSSC 2007) and the 2006 International Building Code. [Amendment #4; AMD5]
- (50) The certificate holder shall provide the Department of Energy with design specifications showing the locations of turbines and type of foundations to be employed and demonstrating that the following conditions have been satisfied (OAR 345-022-0020):
 - (a) If a turbine is located within 50 feet of a slope steeper than 30° , the stability of the slope has been reviewed by the foundation designer to confirm that either (i) the slope has a safety factor of at least 1.1 during the maximum probable seismic event or (ii) the safety factor is less than 1.1, but ground displacements will not adversely affect the stability of the wind turbine. Slopes shall be evaluated in the field for each proposed turbine location.
 - (b) The foundation designer's review of slope displacement during a seismic event has been made using a pseudo-static horizontal coefficient of 0.13g and, if the safety factor is less than 1.1, the foundation designer has shown that (i) the movement will not intersect the turbine, (ii) the movement will intersect the turbine but will not affect its stability, or (iii) additional stabilization measures, such as anchor tie-downs or ground support systems, will be employed to maintain stability.
 - (c) If a turbine is located where power generating or other requirements preclude sufficient setback distances to avoid intersection of a moving slope with the turbine foundation, the foundation designer has demonstrated that the turbine foundation will withstand loads from the moving soil or has been equipped with ground support systems that will withstand loads from moving soil.

(d) The foundation designer has confirmed that the turbines and conduit can tolerate some movement without instability or breakage if a mapped fault were to rupture.

[Amendment #4]

- (51) In modifying slope angles for roads or other facilities, the certificate holder shall assure that the foundation designer has achieved a factor of safety of 1.5 or greater for permanent structures and a factor of safety of 1.3 or greater for temporary structures. (OAR 345-022-0020)
- (52) The certificate holder shall design the facility to avoid or minimize adverse impacts to wildlife by measures including but not limited to the following (App P-41):
- (a) Siting the turbines on ridges outside of migration flyways.
 - (b) Siting turbines to avoid placing turbines in saddle locations along ridges (where bird use is typically higher).
 - (c) Avoiding the use of overhead collector lines. [Amendments #2 and #4]
- (53) This condition does not apply to Stateline 2. The certificate holder shall survey the status of known Swainson's hawk nests within the vicinity of proposed construction before the projected date for construction to begin. If active nests are found, and construction is scheduled to begin before the end of the sensitive nesting and breeding season (June 1 to August 31), the certificate holder shall develop a no-construction buffer in consultation with ODFW and shall not engage in construction activities within the buffer until the sensitive season has ended. If construction continues into the sensitive nesting and breeding season for the following year, the certificate holder shall not engage in construction activities within the buffer around active nests until the sensitive season has ended. [Amendments #2,#4; AMD5]
- (54) This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction nest surveys for burrowing owls if construction is scheduled to occur during the sensitive period (March 15 to August 30). The certificate holder shall leave a no-construction buffer, developed in consultation with ODFW, around any active nests during the sensitive period. [Amendments #2,#4, AMD5]
- (55) This condition does not apply to Stateline 2. The certificate holder shall conduct pre-construction surveys for state-listed threatened, endangered or candidate plant species in all areas not included in earlier botanical surveys of the analysis area. If any listed plants are found, the certificate holder will notify the Department of Energy and consult with the Oregon Department of Agriculture regarding appropriate measures to protect the species and mitigate for impacts from construction, operation and retirement of the facility. (App Q-7) [Amendment #4; AMD5]
- (56) This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2,#4; AMD5]

3. Conditions That Apply During Construction

- (57) The certificate holder shall report to the Council any change of major construction contractors.

See condition (8).

- (58) The certificate holder shall take steps to prevent fires during construction including but not limited to (App U-25):

- (a) Establishing roads before accessing the site to allow vehicles to stay away from grass.
 - (b) Using diesel vehicles whenever possible to prevent potential ignition by catalytic converters.
 - (c) Avoiding idling vehicles in grassy areas.
 - (d) Keeping cutting torches and similar equipment away from grass.
 - (e) Making sure that all construction personnel receive appropriate fire-safety instruction from qualified local fire departments or qualified fire-fighting trainers on the job site.
 - (f) Making sure that fire-fighting equipment is available at all active parts of the job site.
- [AMD5]

- (59) The certificate holder shall require the foundation designer to inspect excavations during construction of foundations for the turbines and other facilities to confirm that geologic conditions are appropriate for supporting the turbines during gravity, seismic and wind loading. (OAR 345-022-0020)

- (60) The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the facility's National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements or stormwater management requirements. (App B-7, 13, E-3, P-41) [AMD5]

- (61) The certificate holder shall mitigate potential adverse impacts to soils from erosion and compaction by measures including but not limited to the following (App H-17, I-4, 5):

- (a) Maintaining vegetative buffer strips between the areas impacted by construction activities and any receiving waters.
- (b) Installing sediment fence/straw bale barriers at locations shown on the plans.
- (c) Wherever feasible, constructing roadways so that surface drainage continues along natural drainage patterns with minimal diversions through ditches and culverts.
- (d) Working with the Umatilla County Public Works Department and the local Natural Resources Conservation Service office to design water bars and other management practices to slow the flow of water on newly constructed repaired roads.
- (e) Straw mulching and disking at locations adjacent to the road that have been impacted.
- (f) Providing temporary sediment traps downstream of intermittent stream crossings.
- (g) Providing sediment type mats downstream of perennial stream crossings.
- (h) Planting designated seed mixes at impacted areas adjacent to the roads.
- (i) Installing sediment fencing along the downslope side of construction equipment staging areas.
- (j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a healthy cover crop.

- (k) Leaving sediment fencing, check dams and other erosion control measures in place until the impacted areas are well vegetated and the risk of erosion has been eliminated.
 - (l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces, and thereby limiting soil compaction and disturbances.
 - (m) Scarifying and reseeding compacted areas after construction is completed.
 - (n) Using appropriate erosion control methods to limit soil loss due to water and wind action.
 - (o) Covering roads and turbine pads with gravel immediately following exposures, thereby limiting the time for wind or water erosion. (App I-2, 3)
 - (p) Using water for dust suppression during construction. (App O-1)
[AMD5]
- (62)** The certificate holder shall place underground electrical and communications cables at a minimum depth of three feet below grade in trenches along the length of each turbine string corridor and in some cases in trenches from the end of one turbine string to the end of an adjacent turbine string. The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After installing the electrical or communications cables and within two weeks of trenching, the certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)
- (63)** The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-42 through 45, Q-10, 11):
- (a) Preparing maps to show sensitive areas that are off-limits during the construction phase, distributing the maps to construction staff and having a biologist flag sensitive areas as needed.
 - (b) Minimizing road construction and vehicle use where possible.
 - (c) Posting speed limit signs throughout the construction zone.
 - (d) Instructing construction personnel (including all construction contractors and their personnel) on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife.
 - (e) Instructing construction personnel (including all construction contractors and their personnel) to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active.
 - (f) Requiring all construction personnel to report any injured or dead wildlife detected at the facility site.
 - (g) Requiring all construction personnel to respect all staked wildlife areas and associated no-construction buffer areas.
[AMD5]
- (64)** To avoid creating habitat for raptor prey near turbine towers, the certificate holder shall spread gravel on all above ground portions of the turbine pads to reduce the potential for weed infestation. (App BB-5)
- (65)** The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-42 through 45, Q-10, 11):
- (a) Avoiding vegetation removal wherever possible.

(b) Limiting construction activities to within public road right-of-ways where possible.
(c) Using best management practices to prevent erosion of soil into stream channels.
(d) Controlling invasive, weedy plant species during maintenance of project facilities.
(e) Restoring temporarily disturbed sites to pre-construction condition or better with native seed mixes as described for temporarily disturbed areas in the *Revegetation Plan* included in the Final Order on Amendment #4 as Attachment B and as revised from time to time. [Amendments #1 and #4]

(f) Developing re-vegetation plant mixes and habitat enhancement locations in consultation with ODFW and the Umatilla County weed control board.

(g) Monitoring re-vegetated areas to ensure successful establishment of new vegetation.

(h) Monitoring turbine strings, roads and other disturbed areas regularly to prevent the spread of noxious weeds.

(i) Developing measures to reduce the potential spread of noxious weeds in consultation with the weed control board of Umatilla County.

[AMD5]

(66) This condition applies to Stateline 1 only. To mitigate for the permanent elimination of one-half acre of Category 2 habitat, the certificate holder shall control weeds and enhance habitat of one acre of weed-infested upland habitat with native plants. The certificate holder shall carry out enhancement activities as described for habitat enhancement areas in the *Revegetation Plan* referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]

(67) This condition does not apply to Stateline 3. To mitigate for the permanent elimination of approximately 48 acres of Category 3 habitat, the certificate holder shall control weeds and enhance habitat on an equal area of weed-infested land in the project vicinity. The certificate holder shall carry out enhancement activities as described for habitat enhancement areas in the *Revegetation Plan* referenced in Condition 65. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners. (App P-44) [Amendments #1 and #4]

(68) To minimize impacts to temporarily disturbed Category 6 habitat areas, the certificate holder shall use measures including but not limited to the following (App P-45):

(a) Replacing agricultural topsoil to its pre-construction condition.

(b) Using best management practices to prevent loss of topsoil during construction.

(c) Reseeding native habitats with a native seed mix that includes at least some seed collected from the area as described for temporarily disturbed habitats in the *Revegetation Plan* referenced in Condition 65. [Amendments #1 and #4]

(d) Controlling noxious weeds in areas disturbed by construction activities.

[AMD5]

- (69) The certificate holder shall not place any part of the facility within any Washington ground squirrel (WGS) colony or on potential Washington ground squirrel burrows. The certificate holder shall have an on-site wildlife monitor who will flag habitat required for WGS survival (Category 1), conduct pre-construction surveys to determine the distribution of WGS in the area and ensure that construction personnel do not enter the area. The monitor shall conduct post construction monitoring to document distribution of the WGS in the area. [Amendments #2,#4; AMD5]
- (70) To reduce potential injury or fatality of migratory birds, the certificate holder shall (App Q-10):
- (a) Locate turbines away from saddles in long ridges.
 - (b) Locate turbines on the top or slightly downwind side of distinct ridges and set back from the upwind (prevailing) side.
 - (c) Use monopole design for all turbine and meteorological towers.
- (71) The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures (App V-2):
- (a) Collecting steel scrap and transporting it to a recycling facility.
 - (b) Recycling wood waste to the greatest extent feasible, depending on size and quantity of scrap or leftover materials.
 - (c) Using concrete waste as fill on-site or at another site or, if no reuse option is available, transporting it to a local landfill.
 - (d) Recycling packaging wastes (such as paper and cardboard).
 - (e) Collecting non-recyclable waste and transporting it to a local landfill.
- (72) The certificate holder shall require that disposal of waste concrete on-site is conducted in accordance with OAR 340-093-0080, other applicable regulations and this condition. The construction contractor may bury waste concrete on-site with the permission of the landowner in the following manner: by placing the waste concrete in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours so that all buried concrete is at least three feet below grade. (App V-3, 4).
- (73) The certificate holder shall provide portable toilets for onsite sewage handling during construction and make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder shall minimize the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices. The certificate holder shall recycle any wastes generated during construction as much as feasible and shall collect any non-recyclable wastes and transport such wastes to a local landfill. (App B-13, G-3, V-2) [AMD5]
- (74) The certificate holder shall have a full-time on-site assistant construction manager, qualified in environmental compliance and familiar with all site certificate conditions, to observe contractor waste management practices and to assure compliance with applicable regulations and construction site policy. (App V-4) [AMD5]
- (75) The certificate holder shall post high-visibility no-entry barriers around recorded cultural and archaeological sites and shall ensure that construction workers stay away from the vicinity of the sites. The certificate holder shall locate barriers to create a buffer with a minimum width of 30 meters between the sites and construction activities. The certificate

holder shall have a qualified cultural resource expert to monitor the avoidance of the no-entry areas by construction workers and to monitor ground disturbing activities. The certificate holder shall select a cultural resource expert chosen by the Confederated Tribes of the Umatilla Indian Reservation, if available, or shall select a qualified cultural resource expert, subject to Department approval, to conduct the monitoring. [Amendment #4]

- (76) If previously unidentified cultural resources are encountered during construction, the certificate holder shall halt earth-disturbing activities in the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and 358.920), and shall notify the Department of Energy, the Oregon State Historic Preservation Officer (SHPO) and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The certificate holder shall have a qualified archaeologist evaluate the discovery and recommend subsequent courses of action in consultation with the CTUIR and the SHPO. If human remains are discovered, the certificate holder shall halt all construction activities in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical Examiner and the State Police. [Amendment #4]
- (77) The certificate holder shall include traffic control procedures in contract specifications for construction of the facility. The certificate holder shall require flaggers to be at appropriate locations at appropriate times during construction to direct traffic and to ensure minimal conflicts between harvest and construction vehicles. (App U-24) [AMD5]
- (78) The certificate holder shall confine the noisiest construction activities to the daylight hours. (App X-8) [AMD5]
- (79) This condition does not apply to Stateline 3. The certificate holder shall construct the cable crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove no more than approximately 7.5 cubic yards of material from the streambed crossing and shall replace a like amount of fill material after the cable has been laid, restoring the area similar to the original contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4]

4. Conditions That Must Be Met Before Operation Begins

- (80) This condition applies to Stateline 1&2 only. Within 90 days after the effective date of the Fourth Amended Site Certificate, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount of \$6.160 million (1st Quarter 2009 dollars), to be adjusted to the date of issuance as described in (a), naming the State of Oregon, acting by and through the Council, as beneficiary or payee.

(a) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:

(i) Adjust the Subtotal (1st Quarter 2009 dollars) shown in Table 1 of the Final Order on Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index"), and using the index value for 1st Quarter 2009 dollars and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 1st Quarter 2009 dollars to present value.

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

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

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

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

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

(d) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the energy facility.

(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition (8).

See Conditions (19) and (41).

[Amendment #4]

- (81) After construction is complete, the certificate holder shall restore the county roads to at least their pre-project condition, to the satisfaction of the county public works department. (App B-6, 9) [AMD5]
- (82) The certificate holder shall grade and reseed laydown areas to wheat or native grasses as necessary to restore those areas to their pre-construction condition (App B-10). [AMD5]

- (83) For any materials disposed of as fill on site, the certificate holder shall conduct such disposal with the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. (App G-3, V-3) [AMD5]
- (84) For the purposes of this site certificate, wind turbine tower locations are analogous to location of permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5). The Council approves the corridor described in the final order for construction of turbine strings. As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to the Department of Energy a legal description of the location where the certificate holder has built turbine towers and other parts of the facility. Within 90 days after beginning operation of any turbines that are added to the facility by amendment of the site certificate, the certificate holder shall submit to the Department a legal description of the location of any additional turbine towers and related or supporting facilities allowed by the amendment. The site of the facility is the area identified by the legal descriptions required by this condition. Within 90 days after beginning facility operation, the certificate holder shall provide to the Department and the Umatilla County Planning Department the actual latitude and longitude location or Stateplane NAD 83(91) coordinates of each turbine tower, connecting lines and transmission lines and a summary of as built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments #1 and #4]

See Condition (13).

5. Conditions That Must Be Met During Operation

- (85) The certificate holder shall prepare and maintain a site health and safety plan that informs employees and others onsite what to do in case of emergencies and includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-25)
- (86) The certificate holder shall recycle solid waste generated during operation of the facility as much as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)
- (87) This condition applies to Stateline 1&2 only. The certificate holder shall provide portable toilets for use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate holder must contact the Oregon Department of Environmental Quality if the on-site septic system is to be used. (App O-2) [Amendment #4]
- (88) If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons of water per turbine, trucked to the site by a contractor and purchased from a source with a valid water right. The certificate holder shall use high-pressure cold water only and shall not use chemicals or additives in the wash water. (App O-2) [Amendment #1]
- (89) If any new nesting or denning sites for wildlife species of concern are located, the certificate holder shall prepare maps indicating off-limit areas. In addition, the certificate holder shall minimize road construction and vehicle use where possible. (P-42)
- (90) The certificate holder shall mitigate possible impacts to wildlife by measures including but not limited to the following (App P-43, Q-10):

- (a) Instructing all personnel on sensitive wildlife of the area and on required precautions to avoid injuring or destroying wildlife.
 - (b) Instructing all personnel to watch out for wildlife while driving through the project area, to maintain reasonable driving speeds so as not to harass or accidentally strike wildlife and to be particularly cautious and drive at slower speeds in a period from one hour before sunset to one hour after sunrise when some wildlife species are the most active.
 - (c) Requiring all personnel to report any injured or dead wildlife detected at the facility site.
- (91) The certificate holder shall mitigate possible impacts to fish and wildlife habitat by measures including but not limited to the following (App P-43, Q-10):
- (a) Using best management practices to prevent erosion of soil into stream channels.
 - (b) Controlling invasive, weedy plant species during maintenance of project facilities.
 - (c) Monitoring re-vegetated areas to ensure successful establishment of new vegetation.
- (92) The certificate holder shall mitigate potential adverse impacts to soils from erosion by measures including but not limited to the following (App I-3 through 5):
- (a) Using drainage collection procedures to capture surface water that collects on, and drains from, gravel surfaces or structures as a result of precipitation and routing the water to drainage ditches lined with quarry stone or other similar materials.
 - (b) Using sand bags, straw bales and silt fences as needed to reduce erosion from precipitation during repair of underground cables or other soil-disturbing repairs.
 - (c) If areas of erosion are observed during operation, implementing mitigation and reclamation measures.
- (93) The certificate holder shall conduct wildlife monitoring as described in the *Wildlife Monitoring and Mitigation Plan (WMMP)*, included in the Final Order on Amendment #5 as Attachment G and as revised from time to time. Subject to approval by the Department of Energy as to professional qualifications, the certificate holder shall hire qualified wildlife consultants to carry out the monitoring.
- The certificate holder shall conduct 1-year of post-construction fatality monitoring in accordance with the protocol included in the WMMP following completion of construction activities for the Vansycle II facility modifications, as approved in the ~~SixthFifth~~ Amended Site Certificate. Additional fatality monitoring studies and necessity of additional mitigation shall be determined based on the results of the 1-year post construction fatality monitoring study.
- (OAR 345-022-0060) [Amendments #1, #4; AMD5; ~~AMD6~~]
- (94) If analysis of monitoring data indicates impacts to wildlife or wildlife habitat that the certificate holder has not adequately addressed by mitigation and if these impacts result in a loss of habitat quantity or quality, the certificate holder shall mitigate for the loss of habitat quality by measures approved by the Oregon Department of Energy. (OAR 345-022-0060) [Amendment #4; AMD5]
- (95) The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential failure. (App BB-1) [AMD5]
- (96) The certificate holder shall make sure that all on-site employees receive annual fire prevention and response training by a professional fire-safety training firm. The certificate

holder shall prohibit employees from smoking outside of company vehicles during dry summer months and shall require employees to keep vehicles on roads and off dry grassland during the dry months unless necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding or other flame or spark-producing operations near the turbines. The certificate holder shall equip each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency Response procedures book and a two-way radio for immediate communications with the O&M facility. The certificate holder shall have staff in the local area on call at all times to respond in case of fire or other emergency. The certificate holder shall supply all local fire departments with maps of and gate keys to the facility. (App B-12) [AMD5]

VI. CONDITIONS ADDED BY AMENDMENT #1 [Amendments #1 and #4]

The conditions listed in this section include conditions based on representations in the request for Amendment #1 and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-027-0020(10). [Amendment #4]

Except as specifically noted, these conditions apply to all phases of the Stateline Wind Project. In applying the conditions in this section, “certificate holder” means FPL Vansycle with regard to Stateline 1&2 and FPL Stateline with regard to Stateline 3. [Amendment #4]

1. General Conditions

- (97) This condition applies to Stateline 2 only. The certificate holder shall begin construction of Stateline 2 within six months after the effective date of the First Amended Site Certificate. The certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 2 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #2 and #4]
- (98) [Condition removed by Amendment #4]
- (99) Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate. (OAR 345-027-0020(15) [Amendment #4]
- (100) If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department of Energy within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed a final retirement plan for the Council’s approval. Upon the Council’s approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-027-0020(8) to restore the

site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan. (OAR 345-027-0020(16) [Amendment #4]

2. Conditions That Must Be Met Before Construction Begins

(101) This condition applies to Stateline 2 only. The certificate holder shall not engage in construction activities for Stateline 2 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around an identified ferruginous hawk nest tree during the sensitive period of the nesting season (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15 if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15 if the young are fledged. During the specified nesting season, the certificate holder may use the road into the site with vehicles that are one ton in capacity or smaller; conduct turbine, turbine tower, blade or met tower construction activities that are not visible above the horizon from the vantage point of the ferruginous hawk nest; and use the road one time to transport heavy equipment off the site. [Amendments #2 and #4]

(102) [Condition removed by Amendment #4]

3. Conditions That Apply During Construction

(103) To minimize the risk of fire, the certificate holder shall:

- (a) Construct turbines, towers and pads of fire retardant materials.
- (b) Bury electrical cables.
- (c) Use enclosed, locked pad-mounted transformer structures.
- (d) Include built-in fire prevention measures in turbines.
- (e) Not store combustible materials at the Stateline site.

(104) This condition applies to Stateline 2 only. To mitigate for the permanent elimination of approximately 1 acre of Category 3 and 4 habitat, the certificate holder shall enlarge the habitat enhancement area described in Condition (67) by 1 acre. [Amendment #4]

4. Conditions That Must Be Met During Operation

(105) This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that the structure remain uninhabited during construction. The certificate holder shall continue the no-occupation agreement until retirement of the facility unless the certificate holder demonstrates to the satisfaction of the Department that the facility complies with the applicable noise control regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with the regulations as to the increase in

ambient statistical noise levels by entering into a legally effective easement or real covenant with the owner of the property identified as 84301 Stockman Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. A legally effective easement or real covenant shall: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. If such easement or real covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the Department, based on modeling or measurements performed in compliance with OAR 340-035-0035, that an easement or real covenant is not necessary to comply with those regulations. [Amendments #3 and #4].

VII. CONDITIONS ADDED BY AMENDMENT #2 [Amendments #2 and #4]

The conditions listed in this section include conditions based on representations in the request for Amendment #2 and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-027-0020(10). These conditions apply to Stateline 3 only. In applying the conditions in this section, "certificate holder" means FPL Stateline. [Amendment #4]

1. General Conditions

(106) The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-0070, an amended site certificate is effective upon execution by the Council Chair and the applicant. Completion of construction occurs upon the date commercial operation of Stateline 3 begins. The Council may grant an extension of the construction beginning or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendments #3 and #4]

(107) [Condition removed by Amendment #4]

(108) The certificate holder shall take reasonable steps to reduce or manage human exposure to electromagnetic fields, including but not limited to:

(a) Designing and operating the transmission lines so that maximum current (amps per conductor) would not exceed the following levels: For 34.5-kV underground lines, 560 amps and for 230-kV transmission lines, 753 amps. [Amendment #4]

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

2. Conditions That Must Be Met Before Construction Begins

(109) Before beginning construction of Stateline 3, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is either \$5.911 million (in 1st Quarter 2009 dollars), to be adjusted to the date of issuance as described in (b), or the amount

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

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of Stateline 3 by applying the unit costs and general costs illustrated in Table 3 in the Final Order on Amendment #4 and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department.

(b) Subject to approval by the Department, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis using the following calculation:

(i) Adjust the Subtotal component of the initial bond or letter of credit amount (expressed in 1st Quarter 2009 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the "Index") and using the index value for 1st Quarter 2009 dollars and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 1st Quarter 2009 dollars to present value.

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

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

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

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

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

(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council, as required by Condition (8).

(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the Stateline 3 site.

[Amendment #4]

- (110)** At least 30 days before beginning preparation of detailed design and specifications for the electrical transmission lines, the certificate holder shall consult with the Oregon Public Utility Commission staff to ensure that its designs and specifications are consistent with applicable codes and standards.

(111) [Condition removed by Amendment #4]

3. Conditions That Apply During Construction

(112) Before beginning construction and after considering all micrositing factors, the certificate holder shall provide to the Department and to the Oregon Department of Fish and Wildlife (ODFW) detailed maps of the facility site, showing the final design locations where the certificate holder proposes to build facility components and the habitat categories of all areas that would be affected during construction. In addition, the certificate holder shall provide a table showing the acres of temporary and permanent habitat impact by habitat category and subtype, similar to Table 8 in the Final Order on Amendment #4. In classifying the affected habitat into habitat categories, the certificate holder shall consult with the ODFW. The certificate holder shall not begin ground disturbance in an affected area until the habitat assessment has been approved by the Department. The Department may employ a qualified contractor to confirm the habitat assessment by on-site inspection. Based on the approved habitat assessment, the certificate holder shall calculate the mitigation area requirement and shall carry out enhancement activities as described in the *Stateline 3 Habitat Mitigation Plan* included in the Final Order on Amendment #4 as Attachment C and as revised from time to time. The certificate holder shall acquire the legal right to create and maintain the enhancement area for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department of Energy. The certificate holder shall determine the location of this habitat enhancement area in consultation with ODFW and landowners.

[Amendment #4]

(113) To protect the public from electrical hazards including electric and magnetic field exposure, the certificate holder shall:

(a) Enclose the substation with a seven-foot-tall chain link fence with barbed wire at the top pointing out at a 45-degree angle.

(b) Attach the 230-kV aboveground transmission lines to H-frame structures that consist of two wooden poles connected by cross-members with a typical overall height of 61 feet and a minimum design ground clearance of 25 feet to the lowest conductor as described in the Request for Amendment #4.

(c) Design and construct the transmission lines so that:

(i) Alternating current electric fields during operation do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public, and

(ii) Induced voltages during operation are as low as reasonably achievable.

[Amendment #4]

(114) To deter raptors from perching on transmission support structures near the wind turbines, the certificate holder shall install anti-perching devices on all proposed support structures within one-half mile of any turbine, unless the top of the support structure is below the base of the turbine tower due to topography. Wherever feasible, the certificate holder shall use “spike-type” devices instead of “triangle-type” devices. [Amendment #4]

(115) To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to conform to the guidelines of the Avian Power Line Interaction Committee so that electrical conductors are spaced far enough apart to reduce the risk of bird electrocution.

[Amendment #4]

(116) [Condition removed by Amendment #4]

(117) The certificate holder shall not engage in construction activities for Stateline 3 facilities, including the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except as provided in this condition. The certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The certificate holder may begin construction activities before August 15, if the nest is not occupied. If the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (independent of the core nest site). With the approval of ODFW, the certificate holder may begin construction before August 15, if the young are fledged.

(118) The certificate holder shall construct stream crossings substantially as described in the Final Order on Amendment #4. In particular, the certificate holder shall not remove material from waters of the state or add new fill material to waters of the state such that the total volume of removal and fill exceeds 50 cubic yards for the project as a whole.
[Amendment #4]

4. Conditions That Must Be Met During Operation

(119) The certificate holder shall perform frequent maintenance to keep the substation transformer in good repair and in reliable operating condition.

(120) The certificate holder shall verify that the actual sound power level output of the wind turbines constructed for Stateline 3 meets the manufacturer's warranty. This verification may consist of field measurement or other means of verification satisfactory to the Department of Energy. The certificate holder shall include the verification in the first annual report following construction of any Stateline 3 turbines. [Amendment #4]

VIII. CONDITIONS ADDED BY AMENDMENT #3

(121) [Condition removed by Amendment #4]

(122) [Condition removed by Amendment #4]

IX. CONDITIONS ADDED BY AMENDMENT #4

Except as specifically noted, the conditions in this section apply to Stateline 3⁵ only. In applying the conditions in this section, "certificate holder" means FPL Stateline. In applying the conditions in this section, "certificate holder" means FPL Vansycle with regard to Stateline 1&2 and FPL Stateline with regard to Stateline 3. [Amendment #4]

(123) The certificate holder shall design and construct Stateline 3 in compliance with the County design requirements as described in Umatilla County Development Code Sections 152.010, 152.011, 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008. [Amendment #4]

⁵ Note that Site Certificate Amendment #5 changed the name of "Stateline 3" to "Vansycle II," however, the name has not been changed in Section IX of the site certificate as these conditions were added at the time of Amendment #4, when the name "Stateline 3" was still in use.

- (124) The certificate holder shall ensure that construction contractors use a transportation route reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy load transport vehicles. [Amendment #4]
- (125) The certificate holder shall record a Covenant Not to Sue with regard to generally accepted farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E). [Amendment #4]
- (126) The certificate holder shall construct all Stateline 3 components in compliance with the following setback requirements:
- (a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential.
 - (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.
 - (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.
 - (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.
 - (e) The certificate holder shall not locate equipment associated with the temporary batch plant within 50 feet of a public road, county road or utility right of way.
- [Amendment #4]
- (127) The certificate holder shall deliver a copy of the annual report required under Condition 8 to the Umatilla County Planning Commission on an annual basis unless specifically discontinued by the County. [Amendment #4]
- (128) During construction, the certificate holder shall position a 3,000-gallon water truck on-site while personnel are present and actively working. [Amendment #4]
- (129) During operation, the certificate holder shall discharge sanitary wastewater generated at the Stateline 3 O&M building to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall locate the septic system more than 100 feet from any streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge capacity of less than 2,500 gallons per day. [Amendment #4]
- (130) During operation, the certificate holder shall obtain water for on-site uses from a wells located at the Stateline 3 O&M building, subject to compliance with applicable permit requirements. The certificate holder shall not use more than 5,000 gallons of water per day from the on-site well. [Amendment #4]
- (131) The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]
- (132) Before beginning construction, the certificate holder shall conduct a site-specific geotechnical investigation and shall report its findings to the Oregon Department of Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall

conduct the geotechnical investigation after consultation with DOGAMI and in general accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard Reports.” [Amendment #4]

- (133) Before beginning construction, the certificate holder shall provide to the Department:
- (a) Information that identifies the final design locations of all Stateline 3 wind turbines to be built.
 - (b) The maximum sound power level for the Stateline 3 substation transformers and the maximum sound power level and octave band data for the turbines selected for the Stateline 3 based on manufacturers’ warranties or confirmed by other means acceptable to the Department.
 - (c) The results of noise analysis of the facility, including the Stateline 3 components to be built according to the final design, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.
 - (d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder’s operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder’s written approval.

[Amendment #4]

- (134) During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints. In response to a complaint from the owner of a noise sensitive property regarding noise levels during operation of the facility, the Council may require the certificate holder to monitor and record the statistical noise levels to verify that the certificate holder is operating the facility in compliance with the noise control regulations. [Amendment #4; AMD5]
- (135) During construction, the certificate holder shall not install any transmission line support structures within 800 feet of any active Swainson’s hawk nest identified in 2008 or later. [Amendment #4]
- (136) This condition applies to all phases of the Stateline Wind Project. When any third-party lien or security interest in the facility’s wind turbines or turbine towers is created, the certificate holder shall notify such third party in writing that the wind turbines and towers are components an energy facility that is subject to the terms and conditions of a Site Certificate and subject to the rules of the Oregon Energy Facility Siting Council. The certificate holder shall provide to the Department a copy of each written notification

required under this condition and the name and contact information for each third party so notified. [Amendment #4]

X. CONDITIONS ADDED BY AMENDMENT #5 (Vansycle II); AMENDED BY AMENDMENT #6

The conditions listed in this section are specific to the facility modifications approved in the ~~Fifth-Sixth~~ Amended Site Certificate re-named [AMD 5] and solely referred to as Vansycle II.

(137) The certificate holder shall construct the Vansycle II facility modifications, as approved in the ~~Fifth-Sixth~~ Amended Site Certificate, substantially as described in Request for Amendment ~~56~~ of the site certificate, subject to the following restrictions and compliance with other site certificate conditions. Before beginning construction, the certificate holder shall provide to the Department equipment specifications and a description of the wind turbine dimensions to demonstrate compliance with this condition.

- a) Vansycle II wind turbine hub height must not exceed ~~262.5~~295 feet and the maximum blade tip height must not exceed ~~440~~489 feet.
- b) Vansycle II wind turbine rotor diameter must not exceed ~~354~~426 feet.
- c) Vansycle II wind turbine minimum blade tip clearance must not be lower than ~~855~~9 feet above ground.

[AMD5; AMD 6]

(138) The certificate holder shall begin construction of the Vansycle II facility modifications, as approved in the ~~FifthSixth~~ Amended Site Certificate, within three years after the effective date of the amended site certificate [~~June 12, 2022~~]. The certificate holder shall notify the Department when construction of the of the facility modifications, as approved in Request for Amendment ~~6-5~~, commences. Under OAR 345-015-0085(8), the amended site certificate is effective upon execution by the Council Chair and the certificate holder.
[Mandatory Condition OAR 345-025-0006(4); AMD5; AMD 6]

(139) The certificate holder shall complete construction of the Vansycle II facility modifications, as approved in the ~~FifthSixth~~ Amended Site Certificate, within three years following the date of construction commencement [~~June 12, 2025~~]. The certificate holder shall promptly notify the Department of the date of completion of construction of the Vansycle II facility modifications, as approved in Request for Amendment ~~56~~.
[Mandatory Condition OAR 345-025-0006(4); AMD5; AMD6]

(140) ~~Prior to facility repower activities, the certificate holder shall provide the Department with the turbine foundation suitability analysis. If the analysis results identify necessary mitigation and remediation measures, or operational inspection timing recommendations, the certificate holder shall implement the identified measures and recommendation prior to beginning the repowering activities unless otherwise approved by the Department. During operation of Vansycle II repowered wind turbines, as approved in the FifthSixth Amended Site Certificate, the certificate holder shall:~~

- ~~(a) Perform inspections of the Vansycle II wind turbine foundations as part of its-~~

~~maintenance program in order to identify changes in the foundation conditions. Inspections will be performed in accordance with the procedures described in document titled: Tower Anchor Bolt Testing/Tensioning and Foundation Grout/Concrete Inspection, Document Number PGD-00-PM-WX-9360100, Power Generation Division, Revision Number 1.5, Revision Date: 1/18/2018.~~

- ~~(b) In Year 1 of operation of Vansycle II repowered wind turbines, inspections conducted in accordance with sub(a) will be completed for each of the 43 (up to 45) wind turbines. In Years 2 and 3, the certificate holder may reduce the number of inspections to 10 percent, or 5 wind turbines. If all inspections in Years 1, 2 and 3 pass the acceptance criteria, inspections of a 10 percent sample size, or 5 wind turbines, may occur every 5 years for the life of the facility.~~
- ~~(c) Results of foundation inspections will be provided to the Department and DOGAMI in accordance with inspection schedule identified in Document Number PGD-00-PM-WX-9360100 and in the annual report. If signs of distress (noticeable degradation) are observed in the Vansycle II wind turbine foundations during the inspections and it is determined by the facility's Power Generation Division engineers and management that repairs are needed, the certificate holder will provide a remedial action plan to be reviewed by the Department and DOGAMI as soon as practicable.~~
- ~~(d) Any alteration of the inspection procedures and schedule described in Document Number PGD-00-PM-WX-9360100 will require notification to and consultation with the Department and DOGAMI.~~
~~[AMD5; AMD6]~~

~~(141) During operation of the repowered Vansycle II wind turbines, as approved in the FifthSixth Amended Site Certificate, the certificate holder shall:~~

- ~~(a) Perform wind turbine anchor bolt tension inspections in accordance with the technical manual titled: Tower Anchor Bolt Testing/Tensioning and Foundation Grout/Concrete Inspection, Document Number PGD-00-PM-WX-9360100, Power Generation Division, Revision Number 1.5, Revision Date 1/18/2018.~~
- ~~(b) In Year 1 of operation of Vansycle II repowered wind turbines, inspections conducted in accordance with sub(a) will be completed for each of the 43 (up to 45) wind turbines. In Years 2 and 3, the certificate holder may reduce the number of inspections to 10 percent, or 5 wind turbines. If all inspections in Years 1, 2 and 3 pass the acceptance criteria, inspections of a 10 percent sample size, or 5 wind turbines, may occur every 5 years for the life of the facility.~~
- ~~(c) Any alteration of the inspection schedule and tensioning procedures described in Document Number PGD-00-PM-WX-9360100 will require notification to and consultation with the Department and DOGAMI.~~
~~[AMD5; AMD6]~~

(141) Prior to construction associated with repowering of Vansycle II wind turbines number 1 and 21, the certificate holder shall:

- a. Provide documentation demonstrating that the county road right of way adjacent to: 1) Gerking Flat Road and, 2) Butler Grade Road have been relocated or adjusted such that wind turbines 1 and 21 satisfy the setback requirements to county road rights of way pursuant to UCDC Section 152.616(HHH)(6)(a)(4). Wind turbines not meeting the setback requirements from county road rights-of-way are precluded from increasing the maximum blade tip height from 41640 to 44089 feet through repower activities.

- b. The documentation shall include written verification from Umatilla County that confirms the county road rights of way have been adjusted.
[AMD5; AMD6]

- (142) During construction of Vansycle II facility modifications, as approved in the ~~Fifth~~**Sixth** Amended Site Certificate, the certificate holder shall:
- a. Ensure all construction personnel receive environmental awareness training from a qualified professional on cultural resources and the inadvertent discovery protocols of the Inadvertent Discovery Plan.
 - b. Implement and adhere to Inadvertent Discovery Plan measures previously approved in Condition 75 in the event previously unidentified cultural resources are encountered, as referenced in (i) – (iv) of this condition.
 - i. The Inadvertent Discovery Plan shall establish that earth-disturbing activities be halted in the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and 358.920).
 - ii. Within 24-hours of the find, the certificate holder shall notify the Department, SHPO and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).
 - iii. The certificate holder shall have a qualified archaeologist evaluate the discovery and recommend subsequent courses of action in consultation with the CTUIR and the SHPO.
 - iv. If human remains are discovered, the certificate holder shall halt all construction activities in the immediate area and shall notify the Department, SHPO, CTUIR, the County Medical Examiner and the State Police.
- [RFA5; **RFA6**]

- (143) During construction of the Vansycle II facility modifications, as approved in the ~~Fifth~~**Sixth** Amended Site Certificate, the certificate holder shall:
- a. Provide notice to adjacent landowners when repowering takes place to help minimize access disruptions;
 - b. Provide proper road signs and warnings, including “Oversized Load,” “Truck Access,” or “Road Crossings;”
 - c. Implement traffic diversion equipment, such as advance signs and pilot cars whenever possible when slow or oversized loads are being hauled;
 - d. Encourage carpooling for the workforce to reduce traffic volume;
 - e. Employ flag persons as necessary to direct traffic when large equipment is exiting or entering public roads to minimize risk of accidents; and
 - f. Maintain at least one travel lane so that roadways will not be closed to traffic because of vehicles entering or exiting public roads.
- [AMD5; **AMD6**]

- (144) During construction of the Vansycle II facility modifications, as approved in the ~~Fifth~~**Sixth** Amended Site Certificate, the certificate holder shall ensure its third-party contractors reuse or recycle wind turbine blades, hubs and other removed wind turbine components to the extent practicable. The certificate holder shall report in its semi-annual report to the Department the quantities of removed wind turbine components recycled, reused, sold for scrap, and disposed of in a landfill. [AMD5; **AMD6**]

- (145) Prior to construction of Vansycle II wind turbine repower, as approved in the ~~Fifth~~**Sixth** Amended Site Certificate, the certificate holder shall submit a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon

Department of Aviation identifying the change in maximum blade tip height of the wind turbines to be repowered. Determination of No Hazards or other comments from FAA or Oregon Department of Aviation shall be provided to the Department.

[AMD5; AMD6]

(146) For the Vansycle II facility modifications, as approved in the ~~Fifth~~Sixth

Amended Site Certificate, the certificate holder shall:

- a. During design, select temporary staging areas based on a location with minimal noise impacts and proximity to noise sensitive receptors.
- b. Prior to construction, provide notice to landowners within 1-mile of the site boundary to inform of the construction start date, duration and description of activities and noise levels. The notice shall include the name and phone number of the certificate holder's representative which can be contacted to record construction-related noise complaints.

[AMD5; AMD6]

(147) Prior to construction of Vansycle II facility modifications, as approved in the

~~Fifth~~Sixth Amended Site Certificate, the certificate holder shall provide to the Department:

- a. Information that identifies the as-built locations of all Vansycle II wind turbines.
- b. The maximum sound power level for the existing Vansycle II substation transformers and the maximum sound power level and octave band data for the repowered Vansycle II wind based on manufacturers' warranties or confirmed by other means acceptable to the Department.
- c. The results of noise analysis for the Vansycle II facility modifications, as approved in the ~~Fifth~~Sixth Amended Site Certificate, performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated (including the noise from repowered wind turbines and existing substation transformers) would meet the ambient degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.
- d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The legally-effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

[AMD5; AMD6]

XII. SUCCESSORS AND ASSIGNS

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

XIII. SEVERABILITY AND CONSTRUCTION

If any provision of this agreement and certificate is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement and certificate did not contain the particular provision held to be invalid. In the event of a conflict between the conditions contained in the amended site certificate and the Council's final order or the Final Orders on Amendment# 1, #2, #3, #4, or #5, the conditions contained in this amended site certificate shall control. [Amendment #1; Amendment #5; **Amendment #6**]

XIV. GOVERNING LAW AND FORUM

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

XV. EXECUTION

This site certificate may be executed in counterparts and will become effective upon signature by the Chair of the Energy Facility Siting Council and the authorized representatives of the certificate holders. [Amendment #1]

IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, by FPL Energy Vansycle LLC and by FPL Energy Stateline III, Inc.

ENERGY FACILITY SITING COUNCIL

By: 
Barry Beyeler, Chair
Oregon Energy Facility Siting Council

Date: MAY 17, 2019

FPL ENERGY VANSYCLE LLC

By: 
Print: Terrell K. Crews II
Vice President

Date: 6-12-19

FPL ENERGY STATELINE II, INC.

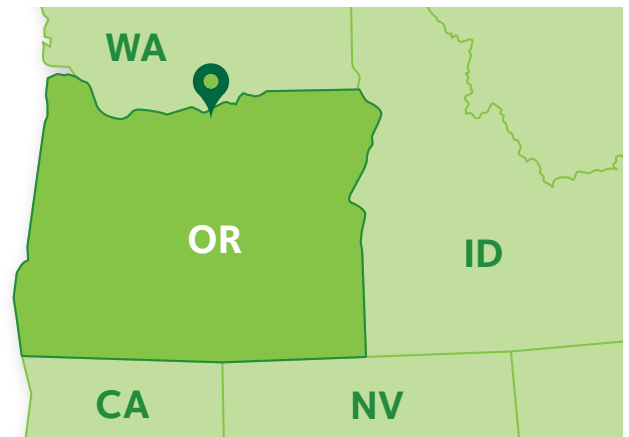
By: 
Print: Terrell K. Crews II
Vice President

Date: 6-12-19

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Attachment 2. Arlington Landfill Information

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Chemical Waste Management of the Northwest



Chemical Waste Management, Inc. (CWM) Arlington provides area communities, businesses and industries with professional, safe, and efficient industrial and hazardous waste services.

Located in Arlington, Oregon, this facility provides cost-effective services to customers in the states of Washington, Oregon, Montana, Idaho, Utah, Wyoming, Hawaii, Alaska and provinces of Western Canada. CWM Arlington also offers services nationally through Waste Management's (WM) extensive rail transportation network. In operation since 1976, this award-winning, environmentally safe hazardous waste facility boasts a stellar safety record and an unmatched technical service team with more than 20 years experience per representative. CWM Arlington adheres to strict regulations administered and overseen by the Environmental Protection Agency (EPA) Region X and the Oregon Department of Environmental Quality (ODEQ). This facility is positioned on a 1288-acre site (with 320 acres permitted for disposal operations). The site is buffered by over 11,000 acres of undeveloped property owned by Waste Management.

One of the most secure treatment and disposal facilities in the world, this remote operation is built on top of layers of basalt from various formations. The disposal cells meet very strict EPA and state guidelines, and are constructed of 60 mil High Density Polyethylene (HDPE). Additional security measures include a sophisticated leachate collection system, monitoring wells, and a state-of-the-art leak detection system.

TREATMENT AND SERVICE OPTIONS

- Asbestos disposal
- Drum collection, treatment and transshipment
- Fuels blending
- Hazardous waste transportation
- Macroencapsulation
- Microencapsulation
- Non-hazardous disposal
- RCRA landfill disposal
- Rail transportation
- Stabilization
- Solidification
- Storage and transfer for recycling and thermal treatment
- Thermal desorption



Waste Management's Industrial and Hazardous Waste Services include:

Stabilization

Hazardous waste requiring stabilization is treated using cement and/or cement byproducts, along with other reagents to reduce the hazardous metals leachability. Process recipes are developed for each waste stream and post treatment analysis (TCLP) is run to confirm that the recipe will treat the waste stream to levels below Land Disposal Restriction (LDR) standards.

Macroencapsulation

Macroencapsulation entails placing hazardous debris into a WM-patented, macroencapsulation unit made from high-strength HDPE, specially designed as a hazardous waste debris management container to reduce or eliminate leachability of the waste. Trained personnel fill any remaining void space with an inert material and then seal the container. The secure container is then transferred to an appropriate cell within the footprint of the RCRA Subtitle C landfill for safe, permanent disposal. Macroencapsulation is appropriate for virtually any hazardous debris that fits in a 20-cubic-yard roll-off box. Common examples include concrete, piping, filters, rags, hoses, crushed containers and motors.

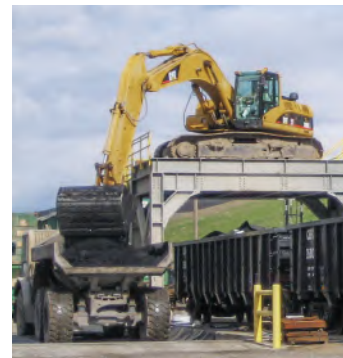
Microencapsulation

Microencapsulation involves coating Inorganic Hazardous debris with a custom-tailored mixture of proprietary reagents that significantly reduce the leachability of hazardous constituents from the debris into the surrounding landfill environment. It is the preferred treatment method for debris that can be fully coated on all surfaces – both exterior and interior. Most hazardous debris qualifies for this treatment process. Common examples include refractory brick, rocks and concrete.

PCB Disposal

Polychlorinated biphenyls (PCBs) are chemical compounds once widely used in a variety of manufactured products including paints, adhesives, machinery lubricants and heat transfer fluids. Our Arlington facility is able to provide the infrastructure, equipment and technical expertise to transport, treat and/or dispose of manufactured materials, soil, sediment and debris contaminated with PCBs in a manner that is both cost-effective and in compliance with all local, state and federal environmental regulations. CWM Arlington offers draining and flushing operations for PCB transformers.

- Transformers are decommissioned and landfilled or recycled
- Transformer fluid and flush material is transshipped to an approved incinerator for destruction
- PCB capacitors (depending on their size) are landfilled or transshipped to an approved incinerator for destruction
- PCB-contaminated equipment and debris is landfilled



Drum Management Services

CWM Arlington offers safe, reliable and cost-effective drum management services for LTL (Less-Than-Truckload) and full truckload quantities. Whether special, industrial or hazardous waste, we will arrange for the proper treatment and/or disposal of drums and their contents while maintaining compliance with all local, state and federal regulations. CWM Arlington serves as a regional disposal and transfer facility managing liquid and solids drums. Once received, drums are then tested, consolidated, treated or transshipped for further treatment using other treatment technologies.

Thermal Desorption–Organic Recovery Unit

The Organic Recovery Unit (ORU) uses intense levels of heat to drive hazardous organic material, water and solids from soil or other media without allowing the heat source to come in direct contact with the waste. The organic vapors and water that is liberated from the soil or other media are condensed in a multi-stage condenser system and the resulting liquids can be recycled as fuel or sent off-site for further treatment. No contaminants are released into the atmosphere by the ORU process, and many former chemical constituents of concern are recycled into their primary components that can be later recovered for their fuel value.

Transportation Services

Whatever the quantity or the size of your shipment, our transportation specialists are on hand and ready to assist you with the secure transport of your RCRA, TSCA or non-hazardous waste shipments. CWM Arlington has extensive experience in moving material by truck, rail or barge. The Arlington location has one of the largest private rail yards in the Western United States, currently receiving 6 full trains per week. We have over 4,000 containers of various sizes dedicated to this location and over 100 rail gondolas. Our Transportation Specialists have experience in moving hazardous materials for remote locations such as North Slope and Dutch Harbor, Alaska, Johnson Atoll, Hawaii, as well as locations all across North America. CWM Arlington's standard of care includes providing pre-populated manifests and/or drum labels. We will work around your schedule to coordinate and implement an economical solution to your transportation challenges.

Customer Service

Excellence in customer service is defined by our ability to find the best solution even if the solution is not immediately available. We're there to help you find the answers:

- Is it more cost effective to ship your material by drum, rail or bulk?
- How do the treatment codes apply to this waste type?
- Can you get your material approved and processed for shipment this week?
- Could Land Disposal Restrictions (LDR) apply to this waste stream?

If you have questions or challenges, we're here to help you find the solutions so that you can focus on your facility, your manufacturing activities or your remediation and land redevelopment projects. Our experienced Technical Service Representatives and Waste Approvals team are up to the challenge.



Commonly Accepted Waste Types*

- Asbestos
- Auto shredder residue
- CAMU-eligible waste as approved by the ODEQ
- Contaminated soils – hazardous (RCRA), non-hazardous and PCB (TSCA)
- CERCLA wastes
- Contaminated debris and equipment
- Debris for treatment or disposal (including empty tanks and vessels)
- Drummed wastes (liquid and solids)
- E&P wastes
- Industrial & special waste
- Lab packs
- Off-spec or out-of-date chemicals
- Palletized waste
- PCBs including capacitors and transformers
- Plating wastes
- Refinery wastes

YEAR OPENED

1976

PROJECTED LIFE REMAINING

100+ years

FACILITY ACREAGE

1,288 acres

PERMITTED FOOTPRINT

320 acres

REMAINING PERMITTED CAPACITY

3.7 million yd³ in landfill 14

OWNERSHIP

Chemical Waste Management, Inc.

PERMIT TYPE & PERMIT

RCRA and TSCA EPA ID Permit
ORD089452353

REGULATORY AGENCIES

EPA Region X and the Oregon
Department of Environmental Quality
(ODEQ)

OF EMPLOYEES

55

* Approvals are required for all waste types. Waste is accepted on a case-by-case basis.



**CONTACT CHEMICAL WASTE
MANAGEMENT OF THE NORTHWEST**

Technical Support

Technical Service Center Portland

800 963 4776

TSCPortland@wm.com

ADDRESS

17629 Cedar Springs Lane

Arlington, OR 97812

COMMUNITY RELATIONS

Jackie Lang

503 493 7848

jlang@wm.com

HOURS OF OPERATION

8:00am – 4:30pm PST

Monday – Friday

Special hours available upon request

Questions about industrial and hazardous waste services?

Contact a Waste Management representative:



Call 800 963 4776



Visit WMSolutions.com



Send an email to TSCPortland@wm.com

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THINK GREEN.®

Attachment 3. Land Use: Applicable Substantive Criteria

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Exhibit K

Land Use

Stateline Wind Project – Vansycle II
April 2021

Prepared for
FPL Energy Stateline II, Inc.

Prepared by



Tetra Tech, Inc.

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Figure K-2. Rural Residence Setback Analysis

Figure K-3. County/Local Road Setback Analysis

Acronyms and Abbreviations

EFSC	Energy Facility Siting Council
EFU	Exclusive Farm Use
Facility	Vansycle II Wind Project
MW	megawatts
NPDES	National Pollutant Discharge Elimination System
OAR	Oregon Administrative Rules
ODOE	Oregon Department of Energy
RFA	Request for Amendment
SWP	Stateline Wind Project
UCDC	Umatilla County Development Code

1.0 Introduction

The Stateline Wind Project (SWP) consists of three wind farm developments (phases) in Umatilla County, all of which are operational wind farms: Stateline 1, Stateline 2, and Stateline 3. Per the Final Order on Amendment #4, SWP is divided into two separate parts (Stateline 1 & 2 and Stateline 3) with separate Site Boundaries. The Certificate Holder for Stateline 1 and 2 is FPL Energy Vansycle, LLC, and the Certificate Holder for Stateline 3 is FPL Energy Stateline II, Inc., but wholly-owned subsidiaries of NextEra Energy Resources, LLC. Stateline 3 was renamed to Vansycle II Wind Project (Facility) as a result of Request for Amendment (RFA) 5. The Facility is an existing and operational wind energy facility last amended in 2019. The information in Exhibit K is provided in support of a RFA 6, to allow the Facility to be repowered and add 50 megawatts (MW) of battery storage, and for battery installation and repowering-related impacts as described in the Written Request for Amendment. Please see Table 2 of RFA 6 for the repowering configuration options being proposed.

The Energy Facility Siting Council (EFSC) previously found that the Facility would comply with all applicable substantive criteria from Umatilla County except Umatilla County Development Code (UCDC) Section 152.616(HHH)(2)(J). UCDC Section 152.616(HHH)(2)(J) implemented Oregon Administrative Rules (OAR) 660-033-0130(17) and (22) governing wind facilities on Exclusive Farm Use (EFU) land and establishing 12-acre and 20-acre exception thresholds. In January 2009, OAR 660-033-0130(5) and (37) replaced OAR 660-033-0130(17) and (22) for siting a wind power generation facility on EFU land. The effect of these amendments was to eliminate the 12-acre and 20-acre exception thresholds for wind power generation facilities that are contained in OAR 660-033-0130(17) and (22) and to impose, instead, specific development standards on wind power generation facilities. At the time of RFA 4, OAR 660-033-0130(5) and (37) had been adopted, but UCDC had not been updated. Therefore, EFSC analyzed the Stateline Wind Project in consideration of both old and new laws and concluded under both old and new laws that the Facility would comply with the Land Use Standard if RFA 4 were approved. After approval of RFA 4, the Certificate Holder submitted the addressed applicable UCDC substantive criteria to the Umatilla County Planning Department. Umatilla County Planning Department subsequently issued Conditional Use Permit, #C-1149-09 and Temporary Batch Plant, Conditional Use Permit, #C-1150-59, and Stateline 3 Transmission Line, Land Use Decision, #LUD-094-09 for the Facility. Note that the UCDC has been amended as of 2020, however these changes do not impact the Council's prior findings under the Land Use Standard. The changes to these documents either do not apply to the location or zoning of the Facility site, or to the land use classification of the Facility or the Facility improvements.

2.0 Land Use Analysis Area – OAR 345-021-0010 (1)(k)(A)

OAR 345-021-0010 (1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing

evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, "affected local government" means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant shall:

OAR 345-021-0010 (1)(k)(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area.

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

3.0 Local Land Use Approval – OAR 345-021-0010 (1)(k)(B)

OAR 345-021-0010 (1)(k)(B) If the applicant elects to obtain local land use approvals:

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

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

4.0 EFSC Determination on Land Use – OAR 345-021-0010 (1)(k)(C)

4.1 Identification of Applicable Substantive Criteria – OAR 345-021-0010 (1)(k)(C)(i)

OAR 345-021-0010 (1)(k)(C) If the applicant elects to obtain a Council determination on land use:

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

Response: The Facility lies entirely in Umatilla County on privately owned land zoned EFU. No part of the proposed Facility lies on federal land.

4.2 Applicable Substantive Criteria from OAR 345-021-0010 (1)(k)(C)(ii)

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

Response: The Certificate Holder has reviewed the July 15, 2020 updated UCDC which includes specific land use criteria applicable to Wind Power Generation Facilities, UCDC section 152.616(HHH) as referenced in UCDC section 152.060(F), conditional uses permitted in the EFU zone. The substantive criteria contained in UCDC § 152.616(HHH) are set forth below in italics followed by the Certificate Holder's response. However, because the Facility has an existing conditional use permit, the permit amendment requirements are reviewed first and therefore the UCDC addressed are not sequential.

UCDC § 152.061

§ 152.061 STANDARDS FOR ALL CONDITIONAL USES.

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

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

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

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

Response: The lands devoted to farm use in Umatilla County are used primarily for cultivation of wheat and grazing of livestock, and related accessory uses. RFA 6 proposes alterations to an existing commercial wind facility. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). The impact of RFA 6 would not force a significant change in accepted farm practices or significantly increase the cost of farm practices, for the reasons discussed below:

- There will be de minimis permanent loss farm use as a result of RFA 6 for all updates will be within the existing and approved Site Boundary.
- The repowering and construction of the proposed battery storage will use existing Facility infrastructure, laydown areas, and access roads to the extent practicable, all located on previously disturbed construction area.
- New, permanent disturbances will occur within the Facility's Site Boundary in the case of the construction of battery storage and if repowering configuration Options A or B are chosen (see RFA 6 for the options being proposed). However, the new disturbances

are not anticipated to affect farm use for they will occur within the existing Site Boundary and will largely be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments).

- RFA 6 would not affect farm operations either the application of pesticides or fertilizers using ground-based methods. RFA 6 would not significantly affect the ability to conduct aerial spraying because the increase in the height of the turbines does not affect how the aerial sprayers operate and there would be no new vertical obstacles to spraying.
- The Certificate Holder will implement a weed control plan that will reduce the risk of weed infestation in cultivated land and the associated cost to the farmer for weed control.
- The Certificate Holder has recorded a covenant not to sue against its Facility leasehold interests with regard to generally accepted farming practices on adjacent farmland.
- RFA 6 would not cause changes in routes of access to fields or changes in the pattern of cultivation, seeding, fertilizing and harvesting near the turbines and access roads because all changes to the Facility layout are within previously approved turbine locations and/or disturbed construction areas within the Site Boundary.
- The Certificate Holder will continue to consult with area landowners during repowering of the Facility to determine further measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- Some farmland may be temporarily disturbed and unavailable for farming during battery installation and repowering from temporary access road widening, laydown areas, and crane paths. To avoid or reduce adverse impacts to soil quality, the Certificate Holder will implement dust control and erosion-control measures during construction and operation of the Facility (see Exhibit I of RFA 5). The Certificate Holder proposes to reduce impact to soils by using areas that are already disturbed. Additionally, the Certificate Holder will consult with landowners regarding the timing of activities and the location of access road widening, laydown areas, and crane paths. Temporary access road widening, laydown areas and crane paths will be limited to the least amount necessary to complete the repowering safely and efficiently. Restricting activities to previously disturbed land avoids expanding the area of impact to otherwise undisturbed soils and agricultural operations. Changes requested through consultation with landowners that meet all relevant Site Certificate conditions will be considered as they arise.
- Construction vehicles will use previously disturbed areas including existing roadways and tracks.
- Upon completion of construction, the Certificate Holder will restore temporarily disturbed areas to their pre-construction condition.

The measures above are intended to avoid or minimize the impacts of RFA 6 on farming operations, and to mitigate for necessary impacts. The Facility is designed and legally structured such that the cost burden of constructing and maintaining access roads and other facilities do not fall on the landowner and do not increase the costs of farming for affected landowners. Additionally, each participating landowner is compensated for the loss of agricultural lands, and the new income stream from lease payments help to stabilize often-fluctuating agricultural income, making farming more sustainable.

UCDC § 152.616(HHH)

(10) (a) Permit Amendments.

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

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

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

Response: UCDC §152.611(C) states that any alteration to a structure shall conform to the requirements for a conditional use or land use decision. Alter is defined as any change, addition or modification in construction or occupancy of a building or structure in UCDC § 152.003 Definitions. Therefore, replacing the nacelles and turbine blades would be an alteration to a structure. However, thresholds for permit amendments specific to wind facilities are included in UCDC § 152.616(HHH)(10)(b). The repowering activities as part of operations and maintenance would only meet one threshold (2; increase the number of towers), but only if repowering configuration Option B is chosen. In addition, the conditional use criteria for a wind farm on EFU zoned land is UCDC § 152.616(HHH) which generally applies to the procedure for taking action on the siting of a Wind Power Generation Facility rather than structural alterations to a sited and operational facility. Because the Facility is already sited and constructed rather than in the process of being sited, most of the applicable conditional use criteria do not apply. Therefore, only the applicable substantive criteria of the UCDC that apply to operational facilities are addressed herein in support of an amendment to the existing conditional use permit, if required for the Option that provides for an additional turbine.

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

Response: As noted, above, there will be no expansion of the Facility Site Boundary as part of RFA 6.

(2) Increase the number of towers;

Response: RFA 6 proposes that up to two additional turbines could be constructed (if repower configuration Option B is chosen; see RFA 6 for repower option proposed); therefore an

amendment to the conditional use permit will be required in order to comply with the current Conditional Use Permit.

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

Response: As a result of the repowering (maximum of 118.68 MW as proposed by repowering configuration Option B; see RFA 6), generator output will not increase by more than 25 percent.

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

Response: There will be temporary widening on the existing access roads and for Option B only, new extents of access road, but no other changes to private roads or access points that are established at or inside the Site Boundary as part of RFA 6. The temporary road widening will be within the area previously disturbed for Facility construction as permitted in RFA 5.

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

Response: There will be no change to the Facility owner/operator of record, no change in the emergency plan, and no change in the maintenance contact as part of RFA 6. This Exhibit K is part of RFA 6 for the Facility, which is an amendment request that follows the amendment rules established by EFSC.

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

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

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

(6) Standards/Criteria of Approval.

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

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

Response: As noted above, the UCDC was updated in 2016 which included updates to Wind Power Generation Facilities, UCDC section 152.616(HHH). The substantive criteria from the 2016 UCDC are addressed herein. Note that the 2020 updates to the UCDC do not impact the Council's prior findings under the Land Use Standard. The Facility was constructed in consideration of the above

mentioned UCDC Code sections from 2008. Setbacks in the 2008 UCDC were in § 152.063(A)-(C) which addressed minimum parcel frontage, front yard setbacks, and side and rear yard setbacks, which were a maximum of 60 feet. To the extent these requirements applied, the proposed improvements met the listed setback requirements from specified structures and boundary lines.

The Facility is an operational wind farm that was constructed to be consistent with the effective UCDC at the time of issuance of the Fourth Amended Site Certificate, as documented in the Umatilla County Conditional Use Permit, #C-1149-09 and demonstrated through annual reporting to the Oregon Department of Energy (ODOE) Umatilla County (required by Condition 8 and 127 of the Fifth Amended Site Certificate) (see Exhibit P - Attachment P-2, Attachment 2 of RFA 5). The Facility as proposed shall still adhere to the required setbacks. A majority of the repowering will utilize existing infrastructure and any new structures (battery storage and portions of repowering configuration Options A and B) will be contained within previously approved turbine locations and/or disturbed construction areas within the Site Boundary. The Facility as proposed will continue to meet the 2008 UCDC setback standards. Minimum setbacks for the current UCDC are addressed below.

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

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

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

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

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

Response: This setback only applies to new turbines proposed by RFA 6 (C. Johnson, personal communication, March 28, 2009). Option B proposes to add two new turbines; (see RFA 6), however, there are no rural residences within 2 miles of the new turbine towers (Figure K-2). All existing Facility turbines would meet Condition 126 (a) of the Site Certificate which stipulates all facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Umatilla County Comprehensive Plan as residential. Therefore, this criterion is met.

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

Response: Based on current right-of-way information, there are two turbines that will not meet this standard after being repowered with longer blades that will increase the tower-to-blade tip height (see Figure K-3). Initially, the Certificate Holder sought a variance to the standard for these turbines. However, the Certificate Holder is no longer seeking a variance, but instead is working with Umatilla County outside of the request for amendment process to meet this public right of way setback. Additionally, based on a preliminary setback assessment, all other repowered turbines are anticipated to meet the setback. This finding will be confirmed prior to construction commencement.

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

Response: There are no Facility components within the 164 feet setback. The closest component is the transmission line which is approximately 192 feet from a known cultural site. There will be no modifications or changes to the transmission line as part of RFA 6.

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

Response: There will no new electrical line as part of RFA 6.

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

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

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

(c) Construct each turbine to be approximately ~~263~~72 feet tall at the turbine hub and with a total maximum height of approximately ~~416~~89 feet with the nacelle and blades mounted

Because the view from scenic resources in the surrounding area is already altered by the existing wind turbines and the increase in height is relatively minor, the visual and aesthetic impact would not be significant (see Exhibit R of RFA 5, and RFA 6 for additional detail). BMPs would be still be incorporated into the design of the Facility to ensure an attractive appearance and good integration into its landscape setting including:

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

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

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

Response: Numerous conditions in the Fifth Amended Site Certificate address erosion control, weed control, minimizing impacts to vegetation, protection of wildlife and habitat through preconstruction surveys, avoidance and mitigation, and monitoring the success of mitigation measures. These include Conditions (29), (30), (39), (52)-(56), (60)-(65), (68)-(70), (89)-(94), (111), (112), and (114)-(118). Accordingly, these conditions comply with the requirement of UCDC § 152.616(HHH)(6)(c) that "reasonable efforts shall be taken" to protect significant natural resources. No material changes to these conditions are proposed. In addition, these resources have been reviewed for potential impacts (see Exhibit J Wetlands, Exhibit P Fish and Wildlife Habitat, Exhibit Q Threatened and Endangered Plants and Animals and Exhibit S Cultural Resources of RFA 5, and RFA 6).

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

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

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

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

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

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

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

Response: There are no new operations and maintenance buildings or changes to the existing buildings as part of the Facility.

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

Response: Compliance with OAR 345-024-0010 is addressed in the RFA 6 document, which satisfies the requirements of UCDC § 152.616(HHH)(5)(h).

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

Response: A Covenant Not to Sue was recorded with the County and provided to ODOE as part of the 2010 Annual Report as Attachment 10 (see Exhibit P - Attachment P-2, Attachment 2 of RFA 5).

(j) Roads.

(1) County Roads.

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

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

(2) Project Roads.

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

Response: There will be no new roads as part of the Facility, unless Option B is constructed. There will be temporary widening of roads to the maximum width of the previous width for initial Facility construction. A National Pollutant Discharge Elimination System (NPDES) 1200-C permit will be obtained for the Facility (see Exhibit I of RFA 5 and RFA 6).

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

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

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

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

Response: The Facility is an operational wind farm. New, permanent disturbances will occur within the Facility's Site Boundary in the case of the construction of battery storage and if repowering configuration Options A or B are chosen (see RFA 6 for the options being proposed). However, the new disturbances are not anticipated to affect farm use for they will occur within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). There will be minor temporary disturbance along existing roads and at turbine sites from large construction vehicles accessing the site. However, these impacts will be short term; construction will take a maximum of 4 months. After

repowering, any impacted areas will be restored in the same manner as the same revegetation practices as after the Facility was constructed.

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

Response: As noted above, a 1200-C permit will be obtained for the Facility. The Erosion and Sediment Control Plan that will be submitted as part of the 1200-C permit will be prepared by a licensed engineer (see Exhibit I of RFA 5 and RFA 6).

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

Response: The purpose of RFA 6 is for repowering for maintenance and operation of an existing wind farm. New, permanent disturbances will occur within the Facility's Site Boundary in the case of the construction of battery storage and if repowering configuration Options A or B are chosen (see RFA 6 for the options being proposed). However, the new disturbances are not anticipated to affect farm use for they will occur within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Note that a majority of the repowering will utilize existing infrastructure (see Table 2 of RFA 6). There will also be limited temporary ground disturbance in areas that have previously been disturbed for Facility construction and restored. In general, the Facility will be in areas already devoted to wind energy generation use. Farming activities including soil conditions have already adapted to the operating Facility. As noted above, to reduce unnecessary soil compaction during repowering, work will be scheduled during the dry season as much as feasible. Heavy equipment and other vehicles will use larger tires with lower air pressure, as appropriate, to allow for better flotation and reduce pressure on the soil surface. Proper tire pressure will be checked and maintained as temperatures fluctuate throughout repowering activities. Traffic management will be implemented to minimize trips and to keep trucks and vehicles in the same tracks as much as possible to and from individual work sites to limit the area of compaction.

After repowering, temporarily impacted areas will be restored and revegetated in the same manner as after the Facility was constructed. This includes scarification to loosen compacted soils prior to revegetation, and potentially deeper decompaction in agricultural areas as determined in

consultation with area landowners. Exhibit I of RFA 5 provided information on soils in the Site Boundary.

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

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

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

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

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

Response: The Facility has already been constructed and is a legally operational Facility. On June 9, 2009, the Certificate Holder in consultation with ODOE obtained a Site Certificate bond in the amount of \$4,014,000.00. Renewal of the bond has been occurring annually as documented in the annual reports submitted to ODOE, (see Exhibit P – Attachment P-2 in Attachment 2 of RFA 5). The continually updated bond provides the necessary amount to restore the site to a useful, non-hazardous condition (see Exhibit W of RFA 5).

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

Response: Latitude and longitude locations were provided in the 2010 Annual Report, as Attachment 1. Updated latitude and longitude information will be provided in an updated site plan to be submitted within 90 days of operation commencement (see above).

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

Response: A copy of the annual reports submitted to ODOE, referenced above (see Exhibit P – Attachment P-2 in Attachment 2 of RFA 5) on compliance with the site certificate conditions is submitted to Umatilla County annually.

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

Response: The Facility is already in electrical production and the battery installation and repowering effort would result in changes to the as-built drawings previously provided to Umatilla County. The Facility will be in compliance by submitting the updated plan within 90 days of the commencement of operations.

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

Response: Exhibit U of RFA 5 provides a socioeconomic assessment for the Facility.

(7) Dismantling/Decommissioning.

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

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

(8) Decommissioning Fund.

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

Response: The Facility has already been constructed and is a legally operational Facility. On June 9, 2009 the Certificate Holder in consultation with ODOE obtained a Site Certificate bond in the amount of \$4,014,000.00. Renewal of the bond has been occurring annually as documented in the annual reports submitted to ODOE (see Exhibit P – Attachment P-2 in Attachment 2 of RFA 5). The continually updated bond provides the necessary amount to restore the site to a useful, non-hazardous condition (see Exhibit W of RFA 5).

(9) Annual Reporting.

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

Response: The Certificate Holder will continue to submit annual reports to ODOE and Umatilla County (see Exhibit P - Attachment P-2, Attachment 2 of RFA 5) for the Facility as it has done for the past 11 years.

4.3 Umatilla County Comprehensive Plan Policies

Citizen Involvement:

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

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

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

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

Agriculture:

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

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

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

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

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

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

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

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

Response: The Facility is an existing wind farm integrated into cultivated farmlands and with supporting infrastructure, much of which is buried underground. The Facility is located entirely on private land, none of which is designated as open space. There are existing wind farms integrated into the surrounding vicinity. RFA 6 does not seek to enlarge the existing Site Boundary and any physical component changes resulting from the battery storage installation and repowering will be conducted within previously approved turbine locations and/or disturbed construction areas within the Site Boundary (as authorized in the ASC and subsequent amendments). Therefore, the Facility will not significantly alter the rural, sparsely developed character of the Facility's lands. The impacts of the Facility on scenic, protected and recreational areas were discussed in further detail in Exhibits R, L and T of RFA 5 respectively, as well as RFA 6.

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

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

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

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

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

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

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

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

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

Response: The Facility has no impact on wetlands in Umatilla County, as further discussed in Exhibit J of RFA 5 and RFA 6.

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

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

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

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

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

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

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

Response: Visual impacts are mitigated as discussed in Exhibit R of RFA 5 and RFA 6.

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

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

(8) Protection vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.

Response: The Facility is an operational wind farm. Wind energy projects are a conditional use in the Umatilla County EFU zone. As called for by this UCCP policy, aesthetic and scenic conflicts are already largely mitigated through the substantive criteria applicable to the Facility. Additionally, there are no identified or designated scenic views or resources in the vicinity of the Facility, indicating that there are no specific scenic or aesthetic conflicts to be addressed (see Exhibit R of RFA 5 and RFA 6). Vegetation removal would be largely limited to agricultural crops, with very little impacts to native vegetation and no impacts to trees. Disturbed area will be revegetated as soon as practicable following construction to restore the visual quality of the land and to prevent erosion. Facility access roads will be narrowed following construction to a minimum width needed for typical maintenance vehicles. No Facility access roads intersect with designated scenic roadways.

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

Response: The Facility would not impact historic buildings, as there are none located within the Site Boundary. All other known historic, cultural and archaeological resources were previously avoided through modifications to the Facility layout. Cultural sites will be avoided and in the event that previously undiscovered sites or artifacts are found during construction, the Certificate Holder will coordinate with SHPO regarding an appropriate course of action to conserve the resource. Avoidance of impacts to cultural or archaeological resources is discussed in Exhibit S of RFA 5 and RFA 6.

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

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

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

Response: Avoidance of impacts to cultural or historical resources is discussed in Exhibit S of RFA 5 and RFA 6. All identified sites eligible or potentially eligible for regulatory protection are avoided as required by applicable standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Air, Land, Water Quality:

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

Response: The Certificate Holder will obtain and comply with an NPDES 1200-C permit for storm water discharge, and shall follow best management practices to minimize discharges and emissions during construction (see Exhibit I of RFA 5 and RFA 6).

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

Response: Noise impacts and mitigation are discussed in Exhibit X of RFA 5, which demonstrates that the Facility is designed and can be operated to comply with state noise regulations. An updated noise analysis confirmed that the Facility as proposed will comply with the applicable noise control regulations (see RFA 6).

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

Response: The only subsurface sewage disposal is at the operations and maintenance building, which is located sufficiently far from any existing wells to avoid any potential conflict.

Natural Hazards:

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

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

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

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

Recreation Needs:

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

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

Economy:

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

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

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

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

8. Evaluate economic development proposals upon the following:

Will the proposal:

- a. increase or decrease available supplies?*
- b. improve or degrade qualities?*
- c. balance withdrawal with recharge rates?*
- d. be a beneficial use?*
- e. have sufficient quantities available to meet needs of the proposed project and other existing and reassembly anticipated needs?*
- f. reduce other use opportunities and if so, will the loss be compensated by other equal opportunities?*

Response: All of these policies are advanced by the Facility. The Facility monetizes the wind resource of Umatilla County without injury to other wind projects or natural resource uses. The Facility will generate economic growth and construction jobs within Umatilla County. The Facility has no effect on natural resource supplies or quality, and will be a net beneficial use by reducing the need for carbon-intensive energy sources. The primary energy input – wind – is free and limitless.

Public Facilities and Services:

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

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

Response: Policies 8, 9 and 10 call for the formation or expansion of rural fire districts in areas designated for non-resource use; the provision of adequate firefighting water supplies for significant new rural developments in coordination with the appropriate fire district; and assistance by the County in locating satellite fire stations, respectively. As described in Exhibit U of RFA 5 and RFA 6, the Facility is located in an area served by fire protection agencies. During construction, and particularly during activities that present a potential fire hazard, the Certificate Holder will maintain water trucks on site for rapid response in the event of a fire.

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

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

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

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

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

Response: Exhibit U of RFA 5 demonstrated the adequacy of public services to serve the Facility, and that the impact of the Facility on those services will not be significant (as supported in RFA 6).

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

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

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

Response: Wind projects do not pose a significant fire risk. This policy is directed more at occupied development such as residential and commercial buildings. Nonetheless, the Certificate Holder has confirmed the adequacy of fire protection services in Umatilla County as discussed in Exhibit U of RFA 5 and RFA 6. Additionally, although the addition of battery storage adds an additional aspect to the analysis for fire protection, the existing Site Certificate conditions are sufficient to meet the Public Services standard and Public Health and Safety and Public Services Standards.

Transportation:

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

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

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

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

Energy Conservation:

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

Response: The Facility repowering will reuse primarily existing structures regardless of the repower configuration option chosen (see RFA 6). The Facility is a wind energy facility that utilizes locally feasible renewable energy resources, in furtherance of this policy.

4.4 Directly Applicable Rules, Statutes, and Goals – OAR 345-021-0010 (1)(k)(C)(iii)

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

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

4.5 Statewide Planning Goal Exceptions

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

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

The Facility complies with all substantive criteria.

4.5.2 Justification of Exceptions – OAR 345-021-0010 (1)(k)(C)(v)

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

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

5.0 Federal Land Management Plans – OAR 345-021-0010 (1)(k)(D)

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

Figures

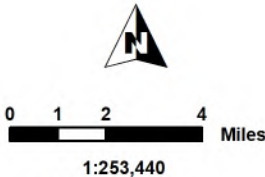
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Stateline Wind Project
Request for Amendment 6
Vansycle II

Figure K-1
Zoning Map

UMATILLA, OR

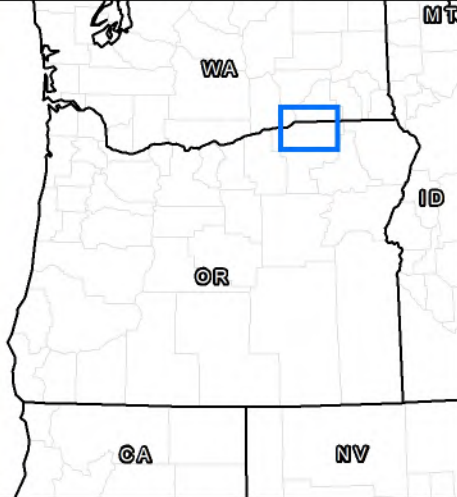
- 10 mile buffer
- Analysis Area - 0.5 mile
- Interstates
- Highways
- Major Roads
- Project Boundary



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



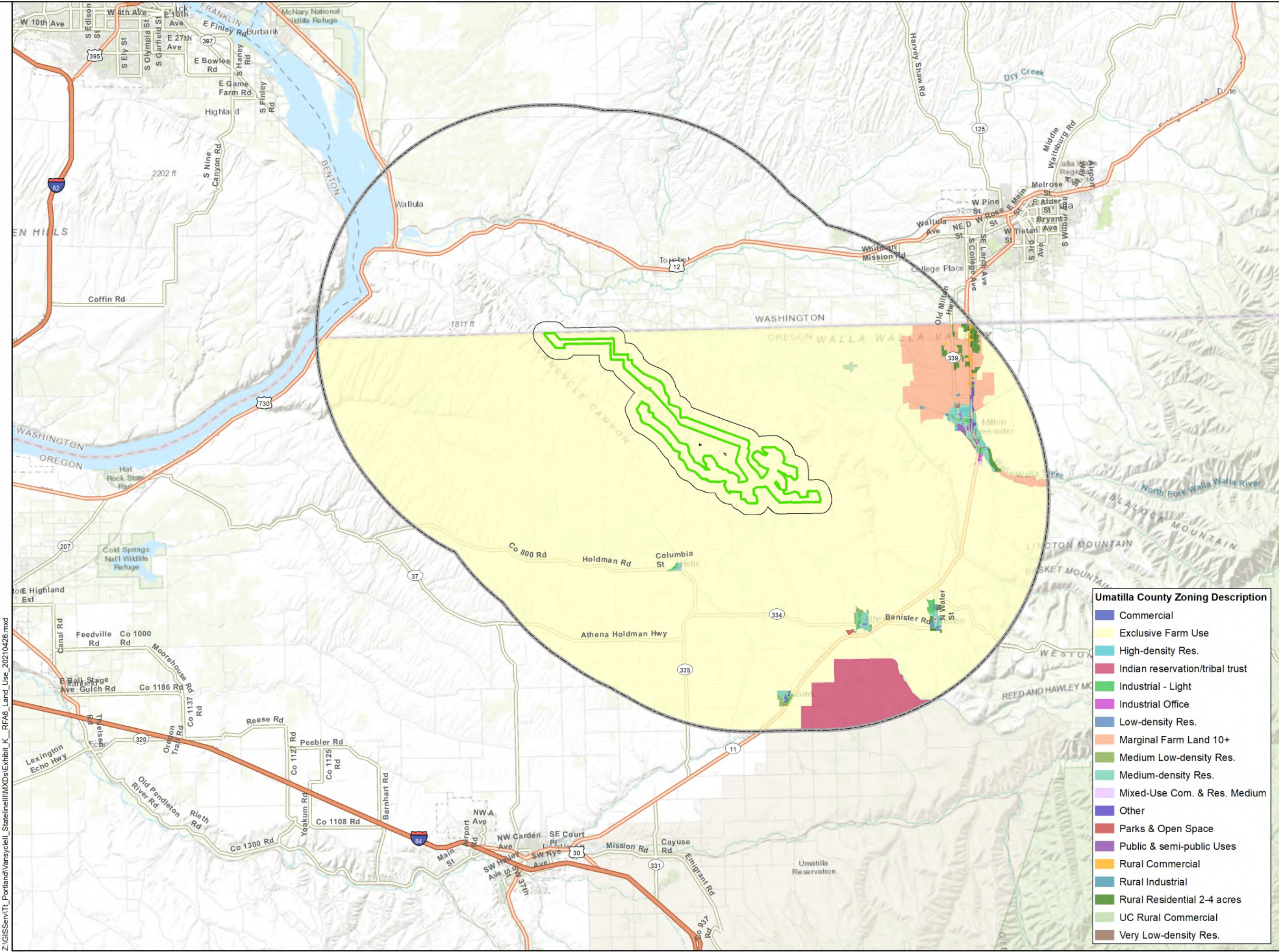
Reference Map



Data Sources:
ESRI Streetmap

Umatilla County Zoning Description

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



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Stateline Wind Project
Request for Amendment 6
Vansycle II

Figure K-2

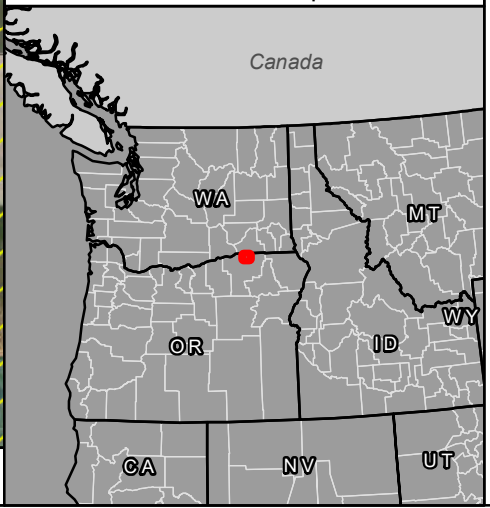
Setback Analysis
(Option A)

UMATILLA, OR

- Complete Repower/
Replacement
(Turbines 11, 12, 13)
- Turbines (Increased
MW and Rotor to
2.66 MW)
- Turbine Buffer
(Option A - 110% of
Proposed Height)
- Butler Grade
- Cultural Sites 164-
feet Buffer
- Urban Growth
Boundaries 2-mile
Buffer
- Potential Residence
- Residences 2-mile
Buffer
- County and Local
Roads
- Lease Boundary
- Project Boundary



Reference Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1:40,000 NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.5 1 2 3 4 Miles

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Stateline Wind Project
Request for Amendment 6
Vansycle II

Figure K-2

Setback Analysis
(Option B)

UMATILLA, OR

- New Turbines
- Turbines* (Increased MW and Rotor to 2.66 MW)
- Turbine Buffer (Option B - 110% of Proposed Height)
- Butler Grade
- Cultural Sites 164-foot Buffer
- Urban Growth Boundaries 2-mile Buffer
- Potential Residence
- Residences 2-mile Buffer
- County and Local Roads
- Lease Boundary
- Project Boundary

*Turbine 11 is completely removed (and not replaced) in Option B.



Reference Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1:40,000 NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.5 1 2 3 4 Miles

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Stateline Wind Project
Request for Amendment 6

Vansycle II

Figure K-2

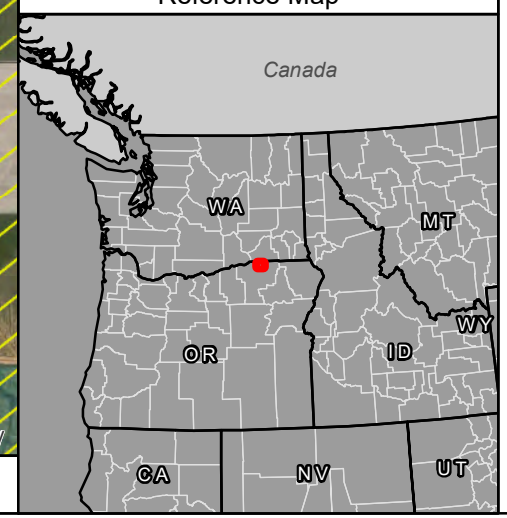
Setback Analysis
(Option C)

UMATILLA, OR

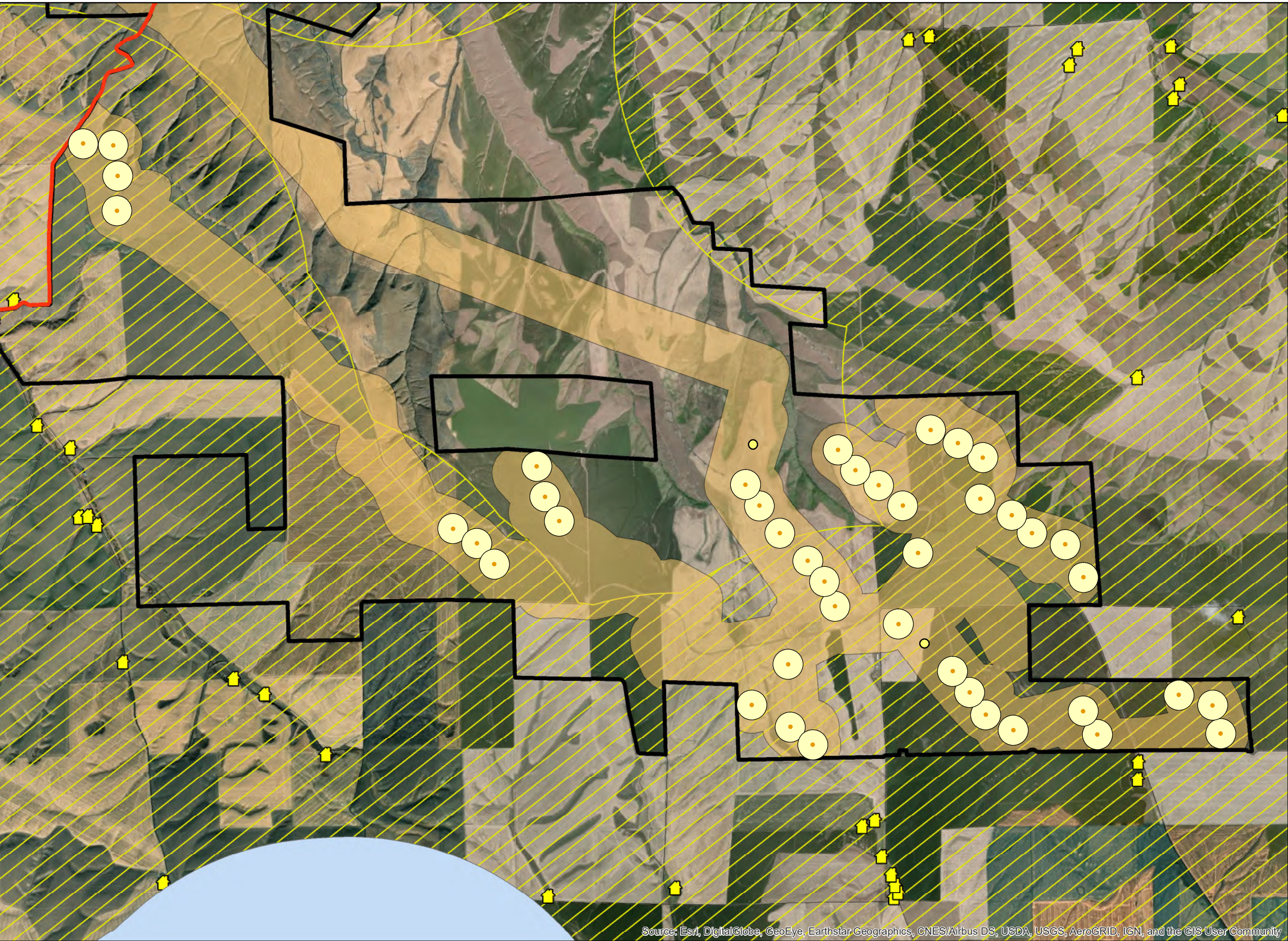
- Turbines (Increased MW and Rotor to 2.66 MW)
- Turbine Buffer (Option C - 110% of Proposed Height)
- Butler Grade
- Cultural Sites 164-foot Buffer
- Urban Growth Boundaries 2-mile Buffer
- Potential Residence
- Residences 2-mile Buffer
- County and Local Roads
- Lease Boundary
- Project Boundary



Reference Map



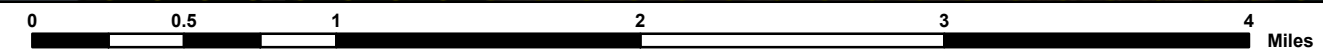
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Stateline Wind Project
Request for Amendment 6
Vansycle II

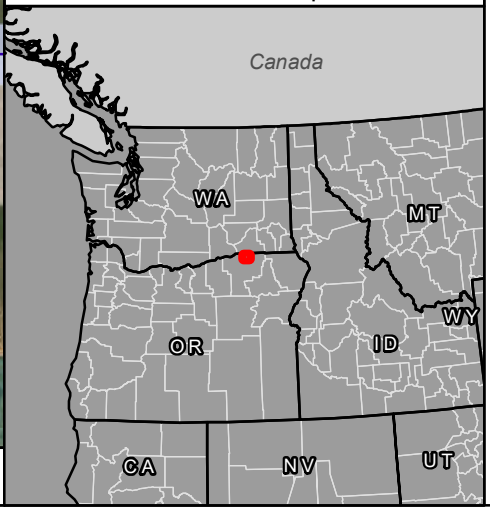
Figure K-3. County/
Local Road Setback
Analysis

UMATILLA, OR

- Existing Turbines
- New Turbines
- Butler Grade
- County/Local Roads
- County/Local Roads
163.9-meter Buffer
- Lease Boundary
- Project Boundary
- Page Number



Reference Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1:40,000 NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.5 1 2 3 4 Miles

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Stateline Wind Project
Request for Amendment 6
Vansycle II

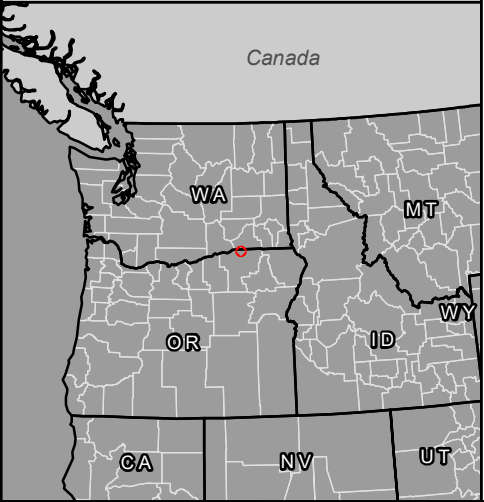
Figure K-3. County/
Local Road Setback
Analysis
Page 1 of 5

UMATILLA, OR

- Existing Turbines
- County/Local Roads
- Butler Grade
- County/Local Roads
163.9-meter Buffer
- Project Boundary



Reference Map

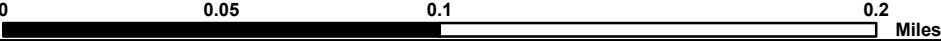


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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NAD 1983 StatePlane Oregon North FIPS 3601 Feet



Stateline Wind Project
Request for Amendment 6
Vansycle II

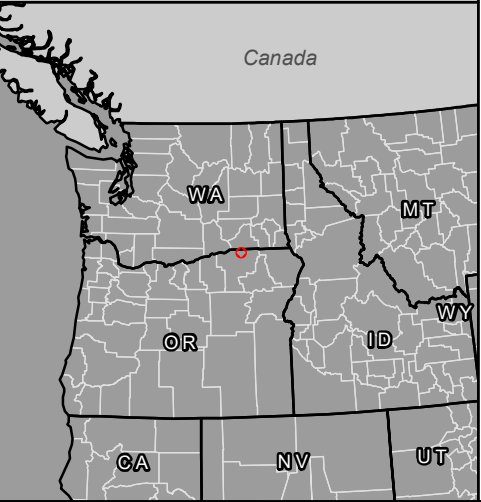
Figure K-3. County/
Local Road Setback
Analysis
Page 2 of 5

UMATILLA, OR

- Existing Turbines
- County/Local Roads
- County/Local Roads
163.9-meter Buffer
- Project Boundary



Reference Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.05 0.1 0.2 Miles

Stateline Wind Project
Request for Amendment 6
Vansycle II

Figure K-3. County/
Local Road Setback
Analysis
Page 3 of 5

UMATILLA, OR

- Existing Turbines
- County/Local Roads
- County/Local Roads
163.9-meter Buffer
- Project Boundary



Reference Map

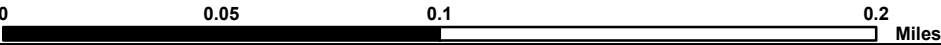


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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Stateline Wind Project
Request for Amendment 6
Vansycle II

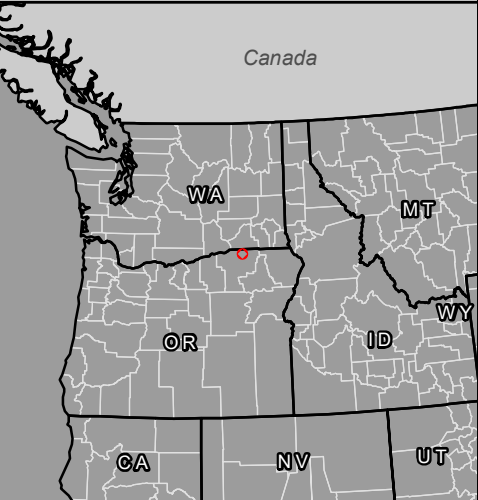
**Figure K-3. County/
Local Road Setback
Analysis
Page 4 of 5**

UMATILLA, OR

- Existing Turbines
- County/Local Roads
- County/Local Roads
163.9-meter Buffer
- Project Boundary



Reference Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1:2,787

NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.05 0.1 0.2 Miles

Stateline Wind Project
Request for Amendment 6
Vansycle II

Figure K-3. County/
Local Road Setback
Analysis
Page 5 of 5

UMATILLA, OR

- Existing Turbines
- County/Local Roads
- County/Local Roads
163.9-meter Buffer
- Project Boundary



Reference Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



1:2,787

NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.05 0.1 0.2 Miles

Attachment 4. Retirement Cost Estimates

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Vansycle II Repowering
COST ESTIMATE FOR FACILITY SITE RESTORATION
(Unit Costs in 1st Quarter 2009 Dollars)

Adjustment Factor: 1.361201

Current Quarter:

Q1 2021

GDP Index 1st Quarter 2009:

100

<https://www.oregon.gov/das/OEA/Pages/forecastecorev.aspx>

GDP Index Current Quarter:

136.1201

Cost Estimate Component	Quantity	Unit Cost	Extension
Turbines and Towers			
Disconnect electrical, ready for disassembly (per turbine)	45	\$1,051	\$47,295
Remove turbine blades and hubs (per tower)	45	\$4,112	\$185,040
Remove turbine nacelles and towers (per net ton of steel)	16,054	\$78.45	\$1,259,436
Transport and unload scrap (per net ton of steel)	16,054	\$26.48	\$425,110
Foundation and Pad Areas			
Remove and load pad transformers (per tower)	45	\$2,430	\$109,350
Remove turbine foundations (per cubic yard of concrete)	1,302	\$35.24	\$45,875
Restore turbine turnouts (per tower)	45	\$102	\$4,590
Substations			
Dismantle and dispose of substation (per unit)	1	\$58,635	\$58,635
Met Towers			
Dismantle and dispose of met towers (per tower)	2	\$7,816	\$15,632
Collector System			
Remove junction boxes	9	\$1,418	\$12,762
O&M Facility			
Dismantle and dispose of O&M facility (per unit)	1	\$12,726	\$12,726
Transmission Lines			
Remove 230-kV transmission line (per mile)	13	\$18,261	\$237,393
Access Roads			
Road removal, grading and seeding (per mile)	23	\$17,547	\$403,581
Temporary Areas			
Restore areas disturbed during restoration work (per acre)	321	\$2,978	\$955,938
General Costs			
Permits, mobilization, engineering, overhead, utility disconnects		\$465,536	\$465,536
Subtotal			\$4,238,900
Subtotal Adjusted to Current Dollars		Q1 2021	\$5,769,996
Performance Bond @ 1%			\$57,700
Gross Cost (Adjusted)			\$5,827,696
Administration and Project Management @ 10%			\$582,770
Future Developments Contingency @ 10%			\$582,770
Total Site Restoration Cost (current dollars)			\$6,993,236
Total Site Restoration Cost (rounded to nearest \$1,000)			\$6,993,000

Estimate Summary**TETRA TECH EC, INC.****Job Code: Vansycle II Battery Storage Retirement****Description: Decommissioning Estimate**

Cost Item								
CBS Position Code	Quantity UM	Description	Days	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
1	1.00 Lump Sum	VANSYCLE II BATTERY STORAGE (Concurrent Activity)	102.50	0.01	Detail	U.S. Dollar	1,683,789.17	1,683,789.17
1.1	400.00 MW	DC Storage System Retirement	90.00	4.44	Detail	U.S. Dollar	2,884.36	1,153,745.13
1.1.1	400.00 MW	Battery Removal & Disposal	60.00	6.67	Detail	U.S. Dollar	1,938.92	775,566.00
1.1.1.1	60.00 Day	Remove Batteries, Load For Transport	60.00	1.00	Detail	U.S. Dollar	3,908.78	234,526.80
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
L060100	GENERAL LABORER	4,800.00	8.00 Each (hourly)		U.S. Dollar		38.04	182,578.80
RLIFTS05	JCB 508C, 8,000lbs FRKLFT	2,400.00	4.00 Each (hourly)		U.S. Dollar		21.65	51,948.00
1.1.1.2	132.00 Each	Transport Batteries	0.00	0.00	Detail	U.S. Dollar	1,480.60	195,439.20
1.1.1.2.1	132.00 Each	Roll Off Liners	0.00	0.00	Detail	U.S. Dollar	105.60	13,939.20
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
UODCLINER	Rolloff Liner		132.00 Each		U.S. Dollar		105.60	13,939.20
1.1.1.2.2	132.00 Each	Trucking - Per Load	0.00	0.00	Detail	U.S. Dollar	1,375.00	181,500.00
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		181,500.00 Each		U.S. Dollar		1.00	181,500.00
1.1.1.3	1,728.00 Ton	Disposal Fee's	0.00	0.00	Detail	U.S. Dollar	200.00	345,600.00
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		345,600.00 Each		U.S. Dollar		1.00	345,600.00
1.1.2	400.00 MW	Structure & Components Removal	30.00	13.33	Detail	U.S. Dollar	945.45	378,179.13
1.1.2.1	1,716.00 Ton	Structure Demo	30.00	57.20	Detail	U.S. Dollar	84.61	145,199.13
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
*REXCAV06A	Excav 100K w/ Bucket & Grapple	300.00	1.00 Each (hourly)		U.S. Dollar		124.54	37,360.50
*REXCAV06E	Excav 100K w/ Shear	300.00	1.00 Each (hourly)		U.S. Dollar		185.50	55,648.50
L010101	OPERATOR	600.00	2.00 Each (hourly)		U.S. Dollar		48.95	29,367.78
L060100	GENERAL LABORER	600.00	2.00 Each (hourly)		U.S. Dollar		38.04	22,822.35
1.1.2.2	132.00 Each	Trucking - Per Load	0.00	0.00	Detail	U.S. Dollar	1,375.00	181,500.00
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
USTRUCKING	Trucking Sub		181,500.00 Each		U.S. Dollar		1.00	181,500.00
1.1.2.3	1,716.00 Ton	Disposal Cost	0.00	0.00	Detail	U.S. Dollar	30.00	51,480.00
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
USDISPOSAL	Disposal Fee's		51,480.00 Each		U.S. Dollar		1.00	51,480.00
1.2	50.00 Acre	Spot Grade Disturbed Areas	12.50	4.00	Detail	U.S. Dollar	536.41	26,820.33
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
*RDOZER08	CAT D6 LGP Dozer	250.00	2.00 Each (hourly)		U.S. Dollar		58.34	14,583.75
L010101	OPERATOR	250.00	2.00 Each (hourly)		U.S. Dollar		48.95	12,236.58

Cost Item								
CBS Position Code	Quantity UM	Description	Days	UM/Day	Cost Source	Currency	Unit Cost	Total Cost
Notes: ***** Assumption: 3000 acres total property area. 67 acres of roads, and 2933 acres of remaining area. Assume that 10% of the remaining area disturbed by construction will be regraded. *****								
1.3	50.00 Acre	Re-Seed With Native Vegetation - Roads & Areas Disturbed By Construction	0.00	0.00	Detail	U.S. Dollar	500.00	25,000.00
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
USLANDSCAPE	Landscape Sub		50.00 Acre		U.S. Dollar		500.00	25,000.00
Notes: ***** Assumption: 3000 acres total property area. 67 acres of roads, and 2933 acres of remaining area. Assume that 67 acres of road area to be reseeded, and 10% of the remaining area disturbed by construction will be reseeded. 361 acres total to be reseeded. *****								
1.4	1.00 Lump Sum	Contractor Markups	0.00	0.00	Detail	U.S. Dollar	197,592.11	197,592.11
1.4.1	1.00 Lump Sum	Contractor Contingency (3% Of Cost)	0.00	0.00	Detail	U.S. Dollar	36,166.95	36,166.95
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
USMARKUP5	3% Markup		1,205,565.00 Each		U.S. Dollar		0.03	36,166.95
1.4.2	1.00 Lump Sum	Contractor OH & Fee (13% Of Cost)	0.00	0.00	Detail	U.S. Dollar	161,425.16	161,425.16
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
USMARKUP	13% Markup		1,241,732.00 Each		U.S. Dollar		0.13	161,425.16
1.5	1.00 Lump Sum	ODOE Markups	0.00	0.00	Detail	U.S. Dollar	280,631.60	280,631.60
1.5.1	1.00 Lump Sum	Administration & Project Management	0.00	0.00	Detail	U.S. Dollar	140,315.80	140,315.80
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
UODCODOE	ODOE Management		1,403,158.00 Each		U.S. Dollar		0.10	140,315.80
1.5.2	1.00 Lump Sum	Future Development Contingency	0.00	0.00	Detail	U.S. Dollar	140,315.80	140,315.80
Resource Code	Description	Hours	Quantity UM		Currency		Unit Cost	Total Cost
UODCODOE	ODOE Management		1,403,158.00 Each		U.S. Dollar		0.10	140,315.80
Report Total:			102.50					1,683,789.17
Category					Total			
Labor					247,005.51			
Rented Equipment					159,540.75			
Supplies					13,939.20			
Subcontract					982,672.11			
ODCs					280,631.60			

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Attachment 5. Washington Ground Squirrel Surveys

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To:	Gregory Rimbach, ODFW; Siting Officer, ODOE
Cc:	Chris Powers, NextEra; Carrie Konkol, Tetra Tech
From:	FPL Energy Stateline II, Inc. (FPL Stateline)
Date:	Friday, June 11, 2021
Subject:	Vansycle II - 2021 Washington Ground Squirrel Surveys

Introduction

FPL Stateline (the Certificate Holder) is submitting a Request for Amendment 6 (RFA 6), to amend the approved turbine specifications, megawatt output, number of turbines, and associated development improvements in consideration of repowering Vansycle II (Facility) and adding 50 megawatts of battery storage. Request for Amendment 5 (RFA 5) approved dimensional changes to the approved turbine dimensions to allow for existing turbine towers to be upgraded/repowered to current technology by replacing the nacelles, hubs, rotors, and turbine blades along with associated temporary construction impacts¹. However, since RFA 5's approval, technology has changed and the components planned to be used for the repower are no longer available. Therefore, RFA 6 proposes changes that allow for repowering flexibility.

This memo describes the Washington ground squirrel (*Urocitellus washingtoni*; WAGS) surveys that were performed for the Facility in 2021. The Certificate Holder contracted with Tetra Tech, Inc. (Tetra Tech) to conduct these surveys in support of RFA 6 and to meet pre-construction compliance if the Facility schedule allows for construction to start prior to the next WAGS survey window. WAGS surveys were last conducted at the Facility in 2018.

In a memo dated April 12, 2021 (Attachment 1), Tetra Tech requested approval from Greg Rimbach at Oregon Department of Fish and Wildlife (ODFW) for the 2021 WAGS survey protocol. ODFW approved the survey protocol, with one comment regarding suitable climatic conditions, in an email on April 26, 2021 (Attachment 2).

¹ Increasing the maximum blade tip height from 416 to 440 feet, rotor diameter from 305 to 354 feet, and decreasing minimum aboveground blade tip clearance from 110 to 85 feet.

Survey Summary

The surveys were performed within a survey area defined by site certificate Condition 56 as presented in the Fifth Amended Site Certificate for the Stateline Wind Project (May 2019). The condition reads:

This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2,#4; AMD5]

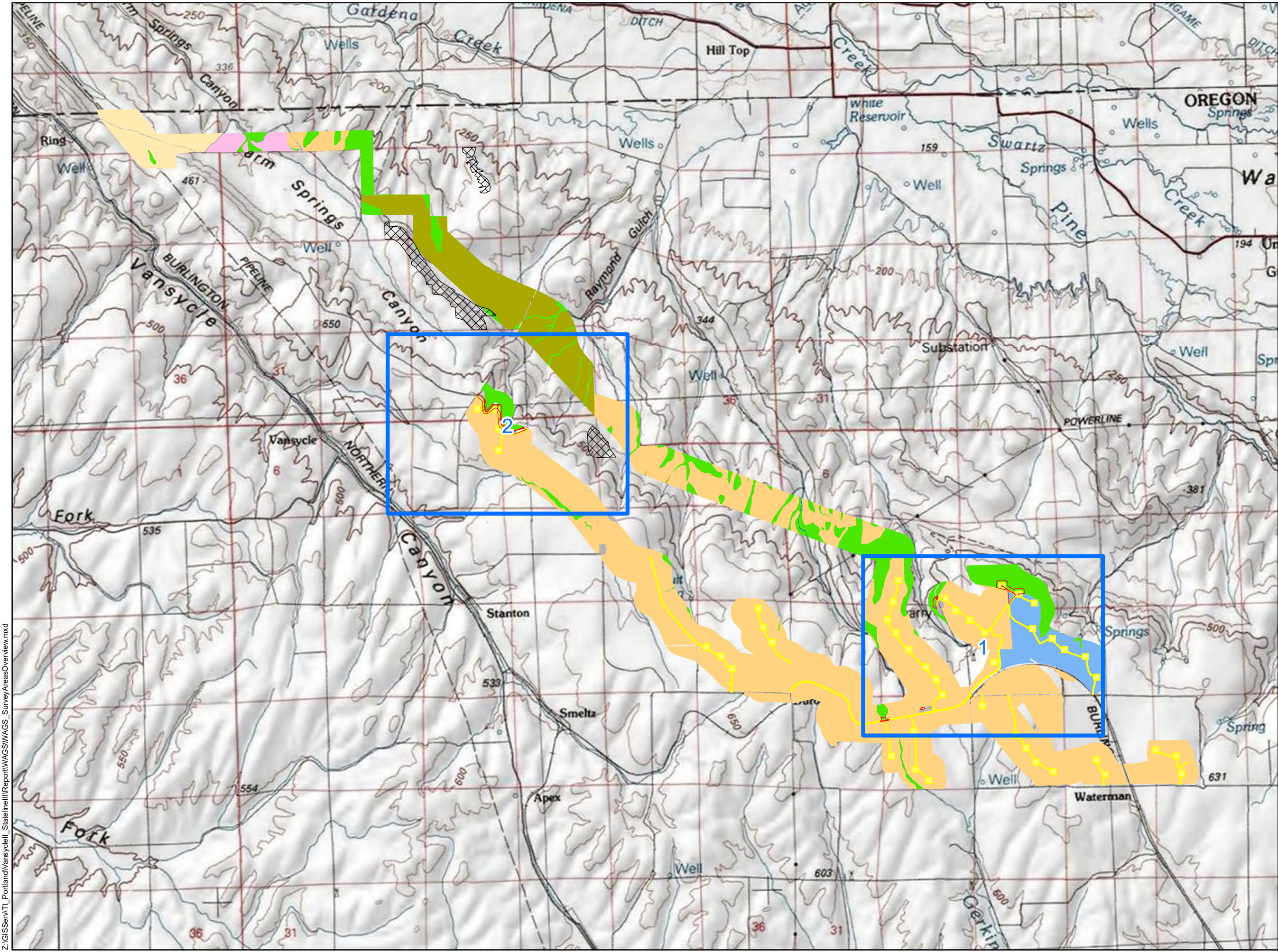
The survey area is shown in the attached figures.

Surveys were performed twice across the entire survey area. The first survey occurred on the morning of April 26, 2021, and the second survey occurred on the morning of May 12, 2021. Conditions were ideal for surveying, with low winds, clear skies, and moderate temperatures. No WAGS were observed either visually or audibly. Burrowing mammal activity was observed, but none was indicative of WAGS activity. The surveys indicate that there are not any WAGS colonies or individuals within the 2021 survey area.

Figures

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Stateline Wind Project
Request for Amendment 6

Vansycle II

NEXTERA
ENERGY
RESOURCES

Overview
Washington Ground Squirrel
2021 Survey Areas
UMATILLA, OR

Map Tiles

2018 WAGS Survey Area

Disturbance Boundary

2008/2009 Washington Ground Squirrel Colony

Habitat Mapping

Change from CRP (2008) to Dry Agriculture (2018)

Conservation Reserve Program or Revegetated

Developed

Dry Agriculture

Grassland Steppe

Grassland Steppe - Shrub Steppe

Riparian or Riparian Trees

Shrub Steppe

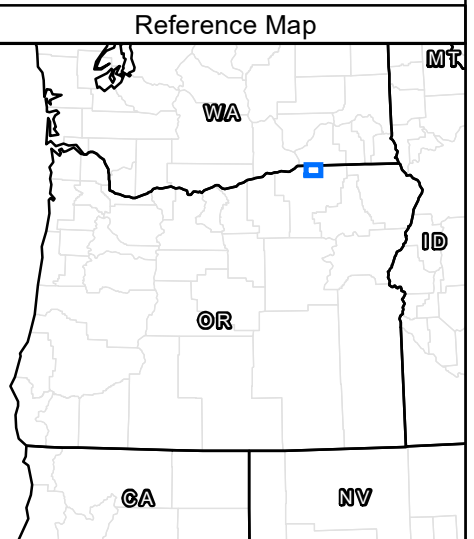
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NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl

TETRA TECH



Data Sources:
ESRI Streetmap

Not for Construction

Stateline Wind Project
Request for Amendment 6

Vansycle II



Map Number 1
Washington Ground Squirrel
2021 Survey Areas
UMATILLA, OR

- 2021 WAGS Survey
- Disturbance Boundary



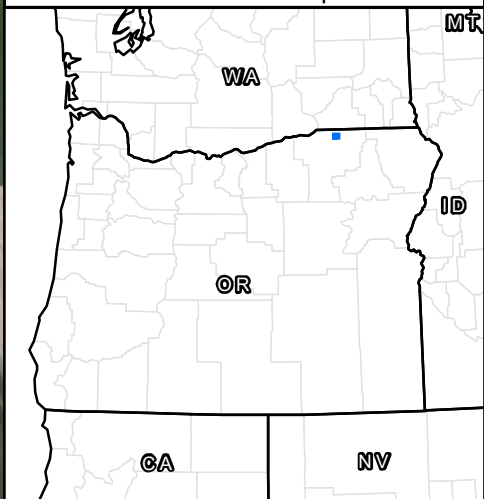
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Feet

1:12,000

NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources:
ESRI Streetmap

Not for Construction

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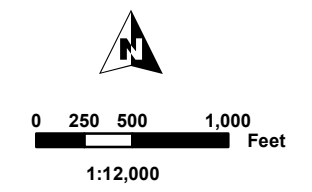
Stateline Wind Project
Request for Amendment 6

Vansycle II



Map Number 2
Washington Ground Squirrel
2021 Survey Areas
UMATILLA, OR

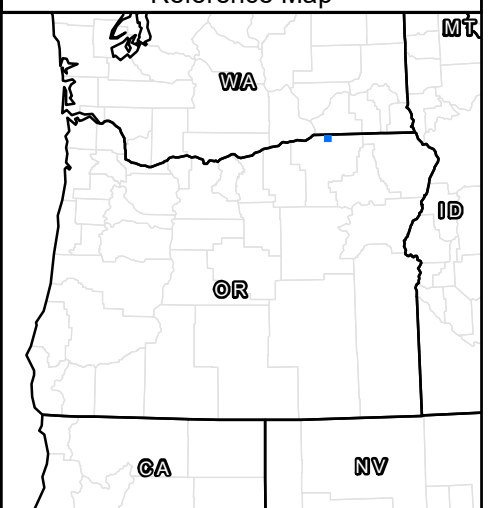
- 2021 WAGS Survey
- 2008/2009 Washington Ground Squirrel Colony
- Disturbance Boundary



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources:
ESRI Streetmap

Not for Construction

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Attachment 1. WAGS Survey Protocol

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MEMO

To:	Greg Rimbach, Oregon Department of Fish and Wildlife
Cc:	Chris Powers, NextEra; Carrie Konkol, Tetra Tech
From:	Matt Cambier, Tetra Tech
Date:	April 12, 2021
Correspondence #	TTCES-PTLD-2021-045
Subject:	Vansycle II 2021 Washington Ground Squirrel Survey Protocol

This memo describes the Washington ground squirrel (*Uroditellus washingtoni*; WAGS) surveys proposed to occur in support of FPL Energy Vansycle, LLC's (certificate holder) Vansycle II Wind Project Repower (Project) located in Umatilla County, Oregon. The certificate holder contracted with Tetra Tech, Inc. (Tetra Tech) to conduct these surveys in support of Request for Amendment #6 of the site certificate and to meet pre-construction compliance if the Project schedule allows for construction to start prior to the next WAGS survey window. WAGS surveys were last conducted onsite in 2018.

Survey Approach and Schedule

Tetra Tech proposes to conduct surveys in accordance with the Condition 56, as presented in the Fifth Amended Site Certificate for the Stateline Wind Project (EFSC, May 2019) The condition reads:

This condition does not apply to Stateline 2. The certificate holder shall conduct appropriate pre-construction surveys for the presence of Washington ground squirrels in construction zones that have suitable habitat. Construction zones include the areas of permanent and temporary disturbance and a 175-foot surrounding buffer in which there may be incidental construction impacts. If squirrel activity is found, the certificate holder shall notify the Department of Energy and develop an appropriate no-construction buffer and other appropriate mitigation measures in consultation with the Department and ODFW. In addition, the certificate holder shall map and stake sensitive areas to be avoided during construction as required by Condition (63). [Amendments #2,#4; AMD5]

Habitat not suitable for WAGS, and therefore not included in the surveys, will include developed areas and areas of active agriculture and rocky or talus habitat or other non-suitable soil conditions.

Tetra Tech, Inc.

1750 S Harbor Way, Suite 400, Portland, OR 97201
Tel 503.221.8636 Fax 503.227.1287 www.tetrattech.com

The survey area is depicted in the attached figures. Tetra Tech will follow a methodology generally consistent with a protocol developed by Morgan and Nugent (1999)¹ and is consistent with prior surveys conducted onsite.

Two phases of surveys will be completed. The first phase of ground surveys will be performed sometime between mid-April and May 1, 2021. The second phase of surveys will be completed no earlier than two weeks after the first phase, and prior to May 31.

Surveys will be conducted in the morning, beginning at least one hour after sunrise to allow for temperatures to increase sufficiently to support ground squirrel activity and typically ending in the early afternoon. Pedestrian surveys will be conducted by two biologists walking meandering transects spaced evenly within the survey area. Biologists will document signs (burrow openings, scat, sign of fresh activity, sightings, and vocalizations) of WAGS along the transects. Surveys may continue when moderate winds occur when the experienced surveyors have determined that squirrels can still be detected with relative certainty. Whenever a WAGS sign is identified, the area immediately surrounding the sign will be intensively searched by walking spirally around the confirmed detection outwards 35 meters to the next outermost transect line to provide sufficient coverage to determine the extent of any active site/colony.

Information recorded for each colony will include habitat type, the locations of activity centers and colony boundaries using a GPS unit, the approximate number of burrows, how the colony was first discovered (e.g., sighting, vocalization, sign such as scat at a fresh burrow), and a couple of representative photographs of burrows, scat, and habitat at active colonies.

The second phase of surveys will follow the same method as the first phase, except that transects will be offset from the first phase of survey, and potential burrows identified in the first phase will be approached from a different direction where feasible.

¹ Morgan, R.L., and M. Nugent. 1999. Status and Habitat Use of the Washington Ground Squirrel (*Spermophilus washingtoni*) on State of Oregon Lands, South Boeing, Oregon in 1999. Report to the Oregon Department of Fish and Wildlife.

Attachment 2. Correspondence with ODFW

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From: [Cambier, Matt](#)
To: [Gregory Rimbach](#)
Cc: [Powers, Christopher](#); [Konkol, Carrie](#)
Subject: RE: Vansycle II - 2021 Washington ground squirrel survey protocol
Date: Friday, April 16, 2021 3:06:09 PM

Thank you Greg. We do follow the wind cutoff you mention, it was an oversight to not include that description in the memo for you.

Matt Cambier | Biologist



Direct: 208.489.2861 | Cell: 208.954.9415
matt.cambier@tetrattech.com

Tetra Tech | Boise Office

3380 Americana Terrace, Suite 201 | Boise, Idaho 83706 | www.tetrattech.com

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From: Gregory Rimbach <Gregory.P.Rimbach@state.or.us>
Sent: Friday, April 16, 2021 4:01 PM
To: Cambier, Matt <Matt.Cambier@tetrattech.com>
Cc: Powers, Christopher <Christopher.Powers@nexteraenergy.com>; Konkol, Carrie <Carrie.Konkol@tetrattech.com>; Gregory Rimbach <Gregory.P.Rimbach@state.or.us>
Subject: RE: Vansycle II - 2021 Washington ground squirrel survey protocol

 **CAUTION:** This email originated from an external sender. Verify the source before opening links or attachments. 

Hello Matt: Just a few comments on your Memo dated April 12, 2012 (Correspondence TTCS-PTLD-2021-045):

- Your WGS survey needs to include an additional protocol for excessive winds during the survey. Please include a protocol that when winds reach or exceed 15 mph, surveys need to be halted and postponed until winds decrease below this 15mph threshold.
- I'm confused as to why in Condition 56 there is a 175-foot buffer. I have not heard of this size buffer before. With that said, since it is in the Amended Site Certificate as such, this is the size of the buffer for these pre-construction surveys for WGS.

In summary, the survey protocol is acceptable if you include the 15mph threshold outlined above.

If you have any questions, just let me know.

Greg Rimbach
Umatilla District Wildlife Biologist
Oregon Department of Fish & Wildlife

73471 Mytinger Lane
Pendleton, OR 97801
gregory.p.rimbach@state.or.us
541.318.7968

From: Cambier, Matt <Matt.Cambier@tetrattech.com>
Sent: Monday, April 12, 2021 2:42 PM
To: Gregory Rimbach <Gregory.P.Rimbach@state.or.us>
Cc: Powers, Christopher <Christopher.Powers@nexteraenergy.com>; Konkol, Carrie <Carrie.Konkol@tetrattech.com>
Subject: Vansycle II - 2021 Washington ground squirrel survey protocol

Hi Greg,

Please see the attached memo regarding proposed surveys for Washington ground squirrels at the Vansycle II wind project. Please let us know if you have any comments or if you would like to discuss this effort.

Thank you.

Matt Cambier | Biologist

Direct: 208.489.2861 | Cell: 208.954.9415
matt.cambier@tetrattech.com

Tetra Tech | Boise Office

3380 Americana Terrace, Suite 201 | Boise, Idaho 83706 | www.tetrattech.com

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Attachment 6. Raptor Nest Surveys

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2021 Raptor Nest Survey Report

**Vansycle II Wind Facility
Umatilla County, Oregon**

June 2021

Prepared for



Prepared by



Tetra Tech, Inc.

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Table of Contents

1.0	Introduction	1
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2.2	Historical Data Review.....	1
2.3	Field Survey Methods.....	1
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- Figure 1. 2021 Raptor Nest Survey Area and Nest Sites
- Figure 2. Raptor Nest Sites and Seasonal Restriction Buffers

Acronyms and Abbreviations

ODFW	Oregon Department of Fish and Wildlife
Project	Vansycle II
RFA 6	Request for Amendment 6
Tetra Tech	Tetra Tech, Inc.

1.0 Introduction

This summary report presents the methods and results for the 2021 raptor nest surveys conducted by Tetra Tech, Inc. (Tetra Tech) for the operating Vansycle II Wind Facility (Project), in support of Request for Amendment 6 (RFA 6) for the Stateline Wind Project Site Certificate, through the Oregon Energy Facility Siting Council (EFSC). Under RFA 6, the Certificate Holder (FPL Energy Stateline II) is proposing to repower the Project (formally known as Stateline 3).

The objective of these surveys was to identify active raptor nests within 0.5 miles of the maximum area of disturbance proposed in RFA 6. Specifically, surveys were performed to provide the Certificate Holder with insight regarding the likely avoidance and minimization measures (timing and spatial restrictions) that may be applied to repowering activities. An overview of the survey approach was reviewed by the Oregon Department of Fish and Wildlife (ODFW) in April 2021.

2.0 Methods

2.1 Survey Area

The Project is located within Umatilla County, approximately 5 miles northeast of Helix, Oregon. The Survey Area was identified by buffering the maximum area of disturbance proposed under RFA 6 by 0.5 miles (Figure 1). The maximum area of disturbance is the area identified by The Certificate Holder as the largest temporary work area needed to access and replace the turbine blades as part of repowering. This includes an area around each turbine and the access roads to the turbines where the movement of equipment along the existing road may result in disturbances outside of the existing road width.

The vast majority of the Survey Area is within dry agriculture habitat. Raptor nesting habitat within the Survey Area is primarily limited to drainages that contain remnant native habitat, in areas too steep to be converted to agriculture. Previous raptor nest surveys performed for the Project have identified nest locations and indicated where suitable nesting habitat exists.

2.2 Historical Data Review

Tetra Tech reviewed the results of raptor nests surveys previously conducted for Stateline 3 (NWC 2008, NWC 2010, Tetra Tech 2018). These data were used to focus survey efforts on known raptor nest locations, as nesting habitat is limited on the landscape. Previous raptor nest surveys identified 16 nest structures in the Survey Area (see Table 1).

2.3 Field Survey Methods

Tetra Tech conducted one round of ground-based surveys to inventory previously known nesting sites and search for and document new nests within the Survey Area. The survey was performed on

May 15, 2021, when most raptors are either performing courtship behaviors, establishing territories, tending to nest sites, incubating eggs, delivering food to nestlings, or caring for fledglings. The survey was performed in the morning through early evening in good weather.

The surveyor did not traverse the entire Survey Area but focused on the previously identified nesting habitat from 2 years of aerial surveys (NWC 2008, NWC 2010) and one year of ground surveys (Tetra Tech 2018). The surveyor systematically drove along existing roads throughout the Survey Area to monitor known nests and search for new nests. When possible, the surveyor hiked to known nest sites that were not accessible by vehicle (e.g., drainages). The surveyor utilized binoculars and a spotting scope to maximize identification and observation of distant raptors. The surveyor monitored most known nest sites for a minimum of 30 minutes to determine activity. When raptor activity was observed, the surveyor only monitored the nest site for as long as needed to determine which raptor species was using the area and what activity was occurring at the nest. The surveyor avoided disturbing raptors as much as possible during monitoring by staying in vehicles and limiting observation time once breeding activities were confirmed.

3.0 Results and Discussion

The 2021 raptor nest survey monitored 18 nest sites within the Survey Area, including two newly identified nest sites and 16 nest sites previously identified in 2008, 2010, or 2018 (Table 1, Figure 1). One of the new nests, Nest ID 17, was located in the same tree as Nest ID 6 (active red-tailed hawk nest). Of the 18 nest sites, three were active, six were inactive, four were destroyed, and five were not visible. The three active nests included a Swainson's hawk, great horned owl, and red-tailed hawk nest.

Table 1. Raptor Nest Activity by Survey Year

Nest ID	Activity by Survey Year			
	2008	2010	2018	2021
1	Red-tailed hawk	NA	Inactive	Inactive
2	NA	Inactive	Inactive	Inactive
3	NA	Inactive	Not visible	Destroyed
4	Inactive	NA	Great horned owl	Destroyed
5	Red-tailed hawk	Red-tailed hawk	Destroyed	Destroyed
6	Great horned owl	NA	Red-tailed hawk	Red-tailed hawk
7	Great horned owl	NA	Inactive	Inactive
8	Inactive	NA	Inactive	Inactive
9	Inactive	NA	Inactive	Inactive
10	Red-tailed hawk	NA	Not visible	Not visible
11	NA	Inactive	Not visible	Not visible
12	NA	Inactive	Not visible	Not visible

Nest ID	Activity by Survey Year			
	2008	2010	2018	2021
13	NA	NA	Common raven	Destroyed
14	NA	NA	Red-tailed hawk	Great horned owl
15	Inactive	NA	NA ¹	Not visible
16	NA	Red-tailed hawk	NA ¹	Not visible
17	NA	NA	NA	Inactive
18	NA	NA	NA	Swainson's hawk
NA = Not Applicable; no nest information was recorded for that year.				
1. Nest not checked because the nest was outside the 2018 survey area.				

Nest IDs 10, 11, 12, 15, and 16 were not visible to the surveyor because they were in locations inaccessible to the ground-based survey approach. Nests 10, 11, and 12 were still monitored for raptor activity per the methods described above even though they were out of line of sight. While no raptor activity was observed near these five nest locations, the nests cannot confidently be classified as inactive for the 2021 season.

The purpose of this survey was to inform The Certificate Holder of potential restrictions that might be applied to repowering activities due to active raptor nests adjacent to the Project. Table 2 shows potential seasonal activity restrictions and spatial buffers around active nests of some raptor species based on review of other EFSC projects. However, ODFW will ultimately make specific recommendations for this Project.

Table 2. ODFW Recommended Seasonal Activity Restrictions and Spatial Buffers for Active Nest Features

Species	Nesting Period	Restricted Activity Buffer (miles) ¹
Peregrine falcon	Jan 1 - July 1	0.25
Prairie falcon	March 15 - July 1	0.25
Northern goshawk	May 1 - August 15	0.5
Golden eagle	Feb 1 to August 15	0.5
Red-tailed hawk	March 1 - August 15	300 – 500 feet
Swainson's hawk	April 1 - August 15	0.25
Bald eagle	January 1 - August 15	0.5
Osprey	March 1 - Sep 15	0.25
Ferruginous hawk	March 15 – August 15	0.5
Other hawks (northern harrier, rough-legged hawk, sharp-shinned hawk, Cooper's hawk)	March 1 - August 15	0.25
1. This distance should be line-of-sight. If a topographic feature (ridgeline, for example) occurs between the construction activity area and the nest, then the disturbance buffer can be lessened.		

Of the species observed using the nest sites within the Survey Area in 2008, 2010, 2018, and 2021, ODFW recommends a spatial buffer of 0.25 miles for Swainson's hawk and 300 – 500 feet for red-tailed hawks. ODFW does not provide spatial buffers for great horned owls or common ravens in other EFSC documents. Additionally, according to Condition 54 of the Site Certificate, if burrowing owl burrows were detected, a no construction buffer developed in consultation with ODFW, would be placed around any active nests from March 15 to August 30.

Figure 2 shows all known nest sites within the Survey Area with a 500-foot and 0.25-mile buffer around them; however, the restricted activity buffers only apply to active nests. Only one nest site is within 500 feet of the maximum area of disturbance identified for the repowering, Nest ID 13 (Figure 2.5). Because Nest 13 has been destroyed and is no longer present, an activity buffer would not be applicable. There are four nests within 0.25 miles of the maximum area of disturbance (Nest ID 4, 5, 13, and 18; Figures 2.3, 2.5, and 2.6). Of these nests, only Nest ID 18 was an active nest (Swainson's hawk). The other three nests have been destroyed and an activity buffer would not be applicable. All other nest sites, including the nests that were not visible, are more than 0.25 miles from the maximum area of disturbance.

Nest ID 18 is the only active nest site in which the recommended restricted activity buffer (0.25 miles; Table 2) overlaps the maximum area of disturbance associated with repowering. Therefore, Nest ID 18 is the only nest that would be of concern to The Certificate Holder during repowering (unless pre-construction surveys identify currently unknown nest sites). The nest is in a small tree surrounded by agricultural lands. The one turbine within the 0.25-mile restricted activity buffer is within line of sight of the nest. The Swainson's hawk pair was engaged in courtship and nest building during the survey. The nest is expected to be occupied through mid-to late July, depending on the nest initiation date. Implementation of the restricted activity buffers presented in Table 2 will be coordinated with ODFW if construction activities cannot be avoided, including consideration of topography and other factors that ultimately determine whether a nest site will be disturbed by repowering activities. Condition 54 of the Site Certificate identified the nesting period as June 1 to August 31 (as opposed to April 1 to August 15 in Table 2).

If new nests are discovered, relevant species buffers will be implemented as appropriate.

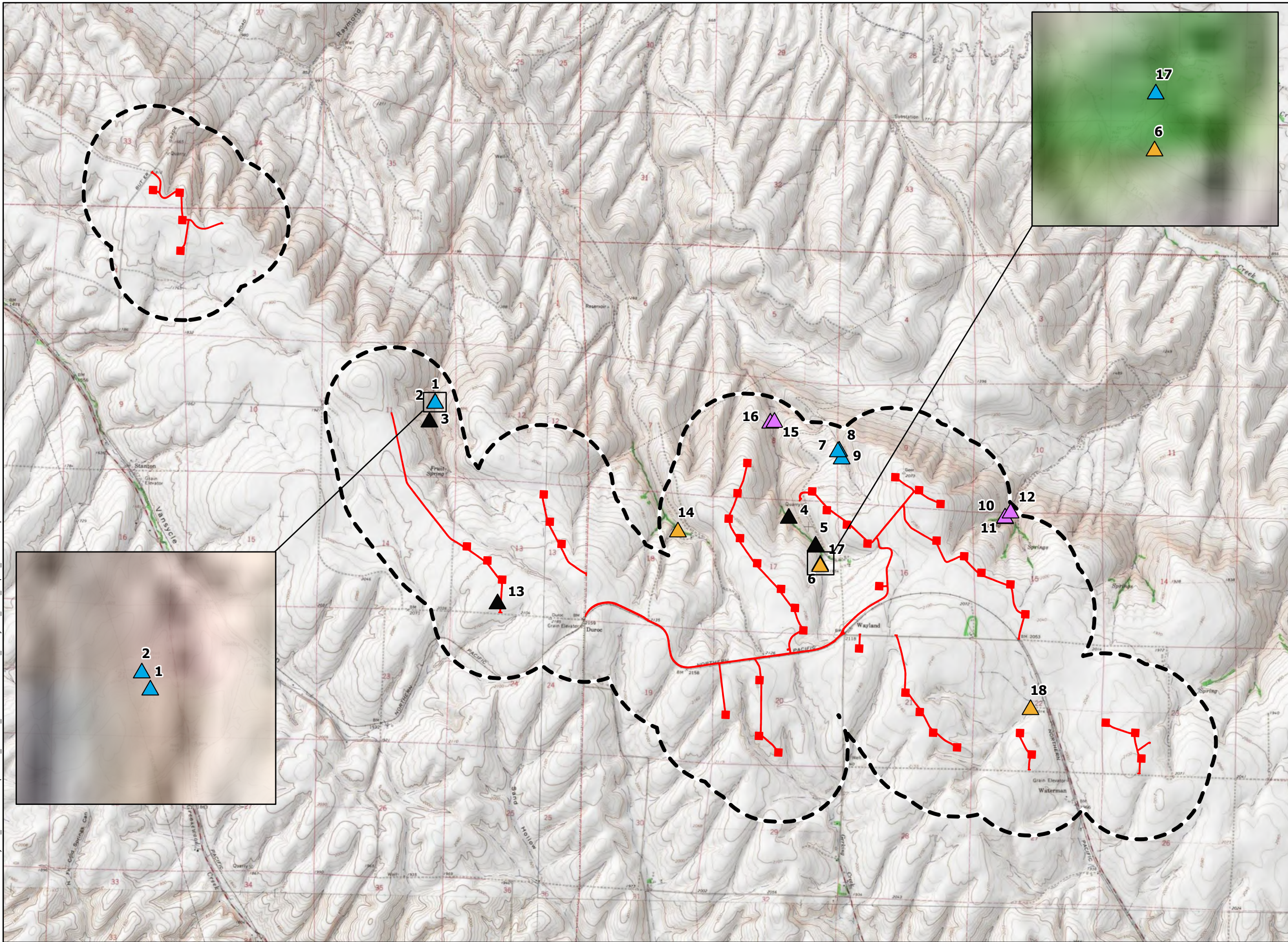
4.0 References

- NWC (Northwest Wildlife Consultants). 2008. Stateline 3 Wind Power Facility 2008 Biological Investigations. Pendleton, OR.
- NWC. 2010. Stateline 3 Wildlife Monitoring Report for the 2010 Study Year. Pendleton, OR.
- Tetra Tech (Tetra Tech, Inc.). 2018. 2018 Raptor Nest Survey Report for the Stateline Wind Project – Vansycle II Umatilla County, Oregon.

Figures

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Stateline Wind Project, Request for Amendment 6, Vansycle II

Figure 1 2021 Raptor Nest Survey Area and Nest Sites

UMATILLA COUNTY, OR

- Maximum Area of Disturbance
- 2021 Raptor Nest Survey Area (0.5-mile Buffer)
- Known Raptor Nests (2008, 2010, 2018, 2021)
- 2021 Status
 - Active
 - Destroyed
 - Inactive
 - Not visible



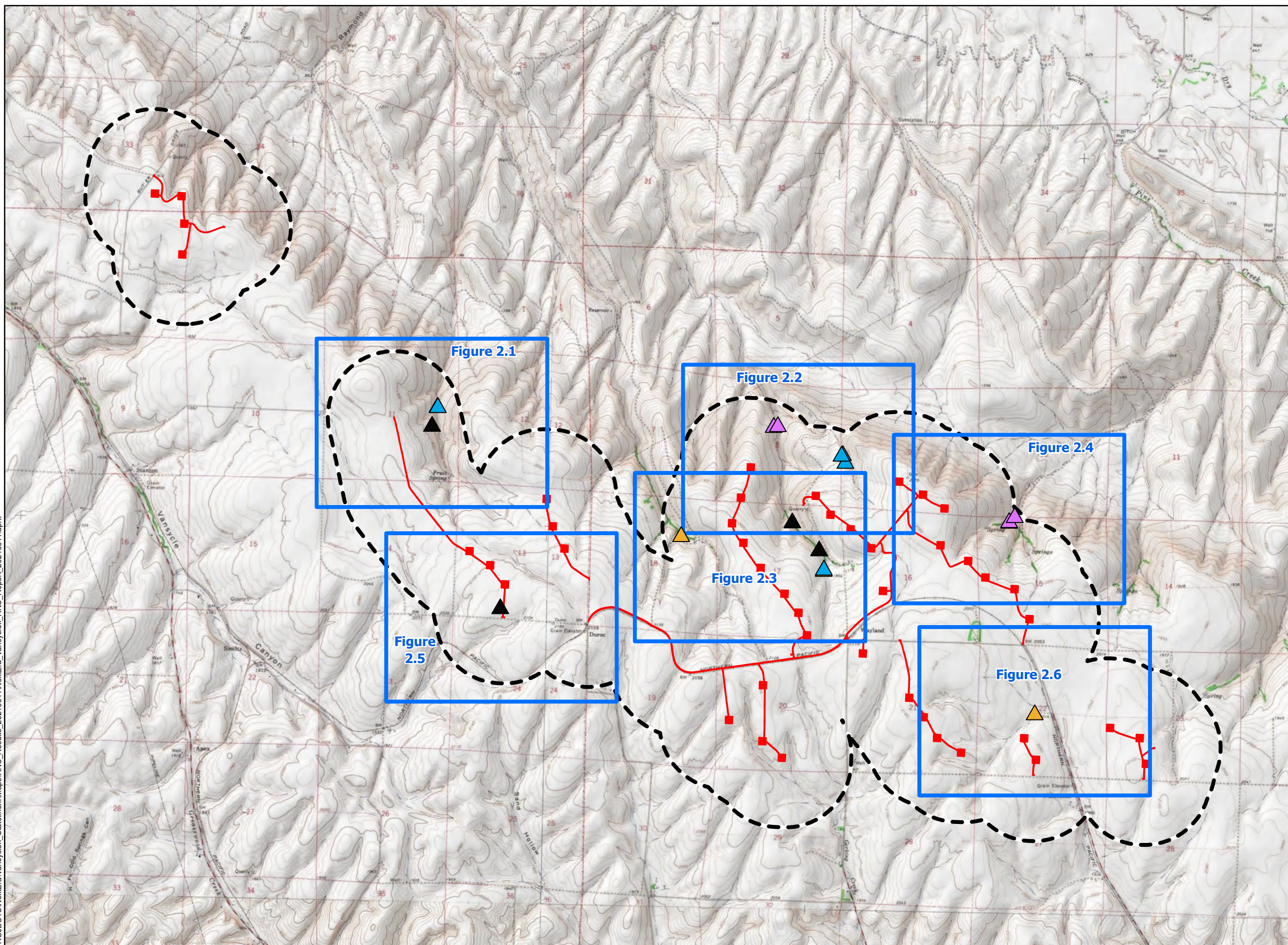
Stateline Wind Project, Request for Amendment 6, Vansycle II

Figure 2 Raptor Nest Sites and Seasonal Restriction Buffers

UMATILLA COUNTY, OR

- Map Tiles
- Maximum Area of Disturbance
- 2021 Raptor Nest Survey
- Area (0.5-mile Buffer)
- Known Raptor Nests (2008, 2010, 2018, 2021)
- 2021 Status
 - Active
 - Destroyed
 - Inactive
 - Not visible

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NOT FOR CONSTRUCTION



Reference Map

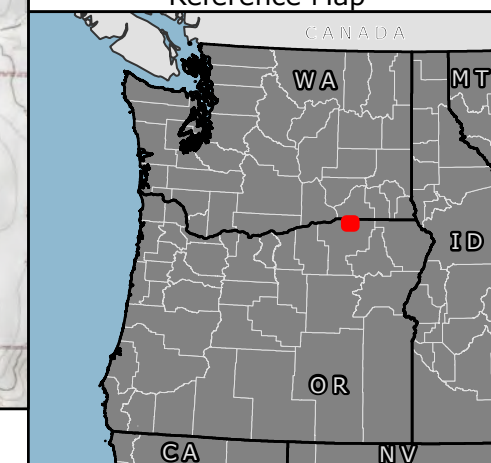









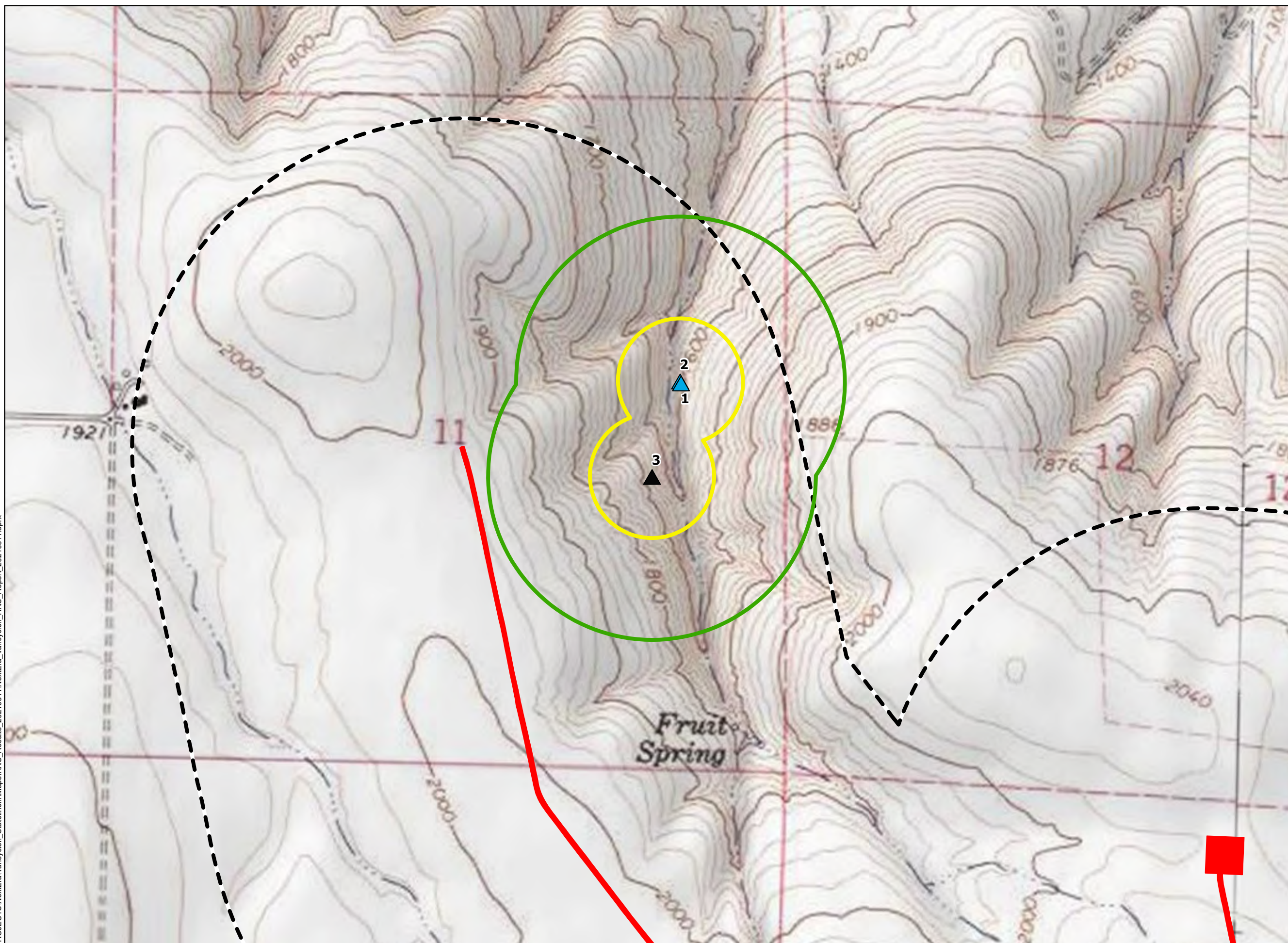
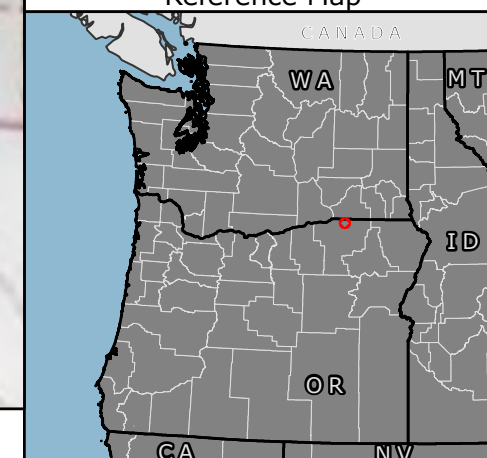


Figure 2.1 Raptor Nest Sites and Seasonal Restriction Buffers

 Maximum Area of Disturbance
 2021 Raptor Nest Survey
 Area (0.5-mile Buffer)
 Known Raptor Nests (2008, 2010, 2018, 2021)
 2021 Status
 Active
 Destroyed
 Inactive
 Not visible
 Nest Buffers
 500 ft
 0.25 mi



Reference Map



Stateline Wind Project, Request for Amendment 6, Vansycle II

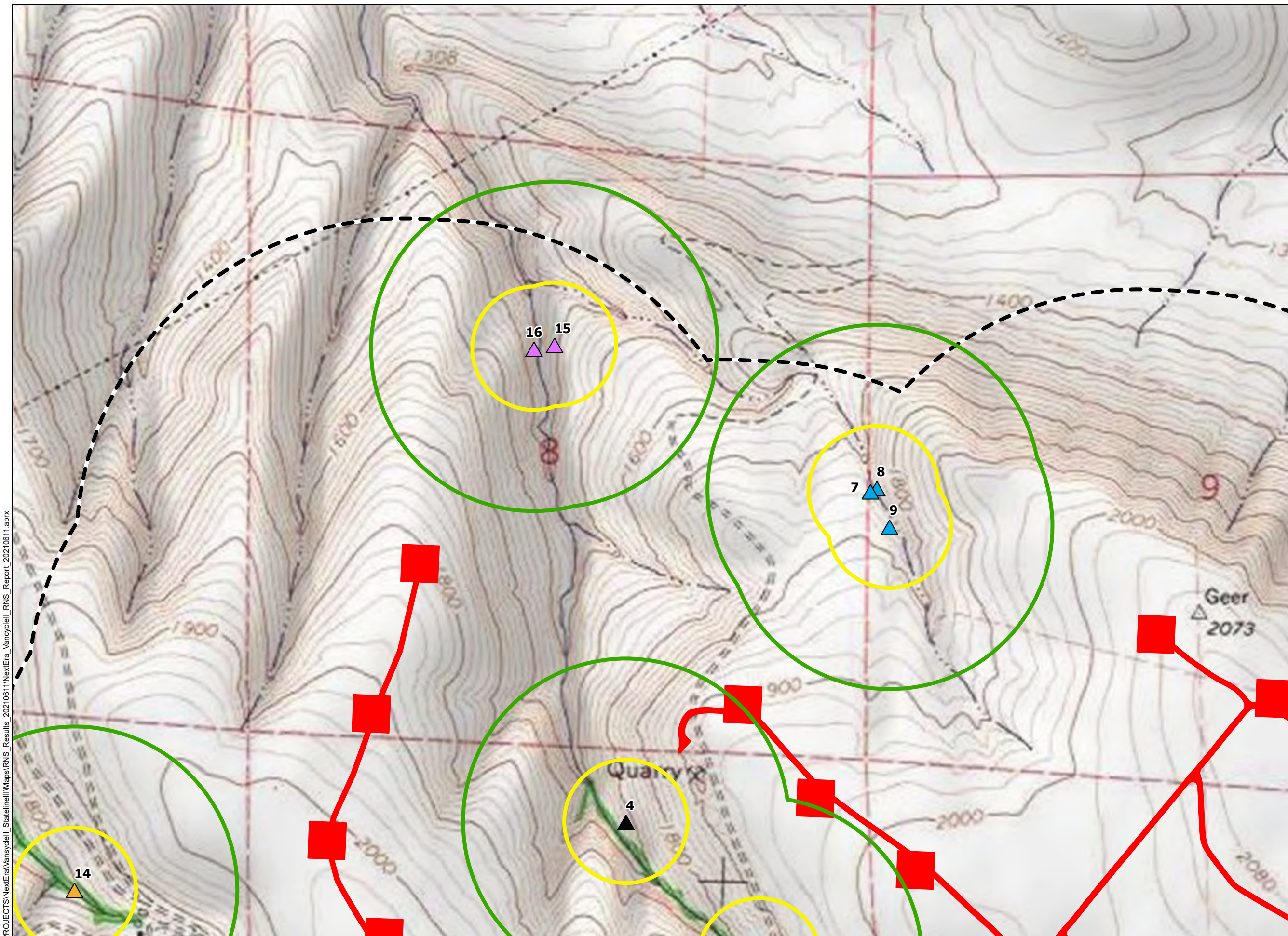
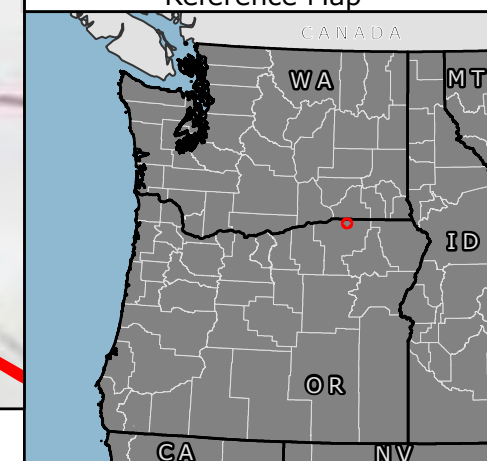
Figure 2.2
Raptor Nest Sites and Seasonal Restriction Buffers

UMATILLA COUNTY, OR

- Maximum Area of Disturbance
- 2021 Raptor Nest Survey Area (0.5-mile Buffer)
- Known Raptor Nests (2008, 2010, 2018, 2021)
- 2021 Status
 - Active
 - Destroyed
 - Inactive
 - Not visible
- Nest Buffers
 - 500 ft
 - 0.25 mi



Reference Map



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WGS 1984 UTM Zone 11N

0 500 1,000 2,000 3,000 4,000 Feet

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Stateline Wind Project, Request for Amendment 6, Vansycle II

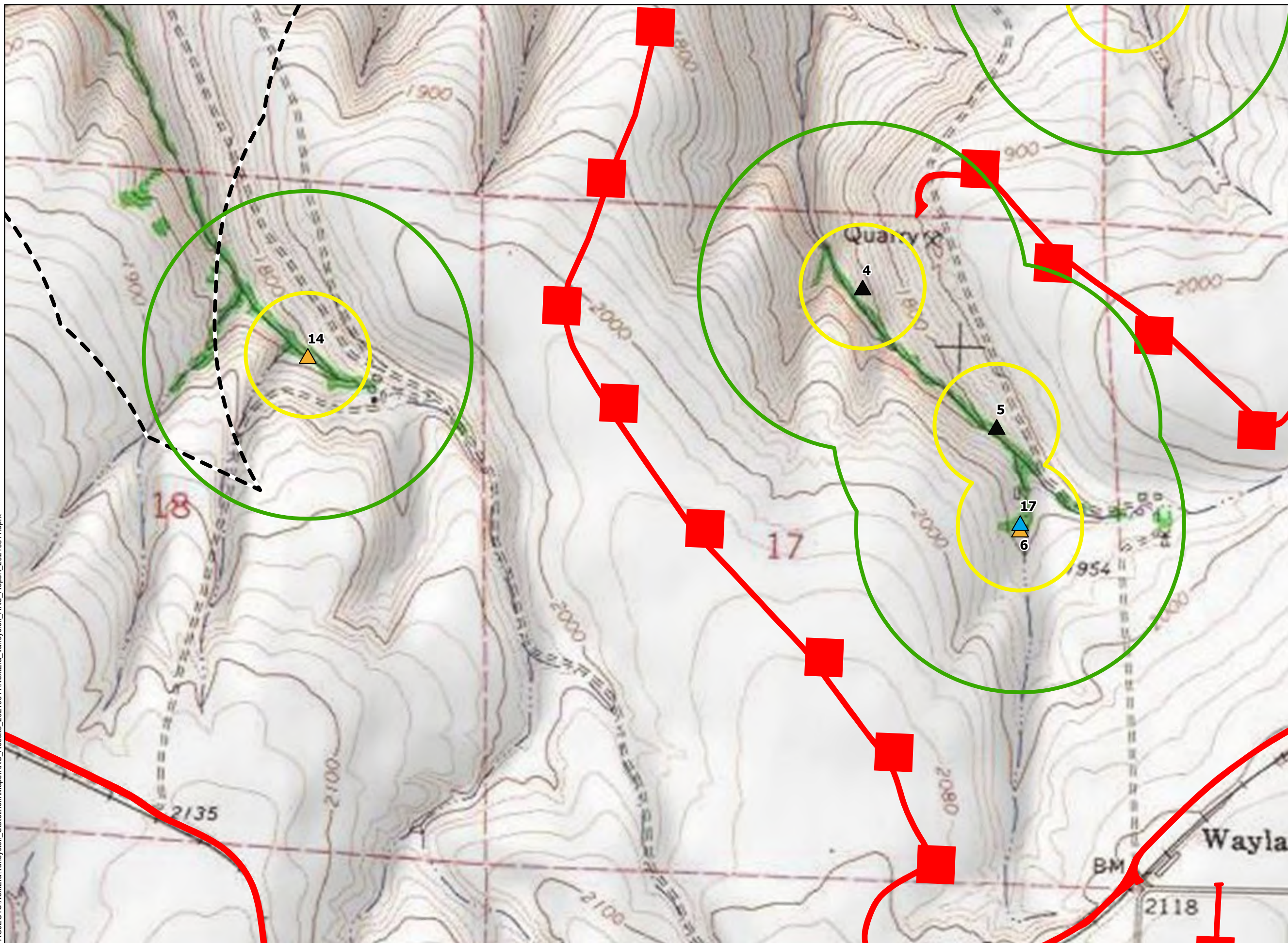
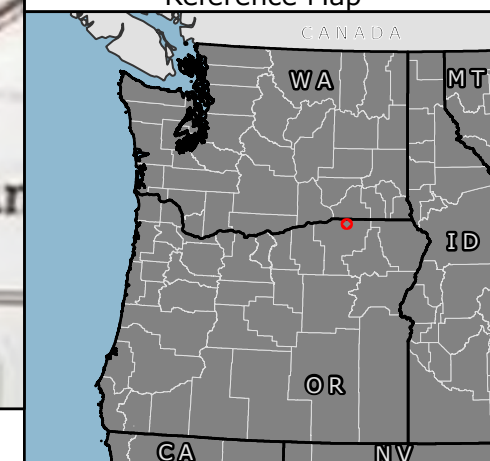
Figure 2.3
Raptor Nest Sites and Seasonal Restriction Buffers

UMATILLA COUNTY, OR

- Maximum Area of Disturbance
- 2021 Raptor Nest Survey Area (0.5-mile Buffer)
- Known Raptor Nests (2008, 2010, 2018, 2021)
- 2021 Status
 - Active
 - Destroyed
 - Inactive
 - Not visible
- Nest Buffers
 - 500 ft
 - 0.25 mi



Reference Map



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WGS 1984 UTM Zone 11N

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NOT FOR CONSTRUCTION

Stateline Wind Project, Request for Amendment 6, Vansycle II

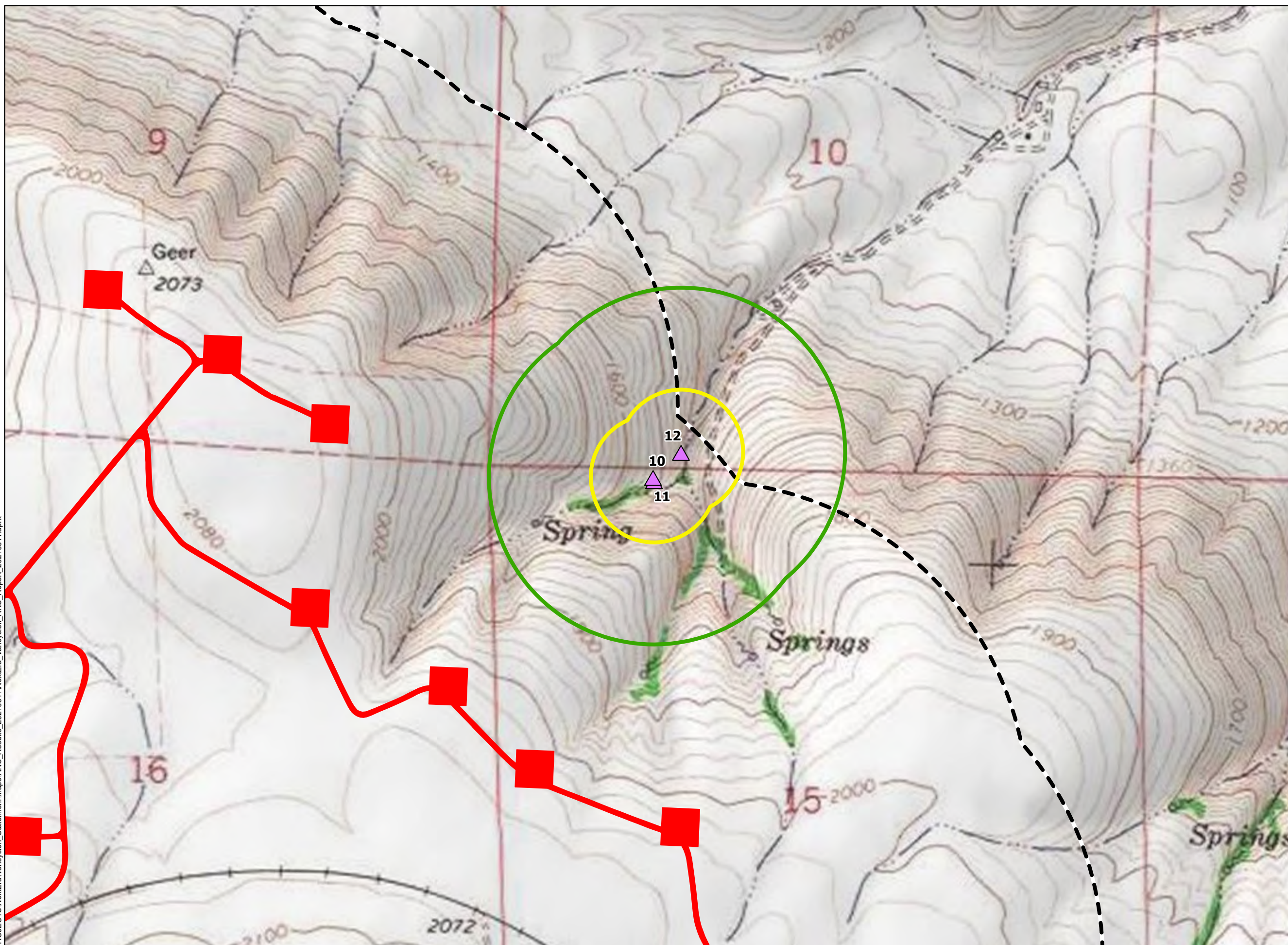
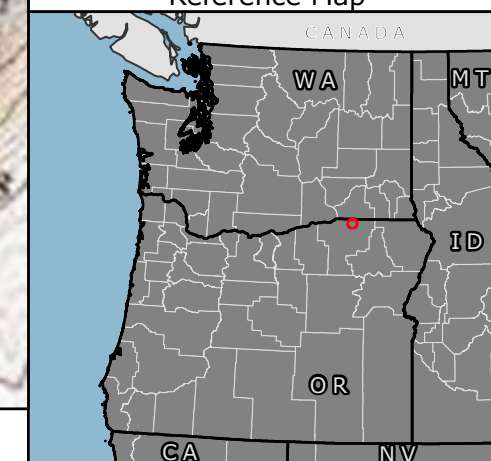
Figure 2.4
Raptor Nest Sites and Seasonal Restriction Buffers

UMATILLA COUNTY, OR

- Maximum Area of Disturbance
- 2021 Raptor Nest Survey Area (0.5-mile Buffer)
- Known Raptor Nests (2008, 2010, 2018, 2021)
- 2021 Status
 - Active
 - Destroyed
 - Inactive
 - Not visible
- Nest Buffers
 - 500 ft
 - 0.25 mi



Reference Map



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WGS 1984 UTM Zone 11N

0 500 1,000 2,000 3,000 4,000 Feet

NOT FOR CONSTRUCTION

Stateline Wind Project, Request for Amendment 6, Vansycle II

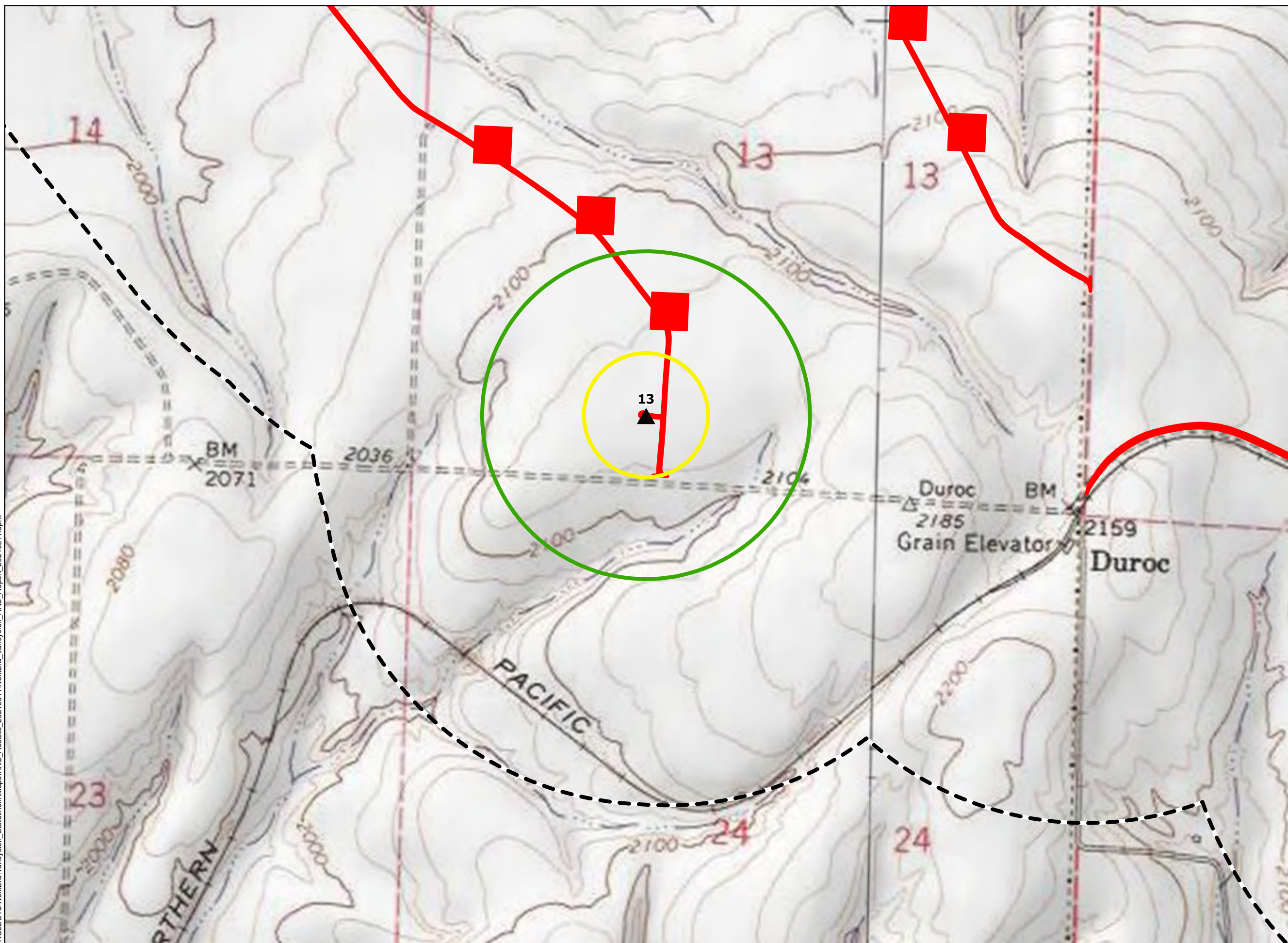
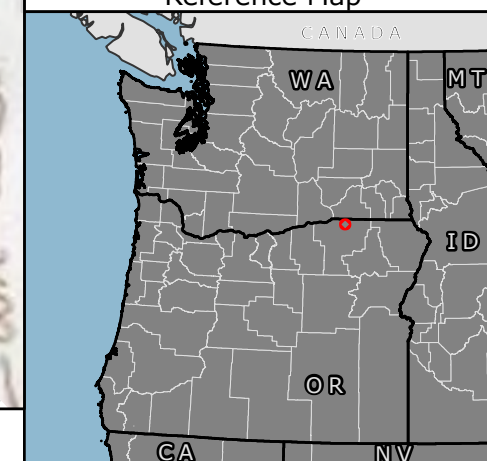
Figure 2.5
Raptor Nest Sites and Seasonal Restriction Buffers

UMATILLA COUNTY, OR

- Maximum Area of Disturbance
- 2021 Raptor Nest Survey Area (0.5-mile Buffer)
- Known Raptor Nests (2008, 2010, 2018, 2021)
- 2021 Status
 - Active
 - Destroyed
 - Inactive
 - Not visible
- Nest Buffers
 - 500 ft
 - 0.25 mi



Reference Map



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



1:9,000

WGS 1984 UTM Zone 11N

0 500 1,000 2,000 3,000 4,000 Feet

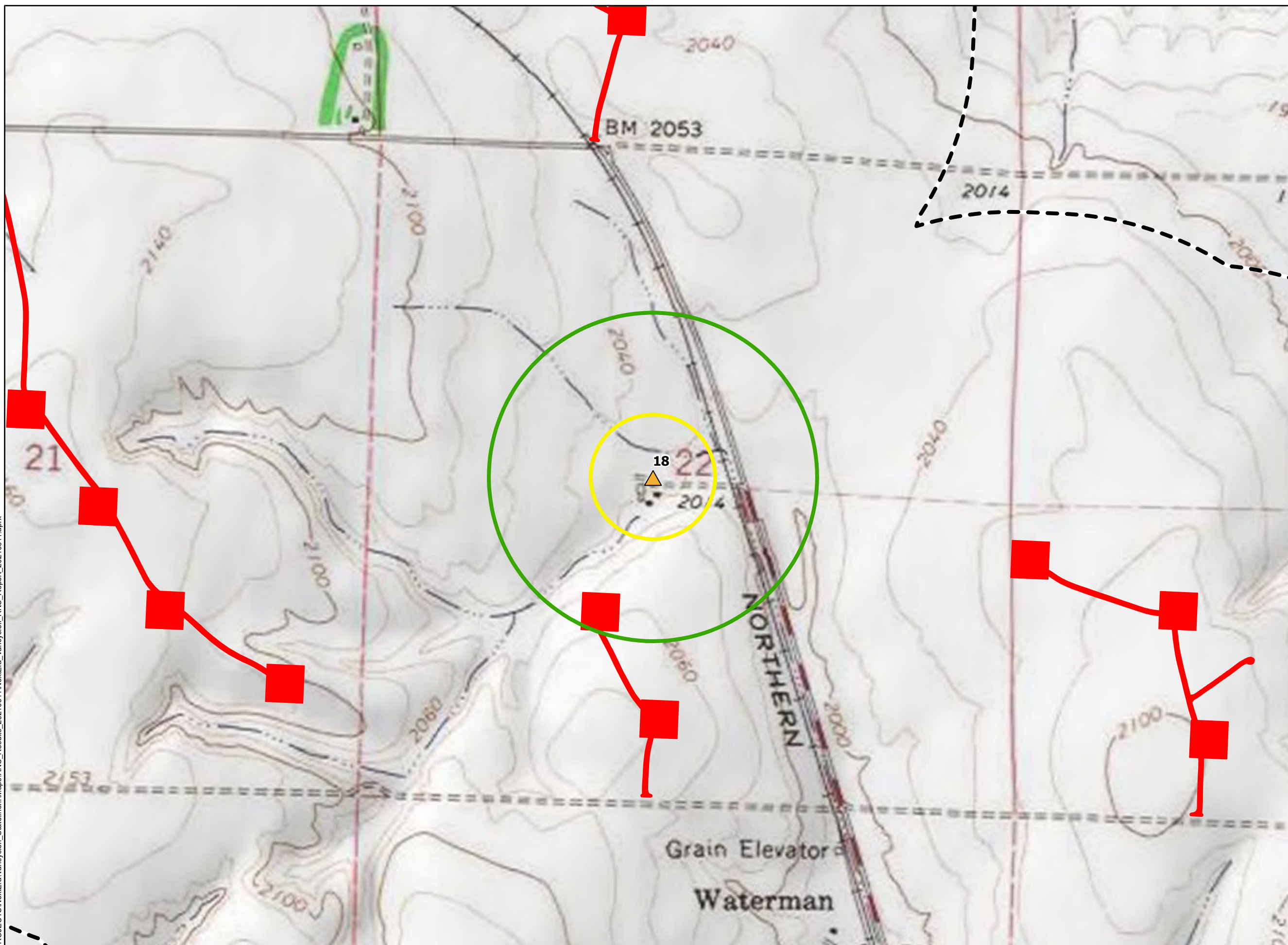
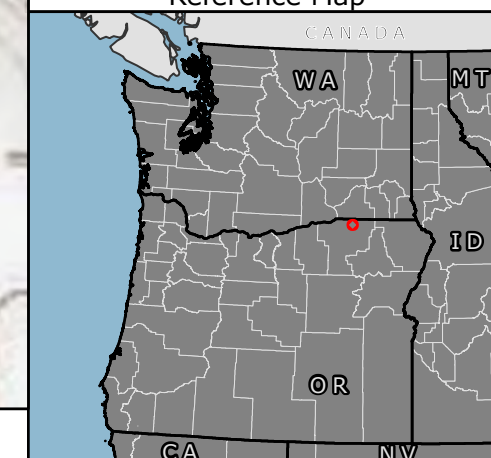
NOT FOR CONSTRUCTION

Figure 2.6 Raptor Nest Sites and Seasonal Restriction Buffers

 Maximum Area of Disturbance
 2021 Raptor Nest Survey
 Area (0.5-mile Buffer)
 Known Raptor Nests (2008, 2010, 2018, 2021)
 2021 Status
 Active
 Destroyed
 Inactive
 Not visible
 Nest Buffers
 500 ft
 0.25 mi



Reference Map



D:\GIS_PROJECTS\NextEra\VanCycleII\Map\|RNS_Results_20210611\NextEra_VanCycleII_RNS_Report_20210611.aprx



1:9,000

WGS 1984 UTM Zone 11N

Animal	Feet
Elephant	3,000
Giraffe	1,000
Kangaroo	500
Kangaroo Rat	200

NOT FOR CONSTRUCTION

Attachment 7. Cultural Resources Existing Survey Coverage and Resource Locations

(Confidential)

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Attachment 8. Wetlands and Waters Survey Memo

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MEMO

To:	Chris Powers, NEER
Cc:	Carrie Konkol, Tetra Tech
From:	Jess Taylor and Ed Strohmaier, Tetra Tech
Date:	June 10, 2021
Correspondence #	TTCES-PTLD-2021-080
Subject:	Vansycle II RFA6 Repower, Pre-Construction Wetlands and Waters Survey

Introduction

This memo describes the methods and results of the survey for wetlands and other waters of the state conducted on April 14, 2021 within the existing operational Vansycle II Wind Project (Facility; Figure 1). Construction for repowering the Project may require temporary widening of access roads to accommodate large cranes that will be used to replace turbine blades.

The focus of the survey was four separate locations close to existing Facility access roads, where the National Hydrography Dataset (NHD) had previously mapped three intermittent streams. There are no mapped National Wetlands Inventory (NWI) features in the survey areas. The survey was intended to confirm whether jurisdictional wetlands or streams were present at those four locations.

A wetlands and other waters delineation was performed within the Project Boundary in 2008, and Oregon Department of State Lands (ODSL) provided jurisdictional concurrence for the delineation report on September 10, 2009 (WD2008-0581); however, the ODSL concurrence is only considered valid for 5 years.

Methods

In preparation for the field work, Tetra Tech reviewed the 2008 delineation for the Facility, as well as the NWI, NHD, Natural Resources Conservation Service (NRCS) soils data, and aerial photographs to identify potential wetlands and other waters. Tetra Tech prepared digital field maps

with these data and uploaded these maps onto a data collection tablet to assist field staff in identifying the locations of wetlands and non-wetland waters within the survey areas.

The following guidance documents and procedures were reviewed:

- Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0 (Arid West Supplement; USACE 2008).
- Wetlands Delineation Manual, Technical Report Y-87-1 (the Manual; USACE 1987);
- Streamflow Duration Assessment Method for the Pacific Northwest (Nadeau 2015);
- Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979); and
- Oregon Administrative Rules (OAR) 141-090, Administrative Rules for Wetland Delineation Report Requirements and for Jurisdictional Determinations for the Purpose of Regulating Fill and Removal within Waters of the State.

Findings

Figures showing the four survey area locations, and the field survey photolog are attached to this memo. Table 1 summarizes the findings of the survey.

Table 1. 2021 Survey Areas

Photo Number	Map Figure	Mapped NHD Feature	Field Determination	Notes	Jurisdictional
001, 002	2	Intermittent Stream	ST-01 Ephemeral Stream	No signs of recent flows in this ephemeral drainage. Stream is about a foot wide and contains all upland species (<i>Bromus tectorum</i> , <i>Sisymbrium altissimum</i>). No macroinvertebrate casings were found. The drainage loses channel definition from Photo Point 002, northwest to the edge of the access road. Substrate is silt. No evidence was observed that the drainage flows across the access road. The stream continues outside of the survey area to the southeast.	No

Photo Number	Map Figure	Mapped NHD Feature	Field Determination	Notes	Jurisdictional
003	2	Intermittent Stream	ST-02 Ephemeral Stream	The ephemeral drainage originates on the west (down gradient) side of the access road. The drainageway exhibited signs of infrequent flow. No hydrophytic vegetation was present in or adjacent to the channel. The stream continues outside of the survey area to the southwest.	No
004	3	Intermittent Stream	No Stream Present	This location is north of Wayland Road and is within a wheat field. No defined drainageway.	No
005, 006	4	Intermittent Stream	No Stream Present	This location is within a wheat field. The NHD feature would be the headwater of Gerking Creek. No bed or banks and no evidence of a drainageway through the field, adjacent to the existing access road.	No
007	5	Intermittent Stream	No Stream Present	No bed or banks and no evidence of a drainageway.	No

Tetra Tech determined that there were no jurisdictional wetlands or other waters of the state that would be temporarily widened for construction located within the surveyed areas adjacent to access roads (Figures 2 through 5).

Two ephemeral streams (ST-01 and ST-02) were delineated on opposite sides of an existing access road where NHD had mapped an intermittent stream (Figure 2). These drainageways exhibited no characteristics of intermittent or perennial streams. Ephemeral stream ST-01 flows to the northwest (Photo 1). The drainageway becomes indistinct and disappears completely approximately 60 feet before the edge of the access road (Photo 002). Ephemeral stream ST-02 is located on the west (downstream) side of the access road. ST-02 exhibited marginal signs of infrequent surface flow. The drainageway continues towards the southwest, outside of the survey area (Photo 003).

All other mapped NHD streams were determined to be not present within the other three survey areas (Figures 3, 4, and 5); therefore, no jurisdictional wetlands or other waters of the state will be impacted by the temporary widening of existing access roads.

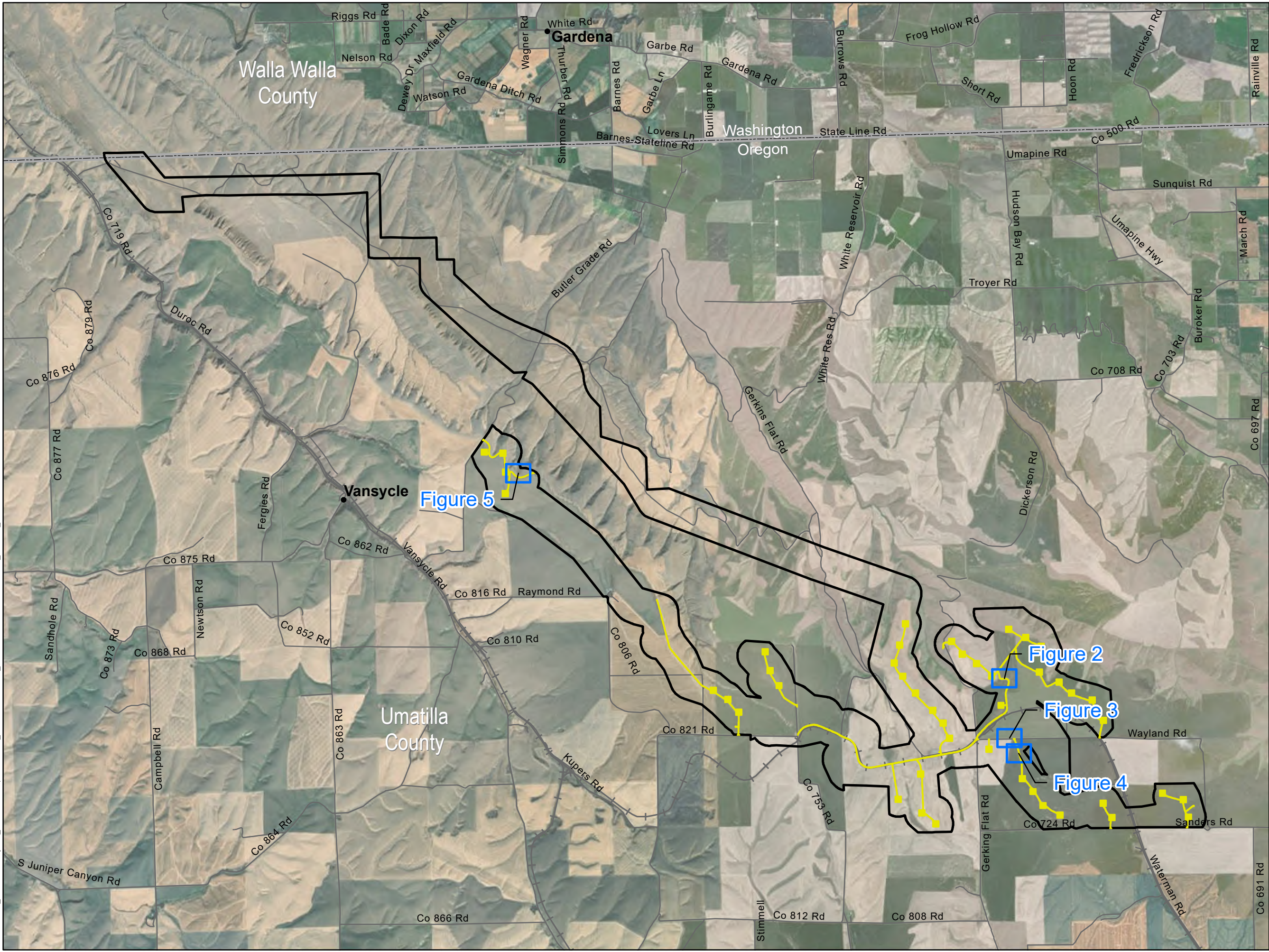
References

- Cowardin, L.M., V. Carter, F. C. Golet, and E. T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31.
- Nadeau, Tracie-Lynn. 2015. Streamflow Duration Assessment Method for the Pacific Northwest. EPA 910-K-14-001, U.S. Environmental Protection Agency, Region 10, Seattle, WA.
- USACE (U.S. Army Corps of Engineers). 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. January 1987. Wetlands Research Program. U.S. Army Corps of Engineers, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180-6199.
- USACE. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J.S. Wakeley, R. W. Lichvar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

Figures

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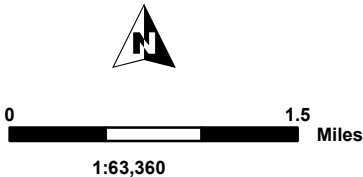


Stateline Wind Project
Request for Amendment 6



Figure 1 Overview
Wetlands and Other Waters
Delineation
UMATILLA, OR

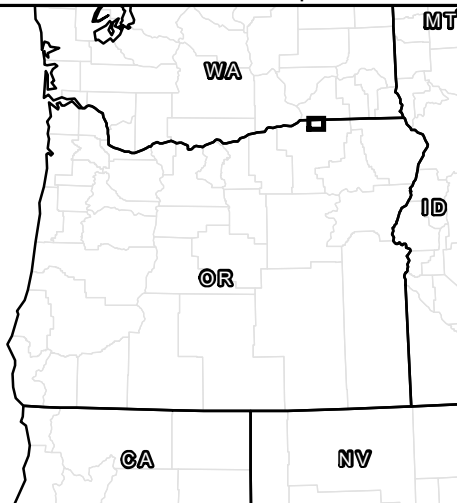
- Map Tiles
- Disturbance Boundary
- Project Boundary



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap, Oregon
State Historic Preservation Office

Not for Construction

Stateline Wind Project
Request for Amendment 6

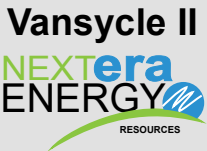
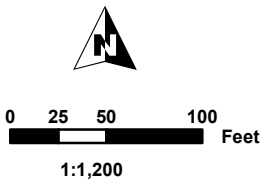


Figure 2
Wetlands and Other Waters
Delineation
UMATILLA, OR

- Photo Point
- Field Delineated Stream
(Delineated stream continues outside the study area)
- ▭ Disturbance Boundary
- ▭ Project Boundary

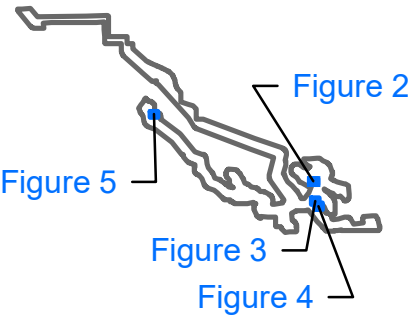
*Delineated stream continues outside the study area



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap, Oregon
State Historic Preservation Office

Not for Construction

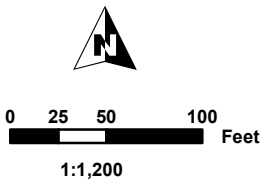
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Figure 3
Wetlands and Other Waters
Delineation
UMATILLA, OR

- Photo Point
- ▭ Disturbance Boundary
- ▭ Project Boundary

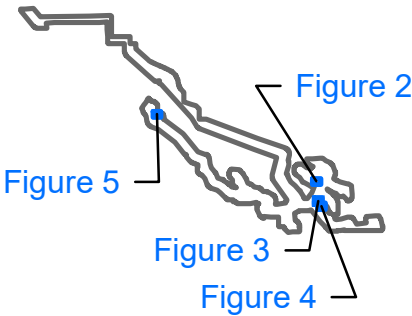
*Delineated stream continues
outside the study area



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap, Oregon
State Historic Preservation Office

Not for Construction

Wayland Road

004

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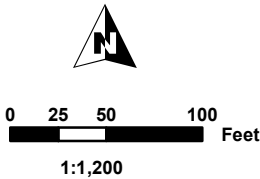
Stateline Wind Project
Request for Amendment 6



Figure 4
Wetlands and Other Waters
Delineation
UMATILLA, OR

- Photo Point
- NHD Stream (No Stream Present - Not Jurisdictional)
- Disturbance Boundary
- Project Boundary

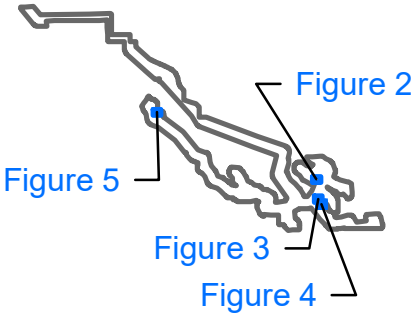
*Delineated stream continues outside the study area



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap, Oregon
State Historic Preservation Office

Not for Construction

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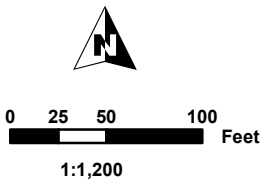
Stateline Wind Project
Request for Amendment 6



Figure 5
Wetlands and Other Waters
Delineation
UMATILLA, OR

- Photo Point
- NHD Stream (No Stream Present - Not Jurisdictional)
- ▭ Disturbance Boundary
- ▭ Project Boundary

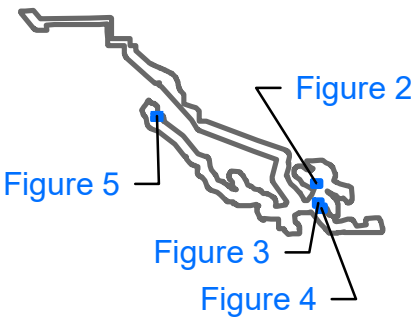
*Delineated stream continues
outside the study area



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap, Oregon
State Historic Preservation Office

Not for Construction

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Photolog

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Photo 001. Ephemeral stream ST-01. The drainageway is less than 1-foot wide. All upland vegetation is present in and adjacent to the channel. Photo direction is northwest.



Photo 002. Ephemeral stream ST-01 ends before reaching the access road. There was no evidence of flow continuing across the road. All upland vegetation was present. Photo direction is northwest.



Photo 003. Ephemeral stream ST-02 starts on the west side of the access road. The drainage exhibited shallow bed and banks and continues to the southwest where it flows out of the survey area. Photo direction is west.



Photo 004. View is from Wayland Road. No drainageway is present north of the road where NHD has mapped an intermittent stream through the wheat field. Photo faces northeast.



Photo 005. No drainageway is present in the wheat field on the east side of the access road. Photo faces southeast.



Photo 006. No drainageway is present in the wheat field on the west side of the access road. Photo faces northwest.



Photo 007. No drainageway is present within at least 200 feet of the north side of the access road. The swale viewed in the distance is outside of the survey area. All upland vegetation. Photo faces northwest.

ATTACHMENT 9:
Property Owner List

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Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
5N33000002300				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000004700				B & B RANCHES		79308 HELIX HIGHWAY	PENDLETON	OR	97801
5N33000004800				RAYMOND & SON		46847 RAYMOND RD	HELIX	OR	97835
5N33000004900	JAMES LEE	WILLIAMS	LESLEE SUSAN			43229 HOLDMAN RD	HELIX	OR	97835
5N33000005000	JIM M	LEMM				8144 STONEHAVEN DR	HAYDEN	ID	83835
5N33000005100				SPRATLING LAND LLC		76725 HELIX HIGHWAY	PENDLETON	OR	97801
5N33000007800	JAMES E	WILLIAMS	LESLEE S			43229 HOLDMAN RD	HELIX	OR	97835
5N33000007900				BURLINGTON NORTHERN R/R CO		PO BOX 961089	FORT WORTH	TX	76161
5N33A00000100				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N33A00000200				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33A00000300				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33A00000400				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33A00000500				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33A00000600				SPRATLING LAND LLC		76725 HELIX HIGHWAY	PENDLETON	OR	97801
5N33A00000700				PATER RANCH COMPANY LLC		14607 NE 65TH CT	REDMOND	WA	98052
5N33A00000800				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33A00000900				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33A00001000				PATER RANCH COMPANY LLC		14607 NE 65TH CT	REDMOND	WA	98052
5N33A00001100				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33A00001200	TONY R	RAYMOND				46847 RAYMOND RD	HELIX	OR	97835
5N33A00001300				COOK DONALD J & LILLIAN (LE) ETAL		32200 SW FRENCH PRAIRIE RD #APT B304	WILSONVILLE	OR	97070
5N33A00001400				SAND HOLLOW RANCH INC		62575 STARR LN	LA GRANDE	OR	97850
5N33B00000100	R TONY	RAYMOND				46847 RAYMOND RD	HELIX	OR	97835
5N33B00000200	FRANK N	DUFF	NANCY REES			82900 BUTLER GRADE RD	HELIX	OR	97835
5N33B00000200A1	NANCY	DUFF				82900 BUTLER GRADE RD	HELIX	OR	97835
5N33B00000300	NANCY	REES-DUFF				82900 BUTLER GRADE RD	HELIX	OR	97835
5N33B00000600	KIRK	TERJESON				82526 VANCYCLE RD	HELIX	OR	97835
5N33B00001300U1				DUFF FRANK N & NANCY REES ETAL		82900 BUTLER GRADE RD	HELIX	OR	97835
5N33B00001300U2				DUFF FRANK N & NANCY REES ETAL		82900 BUTLER GRADE RD	HELIX	OR	97835
5N33B00001400	TIMOTHY J	SMITH				82717 BUTLER GRADE RD	HELIX	OR	97835
5N33B00001500	KIRK	TERJESON				82526 VANCYCLE RD	HELIX	OR	97835
5N33B00001600				PATER RANCH COMPANY LLC		14607 NE 65TH CT	REDMOND	WA	98052
5N33B00002400				TERJESON KIRK TRS ET AL		209 NW 9TH ST	PENDLETON	OR	97801
5N33B00002500				TERJESON PATRICIA G & KIRK (TRS)		209 NW 9TH ST	PENDLETON	OR	97801
5N33B00002700				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N34000000500U1				SCHUBERT CR (TRS) 1/2 ETAL1/2		85149 TUM A LUM RD	MILTON FREEWATER	OR	97862

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
5N33000002300				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000004700				B & B RANCHES		79308 HELIX HIGHWAY	PENDLETON	OR	97801
5N34000000500U2				KESSLER RANDAL ETAL 1/2 ETAL 1/2		49838 FRUITVALE RD	MILTON FREEWATER	OR	97862
5N34000000600				SCHUBERT ROBERT D LE ETAL		49726 TROYER RD	MILTON FREEWATER	OR	97862
5N34000000700	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
5N34000000790	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
5N34000000800				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000001100				SPRATLING LAND LLC		76725 HELIX HIGHWAY	PENDLETON	OR	97801
5N34000001200				SAND HOLLOW RANCH INC		62575 STARR LN	LA GRANDE	OR	97850
5N34000001300				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000001380				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000001390				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000001400				SUNNY COVE RANCHES INC		PO BOX 359	ATHENA	OR	97813
5N34000001500U1				MCCORMMACH MAUREEN 1/3 ETAL 2/3		23214 SANDRIDGE RD	OCEAN PARK	WA	98640
5N34000001500U2				MCCORMMACH MARSHA JEAN (TRS) & ETAL 2/3		1982 E HOOKER RD	HERMISTON	OR	97838
5N34000001500U3				PUGH TRUST ET AL		75780 HELIX HIGHWAY	PENDLETON	OR	97801
5N34000001800U1				GEISSEL SALLY 33.34% ETAL 66.66%		PO BOX 11	ATHENA	OR	97813
5N34000001800U2				WOODROOFE MICHAEL (TRS)2/3 ETAL 1/3		419 PEARL ST	YPSILANTI	MI	48197
5N34000001900				SAND HOLLOW RANCH INC		62575 STARR LN	LA GRANDE	OR	97850
5N34000002000	JAMES LEE	WILLIAMS	LESLEE SUSAN			43229 HOLDMAN RD	HELIX	OR	97835
5N34000002100				SPRATLING LAND LLC		76725 HELIX HIGHWAY	PENDLETON	OR	97801
5N34000002200				SAND HOLLOW RANCH INC		62575 STARR LN	LA GRANDE	OR	97850
5N34000002300				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000002301				NORTHSTAR FARMS INC		PO BOX 14	ADAMS	OR	97810
5N34000002302	GARY	GRABER	DEBBIE			81876 GERKING FLAT RD	ATHENA	OR	97813
5N34000002400				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000002401				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000002500				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34000004601	ALAN L	FROESE				81310 GERKING FLAT RD	ATHENA	OR	97813
5N34000004900	ALAN L	FROESE	CHRIS			81310 GERKING FLAT RD	ATHENA	OR	97813
5N34000005000				SAND HOLLOW RANCH INC		62575 STARR LN	LA GRANDE	OR	97850
5N34000005100				SPRATLING LAND LLC		76725 HELIX HIGHWAY	PENDLETON	OR	97801
5N34000006700				BURLINGTON NORTHERN R/R CO		PO BOX 961089	FORT WORTH	TX	76161
5N34000006701	JAMES E	WILLIAMS	LESLEE S			43229 HOLDMAN RD	HELIX	OR	97835
5N34000006702				SAND HOLLOW RANCH INC		62575 STARR LN	LA GRANDE	OR	97850
5N34000006703				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
5N33000002300				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000004700				B & B RANCHES		79308 HELIX HIGHWAY	PENDLETON	OR	97801
5N34D00000200U1				WEIDERT TIMOTHY S ET AL		PO BOX 1796	WALLA WALLA	WA	99362
5N34D00000200U2				WEIDERT BETTY 12.5% ETAL 87.5%		1000 S HWY 395 #SUITE A #123	HERMISTON	OR	97838
5N34D00000300	TIMOTHY S	WEIRDERT				1030-A NW 12TH ST	PENDLETON	OR	97801
5N34D00000400U1				WEIDERT TIMOTHY S ET AL		PO BOX 1796	WALLA WALLA	WA	99362
5N34D00000400U2				WEIDERT BETTY 12.5% ETAL 87.5%		1000 S HWY 395 #SUITE A #123	HERMISTON	OR	97838
5N34D00001100				FDS FARMS LLC		6200 W PARAPET CT	BOISE	ID	83703
5N34D00001100A1	DARLA R	CLARK				PO BOX 388	ATHENA	OR	97813
5N34D00001200				FDS FARMS LLC		6200 W PARAPET CT	BOISE	ID	83703
5N34D00002900				BURLINGTON NORTHERN R/R CO		PO BOX 961089	FORT WORTH	TX	76161
6N32000000100U1				BOAZ DONNA 25% ET AL 75%		205 WALLULA AVE	WALLA WALLA	WA	99362
6N32000000100U2				DEMARIS DAVE 75% ETAL 25%		PO BOX 713	MILTON FREEWATER	OR	97862
6N32000000200U1				BOAZ DONNA 25% ET AL 75%		205 WALLULA AVE	WALLA WALLA	WA	99362
6N32000000200U2				DEMARIS DAVE 75% ETAL 25%		PO BOX 713	MILTON FREEWATER	OR	97862
6N32000000201U1				BOAZ DONNA 25% ET AL 75%		205 WALLULA AVE	WALLA WALLA	WA	99362
6N32000000201U2				DEMARIS DAVE 75% ETAL 25%		PO BOX 713	MILTON FREEWATER	OR	97862
6N32000000800				BARNETT-RUGG INC		PO BOX 617	ATHENA	OR	97813
6N32000000900	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N32000001000U1				BOAZ DONNA 25% ET AL 75%		205 WALLULA AVE	WALLA WALLA	WA	99362
6N32000001000U2				DEMARIS DAVE 75% ETAL 25%		PO BOX 713	MILTON FREEWATER	OR	97862
6N32000001100	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N32000001200	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N32000001300	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000001400				KREGGER FARMING ENTERPRISES LLC		17232 STATELINE RD	TOUCHET	WA	99360
6N33000001500				WEAVER RESOURCES LLC		1448 LOWDEN GARDENA RD	TOUCHET	WA	99360
6N33000001600L1				DEMARIS DAVE & BOAZ DONNA1/2 ETAL 1/2		697 UNIVERSE BLVD #PSX/JB	JUNO BEACH	FL	33408
6N33000001600L2				DEMARIS DAVE 1/2 ETAL 1/2		700 UNIVERSE BLVD #PSX/JB	JUNO BEACH	FL	33408
6N33000001600U1				BOAZ DONNA 25% ET AL 75%		205 WALLULA AVE	WALLA WALLA	WA	99362
6N33000001600U2				DEMARIS DAVE 75% ETAL 25%		PO BOX 713	MILTON FREEWATER	OR	97862
6N33000001700	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000002000	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000002100	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000002200	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000002300				CAMPBELL T, J & D 25% KONTOS B 25%		336 MCCORKLE LN	WALLA WALLA	WA	99362
6N33000002400				WEAVER RESOURCES LLC		1448 LOWDEN GARDENA RD	TOUCHET	WA	99360

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
5N33000002300				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000004700				B & B RANCHES		79308 HELIX HIGHWAY	PENDLETON	OR	97801
6N33000002500				WEAVER RESOURCES LLC		1448 LOWDEN GARDENA RD	TOUCHET	WA	99360
6N33000002800	ERIC JT	HARLOW	KATIE A			85080 BUTLER GRADE RD	MILTON FREEWATER	OR	97862
6N33000002802	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
6N33000002805	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
6N33000002806	JIM D	SCHUBERT	GAYL			1020 MERCITA DR	WALLA WALLA	WA	99362
6N33000002811				CAMPBELL T, J & D 25% KONTOS B 25%		336 MCCORKLE LN	WALLA WALLA	WA	99362
6N33000002812				CAMPBELL T, J & D 25% KONTOS B 25%		336 MCCORKLE LN	WALLA WALLA	WA	99362
6N33000003000	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
6N33000003100	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
6N33000003300	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000003390	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000003500	R TONY	RAYMOND				46847 RAYMOND RD	HELIX	OR	97835
6N33000003501	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000004000	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000004100	KIRK	TERJESON	GUNDER			82526 VANCYCLE RD	HELIX	OR	97835
6N33000004200	R TONY	RAYMOND				46847 RAYMOND RD	HELIX	OR	97835
6N33000004200A1				INGSTAD RADIO WASHINGTON		4304 W 24TH AVE #STE 200	KENNEWICK	WA	99338
6N33000004300	R TONY	RAYMOND				46847 RAYMOND RD	HELIX	OR	97835
6N33000004400				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
6N34000003800	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362

- Data obtained from Umatilla County on July 19, 2021

Stateline Wind Project
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Overview
Tax Lots

UMATILLA, OR

- Map Tiles
- Project Boundary
- Tax Lot Boundary*

*Data obtained from Umatilla County
on July 19, 2021

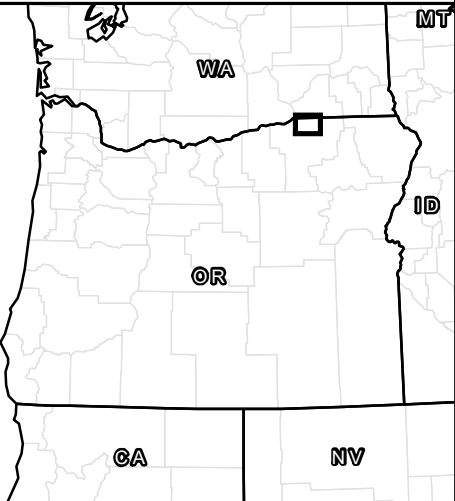


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NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

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Stateline Wind Project
Request for Amendment 6

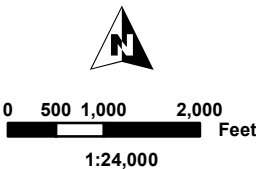


Map Number 1
Tax Lots

UMATILLA, OR

- Project Boundary
- Tax Lot Boundary*

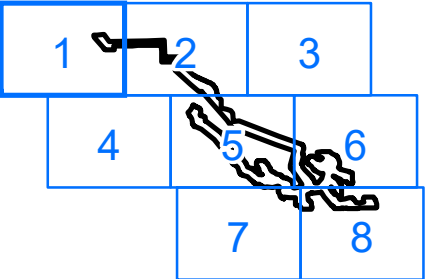
*Data obtained from Umatilla County
on July 19, 2021



NAD 1983 StatePlane Oregon
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Reference Map

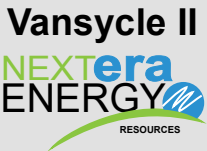


Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

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Stateline Wind Project
Request for Amendment 6

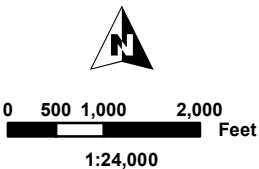


Map Number 2
Tax Lots

UMATILLA, OR

- Project Boundary
- Tax Lot Boundary*

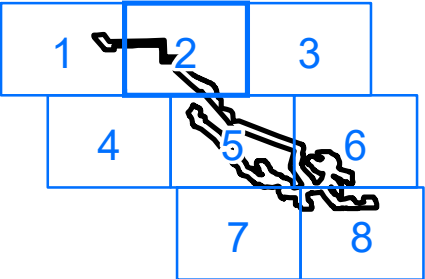
*Data obtained from Umatilla County
on July 19, 2021



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction


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Map Number 3
Tax Lots

UMATILLA, OR

 Tax Lot Boundary*

*Data obtained from Umatilla County
on July 19, 2021



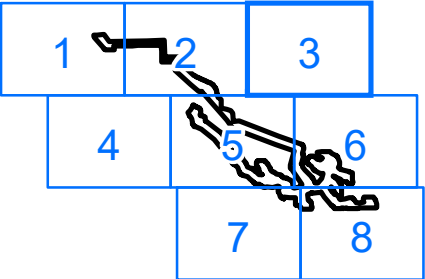
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NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

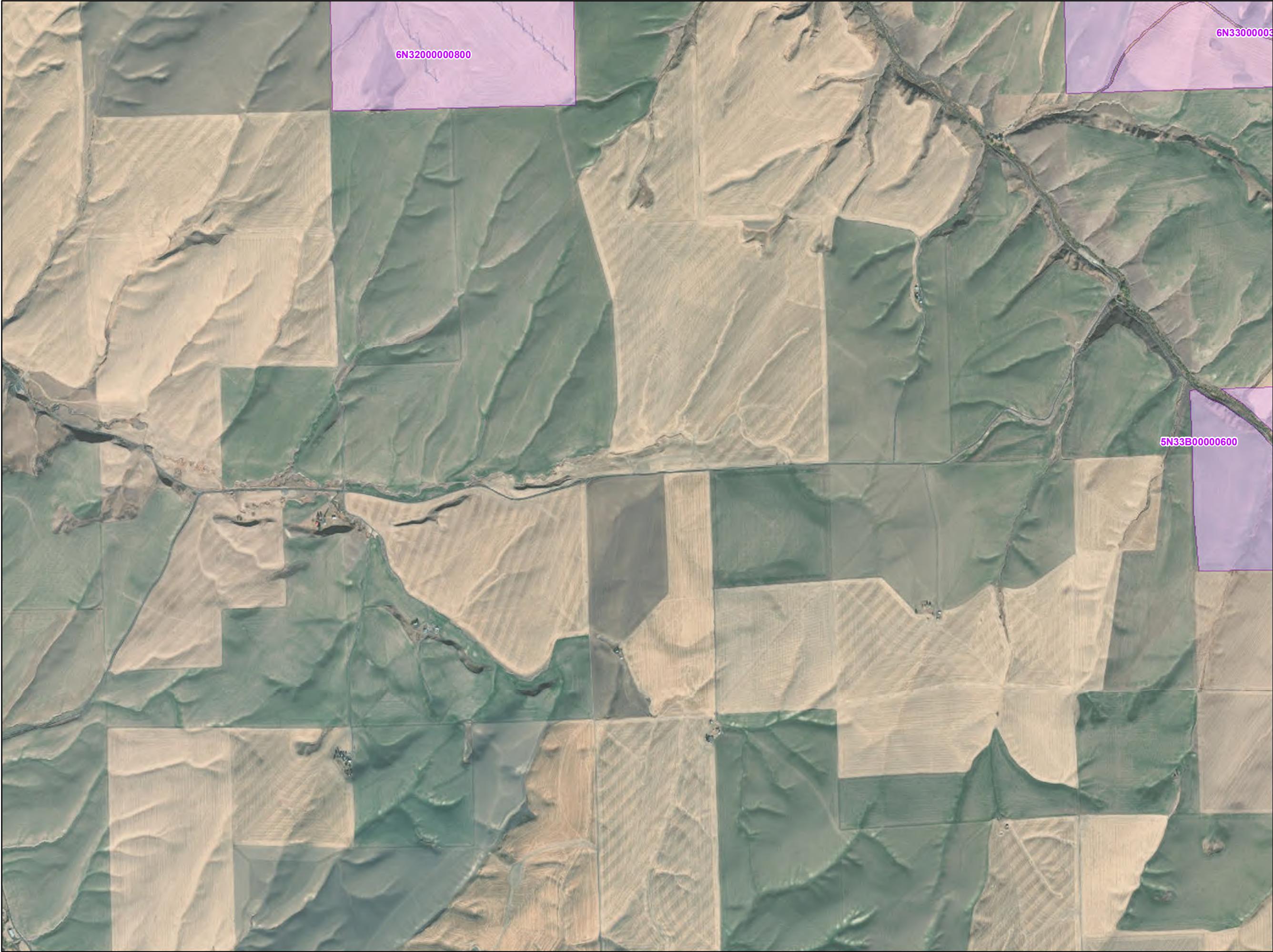
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


Stateline Wind Project
Request for Amendment 6



Map Number 4
Tax Lots

UMATILLA, OR

 Tax Lot Boundary*

*Data obtained from Umatilla County
on July 19, 2021



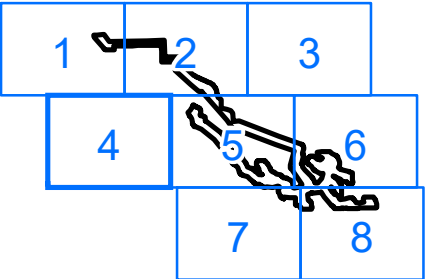
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NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

Stateline Wind Project
Request for Amendment 6

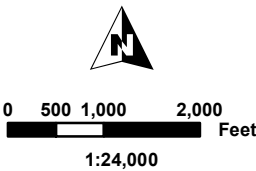


Map Number 6
Tax Lots

UMATILLA, OR

- Project Boundary
- Tax Lot Boundary*

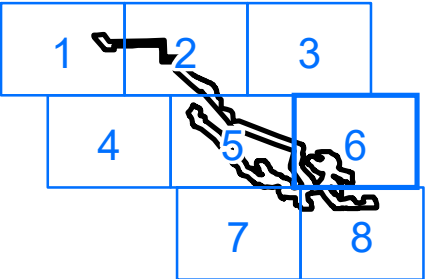
*Data obtained from Umatilla County
on July 19, 2021



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



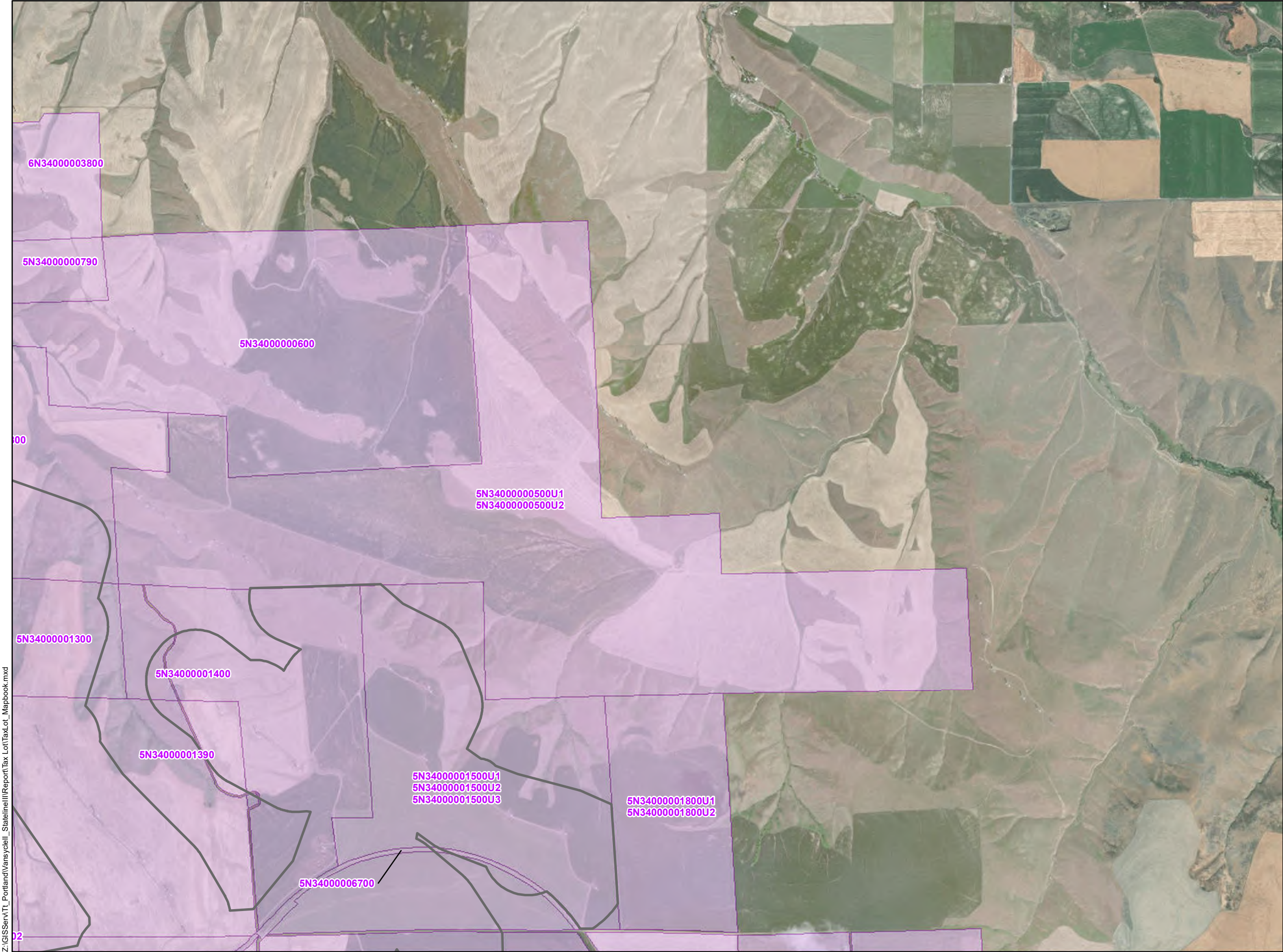
Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

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Map Number 7
Tax Lots

UMATILLA, OR

- Project Boundary
- Tax Lot Boundary*

*Data obtained from Umatilla County
on July 19, 2021

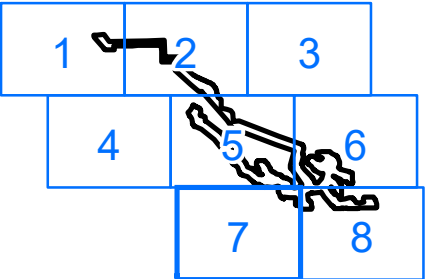


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NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



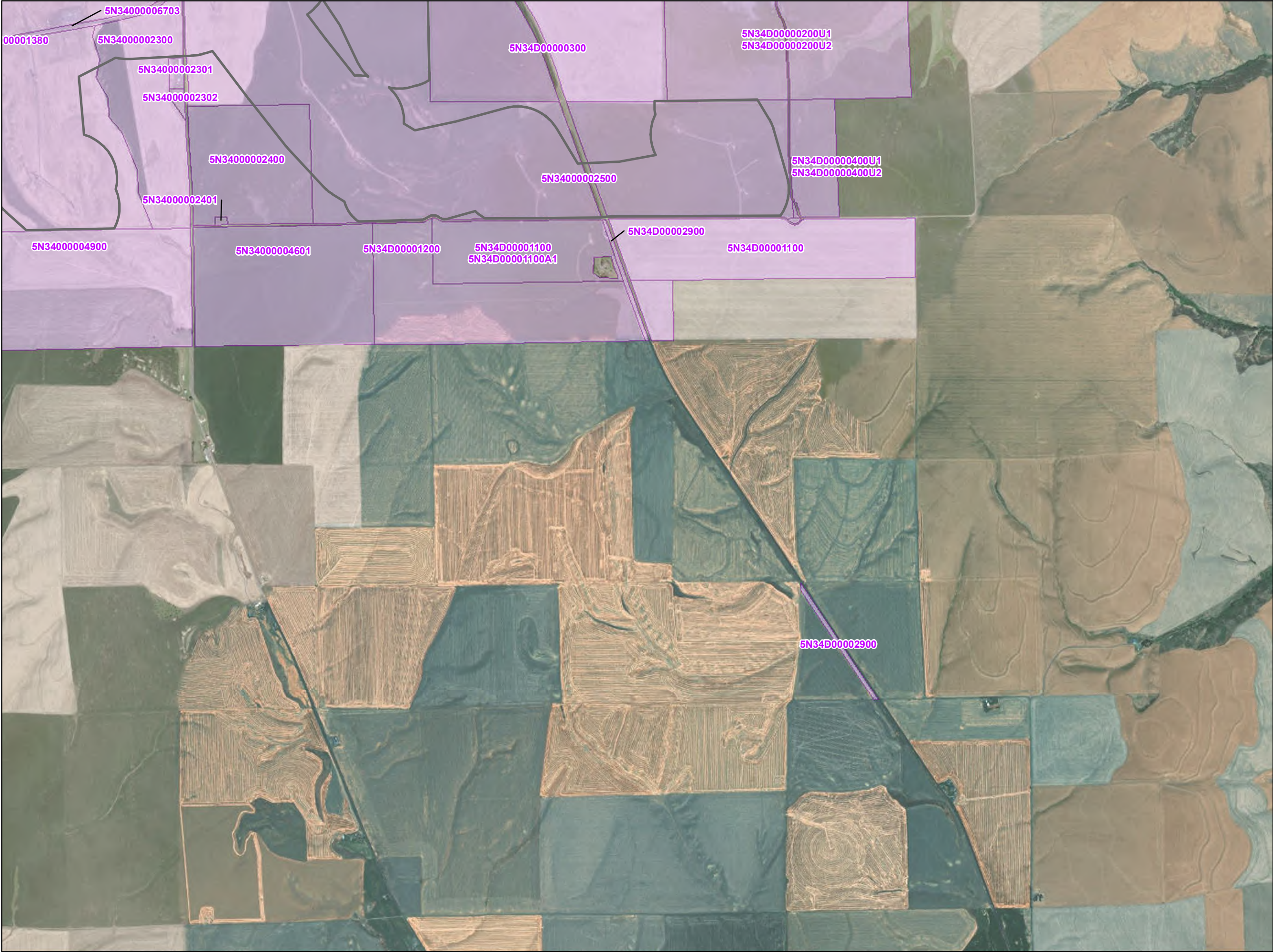
Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

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Stateline Wind Project
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Map Number 8
Tax Lots

UMATILLA, OR

- Project Boundary
- Tax Lot Boundary*

*Data obtained from Umatilla County
on July 19, 2021



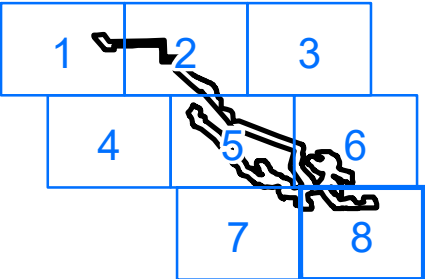
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NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction