

Request for Amendment #7 for the Stateline Wind Project

Prepared for



Prepared by



April 2022

This page intentionally left blank

Table of Contents

1.0	Introduction	4
1.1	Project Summary and Request	4
1.2	Procedural History	4
1.3	Amendment Required under OAR 345-027-0350 and Review Process under OAR 345-027-0351	6
2.0	Certificate Holder Information – OAR 345-027-0360(1)(a)	9
2.1	Name of the Facility	9
2.2	Name and Mailing Address of the Certificate Holder	9
2.3	Current Parent Company of Certificate Holder	9
2.4	Name and Mailing Address of the Individuals Responsible for Submitting the Request	9
3.0	Detailed Description of the Proposed Change – OAR 345-027-0360(1)(b)	10
3.1	Effect of Proposed Changes on the Facility – OAR 345-027-0360(1)(b)(A)	10
3.2	Applicable Laws and Council Rules – OAR 345-027-0360(1)(b)(B)	10
3.3	Location of the Proposed Change – OAR 345-027-0060(1)(b)(C)	11
4.0	Division 21 Requirements – OAR 345-027-0060(1)(c)	11
4.1	Required Permits – OAR 345-021-0010(1)(e)	11
4.2	Materials Analysis – OAR 345-021-0010(1)(f)	11
4.3	Other Participants – OAR 345-021-0010(1)(a)	12
4.4	Construction Schedule – OAR 345-021-0010(1)(b)(F)	12
5.0	Site Certificate Revisions – OAR 345-027-0360(1)(d)	12
6.0	Other Standards and Permits – OAR 345-027-0360(1)(e)	13
6.1	Applicable Division 22 Standards	17
6.1.1	General Standard of Review – OAR 345-022-0000	17
6.1.2	Organizational Expertise – OAR 345-022-0010	17
6.1.3	Structural Standard – OAR 345-022-0020	18
6.1.4	Soil Protection – OAR 345-022-0022	18
6.1.5	Land Use – OAR 345-022-0030	19
6.1.6	Protected Areas – OAR 345-022-0040	19
6.1.7	Retirement and Financial Assurance – OAR 345-022-0050	20
6.1.8	Fish and Wildlife Habitat – OAR 345-022-0060	20
6.1.9	Threatened and Endangered Species – OAR 345-022-0070	21

6.1.10	Scenic Resources – OAR 345-022-0080	21
6.1.11	Historical, Cultural and Archaeological Resources – OAR 345-022-0090	22
6.1.12	Recreation – OAR 345-022-0100	22
6.1.13	Public Services – OAR 345-022-0110	23
6.1.14	Waste Minimization – OAR 345-022-0120	23
6.2	Applicable Division 24 Standards	24
6.2.1	Public Health and Safety Standards for Wind Energy Facilities – OAR 345-024-0010	24
6.2.2	Siting Standards for Wind Energy Facilities – OAR 345-024-0015	25
6.3	Other Standards and Laws	26
6.3.1	Noise Control Regulations – OAR 340-035-0035	26
6.3.2	Removal-Fill Law	26
6.3.3	Water Rights	27
7.0	Property Owners Located within or Adjacent to the Site of the Facility – OAR 345-027- 0360(1)(f)	27
8.0	Conclusion	27
9.0	References	27

List of Tables

Table 1. Standards and Laws Relevant to Proposed Amendment.....	14
---	----

List of Figures

Figure 1. Project Location

Figure 2. Proposed Maximum Permitting Dimensions for Wind Turbine

Figure 3. Project Facilities

List of Attachments

Attachment 1. Stateline Wind Project Red-lined Site Certificate

Attachment 2. Property Owner List

Acronyms and Abbreviations

Council or EFSC	Energy Facility Siting Council
Facility	Vansycle II Wind Project
Certificate Holder; FPL Stateline	FPL Energy Stateline II, Inc.
FPL Vansycle	FPL Energy Vansycle, LLC
MW	megawatt
NEER	NextEra Energy Resources, LLC
NSR	noise sensitive receptors
OAR	Oregon Administrative Rules
ODOE	Oregon Department of Energy
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statutes
RPS	Renewable Portfolio Standard
RFA	Request for Amendment
SWP	Stateline Wind Project
WAGS	Washington ground squirrel

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 II (Facility)¹. 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).

RFA 6 approved dimensional changes to the approved turbine dimensions to allow for existing and new turbine towers to be upgraded/repowered to current technology by replacing the nacelles, hubs, rotors and turbine blades and associated temporary and permanent construction impacts, and the addition of battery storage (ODOE 2022). Although the dimensions analyzed in RFA 6 were determined based on the range of dimensions considering various blade lengths, nacelle and hub dimensions and associated equipment provided by multiple vendors for multiple configurations, further refinement of design and associated engineering resulted in a proposed repowered configuration requiring a minimum above-ground blade tip clearance of 53.8 feet and hub height of 295.8 feet including foundation, which are outside of the ranges provided in RFA 6. These turbine dimensions are minor variations from the approved and represented dimensions already reviewed by the Council for other facilities and will not result in a significant adverse impact that the Council have not addressed in an earlier order, or impact a resource or interest protected by an applicable law or Council standard. However, because turbine dimensions are specifically implicated in Condition 137, and amendment is required. Therefore, and to account for any further variation, the Certificate Holder is requesting a 50-foot minimum above-ground blade tip clearance and 315-foot hub height (see Section 5.0; Figure 2).

1.2 Procedural History

The Energy Facility Siting Council (EFSC or Council) 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 megawatts (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) 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 Stateline 2 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.
- Amendment #6 – On November 19, 2021, FPL Vansycle requested to repower up to 43 existing turbines (replacement of nacelles, rotors, hubs and blades); have the option to 1) construct and operate up to 2 new 2.3 MW turbines or 2) decommission and replace up to 4 2.3 MW existing wind turbines (both options using the same maximum dimensions of the repowered turbines, for a maximum total of 45 turbines); construct and operate a 50 MW battery energy storage system; temporarily disturb previously approved laydown areas, rotor assembly areas, crane paths, and access road improvement areas; and permanently disturb up to 12 acres for up to 5 new wind turbine foundations, the battery energy storage system, and a new access road. On January 28, 2022, EFSC approved Amendment #6.

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 change the Certificate Holder proposes requires a Site Certificate amendment under Oregon Administrative Rules (OAR) 345- 027-0350(4)(c) because it will require changes to a condition in the Site Certificate. Specifically, an amendment is required because the minimum above-ground blade tip clearance will be decreased from 59 feet to 50 feet and hub height will be increased from 295 feet to 315-feet, which will require a change to Condition 137(c). No new conditions will be required for the RFA 7 Facility modification. The alteration proposed in RFA 7 does not alter the Certificate Holder's ability to comply with EFSC's earlier findings in the Final Order on Amendment #6 as documented in this RFA (ODOE 2022). In addition, the Facility is already in operation and there will be no changes to the Site Boundary; RFA 7 proposes to lower the minimum above-ground blade tip clearance and raise the hub height at previously approved turbines 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 decreasing the minimum blade tip clearance and increasing the hub height (see Section 5.0). 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, RFA 5, and RFA 6). For these reasons, and the fact that the Council has previously applied the Type B process to similar amendment requests (ODOE 2019), the Type B review process is the appropriate amendment review process for this request. Therefore, RFA 7 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 7 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 purposed of RFA 7 is to account for two minor dimensional turbine configuration changes not accounted for in RFA 6: a minor decrease in the minimum above-ground blade tip clearance and minor increase in the hub height at an existing, operational wind farm. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). The change proposed by RFA 7 would require two minor changes to Condition 137(c) to provide for lower minimum ground clearance and higher hub height. Note that there are approved wind facilities with lower blade tip clearance and higher hub heights (e.g., Golden Hills Wind Project and Montague Wind Power Facility have approved blade tip clearances of 45 feet, and hub heights of 404 feet and 328 feet, respectively). In general, the change proposed by RFA 7 is an additional simple maintenance and operational project to those already approved by RFA 6 (ODOE 2022).

Based on review of RFA 7, the Oregon Department of Energy (ODOE) may determine that there will be no visual impact from lowering the minimum above-ground blade tip clearance and raising the hub height as it will be indiscernible from EFSC's previous analysis for RFA 6 (ODOE 2022); namely there will be no increase in the blade tip height of the turbines. 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 in RFA 6 (ODOE 2022); the Facility has been operational for almost 10 years, and the proposed changes do not factor into any setback requirements.

Turbine manufacturers and the Certificate Holder undertake significant measures to ensure blade safety to minimize risk and liability. Modifying two of the approved turbine dimensions will not impact the Certificate Holder's ability to operate the turbines. The Facility is located in a rural area entirely on private property which restricts public access to the turbine and other Facility component locations. Although an amendment is required due to a necessary change to Condition 137(a) and (c), the proposed changes will remain benign compared to other turbines and wind projects approved by EFSC in northeastern Oregon and was ultimately in the scope of review of RFA 6 which was approved by Council (ODOE 2022).

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

The recently approved RFA 6, which was reviewed under the Type A process with multiple opportunities to comment, resulted in only four public non-agency comments (ODOE 2022). Those comments were addressed through changes to Site Certificate conditions such as for Condition 144 regarding solid waste and recycling. The proposed changes do not affect compliance with any of the conditions that were modified as the result of public comment for RFA 6 (ODOE 2022). A contested case was also not requested for RFA 6 and the Certificate Holder had coordinated with landowners in advance of RFA 6. The Facility is an operational wind farm and the proposed changes will likely be imperceptible to the public compared to the changes approved in RFA 6. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Therefore, due to the reasons stated, the proposed changes are not anticipated to peak public interest.

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

The Certificate Holder understands that ODOE solicits comments from agencies as part of the amendment review process. The proposed changes do not affect compliance with any conditions that were modified due to agency review of RFA 6 to repower the Facility (ODOE 2022). As part of Site Certificate compliance, the Certificate Holder will coordinate with reviewing agencies, as applicable, and as required for specific condition compliance. The Certificate Holder has coordinated with Umatilla County, the Department of Defense regarding airspace, and the Confederated Tribes of the Umatilla Indian Reservation. 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 active WAGS colonies, signs, or potential burrows were identified. Because this is an existing wind farm, a minor decrease in the minimum above-ground blade tip clearance and minor increase in the hub height (by 20 feet) is 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 7 is a minor decrease in the minimum above-ground blade tip clearance and minor increase in the hub height at an existing, operational wind farm. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Therefore, there is little likelihood of significant adverse impact.

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

Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022) which would require different or increased amounts of mitigation. Therefore, the Certificate Holder does not anticipate 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.

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

2.3 Current Parent Company of Certificate Holder

NextEra Energy Resources, LLC
FEW/JB
700 Universe Blvd
Juno Beach, FL 33408

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

Anneke Solsby
NextEra Energy Resources, LLC
700 Universe Boulevard
Juno Beach, FL 33408
(503) 860-9076
Anneke.Solsby@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:

The proposed changes are to reduce the minimum ground clearance from 59 to 50 feet and raise the hub height from 295 feet to 315 feet. Further refinement of design and associated engineering resulted in a proposed repowered configuration requiring a minimum above-ground blade tip clearance of 53.8 feet and hub height of 295.8 feet, which was not captured in RFA 6. Therefore, and to account for any further variation, the Certificate Holder is requesting a 50 foot minimum above-ground blade tip clearance and 315 foot hub height.

3.1 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 proposed changes will not change how the Facility is operated in general or how it will be repowered as approved in RFA 5 and RFA 6 (ODOE 2019, ODOE 2022). There will be no new structures or permanent ground development. RFA 7 is a minor decrease in the minimum above-ground blade tip clearance and minor increase in the hub height at an existing, operational wind farm. Lowering the minimum above-ground blade tip clearance and raising the hub height by 20 feet will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Ultimately, the proposed changes will maximize the use of current technology, while supporting renewable energy production in the region.

3.2 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 will prohibit the changes requested in RFA 7. Compliance with applicable laws is integrated into the Site Certificate conditions, including conditions related to noise analysis, the National Pollutant Discharge Elimination System 1200-C permit, consultation with ODFW, among others. Although a minor change to a Site Certificate

condition is being requested, RFA 7 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 the repowering approved in RFA 5 and RFA 6 (ODOE 2019, ODOE 2022). 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 will need to be considered that were not previously evaluated. Other than lowering the minimum above-ground blade tip clearance and raising the hub height, the Facility will be repowered and 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, as applicable to the proposed change.

3.3 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 3 shows the as-built Facility layout.

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 345-021-0010 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 (ODOE 2019, ODOE 2022). 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 change as proposed by RFA 7 will generally be the same as those approved for repowering of the Facility as previously approved by the Council in RFA 6 (ODOE 2022). The Certificate Holder 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 will be obtained by the construction firm selected to 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. 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)

Repowering is planned to begin in June 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 SWP Red-lined Site Certificate which reflects the proposed changes although the Certificate Holder also proposes removing the condition at the Departments discretion:

(137) The certificate holder shall construct the Vansycle II facility modifications, as approved in the Sixth Amended Site Certificate, substantially as described in Request for Amendment 6 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 ~~295~~315 feet and the maximum blade tip height must not exceed 499 feet.*
- b) Vansycle II wind turbine rotor diameter must not exceed 426 feet.*
- c) Vansycle II wind turbine minimum blade tip clearance must not be lower than ~~59~~50 feet above ground.*

[Amendment #5, #6, #7]

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 (ODOE 2019, ODOE 2022). No additional statutes, rules, or ordinances need to be added based on the proposed change.

EFSC standards relevant to RFA 7 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 proposed changes do not alter the Certificate Holder’s ability to comply with EFSC’s earlier findings in the Final Order on Amendment #6 (ODOE 2022). The primary purpose of RFA 7 is to take advantage of technological advances in 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 repowered and operated in the same manner as previously approved by EFSC which imposed conditions, as necessary, for Facility operations (ODOE 2022).

Table 1 identifies EFSC standards and other laws reviewed as part of RFA 7 and their applicability to RFA 7. The Facility will comply with all existing applicable Site Certificate conditions. Site Certificate compliance will continue to be documented through the annual compliance report². Preconstruction and construction compliance conditions specific to the proposed changes are in Section X of Attachment 1, the SWP Red-lined Site Certificate. Section 6.1 contains the information necessary for EFSC to find that the Facility, with the proposed change, continues to meet the standards of the relevant laws.

² Note, the Stateline Wind Farm Project Site Certificate includes Stateline 1 and 2.

Table 1. Standards and Laws Relevant to Proposed Amendment

Standard	Applicability & Compliance
OAR 345-022-0000 General Standard of Review	Applicable and complies. The Council previously found that the Facility complies with the General Standard of Review. 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 7 is another step for the Facility to contribute to meeting this requirement. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0000 General Standard of Review is satisfied.
OAR 345-022-0010 Organizational Expertise	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. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0010 Organizational Expertise Standard is satisfied.
OAR 345-022-0020 Structural Standard	Applicable and complies. The proposed changes to the turbine dimensions do not change potential structural impacts that have not already been reviewed by the Council and the Oregon Department of Geology and Mineral Industries. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0020 Structural Standard is satisfied.
OAR 345-022-0022 Soil Protection	Not applicable. There will be no new areas of ground disturbance as a result of the proposed changes nor do the proposed changes require changes to conditions under the Soil Protection Standard. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0022 Soil Protection Standard is satisfied.
OAR 345-022-0030 Land Use	Not applicable. Approval of RFA 7 will not result in any land use impacts that have not been addressed by the Council; the amendment will not expand the Site Boundary or alter the authorized uses or approved conditions for authorized uses. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0030 Land Use Standard is satisfied.
OAR 345-022-0040 Protected Areas	Not applicable. The proposed changes do not modify EFSC's previous finding for Protected Areas. There will be no change to the approved turbine dimensions that will be visually perceptible nor any changes to traffic, noise or water use that were not previously approved by Council as part of RFA 6. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0040 Protected Areas Standard is satisfied.
OAR 345-022-0050 Retirement and Financial Assurance	Not applicable. The proposed changes do not affect the Certificate Holder's ability to restore the site to a useful, nonhazardous condition following permanent cessation of construction or operation of the facilities nor does it affect or factor into the decommissioning amount. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0050 Retirement and Financial Assurance Standard is satisfied.

Standard	Applicability & Compliance
OAR 345-022-0060 Fish and Wildlife Habitat	Not applicable. There will be no new areas of ground disturbance as a result of the proposed changes nor do the proposed changes require changes to conditions under the Fish and Wildlife Habitat Standard. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0060 Fish and Wildlife Habitat Standard is satisfied.
OAR 345-022-0070 Threatened and Endangered Species	Applicable and complies. The proposed changes to the turbine dimensions do not change potential impacts to threatened and endangered species that have not already been reviewed by the Council and ODFW. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0070 Threatened and Endangered Species Standard is satisfied.
OAR 345-022-0080 Scenic Resources	Not applicable. The proposed changes do not modify EFSC's previous finding for Scenic Resources. There will be no change to the approved turbine dimensions that will be visually perceptible from what was previously approved by Council as part of RFA 6. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0080 Scenic Resources Standard is satisfied.
OAR 345-022-0090 Historic, Cultural and Archaeological Resources	Applicable and complies. The proposed changes to the turbine dimensions do not change potential impacts to historic, cultural or archaeological resources that have not already been reviewed by the Council and the State Historic Preservation Office. There will be no change to the approved turbine dimensions that will be visually perceptible from what was previously approved by Council as part of RFA 6. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0090 Historic, Cultural and Archaeological Resources Standard is satisfied.
OAR 345-022-0100 Recreation	Not applicable. The proposed changes do not modify EFSC's previous finding for Recreation Areas. There will be no change to the approved turbine dimensions that will be visually perceptible nor any changes to traffic or noise that were not previously approved by Council as part of RFA 6. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0100 Recreation Standard is satisfied.
OAR 345-022-0110 Public Services	Applicable and complies. RFA 7 is not anticipated to require additional services from public providers from what was previously approved by the Council for RFA 6. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0110 Public Services Standard is satisfied.
OAR 345-022-0120 Waste Minimization	Applicable and complies. RFA 7 is not anticipated to increase the amount of solid waste and wastewater generated by the Facility from what was previously approved by the Council for RFA 6. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-022-0120 Waste Minimization Standard is satisfied.

Standard	Applicability & Compliance
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. RFA 7 does not affect the Certificate Holder's ability to design, engineer, and construct the Facility to avoid dangers to human safety. NEER family of companies has expertise, derived over years of successfully operating hundreds of MWs of wind energy projects. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-024-0010 Public Health and Safety Standards for Wind Energy Facilities Standard is satisfied.
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 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-024-0015 Siting Standards for Wind Energy Facilities Standard is satisfied.
OAR 345-024-0090 Transmission Lines	Not Applicable. There will be no changes to the transmission line as part of RFA 7.
OAR 340-035-0035 Noise	Applicable and complies. Approval of RFA 7 will not result in any noise impacts that have not already been addressed by the Council. There will be no changes to the approved turbine dimensions that will alter the noise amounts from what was previously approved by Council as part of RFA 6. RFA 7 does not alter the Certificate Holder's ability to comply with the Site Certificate conditions. Therefore, this seventh RFA makes no changes that will alter the basis for the Council's earlier findings that the OAR 345-035-0035 Noise Standard is satisfied.
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.
Water Rights	Applicable and complies. Water volumes will not increase, and sources will not change from what was previously approved by Council for use during construction and operation of the Facility.

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 (ODOE 2022). The following sections provide the analysis required for the Council to determine that the proposed changes do not affect the Certificate Holder's compliance with the standards and requirements set forth under the General Standard of Review or ability to repower and operate the Facility consistent with the terms and conditions of the Site Certificate (Oregon Revised Statutes [ORS] 469.430). Note that the Certificate Holder does not propose to add any new conditions, rather proposes one minor change to Condition 137(c).

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 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 changes in RFA 7 promote Oregon energy policy and provide a net public benefit, and may conclude that the Facility, as modified by RFA 7, 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 (ODOE 2022). This finding was based on a review of qualifications of NEER personnel who will be responsible for the construction and operation of the Facility. There has been no change to NEER's ownership, management, or holdings that will alter the previous conclusion by the Council in RFA 6 (ODOE 2022). The Facility has been operational since 2009 and there are no circumstances that will

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 (ODOE 2022). 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. The Certificate Holder's ability to design, engineer, and construct the Facility to avoid dangers to human safety is not affected by the proposed change. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, or cause any other impact not already reviewed by the Council (ODOE 2019, ODOE 2022). There will be no changes to turbine locations within the previously approved micrositing corridor, where potential geological and soil hazards have already been evaluated and approved by the Council (ODOE 2022). The Council has previously responded to previous repowering structural concerns raised in RFA 6 through new and amended conditions, and these conditions continue to ensure that the Certificate Holder meets the requirements of the Structural Standard (ODOE 2022). The Certificate Holder has a contract with a major turbine equipment provider to complete a site suitability analysis and mechanical loads analysis for each repowered wind turbine. The mechanical loads analysis evaluates the mechanical and foundation loads of the repowered turbines to confirm all design criteria are met based on the design dimensions, including hub height and above ground blade tip clearance. Foundation analyses are completed to confirm all foundation loads meet design criteria for all repower turbines as required per Condition 140. Therefore, based on the foregoing, and review and compliance with the applicable Site Certificate conditions, the Council may find that the Facility with the proposed changes will continue to comply with OAR 345-022-0020.

6.1.4 Soil Protection – OAR 345-022-0022

The Council previously found that the Facility complies with the Soil Protection Standard (ODOE 2022). 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. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, result in any new ground or soil disturbance or soil impact, or cause any other impact not already reviewed by the Council (ODOE 2019, ODOE 2022). The Facility must still comply with the Soil Protection Conditions previously imposed on the Facility as they relate to repowering the Facility (ODOE 2019, ODOE 2022). The Facility is already constructed such that the Certificate Holder met all preconstruction and construction conditions, and will continue to meet construction measures, as

they apply to repowering the Facility which was approved in RFA 5 and RFA 6 (ODOE 2019, ODOE 2022). Therefore, the Council may conclude that the Facility, as modified by RFA 7, 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 (ODOE 2022). 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 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 7 does not affect the Council's previous findings of compliance with the Land Use Standard because lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Note that the change as proposed by RFA 7 will not change how the Facility is operated. RFA 7 does not propose alterations to any Facility infrastructure besides two turbine dimensions. Therefore, the Certificate Holder addresses the Land Use Standard accordingly.

In its evaluation of the Facility under the Land Use Standard (OAR 345-022-0030) in the Final Order on the Application for Site Certificate, and in subsequent RFAs, the Council considered the applicable, substantive criteria. This includes the Umatilla County Development Code; adopted 1983 and amended through 2020. The Umatilla County Development Code has not had changes to the applicable sections that will impact the Council's prior findings under the Land Use Standard (ODOE 2022). 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 addressed the applicable substantive criteria for repowering the Facility in RFA 6 in Attachment 3. There are no additional substantive criteria that need to be addressed for RFA 7 nor do the proposed changes in RFA 7 change how the substantive criteria would be addressed; the proposed changes continue to comply with all applicable substantive criteria which implement the statewide planning goals. 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. For the reasons discussed above, the Council can find that, with approval of RFA 7, 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 (ODOE 2022). 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. The Council has not previously imposed any conditions related to this standard. 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 20-mile analysis area (Google Earth 2021, USGS 2020). There will be no change to predicted noise levels, transport or haul routes, water use or wastewater disposal from what was previously approved by the Council in RFA 6 (ODOE 2022). Additionally, ODOE may determine that there are no changes to visual impacts from lowering the minimum above-ground blade tip clearance and raising the hub height as it will be indiscernible from EFSC's previous analysis for RFA 6 (ODOE 2022); namely there will be no increase in the blade tip height of the turbines. Lowering the minimum above-ground blade tip clearance and raising the hub height by one foot will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Therefore, the proposed changes do not affect the Council's previous finding on Protected Areas; thus, the Council may find the Facility, as proposed, continues to comply with OAR 345-022-0040.

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 (ODOE 2022). In addition, the Certificate Holder has obtained a bond or letter of credit in a form that satisfies Site Certificate Conditions 41 and 109 and will continue to adjust the amount of the bond or letter of credit on an annual basis per Site Certificate Condition 109.

Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Thus, RFA 7 does not propose any change that will factor into the total site restoration cost or how the site will be adequately restored to a useful, non-hazardous condition following permanent cessation of construction or operation than was previously approved by the Council (ODOE 2019, ODOE 2022). 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

The Council previously found that the Facility complies with the Fish and Wildlife Habitat Standard (ODOE 2022). The 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. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). The list of state sensitive wildlife species has not changed from RFA 6 and the same species are expected to occur (ODOE 2022). One year of post-construction mortality monitoring will be performed in accordance with the SWP Wildlife Monitoring and Mitigation Plan to ensure that established fatality thresholds are not exceeded after repowering. In general, all previously imposed Council conditions for fish and wildlife habitat and applicable Threatened and Endangered Species conditions apply to RFA 7. There will be no changes to the conditions, and the proposed

changes do not affect the Certificate Holder's ability to comply with any of the other previously imposed Site Certificate conditions for fish and wildlife habitat. RFA 7 will 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 Facility, as proposed, complies 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; ODOE 2022). All previously imposed Council conditions for threatened and endangered species apply to RFA 7. There will be no changes to the conditions, and the proposed changes do not affect the Certificate Holder's ability to comply with any of the other previously imposed site conditions for threatened and endangered species (ODOE 2022). The Council previously found there to be no discernable impact to threatened and endangered species for other facilities that requested a lower minimum blade clearance (Golden Hills Wind Project and Montague Wind Power Facility). Lowering the minimum above-ground blade tip clearance and raising hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). RFA 7 will 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 (ODOE 2022). 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. None of the nine applicable federal and local land use management plans within the 10-mile analysis area have been updated since RFA 6 (NPS 2021, Umatilla County 2018, Walla Walla County 2019, WDFW 2019; additional resources reviewed include City of Adams 2003, City of Athena 1998, City of Helix 2006, City of Milton-Freewater 1999, City of Milton-Freewater 2020, City of Weston 2015, Umatilla County 1984, and WDFW 2022). Additionally, these plans also do not identify any specific scenic resource as significant or important or identify development criteria or restrictions that would apply to managing the resource for its significant or important scenic qualities. ODOE may determine that there are no changes to visual impacts from lowering the minimum above-ground blade tip clearance and raising the hub height as it will be indiscernible from EFSC's previous analysis for RFA 6 (ODOE 2022); namely there will be no increase in the blade tip height of the turbines. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not

already reviewed by Council (ODOE 2019, ODOE 2022). Therefore, RFA 7, 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 (ODOE 2022). 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 will likely be listed on the National Register of Historic Places; 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). Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Additionally, ODOE may determine that there are no changes to visual impacts from lowering the minimum above-ground blade tip clearance and raising the hub height as it will be indiscernible from EFSC's previous analysis for RFA 6 (ODOE 2022); namely there will be no increase in the blade tip height of the turbines. The Facility must still comply with the Historical, Cultural and Archaeological Resources Conditions previously imposed on the Facility as they relate to repowering the Facility (ODOE 2019, ODOE 2022). RFA 7 makes no changes that will alter the basis for the Council's earlier findings, or its conclusion that the Facility will not likely result in an 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 (ODOE 2022). 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. Based on the Certificate Holder's review of recreation opportunities, there are no new recreation areas located within the 5-mile analysis area (BLM 2022, Google Earth 2021, ODFW 2017, ODFW 2021, OPRD 2022, ORBIC 2015, Umatilla County [no date], Umatilla County 2018, Walla Walla County 2019). The Council has not previously imposed any conditions related to this standard. There will be no change to predicted noise levels or transport or haul routes from what was previously approved by the Council in RFA 6 (ODOE 2022). Additionally, ODOE may determine that there are no changes to visual impacts from lowering the minimum above-ground blade tip clearance and raising the hub height as it will be indiscernible from EFSC's previous analysis for RFA 6 (ODOE 2022); namely there will be no increase in the blade tip height of the turbines. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter

the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). RFA 7 makes no changes that will alter the basis for the Council's earlier findings, or its conclusion that the Facility will 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 Application for Site Certificate and in subsequent amendment requests to conclude that the Public Services Standard was met for the existing Facility (ODOE 2022). 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 preconstruction and construction conditions, and will continue to meet construction measures, as they apply to repowering the Facility which was approved in RFA 5 and RFA 6 (ODOE 2019, ODOE 2022). RFA 7 will not require additional services from sewer and water services, water, stormwater drainage, solid waste management, housing, traffic safety, police and fire protection, health care, and school providers from what was approved in RFA 6 (ODOE 2022). Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). The proposed changes will not change the number of construction workers, vehicle trips, construction practices or construction resources or impacts from repowering than that which was reviewed and approved by Council in RFA 6 (ODOE 2022). Therefore, the proposed changes do 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 the Facility, with the proposed change, 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 (ODOE 2022). The Facility is already constructed such that the Certificate Holder met all preconstruction and construction conditions, and will continue to meet construction measures, as they apply to repowering the Facility which was approved in RFA 5 and RFA 6 (ODOE 2019, ODOE 2022). Lowering the minimum above-ground blade tip clearance and raising the hub height of the repowered turbines will not affect the quantities of materials used and removed during repowering from what was previously approved by the Council for RFA 6 (including the imposition of amended

conditions; ODOE 2022). RFA 7 will also not impact the Facility's ability to comply with existing Site Certificate conditions for waste management and will not increase the amount of solid waste and wastewater generated by the Facility during operations. Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). 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 (ODOE 2022). The proposed changes will be contained within the existing Site Boundary. The reduction of the minimum above-ground blade tip clearance will occur to existing turbine structures, and this modification will be designed with several levels of built-in safety and comply with applicable building codes and standards.

From an engineering perspective, wind turbines are analyzed as a configuration versus one dimension. Wind turbines are somewhat unique structures with specialized concerns of highly eccentric loads and dynamic loading induced from rotating machinery. Often, structural design codes are typically intended for buildings or bridges and designers must be aware of areas where structural codes are not adequate. The result of this fact is that wind turbines and foundations are designed using a combination of building codes and other standards:

- American Society of Civil Engineers/American Wind Energy Association joint committee produced a recommended practice document for design of wind energy structures that provides an overall framework for the design of wind turbine support structures, directing the designer to other design codes for specific elements of structural design.
- The Germanischer Lloyd Wind Guidelines provide guidance on the load cases to be considered and general guidance on design criteria for wind turbine support structures.
 - International Electrotechnical Commission 61400 and American Society of Civil Engineers 7-16 provide the basis for load development.
- International Building Code (and incorporated American Concrete Institute documents) is utilized for reinforced concrete design capacities but does not address fatigue strength of reinforced concrete.
- DNV GL's standard for offshore concrete structures is used for fatigue strength of reinforced concrete members.
- Specific technical standards are incorporate for other design considerations.

There aren't specific Occupational Safety and Health Administration regulations to the above ground clearance dimension. Design regulations are those typical to the industry provided above. There are separate Occupational Safety and Health Administration regulations that govern the safety of workers during the construction of wind towers (29 Code of Federal Regulations 1926) and during maintenance work (29 Code of Federal Regulation 1910) which requires ongoing compliance. All aforementioned codes and standards will be applied to the proposed changes of RFA 7. The Certificate Holder has a contract with a major turbine equipment provider to complete a site suitability analysis and mechanical loads analysis for each repowered wind turbine. The mechanical loads analysis evaluates the mechanical and foundation loads of the repowered turbines to confirm all design criteria are met based on the design dimensions, including hub height and above ground blade tip clearance. Foundation analyses are completed to confirm all foundation loads meet design criteria for all repower turbines as required per Condition 140.

No changes to any other infrastructure are proposed. The change proposed by RFA 7 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. In general, because of the limited population base, the Facility is and will be after the proposed modification, 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. Fire risks during the Facility modification are similar to the risks previously considered by EFSC for RFA 6 (ODOE 2022). Determinations of No Hazard to Air Navigation have been received and Notices of Alteration have been submitted and approved for all turbines to be modified under RFA 6 (ODOE 2022). Note that RFA 7 does not propose any turbine height alterations. The Facility must still comply with the Public Health and Standards for Wind Energy Facilities Conditions previously imposed on the Facility as they relate to repowering the Facility (ODOE 2019, ODOE 2022).

RFA 7 requests a modified minimum blade tip clearance that is higher than the minimum blade tip clearance, and a modified hub height that is lower than the maximum hub height currently approved for other facilities under EFSC jurisdiction (Golden Hills Wind Project and Montague Wind Power Facility). Lowering the minimum above-ground blade tip clearance and raising the hub height will not alter the Site Boundary, cause new temporary or permanent impacts, nor cause any other impact not already reviewed by Council (ODOE 2019, ODOE 2022). Thus, the proposed changes 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 Council previously found that the Facility complies with the Siting Standards for Wind Energy Facilities (ODOE 2022). Lowering the minimum above-ground blade tip clearance and raising the

hub height will not alter the Site Boundary, cause new temporary or permanent impacts, result in any new ground or soil disturbance or soil impact, or cause any other impact not already reviewed by the Council (ODOE 2019, ODOE 2022). There will be no visual impact from lowering the minimum above-ground blade tip clearance and raising the hub height as it will be indiscernible from EFSC's previous analysis for RFA 6 (ODOE 2022); namely there will be no increase in the blade tip height of the turbines. Additionally, there will be no changes to lighting as part of RFA 7. The Facility must still comply with the Siting Standards for Wind Energy Facilities Conditions previously imposed on the Facility as they relate to repowering the Facility (ODOE 2019, ODOE 2022). 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 Council previously found that the Facility complies with the Noise Control Regulations (ODOE 2022). The Certificate Holder previously addressed compliance with the ODEQ noise regulations (ODOE 2019, ODOE 2022). 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 part of a repower project, it will be constructed on a previously used site.³

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 (ODOE 2022). As originally proposed and amended, the Council concluded that the Facility, subject to Site Certificate conditions, will comply with the applicable State noise regulations (ODOE 2022). The proposed changes do not affect the noise analysis requirement. 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

³ 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."

proposed modifications, will not temporarily or permanently impact waters of the state such that a removal-fill permit is required (ODOE 2022). The Facility is currently operational; Construction of the Facility did not require a removal-fill permit and did not impact wetlands or jurisdictional waters (ODOE 2022). RFA 7 does not change the need for a removal-fill permit from what was approved in RFA 6 and all jurisdictional wetlands and other waters will be avoided (ODOE 2022). Therefore, the proposed changes in RFA 7 do not alter the prior analysis and the Council can find that RFA 7 will 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. RFA 7 does not change construction or operation water usage or sources from what was approved in RFA 6 (ODOE 2022). The Council did not impose any conditions related to this standard. Thus, the Council can conclude that with the proposed change, 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 and accompanying map is provided in Attachment 2.

8.0 Conclusion

For the reasons stated above, the Certificate Holder respectfully requests approval of RFA 7.

9.0 References

- BLM (U.S. Bureau of Land Management). 2022. BLM Recreation Web Map. Accessed February 17, 2022. Available online at: <https://www.blm.gov/visit>
- City of Adams. 2003. Comprehensive Plan, as amended 2003.
- City of Athena. 1998. Comprehensive Plan, as amended 1998.
- City of Helix. 2006. Comprehensive Plan, as amended 2006.
- City of Milton-Freewater. 1999. Comprehensive Plan, as amended 1999.
- City of Milton-Freewater. 2020. Parks and Recreation Master Plan. July 2020. Accessed February 17, 2022. Available online at: <https://www.mfcity.com/community/page/master-plan>

- City of Weston. 2015. Comprehensive Plan, as amended 2015. Accessed February 17, 2022.
Available online at: <https://scholarsbank.uoregon.edu/xmlui/handle/1794/21889>
- Google Earth. 2021. Imagery date 4/14/21. Accessed February 17, 2022.
- NPS (National Park Service). 2021. Superintendent's Compendium. Whitman Mission National Historic Site. October 2, 2021. Accessed February 17, 2022. Available online at: https://www.nps.gov/whmi/learn/management/superintendents_compend.htm
- ODFW (Oregon Department of Fish and Wildlife). 2017. Oregon Hunting Map website. Accessed February 17, 2022. Available online at: <http://oregonhuntingmap.com/>
- ODFW. 2021. ODFW Wildlife Areas. June 2021. Accessed February 17, 2022. Available online at: <https://nrimp.dfw.state.or.us/DataClearinghouse/default.aspx?p=202&XMLname=861.xml>
- ODOE (Oregon Department of Energy). 2019. Final Order on Request for Amendment 5 to the Site Certificate. May 17, 2019. Available online at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2019-05-17-SWP-AMD5-Final-Order-on-RFA5.PDF>.
- ODOE. 2022. Final Order on Request for Amendment 6 to the Site Certificate. January 28, 2022. Available online at: <https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2022-01-28-SWP-AMD6-Final-Order-on-RFA6.pdf>.
- OPRD (Oregon Parks and Recreation Department). 2022. Oregon State Parks – Find a Park. Accessed February 17, 2022. Available online at: https://oregonstateparks.org/index.cfm?do=visit.dsp_find
- ORBIC (Oregon Biodiversity Information Center). 2015. Oregon's Natural Areas Geodatabase. October 2015. Oregon Biodiversity Information Center and the Oregon Parks and Recreation Department. An excerpt of the Oregon Stewardship Geodatabase (2015), which is itself modified from the US Geological Survey, Gap Analysis Program (GAP). November 2012. Protected Areas Database of the United States (PADUS), version 1.4. Accessed February 17, 2022. Available online at: <http://spatialdata.oregonexplorer.info/geoportal/details?id=d2e844f814c34b4f97dc2ffe0eab7fd2>
- Umatilla County. No date. Parks. Accessed February 17, 2022. Available online at: <https://www.co.umatilla.or.us/departments/parks>
- Umatilla County. 1984. Umatilla County Technical Report. Accessed February 17, 2022. Available online at: <https://scholarsbank.uoregon.edu/xmlui/handle/1794/8548?show=full>
- Umatilla County. 2018. Umatilla County Comprehensive Plan. May 16, 2018. Accessed February 17, 2022. Available online at: http://co.umatilla.or.us/fileadmin/user_upload/Planning/Umatilla_County_Ccomp_Plan.pdf
- USGS (United States Geological Survey). 2020. Protected Areas Database of the United States. Available online at: <https://maps.usgs.gov/padus/>.

Walla Walla County. 2019. Comprehensive Plan. August 5, 2019. Accessed February 17, 2022.

Available online at: [https://www.co.walla-](https://www.co.walla-walla.wa.us/document_center/commdev/planning/comp%20plan/FINAL%20Walla%20Walla%20County%20Comp%20Plan%20(080519)%20(complete).pdf)

[walla.wa.us/document_center/commdev/planning/comp%20plan/FINAL%20Walla%20Walla%20County%20Comp%20Plan%20\(080519\)%20\(complete\).pdf](https://www.co.walla-walla.wa.us/document_center/commdev/planning/comp%20plan/FINAL%20Walla%20Walla%20County%20Comp%20Plan%20(080519)%20(complete).pdf)

WDFW (Washington Department of Fish and Wildlife). 2019. Blue Mountains Wildlife Areas Management Plan. July 2019. Accessed February 17, 2022. Available online at:

<https://wdfw.wa.gov/sites/default/files/publications/02084/wdfw02084.pdf>

WDFW. 2022. McDonald Bridge Wildlife Area Unit. Accessed February 17, 2022. Available online at:

<https://wdfw.wa.gov/places-to-go/wildlife-areas/mcdonald-bridge-wildlife-area-unit>

This page intentionally left blank

Figures

Stateline Wind Project
Request for Amendment 7

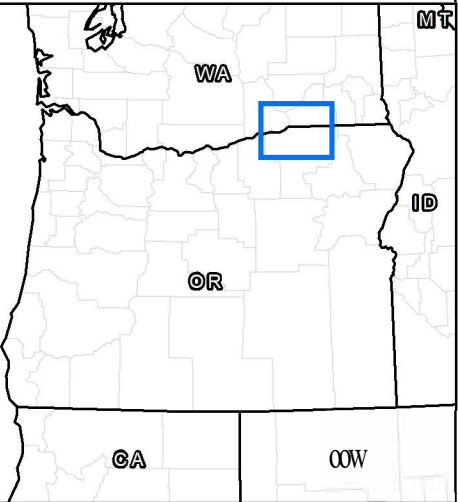
Vansycle II

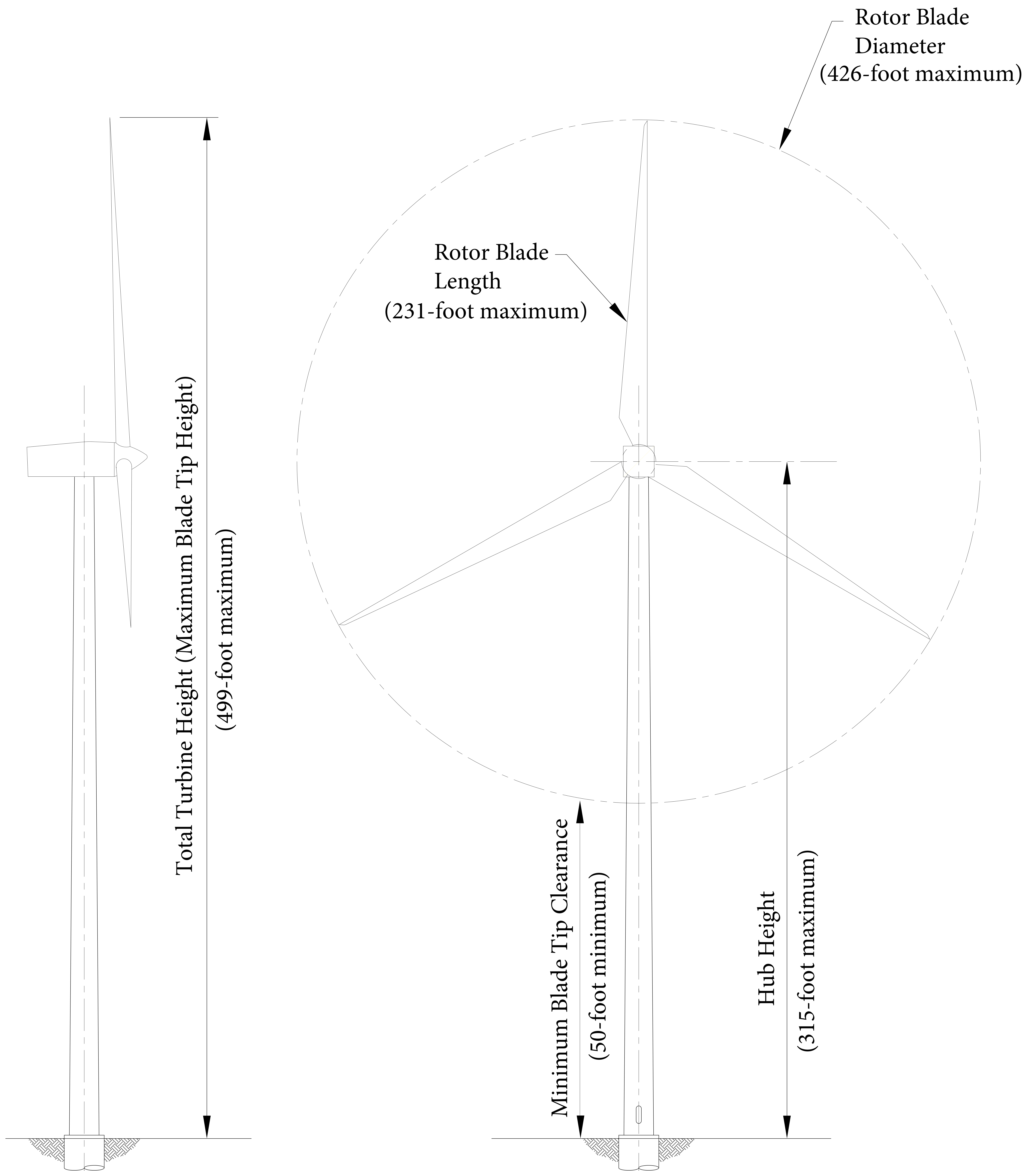
Figure 1
Project Location

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

TETRA TECH



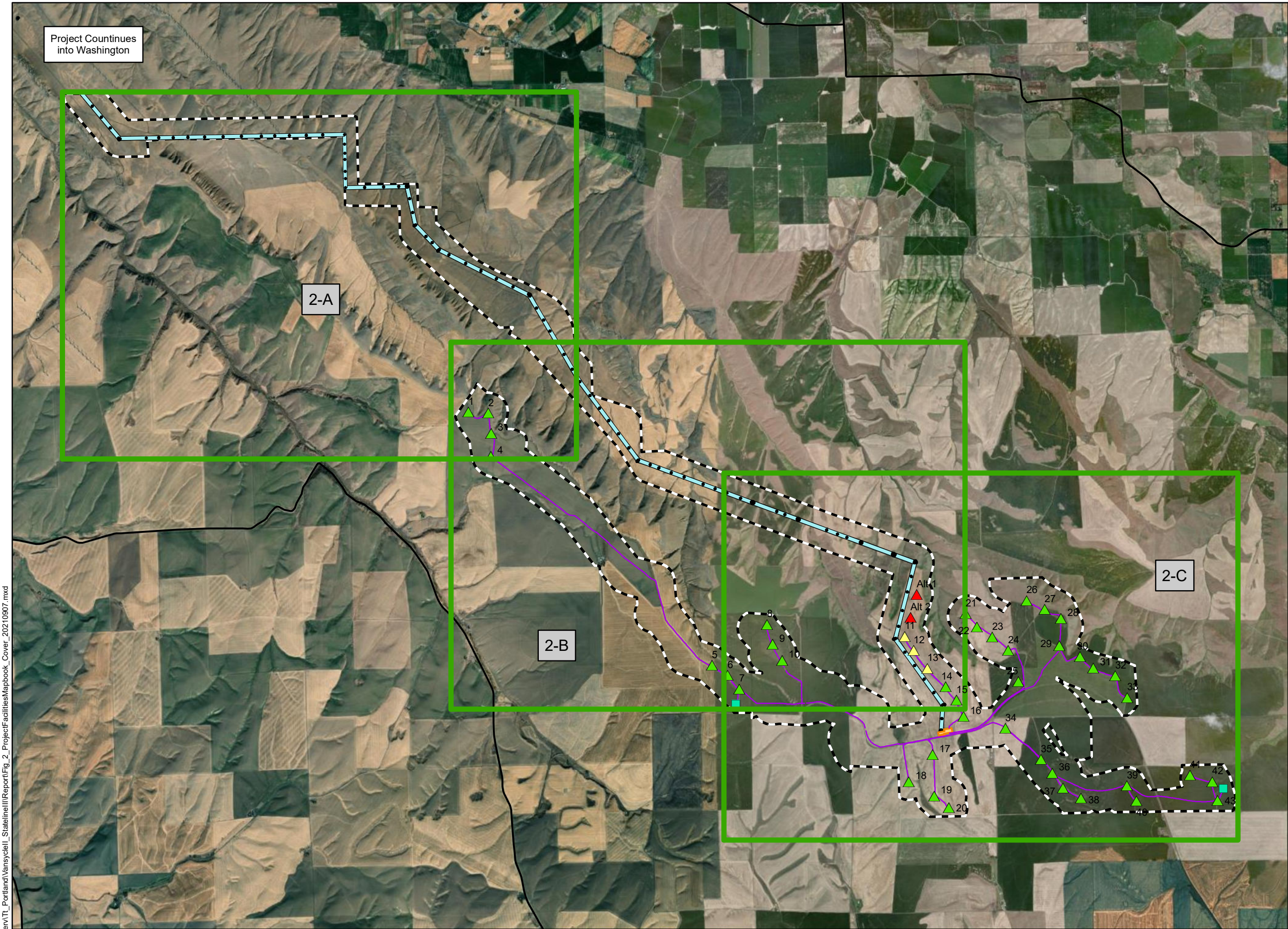


Stateline Wind Project Vansycle II

UMATILLA COUNTY, OREGON AND
WALLA WALLA COUNTY, WASHINGTON

FIGURE 2. Proposed Maximum Permitting
Dimensions for Wind Turbine
*(not for construction - actual wind turbine dimensions
pending final design)*

Z:\GIS\Server\Tt_Portland\Vansycle\StateInfill\Report\Fig_2_ProjectFacilitiesMapbook\Cover_20210907.mxd



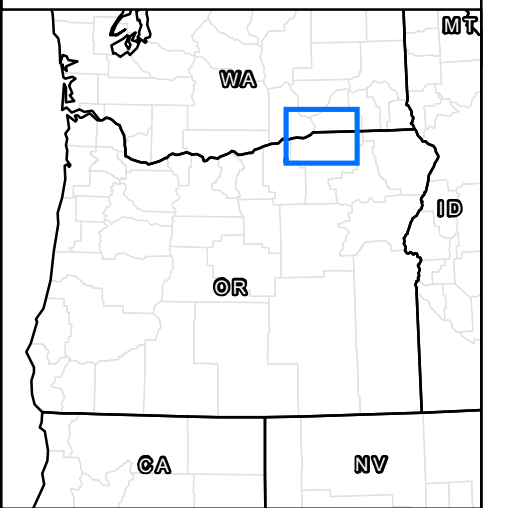
Stateline Wind Project Request for Amendment 7

Vansycle II

Figure 3 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)
- Met Tower
- Collection Line
- Substation
 - Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary
- Secondary Road



1:60,000 NAD 1983 StatePlane Oregon North FIPS 3601 Feet



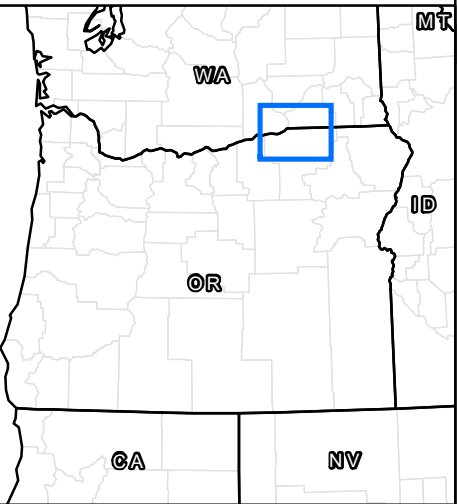
Stateline Wind Project
Request for Amendment 7

Vansycle II

Figure 3-A Project
Facilities

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Existing Turbines (Repower Only)
- Collection Line
- Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary



1:24,000

NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.5 1 2 3 Miles

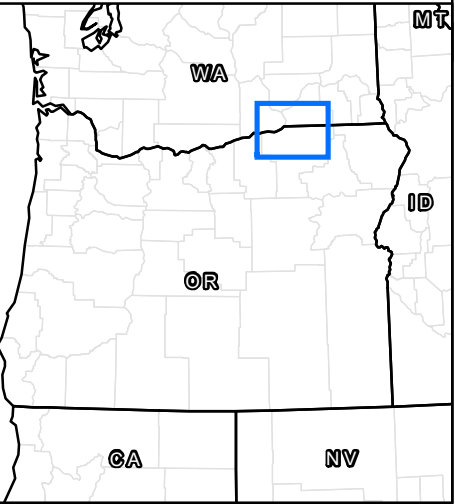
Stateline Wind Project
Request for Amendment 7

Vansycle II

Figure 3-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)
- Met Tower
- Collection Line
- Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary



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

Z:\GIS\Server\Tt_Portland\VansycleII_StateLine\Report\Fig_2_RFA6_ProjectFacilitiesMapbook_20210307.mxd



1:24,000

NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.5 1 2 3 Miles

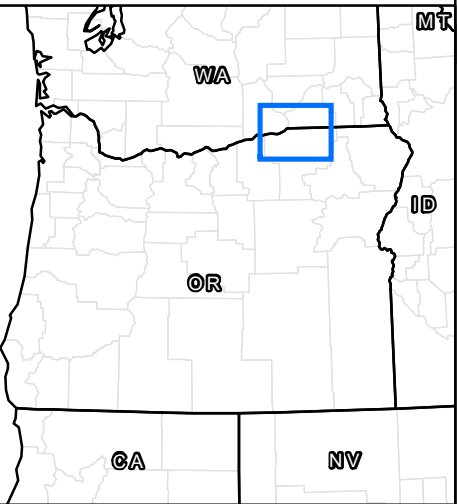
Stateline Wind Project
Request for Amendment 7

Vansycle II

Figure 3-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)
- Met Tower
- Collection Line
- Substation
- Transmission Line Pole
- Overhead Transmission Lines
- Project Boundary



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

Z:\GIS\Server\Tt_Portland\VansycleII_StateLine\Report\Fig_2_RFA6_ProjectFacilitiesMapbook_20210307.mxd



1:24,000 NAD 1983 StatePlane Oregon North FIPS 3601 Feet

0 0.5 1 2 3 Miles

This page intentionally left blank

Attachment 1. Stateline Wind Project Red-lined Site Certificate

ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

Seventh~~Sixth~~ Amended Site

Certificate for the
Stateline Wind Project

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
Sixth Amended Site Certificate	January 28, 2022

Table of Contents

I.	INTRODUCTION	1
II.	SITE CERTIFICATION.....	1
III.	DESCRIPTIONS AND DIVIDED RESPONSIBILITY	2
1.	Stateline 1&2	2
(i)	Major Structures.....	3
(ii)	Related or Supporting Facilities.....	3
2.	Vansycle II	4
(i)	Major Structures.....	4
(ii)	Related or Supporting Facilities.....	4
3.	Location of the Facility	7
4.	Responsibility for Stateline 1&2 and Vansycle II	7
IV.	CONDITIONS REQUIRED BY COUNCIL RULES	7
1.	General Conditions	7
2.	Conditions That Must Be Met Before Construction Begins	10
3.	Conditions That Apply During Construction	11
4.	Conditions That Must Be Met Before Operation Begins	12
5.	Conditions That Must Be Met During Operation	12
V.	SPECIFIC FACILITY CONDITIONS	12
1.	General Conditions	13
2.	Conditions That Must Be Met Before Construction Begins	16
3.	Conditions That Apply During Construction	18
4.	Conditions That Must Be Met Before Operation Begins	23
5.	Conditions That Must Be Met During Operation	24
VI.	CONDITIONS ADDED BY AMENDMENT #1 [Amendments #1 and #4]	26
1.	General Conditions	26
2.	Conditions That Must Be Met Before Construction Begins	27
3.	Conditions That Apply During Construction	27
4.	Conditions That Must Be Met During Operation	27

VII.	CONDITIONS ADDED BY AMENDMENT #2 [Amendments #2, and #4].....	28
1.	General Conditions	28
2.	Conditions That Must Be Met Before Construction Begins	29
3.	Conditions That Apply During Construction	30
4.	Conditions That Must Be Met During Operation	31
VIII.	CONDITIONS ADDED BY AMENDMENT #3.....	31
IX.	CONDITIONS ADDED BY AMENDMENT #4	31
X.	CONDITIONS ADDED BY AMENDMENT #5 AND #6 (Vansycle II)	34
XI.	SUCCESSORS AND ASSIGNS.....	40
XII.	SEVERABILITY AND CONSTRUCTION	40
XIII.	GOVERNING LAW AND FORUM	40
XIV.	EXECUTION.....	41

Oregon Energy Facility Siting Council

SIXTH 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.

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"), (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, #5, and #6. [Amendments #1, #2, #3, #4, #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, #5]
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). [Amendment #5]

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, #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, #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, #5]
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, #5]
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). [Amendment #5]
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). [Amendment #5]
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). [Amendment #5]
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. [Amendment #5]

III. DESCRIPTIONS AND DIVIDED RESPONSIBILITY

1. Stateline 1&2

1
2
3
4
5
6
7

(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 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]

8
9
10
11

(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:

- 12
13
14
15
16
17
18
19
- 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

20
21

Access Roads

22
23
24
25
26
27
28
29

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]

30
31

Collector System

32
33
34
35
36
37

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]

38
39

Meteorological Towers

40
41
42

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]

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

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

Vansycle II consists of up to 45 wind turbines. Vansycle II has a combined peak generating capacity of up to 118.68 MW. Major facility structures are further as described in the Final Order on Amendment #4. [Amendment #4, #5, #6]

Wind Turbine Repower

Wind turbine 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. Facility modifications approved in the Sixth Amended Site Certificate include repowering (replacing blades and nacelles) of 43 existing wind turbines, replacing up to 4 wind turbines and constructing up to 2 new wind turbines, but any variation in these options would not result in more than 45 repowered, replaced and/or new wind turbines within the Vansycle II unit. The wind turbine changes would result in increased per turbine capacity, from 2.3 to 2.66 MW; increased maximum blade-tip height from 440 to 499 feet, reduced minimum aboveground blade-tip clearance from 85 to 509 feet, and increased hub height from 262.5 to 315~~295~~ feet. [Amendment #5, #6, #7]

(ii) Related or Supporting Facilities

Vansycle II 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

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

- 50 MW battery energy storage system
[Amendment #4, #5, #6]

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 Vansycle II substation to existing major transmission lines in Washington. [Amendment #4]

Meteorological Towers

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

O&M Building

Vansycle II includes an O&M building near the intersection of Wayland Road and Gerking Flat Road north of Helix. [Amendment #4]

Temporary and Permanent Disturbance

The total temporary disturbance of RFA6 Facility modifications is estimated at approximately 212 acres. Temporary disturbance would result from a 20-acre staging area, 126 acres for rotor assembly areas (2.5 acres per turbine), and 68 acres from road widening and crane paths (16 to 38 feet for 15.7 miles). Temporary disturbance must be restored consistent with existing conditions and in accordance with revegetation and reclamation requirements of the final Revegetation Plan.

The total permanent disturbance is estimated at 12 acres, including 0.08 acres for 2 new wind turbine foundations; 0.09 acres for new access roads; and 11 acres for the BESS.

Battery Energy Storage System (BESS)

The battery energy storage system (BESS) would consist of lithium-ion batteries in a series of modular unoccupied containers, as described in more detail below:

- Batteries - Lithium-ion system would require regular change out of batteries as they degrade over time at a rate depending on usage. It is conservatively assumed the battery would need

to be replaced every 15-20 years, or 1-2 times over the operational life of the repowered facility, which is assumed to be approximately 30 years.

- Approximately 72 steel containers, 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.
- Battery and inverter equipment would connect via a combination of above ground cable trays, underground conduit, direct-buried cable and/or covered cable trenches installed at a minimum depth of 3-feet below grade.
- Battery containers and inverter skids would 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.
- Utilize existing control house for communication equipment.
- Each container within the battery storage system would have its own skid-mounted power transformer and bi-directional inverter as shown in Figure 2. The bi-directional inverter allows energy to flow in or out of the battery to provide charge and discharge. Power switches and relays would protect the system. No emergency generator or backup power system would be provided, however local distribution could be used as a backup auxiliary source.
- Cooling units would be placed either on top of the building enclosure or containers or along the side.
- Site surfacing would be primarily gravel, with a maximum of 7.2 acres of the energy storage area graveled to a depth of 6 inches, using approximately 4,160 tons of gravel.

The total area of the battery storage site would be approximately 11 acres, and would include approximately 3,000 linear feet of fence.

Spill and fire prevention measures of the BESS

The BESS would include the following design features to minimize fire and safety risks:

- The BESS would have a fire suppression system designed in accordance with applicable standards specified by the Umatilla County building department through the permitting process which would include the 2014 Oregon Structural Specialty Code et. seq.
- The BESS would have 350-gallon or greater water buffaloes located at the site (per Condition 34).
- The BESS would be stored in completely contained, leak-proof steel containers, serving as secondary containment for the modules housing the battery cells.
- The 11-acre BESS site would be constructed and operated within a fenced area (per Condition 35).
- The BESS would be electronically monitored allowing for tracking and responding to issue of battery malfunction.
- O&M staff would conduct monthly inspections according to the manufacturer's recommendations.
- Requirements of Emergency Action Plan (per Conditions 48 and 85) would be adhered to, including emergency (e.g., fire) response procedures.
[Amendment #6]

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, #4, and #5. [Amendments #1, #2, #4, and #6]

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. [Amendments #4, #5]

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

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

- (1) The Council may not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27. (OAR 345-025-0006(1)) [Amendment #6]
- (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 345-025-0006(3)) [Amendment #6]
- (3) The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. (345-025-0006(4)) See conditions (24), (97) and (106). [Amendment #4, #6]
- (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. (345-025-0006(7)) [Amendment #6]
- (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 345-025-0006(10)) [Amendment #6]
- (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
 - (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 345-025-0010(4)) [Amendment #4, #6]
- (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

1 report to the Department describing the impact on the facility and any affected site
2 certificate conditions.
3 (OAR 345-027-0028) [Amendment #4]
4

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

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

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

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

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

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

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

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

35 (iii) Fuel Use: For thermal power plants:

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

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

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

46 (v) Monitoring Report: A list and description of all significant monitoring and mitigation
47 activities performed during the previous year in accordance with site certificate terms
48 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 345-025-0006(5)) [Amendment #4, #6]

(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, #6]

(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 345-025-0006(2)) [Amendment #4, #6] 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 345-025-0006(8)) See Conditions (80) and (109). [Amendment #4, #6]

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 345-025-0006(12)) [Amendment #6]

(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 345-025-0006(13)) [Amendment #4, #6]

1 **(18)** The certificate holder shall notify the Department, the State Building Codes Division and the
2 Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers,
3 deformations or clastic dikes are found at or in the vicinity of the site. (OAR 345-025-0006(14))
4 [Amendment #4, #6]
5

6 **4. Conditions That Must Be Met Before Operation Begins** 7

8 **(19)** The certificate holder shall retire the facility if the certificate holder permanently ceases
9 construction or operation of the facility. The certificate holder shall retire the facility according to a
10 final retirement plan approved by the Council, as described in OAR 345-027-01100410. The
11 certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition
12 at the time of retirement, notwithstanding the Council's approval in the site certificate of an
13 estimated amount required to restore the site. (OAR 345-025-0006(9)) [Amendment #4, #6]
14

15 **(20)** Upon completion of construction, the certificate holder shall restore vegetation to the extent
16 practicable and shall landscape portions of the site disturbed by construction in a manner
17 compatible with the surroundings and proposed use. Upon completion of construction, the
18 certificate holder shall remove all temporary structures not required for facility operation and
19 dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing
20 of land and construction of the facility. (OAR 345-025-0006(11)) [Amendment #4, #6]
21

22 **(21)** If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting
23 facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site
24 certificate and shall allow the certificate holder to construct the pipeline or transmission line
25 anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has
26 analyzed more than one corridor in its application for a site certificate, the Council may, subject to
27 the Council's standards, approve more than one corridor. (OAR 345-027-0023(5)) [Amendment #4]
28

29 **5. Conditions That Must Be Met During Operation** 30

31 **(22)** [Condition removed by Amendment #4]
32

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

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

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

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

40 (OAR 345-026-0170) [Amendment #4]
41

42 **V. SPECIFIC FACILITY CONDITIONS** 43

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

1
2 This section includes other specific facility conditions the Council finds necessary to ensure
3 compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect the public
4 health and safety.

5
6 Citation to the sources of, or basis for, certain conditions are shown in parentheses.
7 [Amendment #4]
8

9 Except as specifically noted, these conditions apply to all phases of the Stateline Wind Project. In
10 applying the conditions in this section, “certificate holder” means FPL Vansycle with regard to Stateline
11 1&2 and FPL Stateline with regard to Vansycle II. [Amendment #4]
12

13 **1. General Conditions**

14
15 **(24)** This condition applies to Stateline 1 only. The certificate holder shall begin construction of
16 Stateline 1 within one year after the effective date of the site certificate. The certificate holder
17 shall complete construction of Stateline 1 on or before two years from the effective date of the
18 site certificate. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the
19 Council Chair and the applicant. Completion of construction occurs upon the date commercial
20 operation of Stateline 1 begins. The Council may grant an extension of the construction beginning
21 or completion deadlines in accordance with OAR 345-027-0030 or any successor rule in effect at
22 the time the request for extension is submitted. [Amendment #4]
23 See condition (3).

24 **(25)** Within 72 hours of discovery of conditions or circumstances that may violate the terms or
25 conditions of the site certificate, the certificate holder shall report the conditions or circumstances
26 to the Department of Energy. (OAR 345-027-0020(3)) [Amendment #4]
27

28 **(26)** Notwithstanding OAR 345-027-0050(2), an amendment of the site certificate is required if the
29 proposed change would increase the electrical generation capacity of the facility and would
30 increase the number of wind turbines or the dimensions of existing wind turbines. (OAR 345-027-
31 0020(3))
32

33 **(27)** [Condition removed by Amendment #4]
34

35 **(28)** The certificate holder shall report promptly to the Department of Energy any change in its
36 corporate relationship with NextEra Energy Resources LLC. The certificate holder shall report
37 promptly to the Department any change in its access to the resources, expertise and personnel of
38 NextEra Energy Resources LLC. (App A-3, D-2, OAR 345-022-0010) [Amendment #4, #5]
39

40 **(29)** The certificate holder shall inspect and maintain all roads, pads and trenched areas to minimize
41 erosion. (App B-11) [Amendment #5]
42

43 **(30)** The certificate holder shall carry out weed control and reseedling as necessary for the life of the
44 facility, in consultation with the weed control board of Umatilla County. (App B-11) [Amendment
45 #5]
46

47 **(31)** The certificate holder shall not store fuel or chemicals in Oregon. (App B-12)

- 1
2 **(32)** The certificate holder shall use hazardous materials in a manner that is protective of human health
3 and the environment and shall comply with all applicable local, state, and federal environmental
4 laws and regulations. The certificate holder shall make sure that accidental releases of hazardous
5 materials will be prevented or minimized through the proper containment of these substances
6 during transportation and use on the site. The certificate holder shall make sure that any oily
7 waste, rags or dirty or hazardous solid waste will be collected in sealable drums and removed for
8 recycling or disposal by a licensed contractor. The certificate holder shall have spill kits containing
9 items such as absorbent pads on equipment and in storage facilities to respond to accidental spills.
10 If an accidental hazardous materials spill or release occurs, the certificate holder shall clean up the
11 spill or release and shall treat or dispose of contaminated soil or other materials according to
12 applicable regulations. (App G-2, V-3) [Amendment #5]
13
- 14 **(33)** The certificate holder shall provide to the Department of Energy a copy of the contract with the
15 Milton-Freewater Rural Fire Department for fire protection services during construction and
16 operation of the facility before beginning construction. (App U-25) [Amendment #4, #5]
17
- 18 **(34)** During construction and operation of the facility, the certificate holder shall have water-carrying
19 trailers ("water buffaloes") at appropriate locations around the facility. The certificate holder shall
20 bring a water buffalo to any job site where there is a substantial risk of fire. The certificate holder
21 shall coordinate with the fire chiefs of the Helix and Milton-Freewater Rural Fire Departments as to
22 the number, capacity and location of the water buffaloes. The certificate holder shall make sure
23 that each water buffalo has a minimum capacity of 350 gallons with sufficient pump and hose
24 equipment, as approved by the local fire chiefs. The certificate holder shall have service trucks and
25 pickup trucks capable of towing water buffaloes available in sufficient numbers at all times during
26 construction and operation of the facility. (App B-12) [Amendment #5]
27
- 28 **(35)** The certificate holder shall take steps to protect the facility and property from unauthorized access
29 and to reduce the risk of accidental injury during construction and operations by (App U-25, 26)
30 [Amendment #3, #5]:
31 (a) Maintaining fencing and access gates around dangerous equipment or portions of the site as
32 feasible. [Amendments #3, and #4]
33 (b) Posting warning signs near high-voltage equipment.
34 (c) Requiring construction contractors to provide specific job-related training to employees,
35 including cardiopulmonary resuscitation, first aid, tower climbing, rescue techniques and
36 safety equipment inspection.
37 (d) Requiring each worker to be familiar with site safety.
38 (e) Assigning safety officers to monitor construction activities and methods during each work
39 shift.
40 (f) Ensuring that workers on each shift are certified in first aid.
41 (g) Ensuring a well-stocked first-aid supply kit is accessible on-site at all times and that each
42 worker knows its location.
43 (h) Conducting periodic safety meetings for construction and maintenance staff.
44
- 45 **(36)** The certificate holder shall notify the Department of Energy and the Umatilla County Planning
46 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) [Amendments #4, #5]

(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 feet tall at the turbine hub and with a total height of not more than 499 feet with the nacelle and blades mounted (App B-5) [Amendment #4, #6]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]
- (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. [Amendments #3, #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) [Amendment# 5]

⁴ See also site certificate Condition 137.

1 **(41)** If the certificate holder elects to use a bond to meet the requirements of Conditions (80) or (109),
2 the certificate holder shall ensure that the surety is obligated to comply with the requirements of
3 applicable statutes, Council rules and this site certificate when the surety exercises any legal or
4 contractual right it may have to assume construction, operation or retirement of the energy
5 facility. The certificate holder shall also assure that the surety is obligated to notify the Council that
6 it is exercising such rights and to obtain any Council approvals required by applicable statutes,
7 Council rules and this site certificate before the surety commences any activity to complete
8 construction, operate or retire the energy facility. [Amendments #1, #2, #4, #5] See Condition (2).
9

10 **2. Conditions That Must Be Met Before Construction Begins**

11

12 **(42)** The certificate holder shall notify the Department of Energy in advance of any initial road
13 improvement work that does not meet the definition of “construction” in OAR 345-001-0010(10)
14 or ORS 469.300(6) and shall provide to the Department plans of the work and evidence that its
15 value is less than \$250,000. (App B-21) [Amendment #4, #5]
16

17 **(43)** [Condition removed by Amendment #4]
18

19 **(44)** The certificate holder shall locate roads to minimize disturbance and maximize transportation
20 efficiency and to avoid sensitive resources and unsuitable topography. The certificate holder shall
21 use existing county roads and private farm roads to the maximum extent feasible. The certificate
22 holder shall coordinate farm road improvements with landowners to minimize crop impacts and to
23 assure that the final road provides useful access, where possible, to the landowners’ fields. (App B-
24 6)

25 **(45)** The certificate holder shall videotape all Umatilla County roads used as access to the facility and
26 shall require construction contractors to enter into a written agreement with Umatilla County
27 stating that all roads used by the contractor will be restored to as good or better condition than
28 they were before construction. (App U-24)
29

30 **(46)** The certificate holder shall notify the Department of Energy of the identity and qualifications of
31 major construction contractors for the facility. The certificate holder shall select major
32 construction contractors based on a proven record of environmental compliance and stewardship,
33 a clean record in terms of other regulatory obligations and other appropriate factors. (App D-3, 4)
34 [Amendment #4, #5]
35

36 **(47)** The certificate holder shall contractually require all construction contractors and subcontractors
37 involved in the construction of the facility to comply with all applicable laws and regulations and
38 with the terms and conditions of the site certificate. Such contractual provisions shall not operate
39 to relieve the certificate holder of responsibility under the site certificate.
40 See condition (2). [Amendment #5]
41

42 **(48)** The certificate holder shall require that all on-site construction contractors prepare a site health
43 and safety plan before beginning construction activities. The certificate holder shall ensure that
44 the plan informs employees and others onsite what to do in case of emergencies and includes the
45 locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid
46 techniques. (App U-25) [Amendment #5]
47

- (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_b 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, #5]
- (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, #5]

(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, #5]

(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, #5]

(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, #5]

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.

[Amendment #5]

(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)

- 1
2 **(60)** The certificate holder shall conduct all construction work in compliance with an Erosion and
3 Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and
4 as required under the facility's National Pollutant Discharge Elimination System (NPDES)
5 Construction Stormwater Permit. The certificate holder shall include in the ESCP any procedures
6 necessary to meet local erosion and sediment control requirements or stormwater management
7 requirements. (App B-7, 13, E-3, P-41) [Amendment #5]
8
- 9 **(61)** The certificate holder shall mitigate potential adverse impacts to soils from erosion and
10 compaction by measures including but not limited to the following (App H-17, I-4, 5):
11 (a) Maintaining vegetative buffer strips between the areas impacted by construction activities
12 and any receiving waters.
13 (b) Installing sediment fence/straw bale barriers at locations shown on the plans.
14 (c) Wherever feasible, constructing roadways so that surface drainage continues along natural
15 drainage patterns with minimal diversions through ditches and culverts.
16 (d) Working with the Umatilla County Public Works Department and the local Natural Resources
17 Conservation Service office to design water bars and other management practices to slow
18 the flow of water on newly constructed repaired roads.
19 (e) Straw mulching and discing at locations adjacent to the road that have been impacted.
20 (f) Providing temporary sediment traps downstream of intermittent stream crossings.
21 (g) Providing sediment type mats downstream of perennial stream crossings.
22 (h) Planting designated seed mixes at impacted areas adjacent to the roads.
23 (i) Installing sediment fencing along the downslope side of construction equipment staging
24 areas.
25 (j) Seeding all areas that are impacted by construction and reseeding as necessary to establish a
26 healthy cover crop.
27 (k) Leaving sediment fencing, check dams and other erosion control measures in place until the
28 impacted areas are well vegetated and the risk of erosion has been eliminated.
29 (l) Limiting truck and heavy equipment traffic, to the extent possible, to improved road surfaces,
30 and thereby limiting soil compaction and disturbances.
31 (m) Scarifying and reseeding compacted areas after construction is completed.
32 (n) Using appropriate erosion control methods to limit soil loss due to water and wind action.
33 (o) Covering roads and turbine pads with gravel immediately following exposures, thereby
34 limiting the time for wind or water erosion. (App I-2, 3)
35 (p) Using water for dust suppression during construction. (App O-1)
36 [Amendment #5]
37
- 38 **(62)** The certificate holder shall place underground electrical and communications cables at a minimum
39 depth of three feet below grade in trenches along the length of each turbine string corridor and in
40 some cases in trenches from the end of one turbine string to the end of an adjacent turbine string.
41 The certificate holder shall excavate trenches and segregate the topsoil from subsoil. After
42 installing the electrical or communications cables and within two weeks of trenching, the
43 certificate holder shall backfill the trenches and replace topsoil on top. The certificate holder shall
44 reseed the area with native grasses or other plants appropriate to the location. (App B-8, I-2, W-2)
45
- 46 **(63)** The certificate holder shall mitigate possible impacts to wildlife by measures including but not
47 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.
- [Amendment #5]

(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.

[Amendment #5]

(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 Vansycle II. 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, #4 and #6]

(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. [Amendment #5]

(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, #5]

(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) [Amendment #5]

(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) [Amendment #5]

(75) The certificate holder shall post high-visibility no-entry barriers around recorded cultural and archaeological sites and shall to 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) [Amendment #5]

1 **(78)** The certificate holder shall confine the noisiest construction activities to the daylight hours. (App
2 X-8) [Amendment #5]
3

4 **(79)** This condition does not apply to Stateline 3. The certificate holder shall construct the cable
5 crossing of Vansycle Canyon at a time when the stream is dry. The certificate holder shall remove
6 no more than approximately 7.5 cubic yards of material from the streambed crossing and shall
7 replace a like amount of fill material after the cable has been laid, restoring the area similar to the
8 original contours of the streambed. (Linehan, July 23 letter, 3) [Amendment #4]
9

10 **4. Conditions That Must Be Met Before Operation Begins** 11

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

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

19 (i) Adjust the Subtotal (1st Quarter 2009 dollars) shown in Table 1 of the Final Order on
20 Amendment #4 to present value, using the U.S. Gross Domestic Product Implicit Price
21 Deflator, Chain-Weight, as published in the Oregon Department of Administrative
22 Services' "Oregon Economic and Revenue Forecast," or by any successor agency (the
23 "Index"), and using the index value for 1st Quarter 2009 dollars and the quarterly index
24 value for the date of issuance of the new bond or letter of credit. If at any time the
25 Index is no longer published, the Council shall select a comparable calculation to adjust
26 1st Quarter 2009 dollars to present value.

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

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

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

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

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

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

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

42 See Conditions (19) and (41).

43 [Amendment #4]
44

45 **(81)** After construction is complete, the certificate holder shall restore the county roads to at least their
46 pre-project condition, to the satisfaction of the county public works department. (App B-6, 9)
47 [Amendment #5]

1
2 **(82)** The certificate holder shall grade and reseed laydown areas to wheat or native grasses as
3 necessary to restore those areas to their pre-construction condition (App B-10). [Amendment #5]
4

5 **(83)** For any materials disposed of as fill on site, the certificate holder shall conduct such disposal with
6 the approval of the landowner and in accordance with OAR 340-093-0080 and other applicable
7 regulations. (App G-3, V-3) [Amendment #5]
8

9 **(84)** For the purposes of this site certificate, wind turbine tower locations are analogous to location of
10 permanent rights-of-way for pipelines or transmission lines as described in OAR 345-027-0023(5).
11 The Council approves the corridor described in the final order for construction of turbine strings.
12 As required under OAR 345-027-0020(2) and Condition 13, the certificate holder shall submit to
13 the Department of Energy a legal description of the location where the certificate holder has built
14 turbine towers and other parts of the facility. Within 90 days after beginning operation of any
15 turbines that are added to the facility by amendment of the site certificate, the certificate holder
16 shall submit to the Department a legal description of the location of any additional turbine towers
17 and related or supporting facilities allowed by the amendment. The site of the facility is the area
18 identified by the legal descriptions required by this condition. Within 90 days after beginning
19 facility operation, the certificate holder shall provide to the Department and the Umatilla County
20 Planning Department the actual latitude and longitude location or Stateplane NAD 83(91)
21 coordinates of each turbine tower, connecting lines and transmission lines and a summary of as
22 built changes in the facility from the original plan. (OAR 345-027-0020(2) and (3)) [Amendments
23 #1, #4] See Condition (13).
24

25 **5. Conditions That Must Be Met During Operation**

26

27 **(85)** The certificate holder shall prepare and maintain a site health and safety plan that informs
28 employees and others onsite what to do in case of emergencies and includes the locations of fire
29 extinguishers and nearby hospitals, important telephone numbers and first aid techniques. (App U-
30 25)
31

32 **(86)** The certificate holder shall recycle solid waste generated during operation of the facility as much
33 as feasible and shall collect non-recyclable waste and transport it to a local landfill. (App V-2)
34

35 **(87)** This condition applies to Stateline 1&2 only. The certificate holder shall provide portable toilets for
36 use at the satellite O&M building and shall make sure that they are pumped and cleaned regularly
37 by a licensed pumper who is qualified to pump and clean portable toilet facilities. The certificate
38 holder must contact the Oregon Department of Environmental Quality if the on-site septic system
39 is to be used. (App O-2) [Amendment #4]
40

41 **(88)** If the turbine blades need to be washed, the certificate holder shall use no more than 500 gallons
42 of water per turbine, trucked to the site by a contractor and purchased from a source with a valid
43 water right. The certificate holder shall use high-pressure cold water only and shall not use
44 chemicals or additives in the wash water. (App O-2) [Amendment #1]
45

- (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 #6 as Attachment F 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 Sixth 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, #5, #6]
- (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, #5]

1 **(95)** The certificate holder shall inspect turbine blades on a regular basis for signs of wear or potential
2 failure. (App BB-1) [Amendment #5]
3

4 **(96)** The certificate holder shall make sure that all on-site employees receive annual fire prevention and
5 response training by a professional fire-safety training firm. The certificate holder shall prohibit
6 employees from smoking outside of company vehicles during dry summer months and shall
7 require employees to keep vehicles on roads and off dry grassland during the dry months unless
8 necessary for work purposes. The certificate holder shall not engage in welding, cutting, grinding
9 or other flame or spark-producing operations near the turbines. The certificate holder shall equip
10 each company vehicle on site with a fire extinguisher, water spray can, shovel, Emergency
11 Response procedures book and a two-way radio for immediate communications with the O&M
12 facility. The certificate holder shall have staff in the local area on call at all times to respond in case
13 of fire or other emergency. The certificate holder shall supply all local fire departments with maps
14 of and gate keys to the facility. (App B-12) [Amendment #5]
15

16 **VI. CONDITIONS ADDED BY AMENDMENT #1** [Amendments #1 and #4] 17

18 The conditions listed in this section include conditions based on representations in the request
19 for Amendment #1 and supporting record. The Council deems these representations to be binding
20 commitments made by the applicant. These conditions are required under OAR 345-027-0020(10).
21 [Amendment #4]
22

23 Except as specifically noted, these conditions apply to all phases of the Stateline Wind Project. In
24 applying the conditions in this section, "certificate holder" means FPL Vansycle with regard to Stateline
25 1&2 and FPL Stateline with regard to Stateline 3. [Amendment #4]
26

27 **1. General Conditions** 28

29 **(97)** This condition applies to Stateline 2 only. The certificate holder shall begin construction of
30 Stateline 2 within six months after the effective date of the First Amended Site Certificate. The
31 certificate holder shall complete construction of Stateline 2 before March 1, 2005. Under OAR 345-
32 027-0070, an amended site certificate is effective upon execution by the Council Chair and the
33 applicant. Completion of construction occurs upon the date commercial operation of Stateline 2
34 begins. The Council may grant an extension of the construction beginning or completion deadlines
35 in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for
36 extension is submitted. [Amendments #2, and #4]
37

38 **(98)** [Condition removed by Amendment #4]
39

40 **(99)** Before any transfer of ownership of the facility or ownership of the site certificate holder, the
41 certificate holder shall inform the Department of the proposed new owners. The requirements of
42 OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site
43 certificate. (OAR 345-027-0020(15) [Amendment #4]
44

45 **(100)** If the Council finds that the certificate holder has permanently ceased construction or operation
46 of the facility without retiring the facility according to a final retirement plan approved by the
47 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

1 **(105)** This condition applies to Stateline 2 only. The certificate holder shall enter into an agreement
2 with the landowner of a property identified as 84301 Stockman Road, Helix, Oregon, requiring that
3 the structure remain uninhabited during construction. The certificate holder shall continue the no-
4 occupation agreement until retirement of the facility unless the certificate holder demonstrates to
5 the satisfaction of the Department that the facility complies with the applicable noise control
6 regulations under OAR 340-035-0035. The certificate holder may demonstrate compliance with
7 the regulations as to the increase in ambient statistical noise levels by entering into a legally
8 effective easement or real covenant with the owner of the property identified as 84301 Stockman
9 Road, Helix, Oregon, pursuant to which the owner authorizes the certificate holder's operation of
10 the facility to increase ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the
11 appropriate measurement point. A legally effective easement or real covenant shall: include a legal
12 description of the burdened property (the noise sensitive property); be recorded in the real
13 property records of the county; expressly benefit the certificate holder; expressly run with the land
14 and bind all future owners, lessees or holders of any interest in the burdened property; and not be
15 subject to revocation without the certificate holder's written approval. If such easement or real
16 covenant is not in effect, then the certificate holder shall demonstrate to the satisfaction of the
17 Department, based on modeling or measurements performed in compliance with OAR 340-035-
18 0035, that an easement or real covenant is not necessary to comply with those regulations.
19 [Amendments #3, #4].
20

21 **VII. CONDITIONS ADDED BY AMENDMENT #2** [Amendments #2, and #4] 22

23 The conditions listed in this section include conditions based on representations in the request
24 for Amendment #2 and supporting record. The Council deems these representations to be binding
25 commitments made by the applicant. These conditions are required under OAR 345-027-0020(10).
26 These conditions apply to Stateline 3 only. In applying the conditions in this section, "certificate holder"
27 means FPL Stateline. [Amendment #4]
28

29 **1. General Conditions** 30

31 **(106)** The certificate holder shall begin construction of Stateline 3 by October 1, 2009. The certificate
32 holder shall complete construction of Stateline 3 before December 31, 2010. Under OAR 345-027-
33 0070, an amended site certificate is effective upon execution by the Council Chair and the
34 applicant. Completion of construction occurs upon the date commercial operation of Stateline 3
35 begins. The Council may grant an extension of the construction beginning or completion deadlines
36 in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for
37 extension is submitted. [Amendments #3 and #4]
38

39 **(107)** [Condition removed by Amendment #4]
40

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

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

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

2. Conditions That Must Be Met Before Construction Begins

(109) Before beginning construction of facility modifications approved in the Sixth 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 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 for Vansycle II, with modifications approved in the Final Order on Amendment 6, is \$6,906,000 million (in 4th Quarter 2021 dollars) to be adjusted to the date of issuance and submitted within 60 days of execution of the Sixth Amended Site Certificate, and adjusted on an annual basis thereafter, as described in sub-paragraph (a) of this Condition.

(a) The certificate holder may adjust the amount of the bond or letter of credit for Vansycle II, with modifications approved in the Final Order on Amendment 6, by applying the unit costs and general costs illustrated in Table 5 and Table 6 in the Final Order on Amendment 6 and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b), 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 4th Quarter 2021 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 4th Quarter 2021 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 4th Quarter 2021 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, and 20 percent of the adjusted Gross Cost (ii) for the adjusted future developments contingency for the battery storage system, if constructed.

(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 Vansycle II.

[Amendment #4, #6]

(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 micro-siting 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]

1 (115) To protect raptors, the certificate holder shall design structures for 230-kV transmission lines to
2 conform to the guidelines of the Avian Power Line Interaction Committee so that electrical
3 conductors are spaced far enough apart to reduce the risk of bird electrocution. [Amendment #4]
4

5 (116) [Condition removed by Amendment #4]
6

7 (117) The certificate holder shall not engage in construction activities for Stateline 3 facilities, including
8 the movement of heavy trucks and equipment, within a ¼-mile buffer around known ferruginous
9 hawk nests during the sensitive period of the nesting season from (March 20 to August 15), except
10 as provided in this condition. The certificate holder shall use a protocol approved by the Oregon
11 Department of Fish and Wildlife (ODFW) to determine whether the nest is occupied. The
12 certificate holder may begin construction activities before August 15, if the nest is not occupied. If
13 the nest is occupied, the certificate holder shall use a protocol approved by ODFW to determine
14 when the young are fledged (independent of the core nest site). With the approval of ODFW, the
15 certificate holder may begin construction before August 15, if the young are fledged.
16

17 (118) The certificate holder shall construct stream crossings substantially as described in the Final
18 Order on Amendment #4. In particular, the certificate holder shall not remove material from
19 waters of the state or add new fill material to waters of the state such that the total volume of
20 removal and fill exceeds 50 cubic yards for the project as a whole. [Amendment #4]
21

22 **4. Conditions That Must Be Met During Operation** 23

24 (119) The certificate holder shall perform frequent maintenance to keep the substation transformer in
25 good repair and in reliable operating condition.
26

27 (120) The certificate holder shall verify that the actual sound power level output of the wind turbines
28 constructed for Stateline 3 meets the manufacturer's warranty. This verification may consist of
29 field measurement or other means of verification satisfactory to the Department of Energy. The
30 certificate holder shall include the verification in the first annual report following construction of
31 any Stateline 3 turbines. [Amendment #4]
32

33 **VIII. CONDITIONS ADDED BY AMENDMENT #3** 34

35 (121) [Condition removed by Amendment #4]
36

37 (122) [Condition removed by Amendment #4]
38

39 **IX. CONDITIONS ADDED BY AMENDMENT #4** 40

41 Except as specifically noted, the conditions in this section apply to Stateline 3⁵ only. In applying
42 the conditions in this section, "certificate holder" means FPL Stateline. In applying the conditions in this

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.

1 section, "certificate holder" means FPL Vansycle with regard to Stateline 1&2 and FPL Stateline with
2 regard to Stateline 3. [Amendment #4]
3

4 **(123)** The certificate holder shall design and construct Stateline 3 in compliance with the County design
5 requirements as described in Umatilla County Development Code Sections 152.010, 152.011,
6 152.015, 152.018, 152.063(E) and 152.616(HHH)(5)(F) in effect as of October 24, 2008.
7 [Amendment #4]
8

9 **(124)** The certificate holder shall ensure that construction contractors use a transportation route
10 reviewed and approved by the Umatilla County Public Works Director for all oversized and heavy
11 load transport vehicles. [Amendment #4]
12

13 **(125)** The certificate holder shall record a Covenant Not to Sue with regard to generally accepted
14 farming practices as required by Umatilla County Development Code Section 152.616(HHH)(2)(E).
15 [Amendment #4]
16

17 **(126)** The certificate holder shall construct all Stateline 3 components in compliance with the following
18 setback requirements:
19 (a) All facility components must be at least 3,520 feet from the property line of properties zoned
20 residential use or designated in the Umatilla County Comprehensive Plan as residential.
21 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
22 percent of maximum blade tip height, measured from the centerline of the turbine tower to
23 the nearest edge of any public road right-of-way. The certificate holder shall assume a
24 minimum right-of-way width of 60 feet.
25 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320
26 feet, measured from the centerline of the turbine tower to the center of the nearest
27 residence existing at the time of tower construction.
28 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-
29 percent of maximum blade tip height, measured from the centerline of the turbine tower to
30 the nearest boundary of the certificate holder's lease area.
31 (e) The certificate holder shall not locate equipment associated with the temporary batch plant
32 within 50 feet of a public road, county road or utility right of way.
33 [Amendment #4]
34

35 **(127)** The certificate holder shall deliver a copy of the annual report required under Condition 8 to the
36 Umatilla County Planning Commission on an annual basis unless specifically discontinued by the
37 County. [Amendment #4]
38

39 **(128)** During construction, the certificate holder shall position a 3,000-gallon water truck on-site while
40 personnel are present and actively working. [Amendment #4]
41

42 **(129)** During operation, the certificate holder shall discharge sanitary wastewater generated at the
43 Stateline 3 O&M building to a licensed on-site septic system in compliance with county permit
44 requirements. The certificate holder shall locate the septic system more than 100 feet from any
45 streams, lakes or wetlands. The certificate holder shall design the septic system for a discharge
46 capacity of less than 2,500 gallons per day. [Amendment #4]
47

- 1 **(130)** During operation, the certificate holder shall obtain water for on-site uses from a wells located at
2 the Stateline 3 O&M building, subject to compliance with applicable permit requirements. The
3 certificate holder shall not use more than 5,000 gallons of water per day from the on-site well.
4 [Amendment #4]
5
- 6 **(131)** The certificate holder shall avoid permanent and temporary disturbance to all Category 1 and
7 Category 2 habitat within the Stateline 3 site boundary. [Amendment #4]
8
- 9 **(132)** Before beginning construction, the certificate holder shall conduct a site-specific geotechnical
10 investigation and shall report its findings to the Oregon Department of Geology & Mineral
11 Industries (DOGAMI) and the Department. The certificate holder shall conduct the geotechnical
12 investigation after consultation with DOGAMI and in general accordance with DOGAMI open file
13 report 00-04 "Guidelines for Engineering Geologic Reports and Site-Specific Seismic Hazard
14 Reports." [Amendment #4]
15
- 16 **(133)** Before beginning construction, the certificate holder shall provide to the Department:
17 (a) Information that identifies the final design locations of all Stateline 3 wind turbines to be
18 built.
19 (b) The maximum sound power level for the Stateline 3 substation transformers and the
20 maximum sound power level and octave band data for the turbines selected for the
21 Stateline 3 based on manufacturers' warranties or confirmed by other means acceptable to
22 the Department.
23 (c) The results of noise analysis of the facility, including the Stateline 3 components to be built
24 according to the final design, performed in a manner consistent with the requirements of
25 OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the
26 Department that the total noise generated by the facility (including the noise from turbines
27 and substation transformers) would meet the ambient degradation test and maximum
28 allowable test at the appropriate measurement point for all potentially-affected noise
29 sensitive properties.
30 (d) For each noise-sensitive property where the certificate holder relies on a noise waiver to
31 demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of a
32 legally effective easement or real covenant pursuant to which the owner of the property
33 authorizes the certificate holder's operation of the facility to increase ambient statistical
34 noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The
35 legally-effective easement or real covenant must: include a legal description of the
36 burdened property (the noise sensitive property); be recorded in the real property records
37 of the county; expressly benefit the certificate holder; expressly run with the land and bind
38 all future owners, lessees or holders of any interest in the burdened property; and not be
39 subject to revocation without the certificate holder's written approval.
40 [Amendment #4]
41
- 42 **(134)** During operation, the certificate holder shall maintain a complaint response system to address
43 noise complaints. The certificate holder shall promptly notify the Department of any complaints
44 received regarding facility noise and of any actions taken by the certificate holder to address those
45 complaints. In response to a complaint from the owner of a noise sensitive property regarding
46 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, #5]

(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 AND #6 (Vansycle II)

In accordance with ORS 469.300(6), preconstruction and construction conditions identified as applicable to the facility modifications approved in the Sixth Amended Site Certificate may be satisfied, based on final design and configuration, of any given phase or facility component.

The conditions listed in this section are specific to the facility modifications approved in the Sixth Amended Site Certificate re-named [Amendment #6] and solely referred to as Vansycle II.

(137) The certificate holder shall construct the Vansycle II facility modifications, as approved in the 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 ~~315~~295 feet and the maximum blade tip height must not exceed 499 feet.

(b) Vansycle II wind turbine rotor diameter must not exceed 426 feet.

(c) Vansycle II wind turbine minimum blade tip clearance must not be lower than ~~5~~09 feet above ground.

[Amendment #5, #6, #7]

(138) The certificate holder shall begin construction of the Vansycle II facility modifications, as approved in the Sixth Amended Site Certificate, within three years after the effective date of the amended site certificate [January 28, 2022]. The certificate holder shall notify the Department when construction of the of the facility modifications, as approved in Request for Amendment 6, 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); Amendment #5, #6]

(139) The certificate holder shall complete construction of the Vansycle II facility modifications, as approved in the Sixth Amended Site Certificate, within three years following the date of

1 construction commencement. The certificate holder shall promptly notify the Department of the
2 date of completion of construction of the Vansycle II facility modifications, as approved in the
3 Final order on Amendment 6.

4 [Mandatory Condition OAR 345-025-0006(4); Amendment #5, #6]

5
6 **(140)** For the facility modifications approved in the Sixth Amended Site Certificate, the certificate
7 holder shall:

8 (a) Prior to construction, provide the Department with the turbine foundation suitability
9 analysis, applicable to the 43 existing wind turbines, if repowered. An annual operational
10 inspection schedule and the results of the foundation suitability analysis, including any
11 necessary mitigation and/or remediation measures, shall be incorporated into an inspection
12 and maintenance plan, to then be implemented as part of facility operations. The plan shall
13 be provided to the Department for review and approval, in consultation with DOGAMI or a
14 third-party consultant.

15 (b) During operation of repowered wind turbines, adhere to the remediation, inspection and
16 monitoring requirements established in the approved plan per (a). Monitoring
17 documentation shall be provided to the Department in the annual report per OAR 345-026-
18 0080(1).

19 (c) If any mitigation or remediation is required per(a) of this condition, prior to the repower or
20 during repowered operations, submit in amendment determination request to the
21 Department per OAR 345-027-0357(2).

22 [Amendment #5, #6]

23
24 **(141)** Prior to construction of facility modifications approved in the Sixth Amended Site, the certificate
25 holder shall:

26 (a) Provide the Department maps and tabular data demonstrating that the final design of new,
27 replacement and repowered wind turbines comply with the setback requirements to county
28 road rights of way pursuant to UCDC Section 152.616(HHH)(6)(a)(4), or that the certificate
29 holder has relocated or adjusted the county road right of way. Wind turbines not meeting the
30 setback requirements from county road rights-of-way are precluded from increasing the
31 maximum blade tip height from 440 to 499 feet through repower activities.

32 (b) If the certificate has relocated or adjusted a county road right of way, the certificate holder
33 shall provide to the Department written verification from Umatilla County that confirms the
34 county road rights of way have been adjusted.

35 [Amendment #5, #6]

36
37 **(142)** During construction of Vansycle II facility modifications, as approved in the Sixth Amended Site
38 Certificate, the certificate holder shall:

39 (a) Ensure all construction personnel receive environmental awareness training from a qualified
40 professional on cultural resources and the inadvertent discovery protocols of the Inadvertent
41 Discovery Plan.

42 (b) Implement and adhere to Inadvertent Discovery Plan measures previously approved in
43 Condition 75 in the event previously unidentified cultural resources are encountered, as
44 referenced in (i) – (iv) of this condition.

45 (i) The Inadvertent Discovery Plan shall establish that earth-disturbing activities be halted in
46 the immediate vicinity of the find, in accordance with Oregon state law (ORS 97.745 and
47 358.920).

- (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. 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 #5, #6]

(143) During construction of the Vansycle II facility modifications, as approved in the 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.

[Amendment #5, #6]

(144) For facility modifications approved in the Sixth Amended Site Certificate, the certificate holder shall:

- (a) Prior to construction, provide evidence/documentation to the Department of consideration and selection of a recycling facility capable and licensed to receive and process wind turbine parts. The evidence/documentation shall include the total quantity (in tons) of decommissioned wind turbine parts and the amount to be recycled based on contractual agreement with a third-party or recycling facility.
- (b) During construction, 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 demonstrate that the recycling or disposal facility selected to receive turbine parts is qualified and approved by an applicable regulatory agency. 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. [Amendment #5, #6]

(145) Prior to construction of facility modifications approved in the 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.

[Amendment #5, #6]

- 1 **(146)** For the Vansycle II facility modifications, as approved in the Sixth Amended Site Certificate, the
2 certificate holder shall:
3 (a) During design, select temporary staging areas based on a location with minimal noise impacts
4 and proximity to noise sensitive receptors.
5 (b) Prior to construction, provide notice to landowners within 1-mile of the site boundary to
6 inform of the construction start date, duration and description of activities and noise levels.
7 The notice shall include the name and phone number of the certificate holder's
8 representative which can be contacted to record construction-related noise complaints.
9 [Amendment #5, #6]
10
- 11 **(147)** Prior to construction of Vansycle II facility modifications, as approved in the Sixth Amended Site
12 Certificate, the certificate holder shall provide to the Department:
13 (a) Information that identifies the as-built locations of all Vansycle II wind turbines.
14 (b) The maximum sound power level for the existing Vansycle II substation transformers and the
15 maximum sound power level and octave band data for the repowered Vansycle II wind based
16 on manufacturers' warranties or confirmed by other means acceptable to the Department.
17 (c) The results of noise analysis for the Vansycle II facility modifications, as approved in the Sixth
18 Amended Site Certificate, performed in a manner consistent with the requirements of OAR
19 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department
20 that the total noise generated (including the noise from repowered wind turbines and
21 existing substation transformers) would meet the ambient degradation test and maximum
22 allowable test at the appropriate measurement point for all potentially-affected noise
23 sensitive properties.
24 (d) For each noise-sensitive property where the certificate holder relies on a noise waiver to
25 demonstrate compliance in accordance with OAR 340-035-0035 (1)(b)(B)(iii)(III), a copy of a
26 legally effective easement or real covenant pursuant to which the owner of the property
27 authorizes the certificate holder's operation of the facility to increase ambient statistical
28 noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement point. The
29 legally-effective easement or real covenant must: include a legal description of the burdened
30 property (the noise sensitive property); be recorded in the real property records of the
31 county; expressly benefit the certificate holder; expressly run with the land and bind all
32 future owners, lessees or holders of any interest in the burdened property; and not be
33 subject to revocation without the certificate holder's written approval.
34 [Amendment #5, #6]
35
- 36 **(148)** During construction, operation, and retirement of the facility modifications approved in the Sixth
37 Amended Site Certificate, the certificate holder shall contractually require its third-party
38 contractor used to transport and dispose battery and battery waste to comply with all applicable
39 federal regulations and manufacturer recommendations related to the transport and handling of
40 battery related waste.
41 [Amendment #6]
42
- 43 **(149)** For the Vansycle II facility modifications, as approved in the Sixth Amended Site Certificate, the
44 certificate holder shall:
45 (a) Provide to the Department a list of federal, state and local permits, including any third-party
46 permits related to facility siting; and a schedule for obtaining identified permits.

(b) Once obtained, provide copies of all permits, including third-party permits, required for facility siting to the Department.

[Amendment #6]

(150) For the Vansycle II facility modifications approved in the Sixth Amended Site Certificate that would result in ground-disturbance, the certificate holder shall:

- (a) Prior to construction, provide a schedule to the Department that demonstrates ground-disturbing activities are scheduled to avoid the rainy season (Spring), to the extent feasible.
- (b) Prior to construction, ensure its contractors have contractually agreed to routinely check and maintain tire pressure for all equipment used during construction activities.
- (c) During construction, ensure contractors are regularly checking and maintaining tire pressure of construction equipment prior to use.
- (d) During construction, ensure contractors are minimizing compaction by limiting daily trips, using established tracks and disturbance areas, and taking measures to limit unnecessary trips and disturbance.

[Amendment #6]

(151) Prior to construction of the Vansycle II facility modifications approved in the Sixth Amended Site Certificate, the certificate holder shall develop and submit a Soil Reclamation Plan specific to temporary disturbance areas, used to inform the final assessment of soil erosion and compaction impact potential, and reclamation measures. The Soil Reclamation Plan shall be incorporated and implemented as part of the Final Revegetation Plan (Condition 65).

(a) The Soil Reclamation Plan shall include updated soil classification maps with descriptions of soils impacted and may consider information including but not limited to: (1) key soil properties related to soil productivity such as bulk density, K-factor, the thickness and organic carbon of the A and B horizons, porosity, permeability, and water-holding capacity of the soils within disturbance areas; (2) existing vegetation cover type/invasive dominated areas based on literature review and preconstruction field surveys; (3) historic and current land use; and (4) seasonal precipitation conditions.

(b) Based on the soil productivity information provided in (a), the certificate holder shall develop quantitative reclamation criteria that will be used to measure successful reclamation of disturbed soils.

(c) The Soil Reclamation Plan must be submitted to the Department for review and approval, in consultation with Umatilla Soil and Water Conservation District Oregon Department of Agriculture, Natural Resource Conservation Service or a third-party consultant with expertise in soils.

[Amendment #6]

(152) For facility components approved in the Sixth Amended Site Certificate, the certificate holder shall:

(a) Provide evidence to the Department of receipt of an amended conditional use permit from the Umatilla County Planning Department for new wind turbines, changes to access roads and/or access points, if constructed.

(b) Obtain a zoning permit, per affected tax lot, for any new or modified structure in accordance with UCDC 152.025.

[Amendment #6]

1 **(153)** The certificate holder shall develop emergency response plans per (a) and (b) in consultation with
2 local emergency and fire service providers and shall establish whether mutual aid agreements are
3 necessary to provide adequate services during construction and operation:

4 (a) Prior to and during construction of the facility modifications approved in the Sixth Amended
5 Site Certificate, as applicable, the certificate holder shall notify and provide copies of the final
6 health and safety plans and/or emergency response plans to be implemented during
7 construction activities to the Umatilla County Planning Department and the Department.

8 (b) Prior to and during operation of the facility modifications approved in the Sixth Amended Site
9 Certificate, as applicable, the certificate holder shall notify and provide copies of the final
10 Emergency Action Plan to be implemented during operations to the Umatilla County Planning
11 Department and the Department.

12 [Amendment #6]
13

14 **(154)** Prior to construction of facility modifications approved in the Sixth Amended Site Certificate, the
15 certificate holder shall provide to the Department and Umatilla County Planning Department
16 final design/layout maps and GIS data demonstrating compliance of any new wind turbines with
17 the 2-mile rural residential setback, based on the UCDC 152.616(a)(3) definition of rural
18 residence. The certificate holder shall also provide in tabular format turbine identification
19 numbers and distance from nearest rural residence for any new turbines, as applicable, based on
20 final design.

21 [Amendment #6]
22

23 **(155)** Prior to construction of the facility modifications approved in the Sixth Amended Site Certificate,
24 the certificate holder shall provide to the Department evidence of landowner consultation for
25 properties to be impacted by temporary and permanent disturbance. Consultation shall
26 demonstrate that the certificate holder sought landowner input on extent and timing of
27 disturbance and considered, to the maximum extent feasible from a technological and
28 engineering perspective, methods to minimize unnecessary disturbance from construction and
29 operation. The certificate holder shall provide a final design map of facility components approved
30 in the Sixth Amended Site Certificate and shall promptly notify the Department of any changes in
31 design that would impact any disturbance minimization measures identified after landowner
32 consultation.

33 [Amendment #6]
34

35 **(156)** For facility modifications approved in the Sixth Amended Site Certificate, the certificate holder
36 shall:

37 (a) Prior to construction submit to the Department, a Noxious Weed Control Plan. The certificate
38 holder shall submit the plan to the Department for review and approval, in consultation with
39 the weed control board of Umatilla County. The Noxious Weed Control Plan shall include, as
40 pertinent, but not be limited to, identification of county-listed weeds of economic concern,
41 methods for evaluating weeds within impact area, results of weed assessment, and control
42 methods specific to weed control and timing, agency consultation protocol, and process for
43 evaluating success of weed control.

44 (b) During both construction and operation, adhere to the requirements of the Noxious Weed
45 Control Plan approved per (a).

(c) During construction and operation, report on the results of implementation and monitoring of noxious weed control to the Department in the semi-annual and annual reports required per OAR 345-026-0080.
[Amendment #6]

(157) During ground-disturbance activities associated with the facility modifications approved in the Sixth Amended Site Certificate, located within 30 meters of site 35UM 000343, the certificate holder shall conduct monitoring by a qualified cultural resource expert, unless the site is concurred by SHPO to be not likely NRHP-eligible. If additional archeological resources are identified during ground disturbing activities within 30 meters of site 35UM 000343, the certificate holder shall conduct stop-work, reporting and response procedures in accordance with its Inadvertent Discovery Plan.
[Amendment #6]

(158) Prior to construction of facility modifications approved in the Sixth Amended Site Certificate, the certificate holder shall provide to the Department a copy of an agreement or similar conveyance with a water service provider demonstrating agreement of water usage and service at the site. Certificate holder shall provide documentation that the water provider has a valid water right which allows for municipal water use within the place of use of the facility.
[Amendment #6]

XI. 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.

XII. 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, #5, or #6, the conditions contained in this amended site certificate shall control. [Amendment #1, #5, #6]

XIII. 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.

1 **XIV. EXECUTION**

2
3
4
5
6
7
8
9

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]

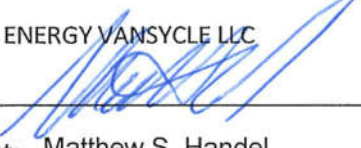
IN WITNESS WHEREOF, this site certificate has been executed by the State of Oregon, acting by and through its Energy Facility Siting Council, by FPL Energy Vansycle LLC and by FPL Energy Stateline II, Inc.

ENERGY FACILITY SITING COUNCIL

By: 
Marcia L. Grail, Chair
Oregon Energy Facility Siting Council

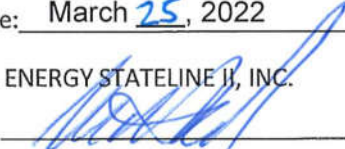
Date: 01-Apr-2022

FPL ENERGY VANSYCLE LLC

By: 
Print: Matthew S. Handel

Date: March 25, 2022

FPL ENERGY STATELINE II, INC.

By: 
Print: Matthew S. Handel

Date: March 25, 2022

This page intentionally left blank

Attachment 2. Property Owner List

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
5N33000010200				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N33000010300				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835-
5N33000010400				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000010500				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000010500A1				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000010600				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000010700				PATER RANCH COMPANY LLC		14607 NE 65TH CT	REDMOND	WA	98052
5N33000010800				SPRATLING LAND LLC		76725 HELIX HIGHWAY	PENDLETON	OR	97801
5N33000010900				COOK DONALD J & LILLIAN (LE) ETAL		32200 SW FRENCH PRAIRIE RD APT B304	WILSONVILLE	OR	97070
5N33000011000				SAND HOLLOW RANCH INC		62575 STARR LN	LA GRANDE	OR	97850
5N33000011100	TONY R	RAYMOND				46847 RAYMOND RD	HELIX	OR	97835
5N33000011200				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000011300				PATER RANCH COMPANY LLC		14607 NE 65TH CT	REDMOND	WA	98052
5N33000011500				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33000011600	TONY R	RAYMOND				46847 RAYMOND RD	HELIX	OR	97835
5N33000011700	FRANK N	DUFF	NANCY REES			82900 BUTLER GRADE RD	HELIX	OR	97835
5N33000011700A1	NANCY	DUFF				82900 BUTLER GRADE RD	HELIX	OR	97835
5N33000011900	NANCY	REES-DUFF				82900 BUTLER GRADE RD	HELIX	OR	97835
5N33000012100	KIRK	TERJESON				82526 VANCYCLE RD	HELIX	OR	97835
5N33000013300				TERJESON KIRK TRS ET AL		209 NW 9TH ST	PENDLETON	OR	97801
5N33080000100U1				DUFF FRANK N & NANCY REES ETAL		82900 BUTLER GRADE RD	HELIX	OR	97835
5N33080000100U2				DUFF FRANK N & NANCY REES ETAL		82900 BUTLER GRADE RD	HELIX	OR	97835
5N33090000100	TIMOTHY J	SMITH				82717 BUTLER GRADE RD	HELIX	OR	97835
5N33090000200	KIRK	TERJESON				82526 VANCYCLE RD	HELIX	OR	97835
5N33090000300				PATER RANCH COMPANY LLC		14607 NE 65TH CT	REDMOND	WA	98052
5N33160000100				RAYMOND & SON INC		46847 RAYMOND RD	HELIX	OR	97835
5N33160000200				TERJESON PATRICIA G & KIRK (TRS)		209 NW 9TH ST	PENDLETON	OR	97801
5N34000000200	PATRICK	KELLY				56869 N FORK WALLA WALLA RIVER RD	MILTON FREEWATER	OR	97862
5N34000000300U1				SCHUBERT CR (TRS) 1/2 ETAL1/2		85149 TUM A LUM RD	MILTON FREEWATER	OR	97862
5N34000000300U2				KESSLER RANDAL ETAL 1/2 ETAL 1/2		49838 FRUITVALE RD	MILTON FREEWATER	OR	97862

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
5N34000000400	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
5N34000000500U1				SCHUBERT CR (TRS) 1/2 ETAL1/2		85149 TUM A LUM RD	MILTON FREEWATER	OR	97862
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
5N34000001600	A BROOKS	LIEUALLAN				PO BOX 426	ATHENA	OR	97813
5N34000001700				STRAUGHAN PATRICK C ETAL		71655 SW VALLEY VIEW DR	PENDLETON	OR	97801
5N34000001701	JOHN R	STRAUGHAN				71655 SW VALLEY VIEW DR	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
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
5N34000006800U1				WEIDERT TIMOTHY S ET AL		4303 78TH AVE SW	OLYMPIA	WA	98512
5N34000006800U2				WEIDERT BETTY 12.5% ETAL 87.5%		1000 S HWY 395 SUITE A #123	HERMISTON	OR	97838
5N34000006900U1				WEIDERT TIMOTHY S ET AL		4303 78TH AVE SW	OLYMPIA	WA	98512
5N34000006900U2				WEIDERT BETTY 12.5% ETAL 87.5%		1000 S HWY 395 SUITE A #123	HERMISTON	OR	97838
5N34000007000	TIMOTHY S	WEIRDERT				1030-A NW 12TH ST	PENDLETON	OR	97801

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
5N34000007100U1				WEIDERT TIMOTHY S ET AL		4303 78TH AVE SW	OLYMPIA	WA	98512
5N34000007100U2				WEIDERT BETTY 12.5% ETAL 87.5%		1000 S HWY 395 SUITE A #123	HERMISTON	OR	97838
5N34000007200				GERALD LEE WEIDERT FAMILY TRUST		PO BOX 1796	WALLA WALLA	WA	99362
5N34000007400				WEIDERT TIMOTHY S ETAL		1030 NW 12TH ST	PENDLETON	OR	97801
5N34000007700				FDS FARMS LLC		6200 W PARAPET CT	BOISE	ID	83703
5N34000007700A1	DARLA R	CLARK				PO BOX 388	ATHENA	OR	97813
5N34000009000				BURLINGTON NORTHERN R/R CO		PO BOX 961089	FORT WORTH	TX	76161
5N34200000100				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34200000200				NORTHSTAR FARMS INC		PO BOX 14	ADAMS	OR	97810
5N34200000300	GARY	GRABER	DEBBIE			81876 GERKING FLAT RD	ATHENA	OR	97813
5N34200000400				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34200000500				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N3421C000100				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N3421C000101				J&P WHITNEY PROPERTIES LLC		PO BOX 1614	PENDLETON	OR	97801
5N34270000200				FDS FARMS LLC		6200 W PARAPET CT	BOISE	ID	83703
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		150 KENNETH ST	WALLA WALLA	WA	99362
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
6N33000001800	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

Map Tax Lot	First Name	Last Name	Name 2	Company/Organization	C/O-Attn.	Address	City	State	Zip Code
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		150 KENNETH ST	WALLA WALLA	WA	99362
6N33000002500				WEAVER RESOURCES LLC		150 KENNETH ST	WALLA WALLA	WA	99362
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
6N34000003400	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
6N34000003800	JAMES D	SCHUBERT				1020 MERCITA DR	WALLA WALLA	WA	99362
6N34000004200				SCHUBERT ROBERT D LE ETAL		49726 TROYER RD	MILTON FREEWATER	OR	97862
320613000001				DYKES HOLDINGS LLC		125 T BAR T RD	WALLA WALLA	WA	99362
320614110001				DYKES HOLDINGS LLC		125 T BAR T RD	WALLA WALLA	WA	99362
320614210002	DONNA	BOAZ				205 WALLULA AVE	WALLA WALLA	WA	99362
320615000001	DONNA	BOAZ				205 WALLULA AVE	WALLA WALLA	WA	99362
320615110002				BNSF RAILWAY COMPANY		PO BOX 961089	FORT WORTH	TX	76161
330617110002				WEAVER RESOURCES LLC		1448 LOWDEN GARDENA RD	TOUCHET	WA	99360
330617220001	DONNA	BOAZ				205 WALLULA AVE	WALLA WALLA	WA	99362
330618110002	DONNA	BOAZ				205 WALLULA AVE	WALLA WALLA	WA	99362
330618220001				DYKES HOLDINGS LLC		125 T BAR T RD	WALLA WALLA	WA	99362

- Data obtained from Umatilla County on March 18, 2022 and Walla Walla County on March 9, 2022.

Stateline Wind Project
Request for Amendment 7



Overview
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Map Tiles
- Project Boundary
- Tax Lot Boundary*

*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



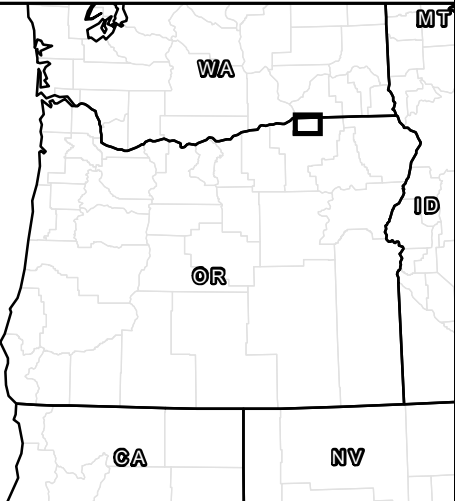
0 1.5
Miles

1:108,865

NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map

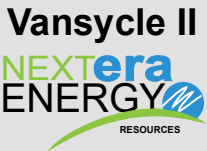


Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

Z:\GIS\Server\Tt_Portland\Vansycle\StateLine\Report\Tax Lot\TaxLot_Overview.mxd

Stateline Wind Project
Request for Amendment 7

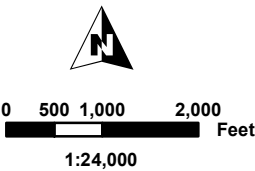


Map Number 1
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Tax Lot Boundary*

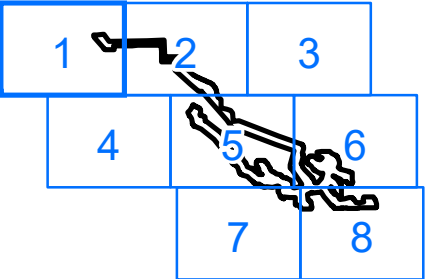
*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

Z:\GIS\Server\Tt_Portland\VansycleII\Report\Tax Lot\TaxLot_Mapbook.mxd

Stateline Wind Project
Request for Amendment 7

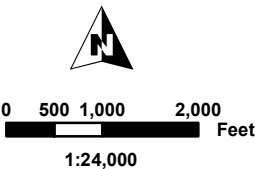


Map Number 2
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Tax Lot Boundary*

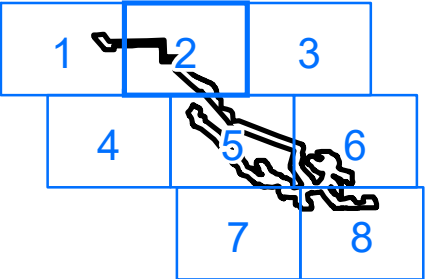
*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

Z:\GIS\VTt_Portland\VansycleII_StateInelliReport\Tax Lot\TaxLot_Mapbook.mxd

Stateline Wind Project
Request for Amendment 7

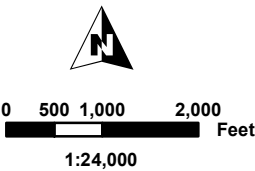


Map Number 3
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

 Tax Lot Boundary*

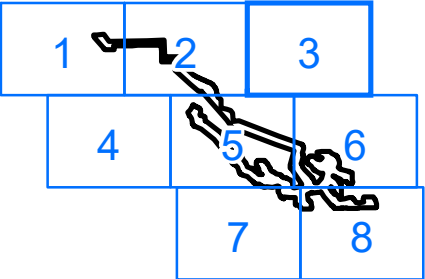
*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

Z:\GIS\VTt_Portland\VansycleII_StateLine\Report\Tax Lot\TaxLot_Mapbook.mxd

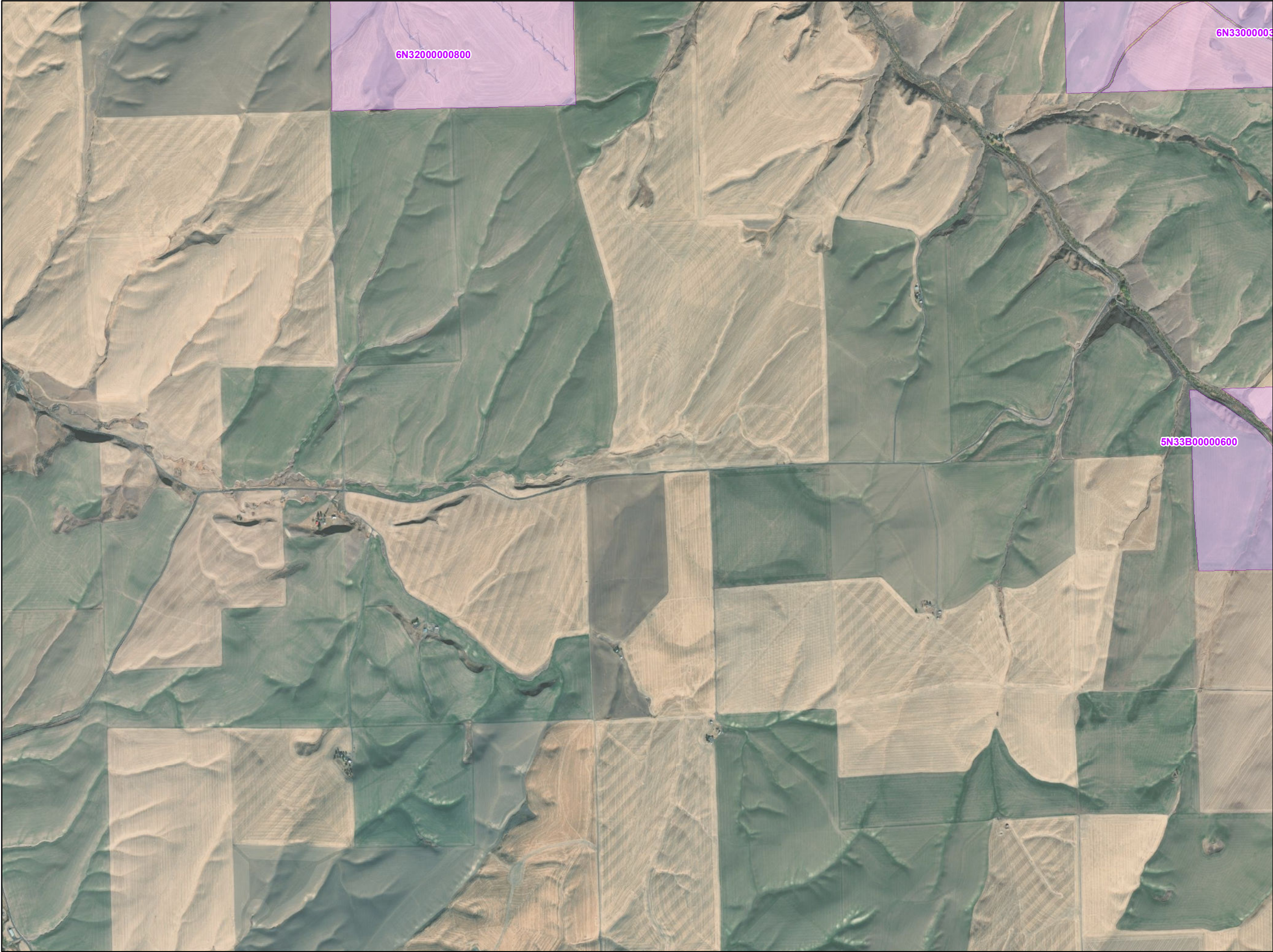
6N33000002802

6N33000003000

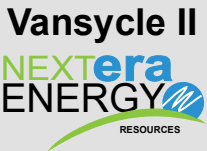
6N34000003800

6N34000003400

Z:\GIS\Server\Tt_Portland\Vansycle\StateInelli\Report\Tax Lot\TaxLot_Mapbook.mxd



Stateline Wind Project
Request for Amendment 7

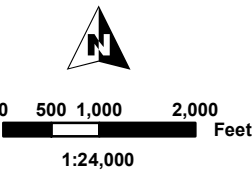


Map Number 4
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

 Tax Lot Boundary*

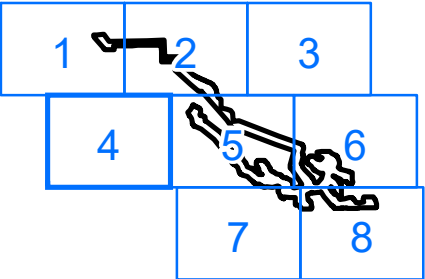
*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



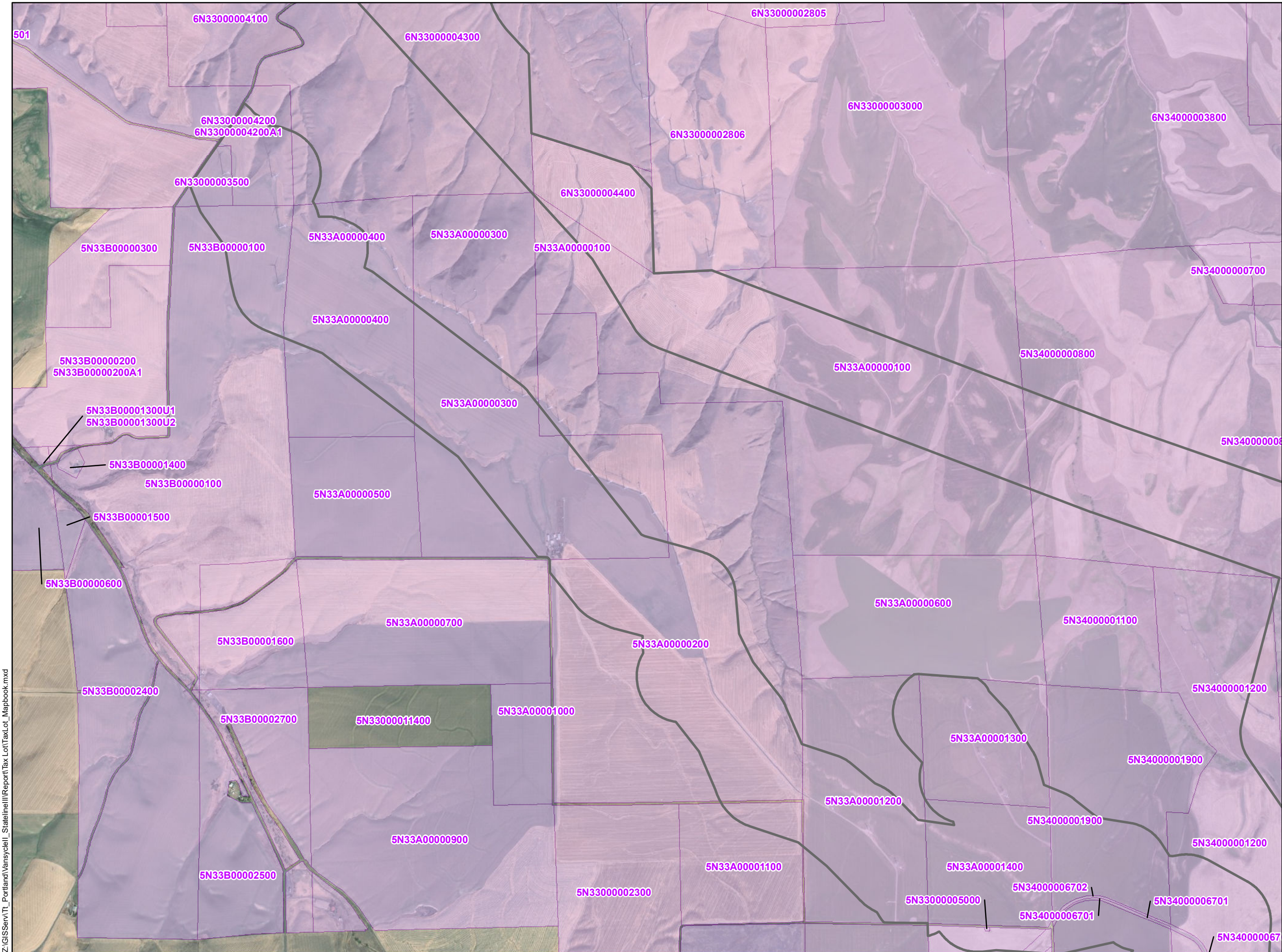
Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

Z:\GIS\Server\Tt_Portland\Vansycle\StateLine\Report\Tax Lot\TaxLot_Mapbook.mxd



Stateline Wind Project
Request for Amendment 7



Map Number 5
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Tax Lot Boundary*

*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022

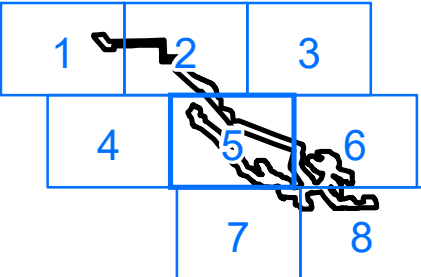


0 500 1,000 2,000 Feet
1:24,000

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 7

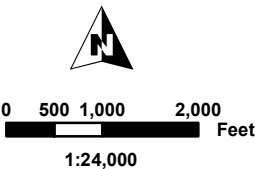


Map Number 6
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Tax Lot Boundary*

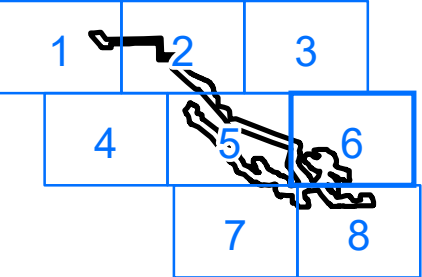
*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl

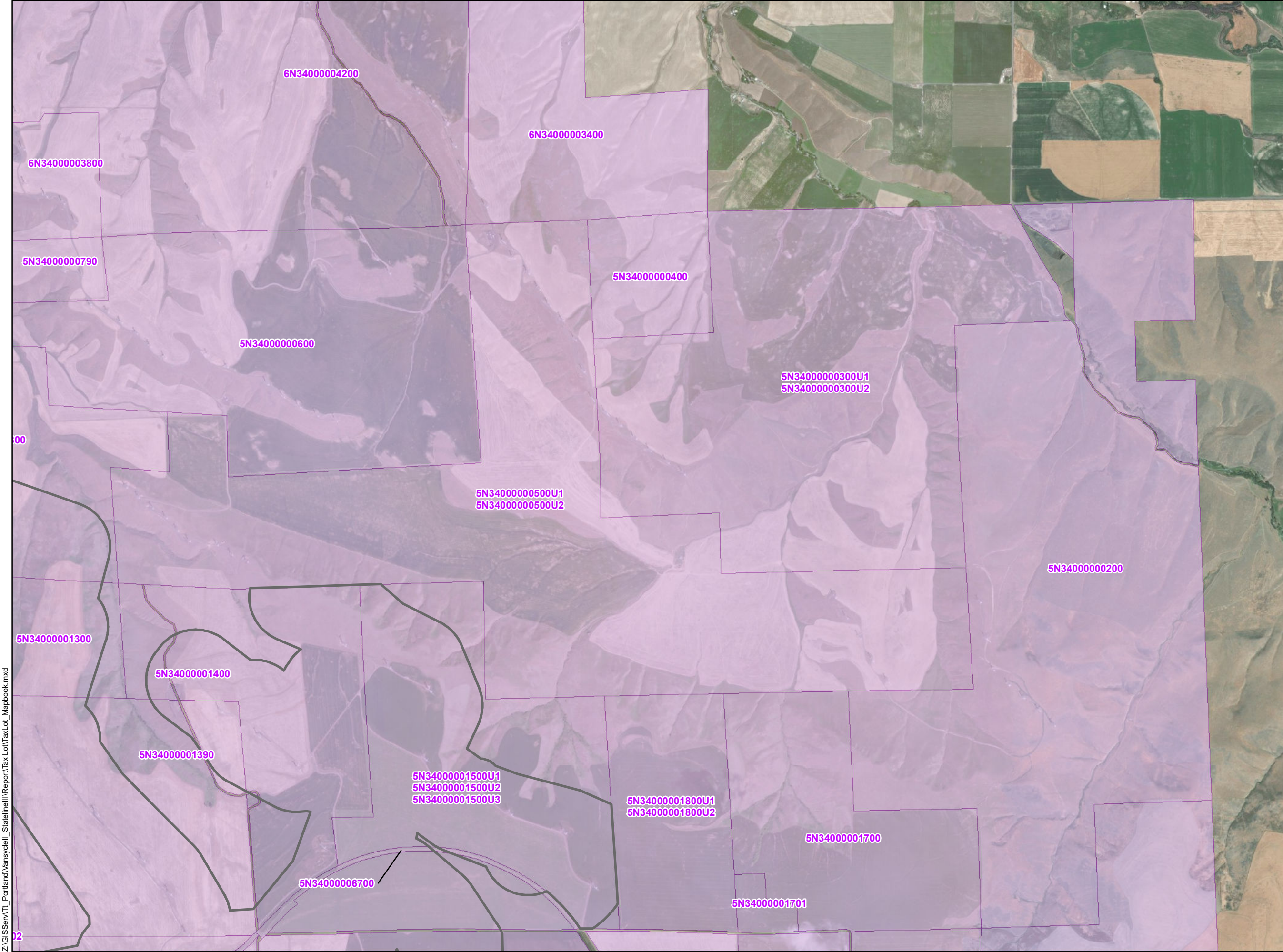


Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction



Z:\GIS\VTt_Portland\VansycleII_StateLine\III\Report\Tax Lot\TaxLot_Mapbook.mxd

Z:\GIS\Server\Tt_Portland\Vansycle\StateLine\Report\Tax Lot\TaxLot_Mapbook.mxd



Stateline Wind Project
Request for Amendment 7

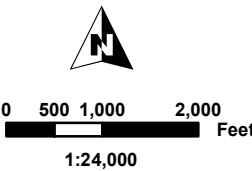


Map Number 7
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Tax Lot Boundary*

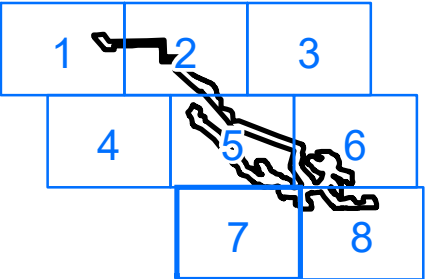
*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



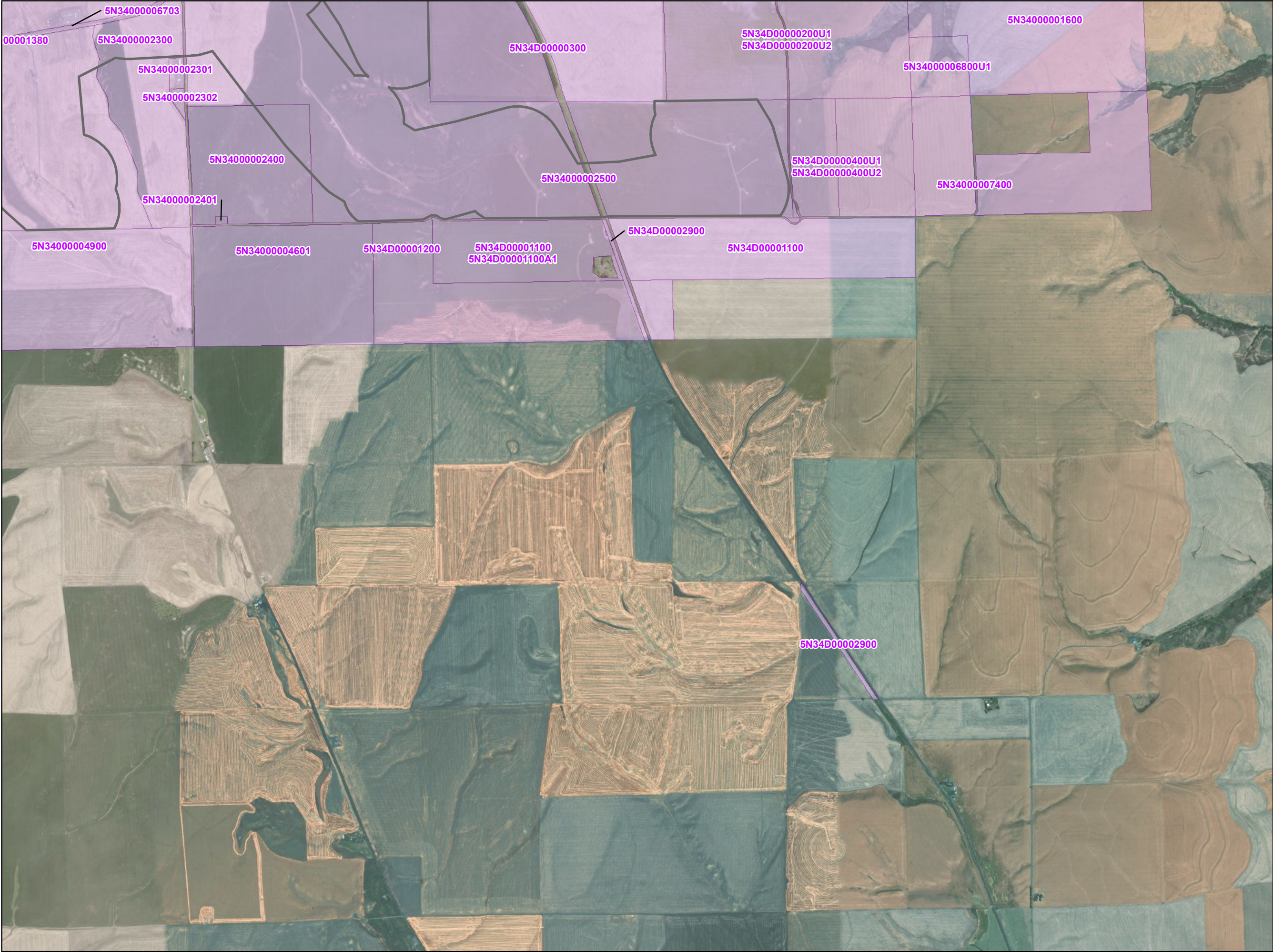
Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

Z:\GIS\Server\Tt_Portland\Vansycle\StateLine\Report\Tax Lot\TaxLot_Mapbook.mxd



Stateline Wind Project
Request for Amendment 7

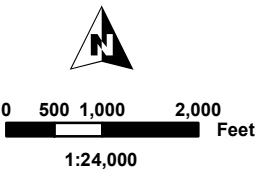


Map Number 8
Tax Lots

UMATILLA COUNTY, OR AND
WALLA WALLA COUNTY, WA

- Project Boundary
- Tax Lot Boundary*

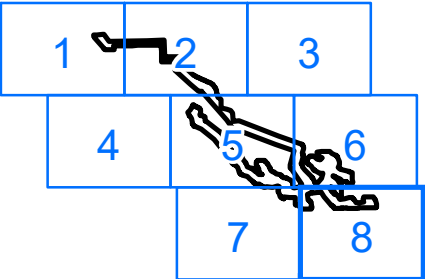
*Data obtained from Umatilla County
on March 18, 2022 and
Walla Walla County on March 9, 2022



NAD 1983 StatePlane Oregon
North FIPS 3601 Feet Intl



Reference Map



Data Sources: ESRI Streetmap,
Umatilla County

Not for Construction

From: [Steve Harvey](#)
To: [Samotis, Lindsey](#)
Cc: gis@umatillacounty.net; [Konkol, Carrie](#); [Gulick, Kristen](#); [Yurtinus, Corey](#)
Subject: Re: Umatilla County tax lot parcels data
Date: Friday, March 18, 2022 11:48:21 AM
Attachments: [SHP_03_08_2022.zip](#)

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Hello Lindsey, Corey Et All,
Attached you will find the requested Tax Lot data with attributes as a zipped shapefile.
FYI, We received our GIS data conversion last month and I have been working to improve the data quality now that is in the ESRI platform. I also have a backlog of parcels that I am now working into the data. As you might expect this a work in constant flux.
I know there are about 23 parcels for which the assessor's data may not have been joined this round. Some of these will be stacked parcels that have special interest accounts each with its own TLID indicating a special interest with an additional letter and number at the end.
If you come across missing data you need or spot something amiss please reach back out to me so I have a chance to improve quality.
Thanks and have a good day.
Steve

Steve Harvey
Cartographer
Geographic Information Services
216 SE 4th Street
Pendleton, OR 97801
Phone: 541-278-6232 Fax: 541-278-6345
webpage: www.umatillacounty.gov/at

On Wed, Mar 16, 2022 at 3:10 PM Samotis, Lindsey <LINDSEY.SAMOTIS@tetrattech.com> wrote:

Hi Steve,

Please see the attached work order and license agreement for the data requested by my colleague, Corey Yurtinus . You should receive the check for this request Friday 3/18. Can you cc me when you fulfill this data request? We are hoping to utilize the data as soon as possible and Corey is out of office this week. Please let me know if you need me to fill out an additional data license agreement.

Thanks,

Lindsey Samotis | GIS Specialist
Pronouns: she, her, hers
lindsey.samotis@tetrattech.com

Tetra Tech | *Leading with Science®*

Please consider the environment before printing. [Read more](#)

This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

From: Steve Harvey <steve.harvey@umatillacounty.gov>

Sent: Thursday, March 10, 2022 10:47 AM

To: Yurtinus, Corey <Corey.Yurtinus@tetrattech.com>

Cc: gis@umatillacounty.net <gis@umatillacounty.net>; Konkol, Carrie <Carrie.Konkol@tetrattech.com>; Gulick, Kristen <Kristen.Gulick@tetrattech.com>; Samotis, Lindsey <LINDSEY.SAMOTIS@tetrattech.com>

Subject: Re: Umatilla County tax lot parcels data

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

Hello Corey,

Attached you will find a license agreement and work order. Please fill these out and return along with a check for \$530 made out to Umatilla County to

GIS @ Umatilla County
216 SE 4th Street Rm 143
Pendleton, OR 98701.

Unfortunately we are not set up to take electronic payments at this time

If you have additional questions please feel free to contact me.

Thanks

Steve

Steve Harvey

Cartographer

Geographic Information Services

216 SE 4th Street

Pendleton, OR 97801

Phone: 541-278-6232 Fax: 541-278-6345

webpage: www.umatillacounty.gov/at

On Wed, Mar 9, 2022 at 10:28 AM 'Yurtinus, Corey' via GIS Group <gis-group@umatillacounty.gov> wrote:

To whom it my concern,

I am requesting to purchase the tax lot data on behalf of a confidential client. This request is to fulfill requirements as outlined by the Oregon Department of Energy for a site certificate application. We will only be using the data to fulfill these requirements for this

task.

Please contact me and Project Manager (Cc'd on this e-mail) if you have any further questions or if any further clarification is needed. We are hoping to get the data this week or early next week to do this analysis. Let me know if you foresee any issues with that timeline.

Corey Yurtinus | Señor GIS Analyst/GPS Specialist

Main: 208.389.1030

corey.yurtinus@tetrattech.com

Tetra Tech | Boise Office

3380 Americana Terrace, Suite 201 | Boise, Idaho 83706 | www.tetrattech.com

PLEASE NOTE: This message, including any attachments, may include confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.

From: publicrecords@co.walla-walla.wa.us
To: [Yurtinus, Corey](#)
Subject: [Document Released to Requester] Walla Walla County public records request #22-189
Date: Wednesday, March 9, 2022 9:45:07 AM

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Walla Walla County Public Records

A document has been released for record request #22-189 along with the following message:

This letter serves as a clarification request, pursuant to [RCW 42.56.520](#), to your public records request.

Your request is for GIS information not readily available on the County website.

We request you complete the non-commercial affidavit portion of the public records release form (provided) and return it to us.

Under the laws of the State of Washington that the information obtained through this records request will not be used for commercial purposes (RCW 42.56.070(8) WAC 44-14-06002(6)) .

If we do not receive the completed form within thirty (30) days, we will close this request.

- [PublicRequestformwsig.pdf](#)

[View Request 22-189](#)

<https://wallawallacountywa.nextrequest.com/requests/22-189>

Document links are valid for one month. After April 9, you will need to sign in to view the document(s).



POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at Walla Walla County.

Technical support: See our [help page](#)

From: publicrecords@co.walla-walla.wa.us
To: [Yurtinus, Corey](#)
Subject: [Document Released to Requester] Walla Walla County public records request #22-189
Date: Wednesday, March 9, 2022 10:13:59 AM

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Walla Walla County Public Records

A document has been released for record request #22-189 along with the following message:

This letter serves as Walla Walla County's update, pursuant to [RCW 42.56.520](#), to your public records request.

A link/links to records responsive to your request are at the bottom of this message.

The County estimates that it will take approximately thirty (30)/sixty (60) business days to provide another installment of responsive documents, determine whether any of the responsive documents are subject to applicable exemptions under the Public Records Act, and to notify any third parties affected by the request. If third party notification is required, twenty (20) business days will be allowed for a response by the third party to those records which specifically pertain to them. I estimate another installment of responsive records on or around [MONTH DAY YEAR].

Additionally, the Washington Public Records Act ([RCW 42.56.120](#)) and [Walla Walla County Policy 7.4.3.1](#) now allow the County to charge for provision of electronic records. Refer to the hyperlinked documents for the fee schedule for future records

installments.

- [WWCntyShapefile.zip](#)

[View Request 22-189](#)

<https://wallawallacountywa.nextrequest.com/requests/22-189>

Document links are valid for one month. After April 9, you will need to sign in to view the document(s).



POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at Walla Walla County.

Technical support: See our [help page](#)

From: publicrecords@co.walla-walla.wa.us
To: [Yurtinus, Corey](#)
Subject: [Document Released to Requester] Walla Walla County public records request #22-189
Date: Wednesday, March 9, 2022 10:13:38 AM

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Walla Walla County Public Records

A document has been released for record request #22-189 along with the following message:

This letter serves as Walla Walla County's update, pursuant to [RCW 42.56.520](#), to your public records request.

A link/links to records responsive to your request are at the bottom of this message.

The County estimates that it will take approximately thirty (30)/sixty (60) business days to provide another installment of responsive documents, determine whether any of the responsive documents are subject to applicable exemptions under the Public Records Act, and to notify any third parties affected by the request. If third party notification is required, twenty (20) business days will be allowed for a response by the third party to those records which specifically pertain to them. I estimate another installment of responsive records on or around [MONTH DAY YEAR].

Additionally, the Washington Public Records Act ([RCW 42.56.120](#)) and [Walla Walla County Policy 7.4.3.1](#) now allow the County to charge for provision of electronic records. Refer to the hyperlinked documents for the fee schedule for future records

installments.

- [WallaWallaCountyDatabaseFiles2022NoValues.zip](#)

[View Request 22-189](#)

<https://wallawallacountywa.nextrequest.com/requests/22-189>

Document links are valid for one month. After April 9, you will need to sign in to view the document(s).



POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at Walla Walla County.

Technical support: See our [help page](#)

From: publicrecords@co.walla-walla.wa.us
To: [Yurtinus, Corey](#)
Subject: [Document Released to Requester] Walla Walla County public records request #22-189
Date: Wednesday, March 9, 2022 10:12:52 AM

CAUTION: This email originated from an external sender. Verify the source before opening links or attachments.

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

Walla Walla County Public Records

A document has been released for record request #22-189 along with the following message:

This letter serves as Walla Walla County's update, pursuant to [RCW 42.56.520](#), to your public records request.

A link/links to records responsive to your request are at the bottom of this message.

The County estimates that it will take approximately thirty (30)/sixty (60) business days to provide another installment of responsive documents, determine whether any of the responsive documents are subject to applicable exemptions under the Public Records Act, and to notify any third parties affected by the request. If third party notification is required, twenty (20) business days will be allowed for a response by the third party to those records which specifically pertain to them. I estimate another installment of responsive records on or around [MONTH DAY YEAR].

Additionally, the Washington Public Records Act ([RCW 42.56.120](#)) and [Walla Walla County Policy 7.4.3.1](#) now allow the County to charge for provision of electronic records. Refer to the hyperlinked documents for the fee schedule for future records

installments.

- [WallaWallaCountyDatabaseFiles2021CertifiedValues.zip](#)

[View Request 22-189](#)

<https://wallawallacountywa.nextrequest.com/requests/22-189>

Document links are valid for one month. After April 9, you will need to sign in to view the document(s).



POWERED BY NEXTREQUEST

The All in One Records Requests Platform

Questions about your request? Reply to this email or sign in to contact staff at Walla Walla County.

Technical support: See our [help page](#)

This page intentionally left blank