

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

**Site Certificate for the
Nolin Hills Wind Power Project**

ISSUE DATE

July 19, 2023

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Table of Contents

1.0 Introduction and Site Certification	1
2.0 Facility Location, Site Boundary and Micrositing Areas	2
3.0 Facility Description	3
4.0 Facility Development	6
4.1 Design.....	6
4.2 Construction.....	7
4.3 Operations and Maintenance	9
4.4 Retirement	9
5.0 Site Certificate Conditions.....	10
5.1 Condition Format	10
5.2 General (GEN) Conditions: Design, Construction and Operations.....	11
5.3 Pre-Construction (PRE) Conditions	16
5.4 Construction (CON) Conditions.....	29
5.5 Pre-Operational (PRO) Conditions	32
5.6 Operational (OPR) Conditions.....	34
5.7 Retirement (RET) Conditions	38
6.0 Successors and Assigns.....	39
7.0 Severability and Construction	39
8.0 Execution	39

List of Tables

Table 1: Wind Micrositing Area Facility Component Summary	3
Table 2: Solar Micrositing Area Component Summary	4
Table 3: Transmission Line Component Summary	6
Table 4: Maximum Number of Facility Components and Temporary Disturbance.....	8

Attachments

Figure 1: Regional Location of Facility and Site Boundary	1
Figure 2: Facility Site Boundary and Micrositing Areas.....	2

1.0 Introduction and Site Certification

This site certificate is a binding agreement between the State of Oregon (State), acting through the Energy Facility Siting Council (EFSC or Council), and Nolin Hills Wind, LLC (certificate holder), a wholly owned subsidiary of Capital Power Corporation (parent company). Both the State and certificate holder must abide by local ordinances, state law, and the rules of the Council in effect on the date this site certificate is executed. However, upon a clear showing of a significant threat to public health, safety, or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules (ORS 469.401(2)).

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)). Each affected state agency, county, city, and political subdivision in Oregon with authority to issue a permit, license, or other approval addressed in or governed by this site certificate, shall upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. In addition, each state agency or local government agency that issues a permit, license or other approval for this facility shall continue to exercise enforcement authority over such permit, license or other approval (ORS 469.401(3)). For those permits, licenses, or other approvals addressed in and governed by this site certificate, the certificate holder shall comply with applicable state and federal laws adopted in the future to the extent that such compliance is required under the respective state agency statutes and rules (ORS 469.401(2)).

This site certificate does not address, and is not binding with respect to, matters that are not included in and governed by this site certificate, and such matters include, but are not limited to: employee health and safety; building code compliance; wage and hour or other labor regulations; local government fees and charges; other design or operational issues that do not relate to siting the facility (ORS 469.401(4)); and permits issued under statutes and rules for which the decision on compliance has been delegated by the federal government to a state agency other than the Council (ORS 469.503(3)).

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

General for a determination of whether the exemption is applicable, pursuant to ORS 192.450.

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

The duration of this site certificate shall be the life of the facility, subject to termination pursuant to OAR 345-027-0110 or the rules in effect on the date that termination is sought, or revocation under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. The Council shall not change the conditions of this site certificate except as provided for in OAR Chapter 345, Division 27.

In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order, incorporated herein by this reference: 1) *Final Order on the Application for Site Certificate for the Nolin Hills Wind Energy Facility* issued on July 19, 2023 (hereafter, *Final Order on the ASC*); 2) the record of the proceedings that led to the *Final Order on the ASC*.

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

2.0 Facility Location, Site Boundary and Micrositing Areas

The facility site is located in northwestern Umatilla County. The site boundary contains approximately 48,196 acres and is located south of I-84, approximately 4 miles south of Echo and 10 miles west of Pendleton.¹ The site boundary includes a wind facility micrositing area, with three 230 kV transmission line corridor options,² and a solar facility micrositing area. The site boundary and micrositing areas are presented in Figure 1: *Regional Location of Facility and Site Boundary* and Figure 2: *Facility Site Boundary and Micrositing Areas*.

¹ OAR 345-001-0010(31) defines “site boundary” as the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors proposed by the applicant. OAR 345-001-0010(26) defines “site certificate” as a binding agreement between the State of Oregon and the applicant, authorizing the applicant to construct and operate a facility on an approved site.

² OAR 345-001-0010(13) defines “corridor” as a continuous area of land not more than one-half mile in width and running the entire length of a proposed transmission line or pipeline.

The wind micrositing area and 230 kV transmission line corridors contain approximately 13,767 acres. The 230 kV transmission line corridors range from 300 to 1,600 feet wide and extend the length of the lines. The solar micrositing area contains approximately 1,896 acres.

3.0 Facility Description

The energy facility is approved as a wind and solar energy generation facility, with a nominal generating capacity up to 600 megawatts (MW) (approximately 340 MW from wind and 260 MW from solar).

The maximum number and design/equipment specifications for the energy facility and related or supporting facilities authorized for construction and operation in this site certificate are presented in Tables 1, 2 and 3 below. The full description of facility components is presented in the Final Order on the ASC, Section III.A and is incorporated by reference.³ The facility must be designed, constructed and operated substantially as described in the site certificate.⁴

Table 1: Wind Micrositing Area Facility Component Summary

Component and Design Standard	No.	Unit
Wind Components		
Wind micrositing area	13,767	acres
Wind turbines	112	total
Max. blade tip height	496	Feet (above pedestal)
Min. aboveground blade tip clearance	36.5	feet
Max. hub height	266	feet
Max. rotor diameter	459	feet
Max. noise Level, per turbine	108	dBA ¹
Transformers, pad- or nacelle mounted	112	total
Transformer oil-containing capacity	549/10	Gallons, mineral/synthetic
Wind Related or Supporting Facility Components		
<i>Access Roads - Wind</i>		
Access Roads (length, width)	43	mile/feet
Permanent Improved Roads (length, width)	43, 26	miles/feet
Temporary Improved Roads (length, width)	19, 82	miles/feet
Crane Paths (width)	75	feet
<i>34.5 kV Collector lines</i>		
Aboveground	9.1	miles
Structure Type/Height	Pole, 100	Type, feet
Belowground	89	miles

³ NHWAPP Final Order 2023-07-19., Section III.A.

⁴ Mandatory Condition OAR 345-025-0006(3), see General Standard Condition 3.

Table 1: Wind Micrositing Area Facility Component Summary

Component and Design Standard	No.	Unit
Notes:		
1. Includes a confidence interval K = 2 dBA. ASC Exhibit X, p. 15.		

The approximate dimensions and specifications of energy facility and related or supporting facilities approved to be constructed and operated within the solar micrositing area are presented in Table 2 below. The final facility design must substantially comply with these dimensions and specifications.

Table 2: Solar Micrositing Area Component Summary

Component and Design Standard	No.	Unit
Solar Components		
Solar micrositing area	1,896	acres
<i>PV Solar Modules</i>		
Approx. Total number	816,812	modules
Max Height at full tilt	18	feet
<i>Inverters/Transformer Units</i>		
Approx. Total number	490	inverters
Solar Related or Supporting Facility Components		
<i>34.5 kV Collection System</i>		
Aboveground	5.5	miles
Structure Type/Height	Pole, 100	type, feet
Belowground	55	miles
<i>Perimeter Fence</i>		
Length	9.4	miles
Height	8	feet
Design	Chain-link or mesh	
<i>Roads - Solar</i>		
Permanent Improved (length, width)	18/16-20	miles, feet
Wind and Solar Shared Related or Supporting Facilities		
<i>Collector Substations</i>		
Number of Collector Substations	2	total
Collector Substation Size	300	MVA, each
Transformer	1	each
Transformer Oil-Containing Capacity	14,000	gallons, each
Collector Substation Equipment	Each containing transformer, transmission line termination structures, bus bar, circuit breakers and fuse, control systems, meters, 60 300-amp batteries	

Table 2: Solar Micrositing Area Component Summary

Component and Design Standard	No.	Unit
Site Design	Graveled/no vegetation, security fence. Buildings in neutral finish, downward directed lighting	
Battery Energy Storage System		
Capacity	120	MW
Containers	240	
Equipment Height	20	feet
Battery Storage Equipment	AC- or DC-coupled lithium-ion batteries or AC-coupled flow batteries; racks or containers; inverters; isolation transformers; switchboards; electrical systems; fire suppression; heating, ventilation and air-conditioning systems; auxiliary electrical systems; network/SCADA system; cooling system; high-voltage equipment	
Site Design	Concrete pad; graveled/no vegetation; security fence. Buildings in neutral finish, downward directed outdoor lighting	
Meteorological Towers		
Towers	3	total
Structure type, max. height	No-guyed or guyed wire, 266	feet
Operations and Maintenance Building		
Number	1	
Equipment	Warehouse, maintenance bay, control room, office, break room, kitchen, bathroom with shower, utility room, service room, storage room; backup power system (2 lead-acid batteries)	
Design	6,000 square foot, 1-2 story building; 7.6 acre, graveled site/no vegetation; buildings in neutral finish; downward directed outdoor lighting	
On-site well, number and capacity	1/5,000	Max. no., gallons/day
Septic System	1	
Temporary Construction Yards/Staging Areas		
Central Staging Area	1	total
Central Staging Area Size	27	acre

Table 2: Solar Micrositing Area Component Summary

Component and Design Standard	No.	Unit
Equipment	Construction trailers; two temporary batch plants; diesel fuel (500-gallons); gasoline (200-gallons); secondary containment	
Small Staging Areas	11	total
Small Staging Area Size	1,000	square feet
Pulling and Tensioning Areas	10	total
Pulling and Tensioning Area Size	0.75	acre
Supervisory Control and Data Acquisition System		
Equipment	Fiber optic cables installed above- and/or belowground with collection system	

The approximate dimensions and specifications of the approved 230 kV transmission lines are presented in Table 3 below. The final transmission line design must substantially comply with these dimensions and specifications.

Table 3: Transmission Line Component Summary

Component and Design Standard	No.	Unit
Transmission Line		
<i>Regional Grid-Interconnection Line (one route to be selected)</i>		
UEC Cottonwood Route, length	25.3	miles
BPA Stanfield Route, length	5	miles
Voltage	230	kV
Structures	282	poles
Structure Type/Height	H-frame or monopole/low reflectivity, 140	type, feet
Substation Connector		
Substation Connector Route, length	6.8	miles
Voltage	230	kV
Structures	39	poles
Structure Type/Height	H-frame or monopole/low reflectivity, 140	type, feet

4.0 Facility Development

4.1 Design

The design of the wind and solar facility components shall be consistent with the description included in the Final Order on ASC Section III and as presented in Tables 1, 2 and 3 of this site

certificate. The design of the 230 kV transmission lines is further presented below. The final transmission line design must substantially comply with this description.

UEC Cottonwood Route (alternative)

The UEC Cottonwood route is approved to extend approximately 25.3 miles based on the following:

- approximately 8.4 miles will be a new single-circuit 230-kV transmission line,
- approximately 9.6 miles will replace an existing 12.47-kV distribution line with a 230-kV transmission line and distribution underbuild, and
- approximately 7.3 miles will upgrade an existing 115-kV UEC transmission line to a double-circuit 230/115-kV line with 12.47-kV underbuilt distribution.

The new 230 kV circuit will be strung on one side of the pole and the existing 115 kV circuit will be strung on the opposite side of the pole, on pole masts with suspension insulators. The 230 kV transmission line will be aboveground, on wooden H-frame or steel monopole structures approximately 100 to 140 feet tall. The new 230 kV structures will also include crossarms for distribution underbuild.

For the approximately 7.3-mile 115 kV upgrade, the existing 55- to 85-foot-tall pole 115 kV structures will be replaced with 140 foot tall, steel pole structures.

For this upgrade, the certificate holder will be required to obtain easements, up to 100-feet, prior to construction.⁵

BPA Stanfield Route (alternative)

The BPA Stanfield route is approved to extend approximately 5 miles in length, of which approximately 3 miles will parallel an existing 230-kV transmission line, outside of the existing transmission line's right-of-way.⁶

The BPA Stanfield route will be aboveground, on wooden H-frame or steel monopole structures approximately 100 to 140 feet tall.

4.2 Construction

Facility construction may occur in phases, is planned to take approximately 18 months, and will include the following:

- Up to 500 workers, 30 percent hired locally, per day
- Up to 234 one-way delivery truck trips per day during construction, and up to 800 one-way private vehicle trips per day to bring workers to the facility site

⁵ NHWAPPD02-1 ASC Exhibit B. Project Desc_2022-01-31, Section 8.5.

⁶ NHWAPPD02-1 ASC Exhibit B. Project Desc_2022-01-31, Section 8.5.

Construction related activities include:

- Grading, clearing, grubbing and site preparation for construction of facility components
- Foundations and base or pad preparation – including excavators, backhoes, loaders, cranes and other heavy equipment used to haul or install
- Solar array systems, Battery storage components, and collector lines – including heavy equipment used to excavate, prepare, trench, and install components
- Construction of fencing, O&M building and substation connectors - including heavy equipment used to excavate, prepare, trench, and install components
- Creation and maintenance of access roads and temporary staging areas

The maximum extent of temporary, construction-related disturbance per component shall be consistent with the specifications presented in Table 4 of this site certificate.

Table 4: Maximum Number of Facility Components and Temporary Disturbance

Facility Component	Max. No. of Components	Max. Temporary Disturbance Per Component	Unit
Wind Turbines	112	6.5	Acres
Overhead 34.5-kV Collector Lines	9.1 (mi)	35	Feet of width per linear foot
Underground 34.5-kV Collector Lines	89.0 (mi)	35	Feet of width per linear foot
230-kV Project Substation Connector Transmission Line	6.8 (mi)	200	Feet of width per linear foot
Pulling & Tensioning Areas	10	0.75	Acres
230-kV UEC Cottonwood Transmission Line Route	25.3 (mi)	200	Feet of width per linear foot
230-kV BPA Stanfield Transmission Line Route	5.0 (mi)	200	Feet of width per linear foot
Meteorological Towers	3	154,750	Square feet
Existing Access Roads to Be Improved	19 (mi)	66	Feet of width per linear foot
New Access Roads	42.8 (mi)	66	Feet of width per linear foot
Turning Radius Widening at Existing Access Roads	50	0.6	Acres
Crane Paths	50.9 (mi)	75	Feet of width per linear foot
Substations	2	1.5 (N)/ 2.5 (S)	Acres

Table 4: Maximum Number of Facility Components and Temporary Disturbance

Facility Component	Max. No. of Components	Max. Temporary Disturbance Per Component	Unit
Distributed Staging Areas	11	--	Acres
O&M Building	1	--	Acres
Solar Siting Area	1	--	Acres

4.3 Operations and Maintenance

Routine operations and maintenance for all facility components will include revegetation, noxious weed control, erosion inspection and maintenance and equipment operability inspection and maintenance.

Annual vegetation management will be implemented along transmission line corridors. Routine O&M will also include wind turbine part replacement, including redisturbance of areas temporarily disturbed during construction, and battery and solar panel replacement.

4.4 Retirement

The description provided below is intended to address OAR 345-025-0006(3)(a) but is not intended to conflict with the previously mentioned rule requirements.

Facility decommissioning and site restoration will be completed in accordance with a Council approved decommissioning plan pursuant to OAR 345-025-0006(9) and OAR 345-027-0410. Nonetheless, consistent with OAR 345-025-0006(3), facility decommissioning and site restoration shall be completed substantially as described in the site certificate, as follows:

- Aboveground structures will be dismantled (such as wind turbines, met towers, solar and battery components, aboveground electrical equipment including collector lines transmission lines and poles, and the O&M building and substations). Components will be removed from the site for recycle, sale or disposal.
 - Electrical components including substations, collector lines, and transmission lines, along with their support structures will be dismantled.
 - Subsurface features including underground collector lines and concrete foundations will be removed to a minimum of 3 feet below ground surface or as agreed with the landowner, to allow continued use of the land for agricultural or other purposes deemed appropriate at the time of decommissioning purposes.

- Access roads will be reclaimed by regrading and removal of road surfaces, and surface soils restored to original conditions, based on landowner consultation. If the landowner prefers to retain roads, they will be left in place. Reclamation procedures will be based on site specific requirements and techniques commonly employed at the time the area is to be reclaimed. As appropriate and based on intended use of the land following decommissioning, the land will be reseeded in accordance with a revegetation plan.
- Fluids will be drained onsite and transported offsite for disposal at a licensed facility, if flow batteries are selected for the BESS. Containers will be recycled or disposed at an approved facility.

5.0 Site Certificate Conditions

5.1 Condition Format

The conditions in Sections 5.2 through 5.7 of this Site Certificate are organized and coded to indicate the phase of implementation, the standard that the condition is required to satisfy, and an identification number (1, 2, 3, etc.).⁷ The table below presents a “key” for phase of implementation:

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

⁷ The identification number is not representative of an order that conditions must be implemented; it is intended only to represent a numerical value for identifying the condition.

5.2 General (GEN) Conditions: Design, Construction and Operations

Condition Number	General (GEN) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
GEN-GS-01	<p>The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate.</p> <ol style="list-style-type: none"> Construction of the facility shall commence by July 19, 2026. Within 7 days of construction commencement, the certificate holder shall provide the Department written verification of the construction commencement date and that it has met the construction commencement deadline. Construction of all facility components shall be completed within three years after construction commencement identified in (a) of this condition. Within 7 days of construction completion, the certificate holder shall provide the Department written verification that it has met the construction completion deadline. <p>[General Standard Condition 1, Mandatory Condition OAR 345-025-0006(4), Final Order on ASC]</p>
GEN-GS-02	<p>The certificate holder shall design, construct, operate, and retire the facility:</p> <ol style="list-style-type: none"> Substantially as described in the site certificate; 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 In compliance with all applicable permit requirements of other state agencies. <p>[General Standard Condition 3, Mandatory Condition OAR 345-025-0006(3), Final Order on ASC]</p>
GEN-GS-03	<p>If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.</p> <p>[General Standard Condition 5, Mandatory Condition OAR 345-025-0006(6), Final Order on ASC]</p>
GEN-GS-04	<p>Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.</p> <p>[General Standard Condition 6, Mandatory Condition OAR 345-025-0006(11), Final Order on ASC]</p>
	<p>Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new</p>

Condition Number	General (GEN) Conditions
GEN-GS-05	owners. The requirements of OAR 345-027-0400 apply to any transfer of ownership that requires a transfer of the site certificate. [General Standard Condition 7, Mandatory Condition OAR 345-025-0006(15), Final Order on ASC]
GEN-GS-06	<p>The certificate holder is authorized to construct 230-kV transmission lines anywhere within the approved transmission line micrositings corridors, subject to the conditions of the site certificate. The approved transmission line micrositings corridors include:</p> <ul style="list-style-type: none"> a. Substation Connector Line: Approximately 6.8 mile, single circuit 230-kV transmission line extending between the two facility substations, as further described in ASC Exhibits B and C and as presented in Figure 1 of the site certificate. b. UEC Cottonwood Route: Approximately 25.3 mile transmission line extending from the northern substation to the existing UEC Cottonwood Substation. Approximately 8.4 miles of new single-circuit 230-kV transmission line, approximately 9.6 miles of replacement of an existing 12.47-kV distribution line with a 230-kV transmission line and distribution underbuild, and approximately 7.3 miles of upgraded existing 115-kV UEC transmission line to a double-circuit 230/115-kV line with 12.47-kV underbuilt distribution, as further described in ASC Exhibits B and C and as presented in Figure 1 of the site certificate. c. BPA Stanfield Route: Approximately 5-mile 230 kV transmission line extending from the northern facility substation to the BPA Stanfield Substation, of which approximately 3 miles parallel an existing BPA 500-kV transmission line, outside of the existing transmission line's right-of-way, as further described in ASC Exhibits B and C and as presented in Figure 1 of the site certificate. <p>[General Standard Condition 8, Site Specific Condition OAR 345-025-0010(5), Final Order on ASC]</p>
GEN-GS-07	<p>Any matter of non-compliance under the site certificate is the responsibility of the certificate holder. Any notice of violation issued under the site certificate will be issued to the certificate holder. Any civil penalties under the site certificate will be levied on the certificate holder.</p> <p>[General Standard Condition 10, Final Order on ASC]</p>
GEN-GS-08	<p>In addition to the requirements of OAR 345-026-0170, within 72 hours after discovery of incidents or circumstances that violate the terms or conditions of the site certificate, the certificate holder must report the conditions or circumstances to the Department.</p> <p>[General Standard Condition 11, Final Order on ASC]</p>
STANDARD: Structural Standard (SS) [OAR 345-022-0020]	
GEN-SS-01	<p>The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety and the environment presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, ground failure,</p>

Condition Number	General (GEN) Conditions
	<p>landslide, liquefaction triggering and consequences (including flow failure, settlement buoyancy, and lateral spreading), cyclic softening of clays and silts, fault rupture, directivity effects and soil-structure interaction.</p> <p>[Structural Standard Condition 2, Mandatory Condition OAR 345-025-0006(12), Final Order on ASC]</p>
GEN-SS-02	<p>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 to propose and implement corrective or mitigation actions.</p> <p>[Structural Standard Condition 3, Mandatory Condition OAR 345-025-0006(13), Final Order on ASC]</p>
GEN-SS-03	<p>The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site. After the Department receives notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division to propose and implement corrective or mitigation actions.</p> <p>[Structural Standard Condition 4, Mandatory Condition OAR 345-025-0006(14), Final Order on ASC]</p>
STANDARD: Soil Protection (SP) [OAR 345-022-0022]	
GEN-SP-01	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> During construction, conduct all work in compliance with the NPDES General Permit 1200-C, including the monitoring and maintenance of all BMPs. Following completion of construction, provide evidence to the Department that the NPDES General Permit 1200-C permit was terminated by DEQ. <p>[Soil Protection Condition 2, Final Order on ASC]</p>
STANDARD: Land Use (LU) [OAR 345-022-0030]	
GEN-LU-01	<p>During construction and operation, the certificate holder shall ensure gates and no trespassing signs are in place and maintained to prohibit illegal access and allow for emergency response.</p> <p>[Land Use Condition 9, Final Order on ASC]</p>
STANDARD: Retirement and Financial Assurance (RT) [OAR 345-022-0050]	
GEN-RT-01	<p>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.</p> <p>[Retirement and Financial Assurance Condition 1, Mandatory Condition OAR 345-025-0006(7), Final Order on ASC]</p>

Condition Number	General (GEN) Conditions
GEN-RT-02	<p>If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council's approval.</p> <p>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-025-0006(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, nonhazardous 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. [Retirement and Financial Assurance Condition 3, Mandatory Condition OAR 345-025-0006(16), Final Order on ASC]</p>
STANDARD: Threatened or Endangered Species (TE) [OAR 345-022-0070]	
GEN-TE-01	<p>Certificate holder shall maintain a map of previously identified Laurence's milkvetch populations within the microsite area. The map shall be used to inform flagging or other avoidance mechanism to ensure avoidance of ground disturbance within 20-feet of the populations. The avoidance flagging areas may be updated at any time based on more current survey results, if completed. [Threatened and Endangered Species Condition 5, Final Order on ASC]</p>
STANDARD: Historic, Cultural and Archeological Resources (HC) [OAR 345-022-0090]	
GEN-HC-01	<p>During any ground-disturbing activities, the certificate holder shall adhere to the requirements of the MIDP. Any failures to adhere to the MIDP must be reported to the Department and SHPO; impacts must be addressed and mitigation measures must be proposed and implemented for any listed or likely-NRHP eligible resources; worker training may be used to address impacts to resources identified as not-likely NRHP eligible. [Historic, Cultural and Archeological Resources 3, Final Order on ASC]</p>
GEN-HC-02	<p>Results of monitoring and any efforts conducted as a result of the inadvertent discovery protocols under the MIDP shall be documented in a Monitoring Report submitted to the Department in the semi-annual or annual report, or as soon as practical in circumstances of a discovery or monitoring issue. [Historic, Cultural and Archeological Resources Condition 4, Final Order on ASC]</p>

Condition Number	General (GEN) Conditions
GEN-HC-03	<p>Within three years of construction of wind turbine components, the certificate holder shall submit draft reports documenting the results of the Intensive Level Surveys, of the HRMP under Historic, Cultural and Archeological Condition 5, concurrently to the Department and SHPO. Report cover pages to SHPO shall include a Department contact name and specify that the report is submitted as mitigation for an EFSC facility. Any comments received from the Department and SHPO within 30-days of the draft reports must be addressed within final reports.</p> <p>[Historic, Cultural and Archeological Resources Condition 6, Final Order on ASC]</p>
STANDARD: Cumulative Effects Standard for Wind Energy Facilities (CE) [OAR 345-024-0015]	
GEN-CE-01	<p>The certificate holder shall design, construct, and operate the facility to reduce cumulative adverse environmental effects in the vicinity by using existing roads to provide access to the facility. New roads must minimize the amount of land used and be located to reduce adverse environmental impacts.</p> <p>[Cumulative Effects Standard for Wind Energy Facilities Condition 1, Final Order on ASC]</p>
STANDARD: Siting Standards for Transmission Lines (ST) [OAR 345-024-0090]	
GEN-ST-01	<p>a. The certificate holder must design, construct and operate the transmission lines in accordance with the requirements of the National Electrical Safety Code as approved by the American National Standards Institute; and</p> <p>b. The certificate holder must 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.</p> <p>[Siting Standards for Transmission Lines Condition 1, Site Specific Condition OAR 345-025-0010(4), Final Order on ASC]</p>

5.3 Pre-Construction (PRE) Conditions

Condition Number	Preconstruction (PRE) Conditions
STANDARD: GENERAL STANDARD OF REVIEW (GS) [OAR 345-022-0000]	
PRE-GS-01	<p>Except as necessary for the initial survey or as otherwise allowed for wind energy facilities, transmission lines or pipelines under this section, 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 the transmission line associated with the energy facility, 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 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 a transmission line occurs during the certificate holder’s negotiations to acquire construction rights on another part of the site.</p> <p>[General Standard Condition 4, Mandatory Condition OAR 345-025-0006(5), Final Order on ASC]</p>
PRE-GS-02	<p>At least 90 days prior to beginning construction of the facility (unless otherwise agreed to by the Department), the certificate holder shall submit to the Department a compliance plan documenting and demonstrating actions completed or to be completed to satisfy the requirements of all site certificate terms and conditions and applicable statutes and rules. The plan shall be provided to the Department for review and compliance determination for each requirement. The Department may request additional information or evaluation deemed necessary to demonstrate compliance.</p> <p>[General Standard Condition 9, OAR 345-026-0048, Final Order on ASC]</p>
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
PRE-OE-01	<p>Prior to construction, the certificate holder shall submit to the Department a guarantee signed by its parent company guaranteeing payment and performance of the certificate holder’s obligations under the site certificate using the form:</p> <ol style="list-style-type: none"> Provided in Final Order on ASC Attachment F; or Substantially similar to Final Order on ASC Attachment F, if approved by the Department in consultation with the Department’s legal counsel at the Oregon Department of Justice. <p>[Organizational Expertise Condition 1, Final Order on ASC]</p>
PRE-OE-02	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall notify the Department of the identity, telephone number, email address and qualifications of the full-time, on-site construction manager. Qualifications shall demonstrate that the construction manager has experience in managing permit and regulatory compliance requirements and is qualified to manage</p>

Condition Number	Preconstruction (PRE) Conditions
	a utility-scale energy facility construction project. The notification shall include the construction manager's onsite schedule and shall demonstrate presence onsite during primary (major ground disturbance or activities) construction phases. [Organizational Expertise Condition 2, Final Order on ASC]
PRE-OE-03	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall provide to the Department the identity and qualifications of the major design, engineering and construction contractor(s). The certificate holder shall select contractors that have substantial experience in the design, engineering and construction of similar facilities and a demonstrated low rate of job incidence and injury rates. The certificate holder shall report to the Department any changes of major contractors. [Organizational Expertise Condition 3, Final Order on ASC]
PRE-OE-04	Prior to construction of the facility, facility component or phase as applicable, the certificate holder shall: a. Obtain and provide copies of all third-party permits needed. b. Provide proof of agreements between the certificate holder and the third-party regarding access to the resources or services secured by the permits or approvals identified per sub(a) above. [Organizational Expertise Condition 7, Final Order on ASC]
PRE-OE-05	Before beginning construction of the 230 kV UEC Cottonwood Transmission Line, if selected at final design, the certificate holder must provide evidence to the Department that an executed contract with UEC has been obtained, which binds the certificate holder and UEC to the terms and conditions of the site certificate, as applicable to the transmission line, for the life of the transmission line. [Organizational Expertise Condition 8, Final Order on ASC]
STANDARD: Structural Standard (SS) [OAR 345-022-0020]	
PRE-SS-01	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall: a. Submit a protocol for the site-specific geotechnical investigation of the analysis area to the Department, for review in consultation with a third-party consultant or DOGAMI. The protocol shall, at a minimum, be consistent with Attachment E of the Final Order on the ASC. b. Employ a certified Professional Engineer or Geologist to conduct a site-specific geotechnical investigation and prepare a report consistent with the Oregon State Board of Geologist Examiners Guideline for Preparing Engineering Geologic Reports, or newer guidelines if available to be submitted to the Department, for review in consultation with a third-party consultant or DOGAMI. c. Submit a copy of a final site-specific Geotechnical Investigation Report addressing (a)-(c) to the Department, for review and approval, consultation with a third-party consultant or DOGAMI. [Structural Standard Condition 1, Final Order on ASC]

Condition Number	Preconstruction (PRE) Conditions
STANDARD: Soil Protection (SP) [OAR 345-022-0022]	
PRE-SP-01	<p>The certificate holder shall:</p> <ol style="list-style-type: none"> Prior to construction of roads within the wind facility micrositing area, consult with the Umatilla County Soil and Water Conservation District, Umatilla County Planning Department and Department on layout and design methods that would minimize impacts to agricultural lands. Prior to construction, consult with the Department and Oregon Department of Environmental Quality on the Erosion and Sediment Control Plans (ESCP) to be included in the application for the National Pollutant Discharge Elimination System Construction Stormwater Discharge (NPDES) General Permit 1200-C. Consultation shall address erosion control measures and identify Best Management Practices (BMPs) such as mulch, soil tackifier, erosion control blankets, gravel, and swales and check dam installation based on site-specific information obtained during the preconstruction, geotechnical investigation, final facility design limits of disturbance, grading plan (see requirements in the Revegetation Plan) and seasonal conditions at the time of disturbance. <p>[Soil Protection Condition 1, Final Order on ASC]</p>
PRE-SP-02	<p>Prior to construction, the certificate holder shall submit to the Department a final copy of a Construction Spill Prevention Control and Countermeasures Plan (SPCC Plan), based on the draft SPCC Plan included in Attachment G-1 of the Final Order on the ASC.</p> <p>[Soil Protection Condition 4, Final Order on ASC]</p>
STANDARD: Land Use (LU) [OAR 345-022-0030]	
PRE-LU-01	<p>Subject to the Council's jurisdiction and authority pursuant to ORS 469.504(1), prior to construction of facility structures, as applicable, the certificate holder shall obtain conditional use permits and zoning permits issued by the Planning Director, per affected tax lot, from Umatilla County Planning Department; copies of permits shall be provided to the Department.</p> <p>[Land Use Condition 1, Final Order on ASC]</p>
PRE-LU-02	<p>Prior to construction, the certificate holder shall finalize the Agricultural Mitigation Plan, based upon the preconstruction landowner consultation requirements provided in Attachment K-1 of the Final Order on the ASC. A copy of the final Agricultural Mitigation Plan shall be provided to the Department.</p> <p>[Land Use Condition 2, Final Order on ASC]</p>
PRE-LU-03	<p>Prior to construction of the UEC Cottonwood Transmission Line, if selected as the transmission line route during final facility design, the certificate holder shall demonstrate to the Department that steel structures would be used within the portions of the route with the RTC, AB, and LI zones.</p> <p>[Land Use Condition 4, Final Order on ASC]</p>
PRE-LU-04	<p>Prior to construction of wind facility components, the certificate holder shall provide final site maps with turbine locations and boundary right-of-way of County roads,</p>

Condition Number	Preconstruction (PRE) Conditions
	state and interstate highways. The maps shall be accompanied by a table with distance (in feet) from turbines to road boundary rights-of-way and shall demonstrate that turbines have been sited based on a minimum setback of 110% of the overall tower-to-blade tip height. [Land Use Condition 5, Final Order on ASC]
PRE-LU-05	Prior to construction of wind facility components, the certificate holder shall: a. Identify all electrical transmission lines to be included in the final design. b. Demonstrate via maps presenting wind facility components and dwelling locations, obtained from Umatilla County, that all electrical transmission lines meet a minimum 500-foot setback from dwellings, unless located within a public right-of-way or landowner approval and deed recordation has been obtained and completed. [Land Use Condition 6, Final Order on ASC]
PRE-LU-06	Prior to construction of wind facility components, certificate holder shall demonstrate to the Department that its contractor(s) have developed a grading and cut-and-fill plan that utilizes existing site contours and demonstrates engineering measures to minimize grading and cut-and-fill to the maximum extent feasible. [Land Use Condition 7, Final Order on ASC]
PRE-LU-07	Prior to construction of wind facility components, the certificate holder shall provide to the Department final facility design maps, presenting all existing, new or substantially modified private roads for which it will have control during construction and operation. The maps shall identify the location of gates and facility signage that both prohibits illegal access and allows for emergency access. [Land Use Condition 8, Final Order on ASC]
PRE-LU-08	Prior to construction of underground collection lines associated with wind facility components, the certificate holder shall provide to the Department evidence that underground trenches for the underground electric collection system have been designed to extend a minimum depth of 3-feet below ground surface, unless technological or engineering feasibility are clearly identified. [Land Use Condition 10, Final Order on ASC]
PRE-LU-09	Prior to construction of the O&M building, the certificate holder shall provide to the Department evidence that the O&M design and construction materials are consistent with the characters of similar agricultural buildings used by commercial farmers or ranchers in Umatilla County. [Land Use Condition 11, Final Order on ASC]
PRE-LU-10	Prior to construction of wind facility components, the certificate holder, and underlying landowners on whose property the wind facility components are located, shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland. [Land Use Condition 12, Final Order on ASC]

Condition Number	Preconstruction (PRE) Conditions
PRE-LU-11	<p>Prior to construction of the solar facility, the certificate holder shall provide evidence to the Department that it has executed a Strategic Investment Program (SIP) agreement with Umatilla County. In the SIP agreement or other documentation, the certificate holder shall demonstrate that negotiations with the county evaluated an investment fee amount and program, if available, that would benefit or preserve agriculture. If a SIP agreement is not executed with the county, certificate holder shall provide evidence to the Department of the alternative property tax payment option selected and shall identify any programs implemented by the county that would receive tax revenue with an agricultural benefit.</p> <p>[Land Use Condition 15, Final Order on ASC]</p>
PRE-LU-12	<p>Prior to construction of solar photovoltaic energy generation components, the certificate holder shall document that turbine strings with a minimum of 50 MW generation capacity be constructed in close proximity to the proposed solar site and that the wind and solar facility components will share the northern project substation and any existing roads during construction and operation. Documentation of the combination of wind and solar energy generation components, at final design, shall be submitted to the Department or Council for review and approval, per (a) or (b) as applicable:</p> <ul style="list-style-type: none"> a. If construction of wind energy generation components will commence within the same 12-month period as solar energy generation components, certificate holder shall submit to the Department final facility design documents and executed contracts (e.g., construction contract, Power Purchase Agreement) or other evidence that shows a minimum of 50 MW within turbine strings in close proximity to the solar site will be constructed and that the wind and solar facility components will share the northern project substation and any existing roads during construction and operation; or b. If commencement of wind energy generation components will occur more than 12-months after solar energy generation components, certificate holder shall submit to Council, for review at a regularly scheduled Council meeting, facility design documents and executed contracts (e.g., construction contract, Power Purchase Agreement) or other evidence that demonstrates to Council's satisfaction that turbine string with a minimum of 50 MW generation capacity will be constructed in close proximity to the solar site and that the wind and solar facility components will share the northern project substation and any existing roads during construction and operation prior to the construction completion deadline. <p>[Land Use Condition 16, Final Order on ASC]</p>
PRE-LU-13	<p>Prior to construction of solar facility components, the certificate holder shall submit to the Department final solar facility component layout maps. The layout shall demonstrate that the perimeter fenceline is placed at the edge of existing</p>

Condition Number	Preconstruction (PRE) Conditions
	<p>agricultural fields or along property lines and is designed to minimize impacts, based on landowner consultation, to any remaining agricultural activities adjacent to the perimeter fenceline. The layout maps shall also demonstrate that any other solar facility components outside of the perimeter fenceline have been designed in a manner that minimize unnecessary agricultural impacts (e.g. isolation of property or access impacts).</p> <p>[Land Use Condition 17, Final Order on ASC]</p>
PRE-LU-14	<p>Prior to construction of solar facility components, the certificate holder, and underlying landowners on whose property the solar facility components are located, shall record in the real property records of Umatilla County a Covenant Not to Sue with regard to generally accepted farming practices on adjacent farmland.</p> <p>[Land Use Condition 18, Final Order on ASC]</p>
STANDARD: Protected Areas (PA) [OAR 345-022-0040]	
PRE-PA-01	<p>Prior to construction of the 230 kV UEC Cottonwood transmission line, if selected as the final design transmission line option, the certificate holder shall provide notice to the Department and BLM land manager for the Echo Meadows site of the 230 kV UEC Cottonwood transmission line construction schedule, potential construction-related noise impacts, and contact information to report noise complaints.</p> <p>[Protected Areas Condition 1, Final Order on ASC]</p>
STANDARD: Retirement and Financial Assurance (RT) [OAR 345-022-0050]	
PRE-RT-01	<p>Before beginning construction of the facility or a facility component, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The total bond or letter of credit amount for the facility is \$39.643 million dollars (Q1 2022 dollars), to be adjusted to the effective date, and adjusted on an annual basis thereafter, as described in sub-paragraph (b) of this condition:</p> <ol style="list-style-type: none"> a. The certificate holder may adjust the amount of the bond or letter of credit based on the design configuration of the facility, or any phase of the facility, by applying the unit costs presented in Table 7 of the Final Order on the ASC, and the contingencies illustrated in Table 7 of the Final Order on the ASC and may further make adjustments based on unit costs for task and actions presented in ASC Exhibit W Attachment W-1 and W-2. Any revision to the restoration costs should be adjusted to the effective date as described in (b). Any modification to the unit costs presented in Table 7 of the Final Order on the ASC are subject to review and approval by the Council. b. The certificate holder shall adjust the amount of the bond or letter of credit using the following calculation: <ol style="list-style-type: none"> i. Adjust the amount of the bond or letter of credit (expressed in Q1 2022 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

Condition Number	Preconstruction (PRE) Conditions
	<p>successor agency and using the first quarter 2022 index value and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the index is no longer published, the Council shall select a comparable calculation to adjust first quarter 2022 dollars to present value.</p> <p>ii. Round the result total to the nearest \$1,000 to determine the financial assurance amount.</p> <p>c. The certificate holder shall use an issuer of the bond or letter of credit and a bond or letter of credit form approved by the Council, based on the Council's pre-approved financial institution list and form.</p> <p>[Retirement and Financial Assurance Condition 4, Mandatory Condition OAR 345-025-0006(8), Final Order on ASC]</p>
STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]	
PRE-FW-01	<p>Prior to construction, the certificate holder shall finalize and submit to the Department, for review and approval, the Revegetation and Noxious Weed Plan, as provided in Attachment P-2 of the Final Order on the ASC.</p> <p>[Fish and Wildlife Condition 1, Final Order on ASC]</p>
PRE-FW-02	<p>Prior to construction, the certificate holder shall:</p> <p>a. Calculate the size of the habitat mitigation area (HMA) for permanent and temporal habitat impacts, based on final facility design. The calculation must be based on the ratios and methods presented in the Final Order on the ASC and provided to the Department for review and approval.</p> <p>b. Provide evidence to the Department demonstrating that an agreement of outright purchase, conservation easement or similar conveyance has been executed for the enhancement and protection of the HMA under the requirements of the Habitat Mitigation Plan, to extend for the life of the facility.</p> <p>c. Submit a final Habitat Mitigation Plan to the Department for review and approval, substantially similar to the draft plan provided in Attachment P-1 of the Final Order on the ASC.</p> <p>[Fish and Wildlife Condition 4, Final Order on ASC]</p>
PRE-FW-03	<p>Prior to construction, the certificate holder shall provide evidence to the Department that the design measures included in the Wildlife Monitoring and Adaptive Management Plan have been included in the final facility design and construction contractor contracts, as applicable.</p> <p>[Fish and Wildlife Condition 6, Final Order on ASC]</p>
STANDARD: Threatened and Endangered Species (TE) [OAR 345-022-0070]	
PRE-TE-01	<p>Prior to construction of facility components, the certificate holder shall:</p> <p>a. Submit a protocol-level survey plan for surveys to be conducted within suitable habitat for Washington ground squirrel (WGS), for review and approval by the Department in consultation with ODFW. At a minimum, the survey plan shall specify the survey area (all areas of suitable habitat within 1,000 feet of ground disturbing activities except where there is a habitat barrier (e.g., a paved road));</p>

Condition Number	Preconstruction (PRE) Conditions
	<p>survey timing (February 15 to May 31, unless otherwise approved by ODFW); and land access restrictions and any justification for modified survey methods.</p> <ul style="list-style-type: none"> b. Complete protocol-level WGS surveys based on the protocol approved per (a). c. Submit survey reports to the Department and ODFW. The certificate holder shall not begin construction within 1,000 feet of Category 1 or Category 2 WGS habitat until the identified boundaries of Category 1 WGS habitat have been approved by the Department, in consultation with ODFW. Category 1 habitat includes a 785-foot buffer from an identified active burrow, and also the area within the perimeter of multiple active burrows. Category 2 WGS habitat consists of a 4,136 foot buffer from the exterior boundary of all Category 1 WGS habitat. The survey results are valid for 3-years. d. Develop maps and worker training materials to inform of sensitive Category 1 and Category 2 habitat. Submit to the Department final facility design maps demonstrating that Category 1 habitat, including 785-buffer from any colonies identified per (b), is avoided. e. Install flagging or other demarcation, as appropriate, to inform workers of sensitive WGS habitat and of avoidance requirement. <p>[Threatened and Endangered Species Condition 1, Final Order on ASC]</p>
PRE-TE-02	<p>Prior to construction of the facility, the certificate holder shall:</p> <ul style="list-style-type: none"> a. Submit a botanical survey protocol to the Department for review in consultation with the Oregon Department of Agriculture. The protocol shall apply to areas of suitable habitat for Laurence's milkvetch using current habitat classification data and areas of ground disturbance. Previous survey results may be relied upon if determined appropriate during review and approval of the protocol. b. Conduct botanical surveys to confirm the presence or absence of Laurence's milkvetch, within suitable habitat in areas of permanent or temporary disturbance. c. Survey results must be submitted to the Department and Oregon Department of Agriculture's Native Plant Conservation Division. If the pre-construction surveys identify these or any other state threatened or endangered plant species, the certificate holder shall complete an impact assessment to determine whether temporary or permanent impacts would significantly reduce the likelihood of survivability or recovery of the impacted species, and shall propose mitigation, as determined appropriate by the Department, in consultation with the Oregon Department of Agriculture or its third-party consultant, as necessary. These measures may include avoidance, or if avoidance is not possible, other measures such as seed collection may be considered. If rare plants are identified within a public right-of-way and cannot be avoided by construction, then in accordance with ORS 564, written permission from the landowner or lease holder must be obtained. If seed collection is determined to be feasible and warranted, a permit

Condition Number	Preconstruction (PRE) Conditions
	<p>from the Oregon Department of Agriculture must be obtained in accordance with OAR 603-073-0100(3).</p> <p>[Threatened and Endangered Species Condition 4, Final Order on ASC]</p>
STANDARD: Historic, Cultural and Archeological Resources (HC) [OAR 345-022-0090]	
PRE-HC-01	<p>Prior to construction, the certificate holder shall:</p> <ol style="list-style-type: none"> Submit to the Department and SHPO a research design consistent with SHPO's archeological guidelines and recommendations for unsurveyed areas, and the Subsurface Probing Plan included as Attachment S-3 of the Final Order on the ASC, Complete archeological field investigations and subsurface probing in accordance with the research design and Subsurface Probing Plan under (a). Submit survey reports to the Department and SHPO. Any new resources and management recommendations identified must be evaluated under OAR 345-027-0357 to determine whether a site certificate amendment is required. Resources and management recommendations shall be reviewed by the Department in consultation with SHPO or a third-party consultant within 60-days. Once approved, the management recommendations shall be incorporated into the Monitoring and Inadvertent Discovery Plan, per Historic, Cultural and Archeological Resources Condition 2. <p>[Historic, Cultural and Archeological Resources Condition 1, Final Order on ASC]</p>
PRE-HC-02	<p>Prior to construction, the certificate holder shall finalize the Draft Monitoring and Inadvertent Discovery Plan (MIDP), based on Attachment S-1 of the Final Order on the ASC, based on review and approval by the Department. The final plan shall include:</p> <ol style="list-style-type: none"> Tables 13, 14, and 15 of the Final Order on the ASC and maps of the final facility layout, resource location and established 50-meter avoidance buffer. Any additional resources identified in the preconstruction surveys per Historic, Cultural and Archeological Resources Condition 1 must also be included. Avoidance method (e.g., worker training, flagging) and monitoring protocol for ground-disturbing activities within 50-meters of previously identified precontact sites. Flagging and monitoring protocol for any ground-disturbing activities within 200-feet of NH-BB-03, 35UM 00536, 35UM 00543 35UM 00550, 35UM 00560 and 35UM 00571. <p>[Historic, Cultural and Archeological Resources Condition 2, Final Order on ASC]</p>
PRE-HC-03	<p>Prior to construction of wind turbine components, the certificate holder shall:</p> <ol style="list-style-type: none"> Evaluate whether if, based on final facility design, the setting of any of the 3 likely NRHP eligible aboveground, historic properties referenced in Table 16 of the Final Order on the ASC would no longer be impacted by wind turbine visibility. If any of these property settings would not be impacted, the mitigation requirements for unimpacted resources would not apply.

Condition Number	Preconstruction (PRE) Conditions
	<p>b. Based on (a), submit a protocol or design of the Intensive Level Survey, consistent with SHPO’s 2011 Guidelines for Historic Resources Surveys in Oregon, for review and approval by the Department, in consultation with SHPO;</p> <p>c. Complete photo documentation of the setting of the properties at T2N/R30E and T2N/R29E; and the Pendleton Ranches Sheep Camp/Bunk House, unless any of these property settings would not be impacted per (a);</p> <p>d. Initiate work detailed in the Historic Resources Mitigation Plan (HRMP), provided in Attachment S-6 of the Final Order on the ASC, included as Attachment S-2 of this order.</p> <p>[Historic, Cultural and Archeological Resources Condition 5, Final Order on ASC]</p>
STANDARD: Recreation (RC) [OAR 345-022-0100]	
PRE-RC-01	<p>Prior to construction of the 230 kV BPA Stanfield transmission line, if selected as the final design transmission line option, the certificate holder shall provide notice to the Department and landowner for the Corral Springs ONHT site of the 230 kV BPA Stanfield transmission line construction schedule, potential construction-related noise impacts, and contact information to report noise complaints.</p> <p>[Recreation Condition 1, Final Order on ASC]</p>
STANDARD: Public Services (PS) [OAR 345-022-0110]	
PRE-PS-01	<p>Prior to construction of the facility, or facility component, the certificate holder shall:</p> <p>a. Based on final design, finalize, identify, and provide maps of all public roads used for construction, road names, locations, segments used, and road conditions and include in Final Traffic Management Plan identified in (b) and (c).</p> <p>b. Submit executed road use agreements between Umatilla County and the certificate holder or its contractor. Any Final Traffic Management Plan that is part of the road use agreements shall include, at a minimum, the provisions designated in Section II of Attachment U-1 of the Final Order on ASC.</p> <p style="padding-left: 40px;">a. If final transportation/haul routes selected are within the City of Echo or the unincorporated community of Nolin and are not managed by the County, the certificate holder shall contact and coordinate with the local governments, execute a similar road use agreement that includes, at a minimum, the provisions designated in Section II of Attachment U-1 of the Final Order on ASC, and submit any final agreements to the Department.</p> <p>c. If a Final Traffic Management Plan designated in sub (a) is not included in road use agreements executed with Umatilla County, then submit a Final Traffic Management Plan. A copy of the Final Traffic Management Plan shall be provided to the Department and Umatilla County Public Works Department. The Construction Traffic Management Plan shall, at a minimum, include the provisions in Section II of Attachment U-1 of the Final Order on ASC.</p> <p>d. Submit to the Department, any ODOT permits obtained by the certificate holder, its third-party contractors or subcontractors including but not limited to Oversize</p>

Condition Number	Preconstruction (PRE) Conditions
	Load Movement Permit/Load Registration, Permit to Occupy or Perform Operations Upon a State Highway, and/or an Access Management Permit. [Public Services Condition 1, Final Order on ASC]
PRE-PS-02	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall submit 7460-1 Notice of Proposed Construction or Alteration Forms for all new or replaced supporting facilities or structures that meet the height and imaginary surface criteria for notice to FAA and ODA. Provide copies of FAA determinations and ODA comments to the Department. [Public Services Condition 3, Final Order on ASC]
PRE-PS-03	Prior to construction of the facility, or facility component, the certificate holder shall: <ul style="list-style-type: none"> a. Finalize and submit to the Department a Fire Prevention, Suppression and Emergency Management Plan which shall include at a minimum the provisions included in Attachment U-2 of the Final Order on ASC. b. Submit copies of the Final Fire Prevention, Suppression and Emergency Management Plan to the Echo Rural Fire Protection District (Echo RFPD) and Umatilla County Fire District #1 (UDFD #1). [Public Services Condition 7, Final Order on ASC]
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]	
PRE-WM-01	Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall require contractors to develop and submit to the Department for review and approval, Construction Waste Management Plan(s) that, at a minimum, include the following: <ul style="list-style-type: none"> a. All sources and quantities of construction waste and wastewater, including damaged or dysfunctional energy facility components, and where feasible, estimated quantities that can be recycled. b. Process for disposal and recycling, including use of licensed haulers and disposal/recycling facilities; names and locations of licensed recycling and disposal facilities; collection, hauling and tracking requirements. c. Requirements for securing landowner disposal agreement and evidence of evaluation and avoidance of sensitive resources if offsite spoil disposal is necessary. d. Process for requesting a permit exemption from DEQ pursuant to OAR 340-093-0080 to ensure that concrete washout materials reused in foundation backfill are substantially the same as clean fill. e. Process for training workers and tracking compliance with the requirements of the plan. [Waste Minimization Condition 1, Final Order on ASC]
STANDARD: Cumulative Effects Standard for Wind Energy Facilities (CE) [OAR 345-024-0015]	
PRE-CE-01	Prior to construction, the certificate holder shall: <ul style="list-style-type: none"> a. Evaluate existing roads on private property and use existing roads to the maximum extent practicable for construction and operation; and

Condition Number	Preconstruction (PRE) Conditions
	<p>b. Provide to the Department a map set illustrating the location of new roads used for construction and operation of the facility. Maps shall illustrate the locations of:</p> <ul style="list-style-type: none"> i. New roads ii. Wetlands or waters of the state; iii. Category 1 through Category 5 habitats; iv. Active agricultural lands and property boundaries. <p>[Cumulative Effects Standard for Wind Energy Facilities Condition 2, Final Order on ASC]</p>
OTHER APPLICABLE REGULATORY REQUIREMENTS UNDER COUNCIL JURISDICTION	
<i>STANDARD: Noise Control Regulations (NC) [OAR 340-035-0035]</i>	
PRE-NC-01	<p>Prior to construction, the certificate holder shall provide to the Department:</p> <ul style="list-style-type: none"> a. Information that identifies the final design locations of all facility components to be built at the facility; b. The maximum sound power level for all noise generating facility components based on manufacturers' warranties or confirmed by other means acceptable to the Department; c. The results of the noise analysis of the final facility design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI). The analysis must demonstrate to the satisfaction of the Department that the total noise generated by the facility would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties within 1-mile of the site boundary, unless otherwise agreed upon by the Department based on the acoustic noise environment, or that the certificate holder has obtained the legally effective easement or real covenant for expected exceedances of the ambient noise degradation test described in (d) below; and, d. For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the legally effective easement or real covenant pursuant to which the owner of the property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels L₁₀ and L₅₀ by more than 10 dBA at the appropriate measurement point. The legally effective easement or real covenant must: include a legal description of the burdened property (the noise sensitive property); be recorded in the real property records of the county; expressly benefit the property on which the wind energy facility is located; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval. <p>[Noise Control Condition 1, Final Order on ASC]</p>
<i>STANDARD: REMOVAL FILL LAW (RF) [ORS 196.795 through 196.990]</i>	

Condition Number	Preconstruction (PRE) Conditions
PRE-RF-01	<p>Prior to construction of the 230 kV transmission line, the certificate holder shall:</p> <ol style="list-style-type: none"> Conduct field delineation surveys within unsurveyed transmission line corridor areas to identify any potentially jurisdictional wetlands or waters of the state. If, based on the field delineation surveys conducted per (a), construction activities would result in 50 cy or more of removal-fill, submit the field delineation report to DSL and the Department, requesting DSL concurrence and confirmation of removal-fill permit applicability. If DSL concurrence is received on the identified wetlands/waters of the state, seek approval from EFSC to include removal fill permit requirements in a request for site certificate amendment; or If a removal-fill permit is not required for disturbance impacts within the transmission line corridors, comply with Removal-Fill Condition 2(a) and (b). <p>[Removal Fill Permit Condition 1, Final Order on ASC]</p>
PRE-RF-02	<p>Prior to construction of facility components within the wind micrositing area, the certificate holder shall:</p> <ol style="list-style-type: none"> Provide the Department maps and GIS data showing the final design/layout and location of jurisdictional wetlands and waters of the state (WOS) as presented in Table 26 of the Final Order on the ASC and as a result of Removal-Fill Condition 1, if applicable; and, in tabular format, the distance from each facility component to the nearest jurisdictional wetland or WOS, demonstrating that facility components are at least 50 feet or more from any of the jurisdictional wetlands and waters of the state referred to in Table 26 of the Final Order on the ASC. If final design of facility components cannot adhere to the 50-foot buffer under (a) above, provide evidence to the Department that a removal-fill permit has been obtained by a third-party or through a site certificate amendment; or that a removal fill permit is not required. Provide the Department a copy of the Worker Environmental Awareness Training, developed for construction workers, to inform and educate on the location of jurisdictional wetlands and WOS and of the purpose and specific location of exclusion flagging and signage. <p>[Removal Fill Permit Condition 2, Final Order on ASC]</p>
PRE-RF-03	<p>Prior to construction of the 230 kV BPA Stanfield transmission line, if selected, the certificate holder shall identify the construction method to be used to cross the Umatilla River.</p> <p>[Removal Fill Permit Condition 5, Final Order on ASC]</p>
STANDARD: Water Rights (WR) [ORS 537, 540 and 690]	
PRE-WR-01	<p>Prior to construction of the facility, facility component or phase, as applicable, the certificate holder shall identify all water-related needs and estimate daily and annual water demand for each construction phase. Provide excerpts of agreements or other similar conveyance to the Department demonstrating that construction activities will be adequately and legally served by service providers or third-party permits.</p> <p>[Water Rights Condition 1, Final Order on ASC]</p>

5.4 Construction (CON) Conditions

Condition Number	Construction (CON) Conditions
<i>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</i>	
CON-OE-01	During construction, the on-site construction manager must be onsite or have identified an equivalent representative to be onsite during primary (major ground disturbance or activities) construction phases. The certificate holder shall notify the Department within 72-hours upon any change in personnel or contact information for onsite managers. [Organizational Expertise Condition 4, Final Order on ASC]
<i>STANDARD: Soil Protection (SP) [OAR 345-022-0022]</i>	
CON-SP-01	During construction, the certificate holder shall conduct all work in compliance with the final SPCC Plan. [Soil Protection Condition 5, Final Order on ASC]
<i>STANDARD: Land Use (LU) [OAR 345-022-0030]</i>	
CON-LU-01	During construction, the certificate holder shall implement the design and construction methods, as established in the Agricultural Mitigation Plan, as finalized in Land Use Condition 2. [Land Use Condition 3, Final Order on ASC]
<i>STANDARD: Protected Areas (PA) [OAR 345-022-0040]</i>	
CON-PA-01	During construction of the 230 kV UEC Cottonwood transmission line, if selected as the final design transmission line option, the certificate holder shall require contractors to have noise complaint and response signage on or near their equipment in a manner accessible to users of the Echo Meadows site. If noise complaints are received, contractors must attempt to reduce equipment-related noise levels, to the extent practicable. [Protected Areas Condition 2, Final Order on ASC]
<i>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</i>	
CON-FW-01	During construction, the certificate holder shall implement and adhere to the requirements of the final Revegetation and Noxious Weed Plan. [Fish and Wildlife Condition 2, Final Order on ASC]
CON-FW-02	During construction, the certificate holder shall adhere to the requirements of the Wildlife Monitoring and Adaptive Management Plan. Monitoring records shall be maintained throughout construction and included in the semi-annual report submitted to the Department pursuant to OAR 345-026-0080. [Fish and Wildlife Condition 7, Final Order on ASC]
<i>STANDARD: Threatened and Endangered Species (TE) [OAR 345-022-0070]</i>	
CON-TE-01	In years 1, 2 or 3 following the preconstruction protocol-level WGS surveys, in areas of ground disturbance within 1,000-feet of previously identified WGS colonies, the certificate holder shall: <ul style="list-style-type: none"> a. Install and monitor flagging/temporary fencing to ensure avoidance of sensitive WGS habitat.

Condition Number	Construction (CON) Conditions
	<p>b. Perform WGS surveys (non-protocol, spot check) and update maps and flagging. Provide updated maps to the Department and ODFW and identify any significant change in previously identified WGS habitat.</p> <p>[Threatened and Endangered Species Condition 2, Final Order on ASC]</p>
STANDARD: Recreation (RC) [OAR 345-022-0100]	
CON-RC-01	<p>During construction of the 230 kV BPA Stanfield transmission line, if selected as the final design transmission line option, the certificate holder shall require contractors to have noise complaint and response signage on or near their equipment in a manner accessible to users of the Corral Springs ONHT site. If noise complaints are received, contractors must attempt to reduce equipment-related noise levels, to the extent practicable.</p> <p>[Recreation Condition 2, Final Order on ASC]</p>
STANDARD: Public Services (PS) [OAR 345-022-0110]	
CON-PS-01	<p>During construction of the facility, or facility component, the certificate holder shall ensure that construction contractors adhere to the requirements of the Final Traffic Management Plan.</p> <p>[Public Services Condition 2, Final Order on ASC]</p>
CON-PS-02	<p>Within five-days after construction of facility components evaluated in the FAA Form 7460-1 reach their greatest height as specified in the FAA determinations listed in Public Services Condition 3(b), the certificate holder shall submit 7460-2 forms to FAA and Aviation and shall report both timing of submission and any results to the Department.</p> <p>[Public Services Condition 4, Final Order on ASC]</p>
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]	
CON-WM-01	<p>During construction of the facility, facility component or phase, as applicable, the certificate holder shall require that contractors adhere to the requirements of the Construction Waste Management Plan(s) and maintain records of employee training and tracking compliance onsite and available upon Department request.</p> <p>[Waste Minimization Condition 2, Final Order on ASC]</p>
CON-WM-02	<p>During construction, on-site concrete washwater disposal is prohibited unless DEQ approval of a permit exemption for materials substantially similar to clean fill is obtained. If DEQ approval of a permit exemption is obtained, concrete washwater must be disposed of onsite via infiltration and evaporation in accordance with a DEQ-issued NPDES 1200-C permit.</p> <p>[Waste Minimization Condition 3, Final Order on ASC]</p>
OTHER APPLICABLE REGULATORY REQUIREMENTS UNDER COUNCIL JURISDICTION	
STANDARD: Removal Fill Law (RF) [ORS 196.795 through 196.990]	
CON-RF-01	<p>During construction of facility components within the wind micrositing area the certificate holder shall:</p>

Condition Number	Construction (CON) Conditions
	<ul style="list-style-type: none"> a. Require contractors to complete the Worker Environmental Awareness training described in Removal Fill Permit Condition 2(c). Maintain training records onsite for Department review upon request. b. Maintain maps onsite and ensure contractors have awareness of the location of jurisdictional wetlands and WOS during construction activities. c. Install flagging or signage around jurisdictional wetlands and WOS around the delineated boundary including a 50-foot buffer, when any construction activities are planned to occur within 150 feet. d. Monitor flagging and signage and repair or replace flagging and signage, as needed, following weather events or construction impacts. e. If construction impacts encroach upon the 50-foot buffer under (c), provide evidence to the Department that a removal-fill permit has been obtained by a third-party or through a site certificate amendment; or that a removal fill permit is not required. <p>[Removal Fill Permit Condition 3, Final Order on ASC]</p>
CON-RF-02	<p>During construction of the 230 kV BPA Stanfield transmission line, if selected, the certificate holder shall verify that removal-fill impacts do not occur below the OHWL unless a removal-fill permit is obtained from DSL through a third-party or a site certificate amendment.</p> <p>[Removal Fill Permit Condition 6, Final Order on ASC]</p>
STANDARD: Water Rights (WR) [ORS 537, 540, and 690]	
CON-WR-01	<p>During construction of the facility, facility component or phase, as applicable, if a water right, limited water use license or water rights transfer is needed and would not be obtained by a third-party, submit and obtain approval of the applicable water permit through the site certificate amendment process.</p> <p>[Water Rights Condition 2]</p>

5.5 Pre-Operational (PRO) Conditions

Condition Number	Pre-Operational (PRO) Conditions
STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]	
PRO-OE-01	Before operation, the certificate holder shall notify the Department of the identity, telephone number, e-mail address and qualifications of the facility manager(s). Qualifications shall demonstrate that the facility manager has experience in managing permit and regulatory compliance requirements and is qualified to manage operation of a utility-scale energy facility. [Organizational Expertise Condition 5, Final Order on ASC]
STANDARD: Soil Protection (SP) [OAR 345-022-0022]	
PRO-SP-01	Prior to operation, the certificate holder shall develop a Soil Monitoring Plan to evaluate impacts of topsoil loss and erosion during construction activities. The Soil Monitoring Plan shall identify the testing method, evaluative criteria and best management practices/corrective actions to be implemented if the results identify a significant impact to soil productivity. [Soil Protection Condition 3, Final Order on ASC]
PRO-SP-02	Prior to operation, the certificate holder shall submit to the Department a final copy of an Operational Spill Prevention Control and Countermeasures Plan (SPCC Plan). [Soil Protection Condition 7, Final Order on ASC]
STANDARD: Land Use (LU) [OAR 345-022-0030]	
PRO-LU-01	Prior to operation of wind facility components, the certificate holder shall provide the final location of each wind turbine, electrical collection system, O&M building, substation, access roads and transmission lines, as applicable to final design, to the Umatilla County Planning Department and Department in a format suitable for GPS mapping. [Land Use Condition 13, Final Order on ASC]
STANDARD: Public Services (PS) [OAR 345-022-0110]	
PRO-PS-01	Prior to operation the certificate holder shall contact the Echo Rural Fire Protection District (Echo RFPD) and Umatilla County Fire District #1 (UDFD #1) to schedule an on-site orientation to review facility layout and safety procedures. [Public Services Condition 6, Final Order on ASC]
STANDARD: Waste Minimization (WM) [OAR 345-022-0120]	
PRO-WM-01	Prior to operation of solar facility components, the certificate holder shall develop a Solar Panel Recycling Plan or protocol requiring that damaged or nonfunctional panels be recycled through the Solar Energy Industries Association National PV Recycling Program (or similar program), to the extent practicable. The certificate holder shall report in its annual report to the Department the quantities of panels recycled, reused or disposed of in a landfill. [Waste Minimization Condition 4, Final Order on ASC]
STANDARD: Public Health and Safety for Wind Facilities (PH) [OAR 345-024-0010]	

Condition Number	Pre-Operational (PRO) Conditions
PRO-PH-01	<p>Prior to operation, the certificate holder shall submit to the Department the operational safety-monitoring program elements described in Public Health and Safety Standards for Wind Facilities Condition 1(a).</p> <p>[Public Health and Safety Standards for Wind Facilities Condition 1, Final Order on ASC]</p>
OTHER APPLICABLE REGULATORY REQUIREMENTS UNDER COUNCIL JURISDICTION	
<i>STANDARD: Water Rights (WR) [ORS 537,540 and 690]</i>	
PRO-WR-01	<p>Prior to operation, the certificate holder shall:</p> <ol style="list-style-type: none"> Identify all water-related needs and estimate daily and annual water demand. If a water right, limited water use license or water rights transfer is needed and would not be obtained by a third-party, submit and obtain approval of the applicable water permit through the site certificate amendment process. Install the groundwater well in accordance with the recording requirements under OAR 690-190-0100. If the certificate holder is not the landowner, the certificate holder shall facilitate the landowner submission of required materials to Oregon Water Resources Department. The certificate holder shall submit to the Department a copy of the file submitted to Oregon Water Resources Department. This could also occur within 30 days after exempt well completion under ORS 537.545, whichever occurs first. <p>[Water Rights Condition 3, Final Order on ASC]</p>

5.6 Operational (OPR) Conditions

Condition Number	Operational (OPR) Conditions
<i>STANDARD: General Standard of Review (GS) [OAR 345-022-0000]</i>	
OPR-GS-01	The certificate holder shall submit a legal description of the site to the Oregon 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 identify the outer boundaries that contain all parts of the facility. [General Standard Condition 2, Mandatory Condition OAR 345-025-0006(2), Final Order on ASC]
<i>STANDARD: Organizational Expertise (OE) [OAR 345-022-0010]</i>	
OPR-OE-01	During operation, the facility manager(s) must be onsite or have identified an equivalent representative to be onsite, as is necessary to safely operate the facility. [Organizational Expertise Condition 1, Final Order on ASC]
<i>STANDARD: Soil Protection (SP) [OAR 345-022-0022]</i>	
OPR-SP-01	During operational activities that include ground disturbance, the certificate holder shall ensure that the activities are planned with BMPs and erosion control materials in place, as necessary, and inspected and mitigated until site stabilization is achieved. [Soil Protection Condition 6, Final Order on ASC]
OPR-SP-02	During operations, the certificate holder shall conduct all work in compliance with the final SPCC Plan. [Soil protection Condition 8, Final Order on ASC]
<i>STANDARD: Land Use (LU) [OAR 345-022-0030]</i>	
OPR-LU-01	Within each 3-year annual report to the Department, the certificate holder shall revise the decommissioning estimate for wind facility components based on evaluation of the assumptions of the costs of tasks and actions. Certificate holder shall confirm whether the bond or letter of credit maintained with the Department under Retirement and Financial Assurance Condition 4 needs to be updated to reflect revisions; or shall confirm that there are no revisions necessary. [Land Use Condition 14, Final Order on ASC]
<i>STANDARD: Fish and Wildlife Habitat (FW) [OAR 345-022-0060]</i>	
OPR-FW-01	During operation, the certificate holder shall implement and adhere to the applicable requirements of the final Revegetation and Noxious Weed Plan. [Fish and Wildlife Condition 3, Final Order on ASC]
OPR-FW-02	During operation, the certificate holder shall implement and adhere to the requirements of the Habitat Mitigation Plan, as approved per Fish and Wildlife Condition 4. [Fish and Wildlife Condition 5, Final Order on ASC]
OPR-FW-03	During operation, the certificate holder shall implement and adhere to the Wildlife Monitoring Plan, as provided in Attachment P-3 of this order. [Fish and Wildlife Condition 8, Final Order on ASC]

Condition Number	Operational (OPR) Conditions
<i>STANDARD: Threatened and Endangered Species (TE) [OAR 345-022-0070]</i>	
OPR-TE-01	During operation and maintenance, results of the most recent survey year of the long-term WGS monitoring conducted under the Wildlife Monitoring Plan (Attachment P-3 of this order), must be used to inform work area restrictions (785-foot avoidance buffer) within 1,000-feet of suitable WGS habitat. [Threatened and Endangered Species Condition 3, Final Order on ASC]
<i>STANDARD: Public Services (PS) [OAR 345-022-0110]</i>	
OPR-PS-01	During facility operation, the certificate holder shall operate the facility in compliance with FAA required lighting for facility wind turbines, met towers, and transmission line(s). [Public Services Condition 5, Final Order on ASC]
OPR-PS-02	During operation the certificate holder shall operate the facility consistent with the provisions in the Final Fire Prevention, Suppression and Emergency Management Plan, as approved in Public Services Condition 7. If substantive updates or changes are made to the Plan, submit copies of the updated Plan to the Department and to the Echo Rural Fire Protection District (Echo RFPD) and Umatilla County Fire District #1 (UDFD #1). [Public Services Condition 8, Final Order on ASC]
<i>STANDARD: Waste Minimization (WM) [OAR 345-022-0120]</i>	
OPR-WM-01	During operation of solar facility components, the certificate holder shall adhere to the requirements of the Solar Panel Recycling Plan or protocol developed under Waste Minimization Condition 4. [Waste Minimization Condition 5, Final Order on ASC]
OPR-WM-02	During operation of wind facility components, 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 licensed. The certificate holder shall report in its annual report to the Department the quantities of removed wind turbine components recycled, reused, sold for scrap, or disposed of in a landfill. [Waste Minimization Condition 6, Final Order on ASC]
OPR-WM-03	During operation of the solar facility components, the certificate holder shall: <ul style="list-style-type: none"> a. Prohibit use of chemicals, soaps, detergents and heated water unless Chemical Safety Data Sheets for low volatile organic compound/biodegradable cleaning chemicals and solvents are submitted to the Department for review and approval prior to use. b. Ensure that pressure washing is conducted in a manner that does not remove paint or other finishes. c. Discharge wash water through evaporation and infiltration only. [Waste Minimization Condition 7, Final Order on ASC]
<i>STANDARD: Public Health and Safety for Wind Facilities (PH) [OAR 345-024-0010]</i>	

Condition Number	Operational (OPR) Conditions
OPR-PH-01	<p>During operation, the certificate holder shall develop and implement an operational safety-monitoring program that includes regular inspections, maintenance, and reporting program to prevent structural or electrical failure of wind turbine foundations, towers, blades, or electrical equipment. Required elements of the operational safety-monitoring program include:</p> <ul style="list-style-type: none"> a. Identify and conduct inspections and testing of wind facility components, including but not limited to foundations, towers, blades, nacelle, pad-mounted transformers, and SCADA system, consistent with manufacturers' recommendations and recognized and generally accepted good engineering practices (RAGAGEP) for frequency and process. b. Maintain records of each inspection and test performed. Records shall: <ul style="list-style-type: none"> i. Identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test. ii. Identify testing or inspection results that show deficiencies in equipment or operation issues that are outside acceptable limits or recommendations identified by the manufacturer. These issues must be corrected before further use, or in a safe and timely manner if precautions are taken to assure safe operation. iii. Be made available for inspection by the Department's Compliance Officer during site visits, or upon request from the Department. A summary report of the annual inspections, testing and maintenance activities performed shall be submitted to the Department pursuant to OAR 345-026-0080 in the facility's annual compliance report. The summary report shall include the details of the replacement of any system components which could impact the structural integrity of foundations, towers and blades. c. In the event of blade or tower failure, a structural or electrical issue that causes a fire or other safety hazard the certificate holder shall report the incident to the Department within 72 hours, in accordance with OAR 345-026-0170(1), and shall, within 30 days of the event, submit a report which contains: <ul style="list-style-type: none"> i. A discussion of the cause of the reported incident including results of on-site or remote inspections or investigations; ii. A description of immediate actions taken to correct the reported conditions or circumstances; and iii. A description of actions taken or planned to minimize the possibility of recurrence and a description of manufacturers' recommendations and recognized and generally accepted good engineering practices to avoid instances in the future. <p>[Public Health and Safety Standards for Wind Facilities Condition 2, Final Order on ASC]</p>

Condition Number	Operational (OPR) Conditions
OTHER APPLICABLE REGULATORY REQUIREMENTS UNDER COUNCIL JURISDICTION	
<i>STANDARD: Noise Control Regulations (NC) (OAR 340-035-0035)</i>	
OPR-NC-01	<p>During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall notify the Department within two working days of receiving a noise complaint related to the facility. The notification should include, but is not limited to, the date the certificate holder received the complaint, the nature of the complaint, the complainant's contact information, the location of the affected property, and any actions taken, or planned to be taken, by the certificate holder to address the complaint.</p> <p>[Noise Control Condition 2, Final Order on ASC]</p>
<i>STANDARD: Removal Fill (RF) [ORS 196.795 through 196.990]</i>	
OPR-RF-01	<p>During operation and maintenance (O&M) of facility components within the wind micrositing area the certificate holder shall:</p> <ol style="list-style-type: none"> Require employees and contractors to complete the Worker Environmental Awareness training described in Removal Fill Permit Condition 2(c). Maintain training records onsite for Department review upon request. Maintain maps onsite and ensure employees and contractors have awareness of the location of jurisdictional wetlands and WOS during construction activities. Install flagging or signage around jurisdictional wetlands and WOS around the delineated boundary including a 50-foot buffer, when any O&M activities are planned to occur within 150 feet. Monitor flagging and signage and repair or replace flagging and signage, as needed, following weather events or O&M impacts. If O&M impacts encroach upon the 50-foot buffer under Removal Fill Permit Condition 3(c), provide evidence to the Department that a removal-fill permit has been obtained by a third-party or through a site certificate amendment; or that a removal fill permit is not required. <p>[Removal Fill Permit Condition 4, Final Order on ASC]</p>
<i>STANDARD: Water Rights (WR) [ORS 537, 540 and 690]</i>	
OPR-WR-01	<p>During operation, the onsite well must not exceed 5,000 gallons of water use per day for the facility unless a water right or limited water use license is obtained via third-party or site certificate amendment.</p> <p>[Water Rights Condition 4, Final Order on ASC]</p>

5.7 Retirement (RET) Conditions

Condition Number	Retirement (RET) Conditions
STANDARD: Retirement and Financial Assurance (RT) [OAR 345-022-0050]	
RET-RT-01	<p>The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, nonhazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.</p> <p>[Retirement and Financial Assurance Condition 2, Mandatory Condition OAR 345-025-0006(9)]</p>
RET-RT-02	<p>If the Council finds that the certificate holder has permanently ceased construction or operation of the facility without retiring the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110, the Council shall notify the certificate holder and request that the certificate holder submit a proposed final retirement plan to the Department within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed final retirement plan for the Council's approval.</p> <p>Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in OAR 345-025-0006(8) to restore the site to a useful, nonhazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, nonhazardous 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.</p> <p>[Mandatory Condition OAR 345-025-0006(16)]</p>

6.0 Successors and Assigns

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

7.0 Severability and Construction


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

8.0 Execution

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

IN WITNESS THEREOF, this site certificate has been executed by the State of Oregon, acting by and through the Energy Facility Siting Council and Nolin Hills Wind, LLC (certificate holder).

ENERGY FACILITY SITING COUNCIL

By: 

Marcia L. Grail (Aug 31, 2023 15:53 PDT)

Marcia L. Grail, Chair

Date: 31-Aug-2023

Nolin Hills Wind, LLC

By: 

Matthew Martin (Aug 29, 2023 14:21 EDT)

Authorized Representative

Date: 29-Aug-2023

By: 

Avik Dey (Aug 29, 2023 12:32 MDT)

Date: 29-Aug-2023

ATTACHMENT 1: FIGURES

Figure 2: Facility Site Boundary and Micrositing Areas

