



Oregon

Tina Kotek, Governor



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January 29, 2025

Talia Haley, Senior Permitting Manager
Avangrid Renewables, LLC
2701 NW Vaughn St., Suite 300, Portland, OR 97210

Sent via email: talia.haley@avangrid.com; elainealbrich@dwt.com; linnea.fossum@tetrattech.com;
jo.casey@tetrattech.com

**Re: Oregon Department of Energy Determination on Amendment Determination Request for Leaning
Juniper IIA Wind Power Facility**

Dear Ms. Haley,

On December 12, 2024, the Oregon Department of Energy (ODOE or the Department) received an Amendment Determination Request (ADR) regarding the Leaning Juniper IIA Wind Power Facility, requesting a determination of whether three modifications to the facility would require a site certificate amendment.

Under OAR 345-027-0357, a certificate holder may submit an ADR to the Department for a determination of whether a proposed change requires an amendment to a site certificate. The rule requires that the ADR describe the proposed change, evaluate the determination being requested (e.g., if the certificate holder believes an amendment is not required, explain why) and provide any additional information that may assist the Department's evaluation.

The Department reviewed the December 12, 2024 ADR and as discussed in Attachment 1, has determined that the certificate holder provided all information required under OAR 345-027-0357(4) and that the circumstances described do not require an amendment to the Site Certificate for the Leaning Juniper IIA Wind Power Facility.

Additionally, OAR 345-027-0357(6) states that, at the request of the certificate holder or a member of the Energy Facility Siting Council (EFSC or Council), the Department's determination must be referred to the Council for concurrence, modification or rejection. In compliance with this rule, the Department has provided this determination to the certificate holder and EFSC. Should the certificate holder or a Council member request to review the determination, Council would likely conduct that review at its March 21, 2025 meeting.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Esterson".

Sarah Esterson, Senior Policy Advisor
Oregon Department of Energy
E: sarah.esterson@energy.oregon.gov
P: (503) 385-6128

cc: Todd Cornett, Assistant Director of Siting, Oregon Department of Energy
Patrick Rowe, Assistant Attorney General, Oregon Department of Justice

Attachments:

Attachment 1: Staff Evaluation and Determination
Attachment 2: Amendment Determination Request (December 12, 2024)
Attachment 3: Lease excerpts

Attachment 1: Staff Evaluation and Determination

Background and Description of Proposed Change

Leaning Juniper IIA Wind Power Facility (“LJIIA”) is an operating wind energy facility in Gilliam County, Oregon. It has a peak generating capacity of approximately 90.3 megawatts (“MW”), consisting of 43 wind turbines, with a blade tip height of 404 feet, located within a site boundary of 6,404 acres.

On June 12, 2024, the Energy Facility Siting Council approved Request for Amendment 3 of the LJIIA site certificate, which authorized the certificate holder to:

- Repower 36 wind turbines (replacement of rotors, nacelles and generator; and foundation reinforcement) and increase blade tip height from 404 to 453 feet.
- Temporarily disturb approximately 396.2 acres within a proposed RFA3 repower corridor. Temporary disturbance actions include road widening, underground collector line trenching, turbine foundation excavation, laydown and crane assembly areas).
- Install approximately 19 miles of a new underground, 34.5 kilovolt (kV) collector line system.
- Reduce quantity of operating turbines at the facility from 43 to 40 (includes the already decommissioned Turbine “Z2”, and the removal of turbines “Z1” and “M3”)

The amendment also added new conditions addressing the repowering of the turbines.

On December 12, 2024, the Department received an Amendment Determination Request (ADR) explaining that Certificate Holder plans to make three modifications to the LJIIA Wind Power Facility associated with the repower:

- rerouting the path where a turbine crane will be walked (transported) during the repowering activities
- modifying the work area for two turbines to be removed from service; and
- building out the storage yard area at the Operations and Maintenance Building.

Scope of Review

Under OAR 345-027-0357, a certificate holder may submit an ADR to the Department for a determination of whether a proposed change requires an amendment to a site certificate under OAR 345-027-0350.

Per OAR 345-027-0350, an amendment to a site certificate is required to:

- (1) Transfer ownership of the facility or the certificate holder as described in OAR 345-027-0400;*
- (2) Apply later-adopted laws as described in OAR 345-027-0390;*
- (3) Extend the construction beginning or completion deadline as described in OAR 345-027-0385;*
- (4) Design, construct, or operate a facility in a manner different from the description in the site certificate, if the proposed change:*
 - (a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource or interest protected by an applicable law or Council standard;*

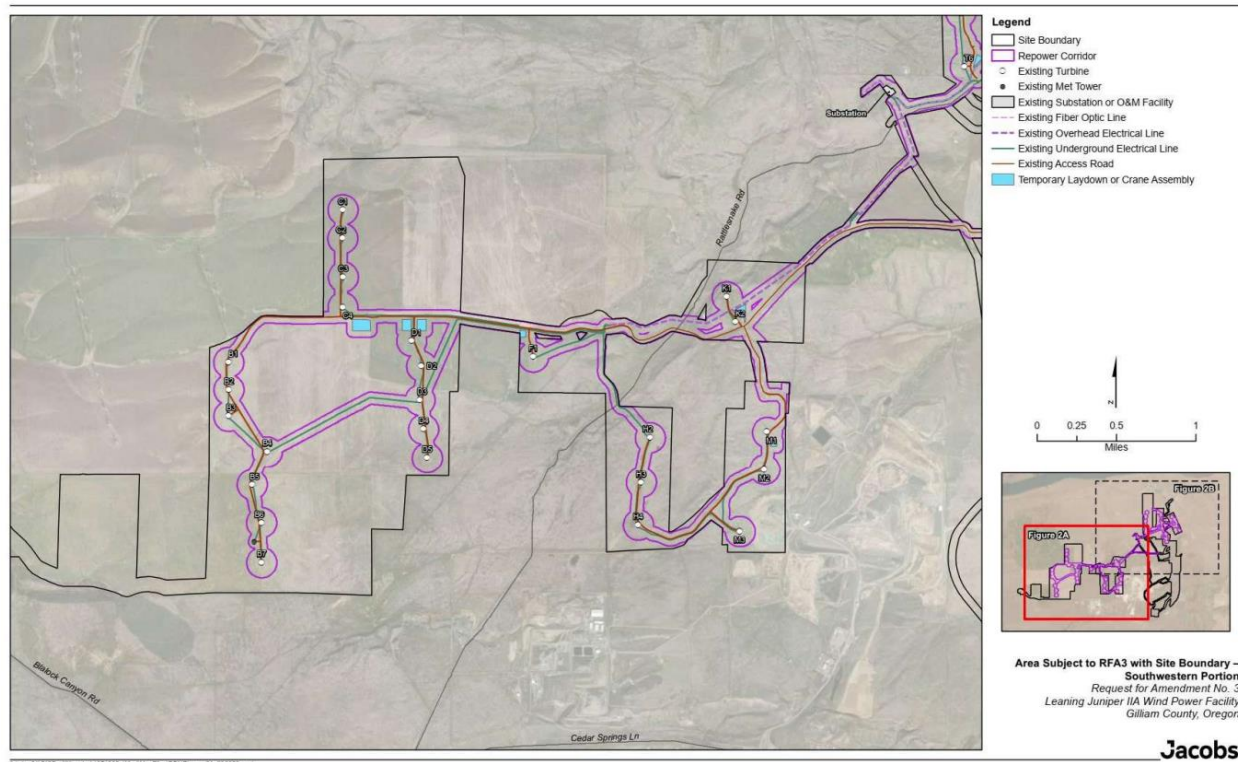
- (b) Could impair the certificate holder's ability to comply with a site certificate condition;
or
(c) Could require a new condition or a change to a condition in the site certificate.

Given the nature of the planned modifications, subsections (1) through (3) are not applicable to this ADR. ODOE and Council commonly refer to the criteria in (4) as the "three could's." The certificate holder acknowledges that their proposed modifications amount to a change in the facility design, construction or operation but contend none of the changes trigger one of the "three could's."

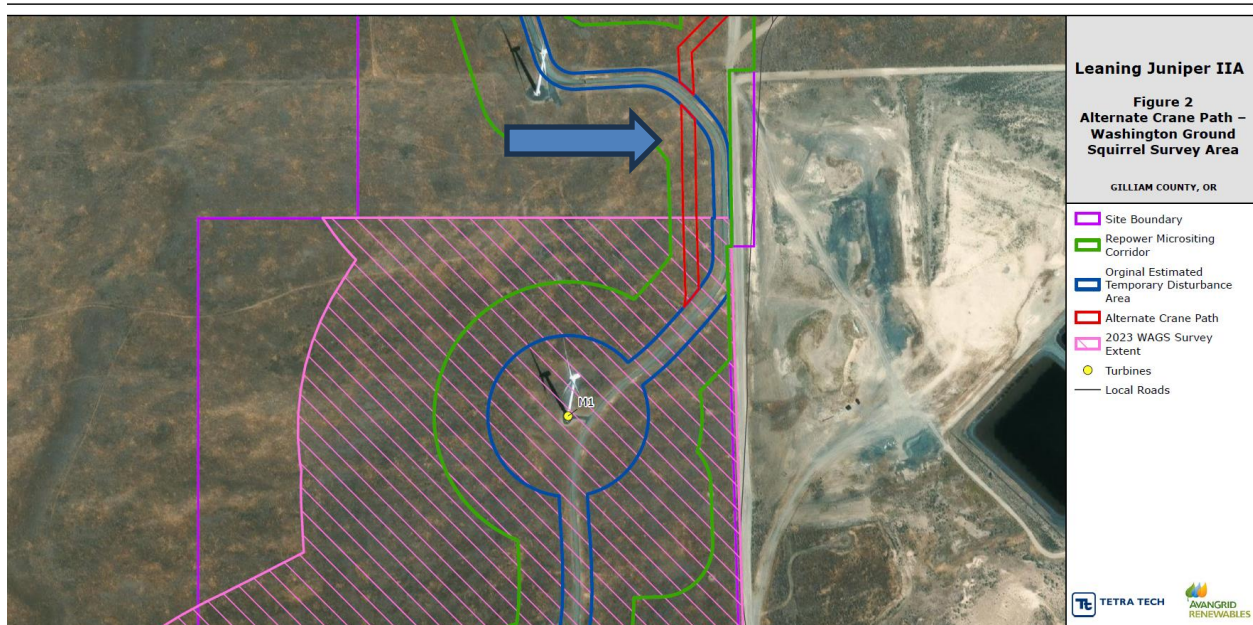
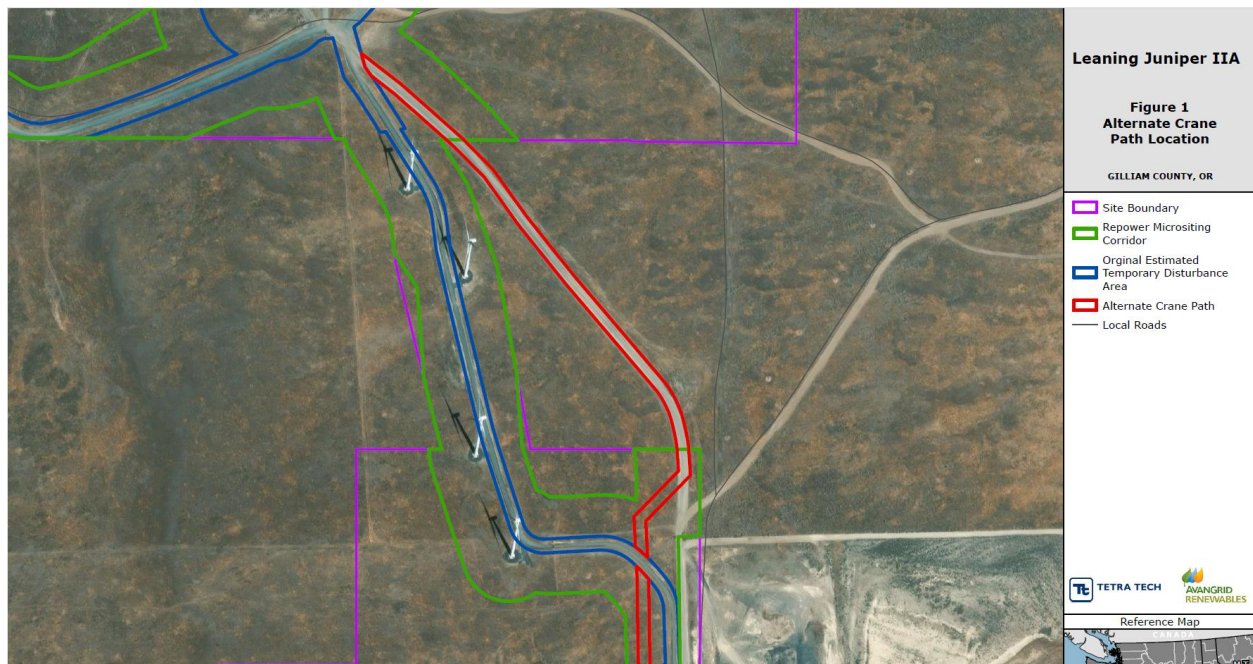
Evaluation

1. Modification 1, Reroute Crane Path to Existing Roadway

In the third amendment to the LJIA Site Certificate, Council approved the certificate holder's reducing the quantity of operating turbines from 43 to 40 and repowering 36 of the turbines. As part of its approval of the third amendment, Council approved corridors within which this work could take place. The following figure (included as Figure 2 in the Final Order on RFA3) depicts the approved disturbance corridors associated with the facility repower.



In the ADR, the Certificate Holder explains that, as part of the repowering, it plans to walk a crane outside a portion of the micrositing corridor that runs between Turbine M1 and K2 in order to avoid walking the crane past operating turbines that will not be repowered. The Certificate Holder provides the following figures depicting the proposed alternative path to walk the crane.



As can be seen in Figure 1, the southern portion of the alternative crane path is within the approved site boundary and repowering microsites until shortly after it reaches an existing roadway. The crane will be walked along that roadway to a point where it would reenter the approved repowering microsites corridor.

Using the road to transport a crane does not make the road part of the energy facility (as defined in ORS 469.300(11)(a)). The temporary disturbance associated with walking the crane along the road isn't a related or supporting facility (as defined in ORS 469.300(24)) because it is not a structure and is not being constructed or substantially modified, in connection with the construction of the energy facility. Nor will it be used as a laydown or staging area. Finally, using that portion of the road to walk a crane does not make that area a microsites corridor (as defined in OAR 345-001-0010(21)) because the Certificate Holder is not proposing to construct facility components there.

The question, therefore, is whether an amendment is needed for the Certificate Holder to use the southern portion of the alternative crane path that is within the approved microsites corridor but not within the original estimated temporary disturbance area or on the existing road (i.e., the alternate crane path depicted in the above Figure 2 (see inset arrow), northeast of Turbine M1 to the road).

Determination re: Modification 1

The Department determines an amendment is not needed to use the alternative crane path because walking the crane in that area would not trigger any of the “three could’s.”

- Walking the crane in the southern portion of the alternative crane path would not result in a significant adverse impact that the Council has not addressed in an earlier order and affect a resource or interest protected by an applicable law or Council standard because, as previously discussed, the Council has already approved use of that area for repowering activities / as part of the repower microsites corridor. The Certificate Holder has surveyed this area for resources protected by Council standards except for Washington Ground Squirrels. However, Condition 84(e) provides that if construction would affect locations within the microsites areas that were not previously surveyed for State or federal threatened or endangered species identified in the Final Orders on the Application and RFA #1, “the certificate holder shall conduct additional pre-construction surveys of those locations, notify the Department of the findings and implement appropriate avoidance or mitigation measures” for any such species detected, subject to Department approval. Washington Ground Squirrels are covered by this provision because they were described in the Final Orders on the Application and RFA #1.¹

While Council identified Condition 84 as one of the conditions not applicable to repowering activities,² it also stated that the conditions identified as non-applicable were being maintained in the site certificate “should there be a future change or facility modification for which certificate holder seeks to complete at the site and may rely on compliance with preconstruction and construction conditions to evaluate potential impacts and or need for a site certificate amendment given protections afforded through these historic conditions.”³ Thus, per Condition 84(e), before utilizing the portion of the alternative crane path that is not on the existing road, the Certificate Holder must survey that area for Washington Ground Squirrels, notify the Department of the findings and, if any are detected, implement appropriate avoidance or mitigation measures, subject to Department approval.

- Walking the crane in the southern portion of the alternative crane path could not impair the certificate holder’s ability to comply with a site certificate condition, nor could it require a new condition or a change to a condition in the site certificate. As noted immediately above, the Certificate Holder will need to comply with existing Condition 84(e).

2. Modification 2. Modify Turbine Removal Method and Work Zone Area.

The repower actions approved in the Final Order on RFA #3 include removal of Turbines Z1 and M3. Council did not agree that the level of information provided for the removal of three turbines

¹ Leaning Juniper II Wind Power Facility Final Order (September 21, 2007), pp. 78-79; Leaning Juniper II Wind Power Facility Final Order on Amendment #1 (November 20, 2009), pp. 62-63).

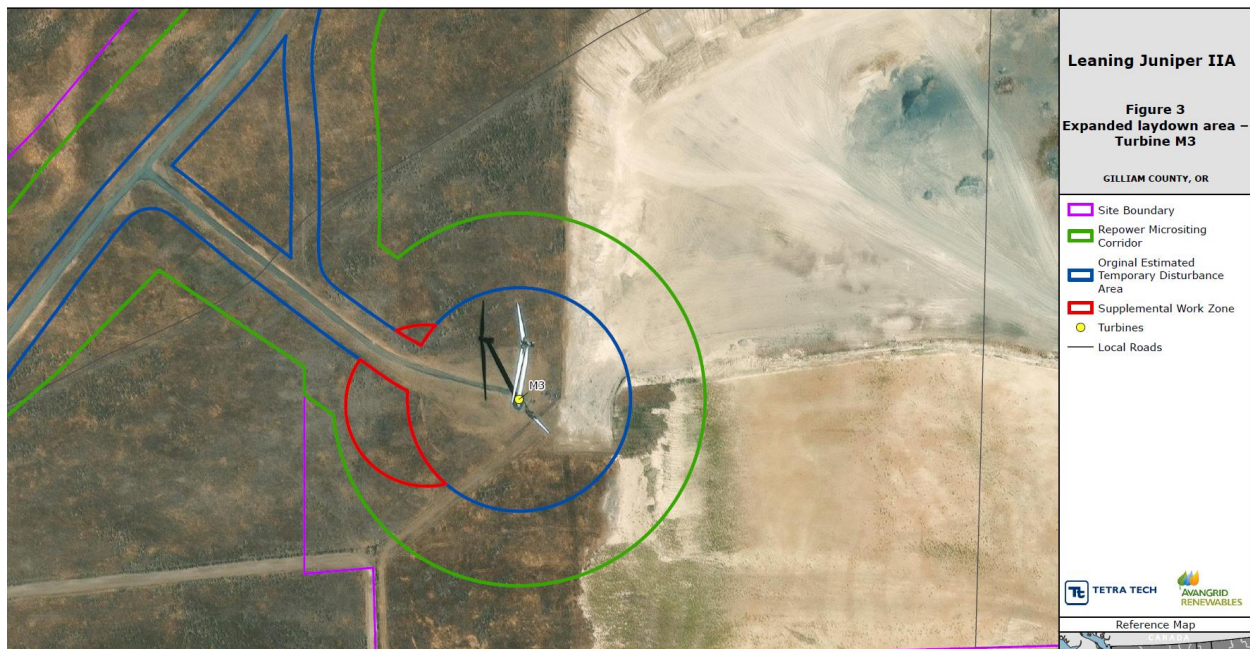
² Leaning Juniper II A Wind Power Facility – Third Amended Site Certificate (June 12, 2024), pp. 18, 27

³ Leaning Juniper II A Wind Power Facility – Third Amended Site Certificate (June 12, 2024), p. 18.

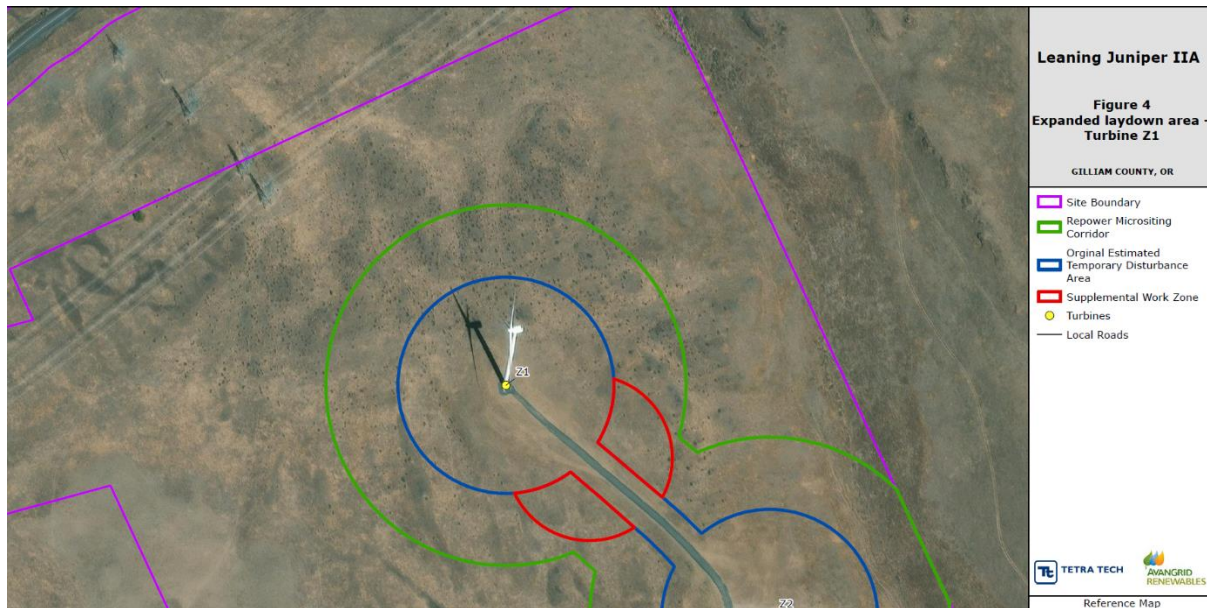
represented a decommissioning plan. The turbines were approved to be removed from the landscape as part of the repower but are not considered fully decommissioned because a decommissioning plan was not provided.

Removal of Turbines Z1 and M3 includes disconnecting nacelles and hubs, felling the towers, processing the towers for recycling, and removing and disposing the tower foundations.⁴ However, due to a fire at Turbine M3, it is not safe to be climbed for disassembly. Therefore, Certificate Holder proposes to remove Turbine M3 as well as Z1 by placing explosives at the tower base causing the towers to fall in a designated direction and allow removal and disposal of turbine components. Certificate Holder notes this method will reduce safety risks and eliminate approximately 8,500 linear feet of crane walking distance and 4 culvert crossings.

This change in tasks and actions requires a modification to the work zone to include additional area where portions of the removed turbines will fall, as depicted in the following figures (blue area represents the approved area, red area represents the requested modification).



⁴ Leaning Juniper II A Wind Power Facility – Final Order on Request for Amendment 3 (June 12, 2024), Table 9, pp. 59-60.



The Site Certificate describes the temporary disturbance area as being 275 feet radius around the turbine pads.⁵

Therefore, because both the tasks and actions and temporary disturbance areas will be different from the description in the site certificate, it is necessary to determine if these changes trigger any of the three could's.

Determination re: Modification 2

The change in turbine removal methodology from disassembly to using explosives would not result in a significant adverse impact that the Council has not addressed in an earlier order or affect a resource or interest protected by an applicable law or Council standard.⁶ Noise impacts from turbine removal by explosion is considered to be a sound created in construction or maintenance of capital equipment and is therefore exempt from the established noise thresholds, including the ambient degradation standard and maximum allowable 50 dBA level.

The modification to the turbine removal work zone to include additional area where portions of the turbines will fall would not result in any significant adverse effects Council has not previously addressed because all disturbance will occur within the previously approved micrositing corridor, thus Council has considered the possible impacts to resources protected by Council standards in that area.

3. Modification 3, Build-Out O&M Building Storage Yard as Originally Permitted

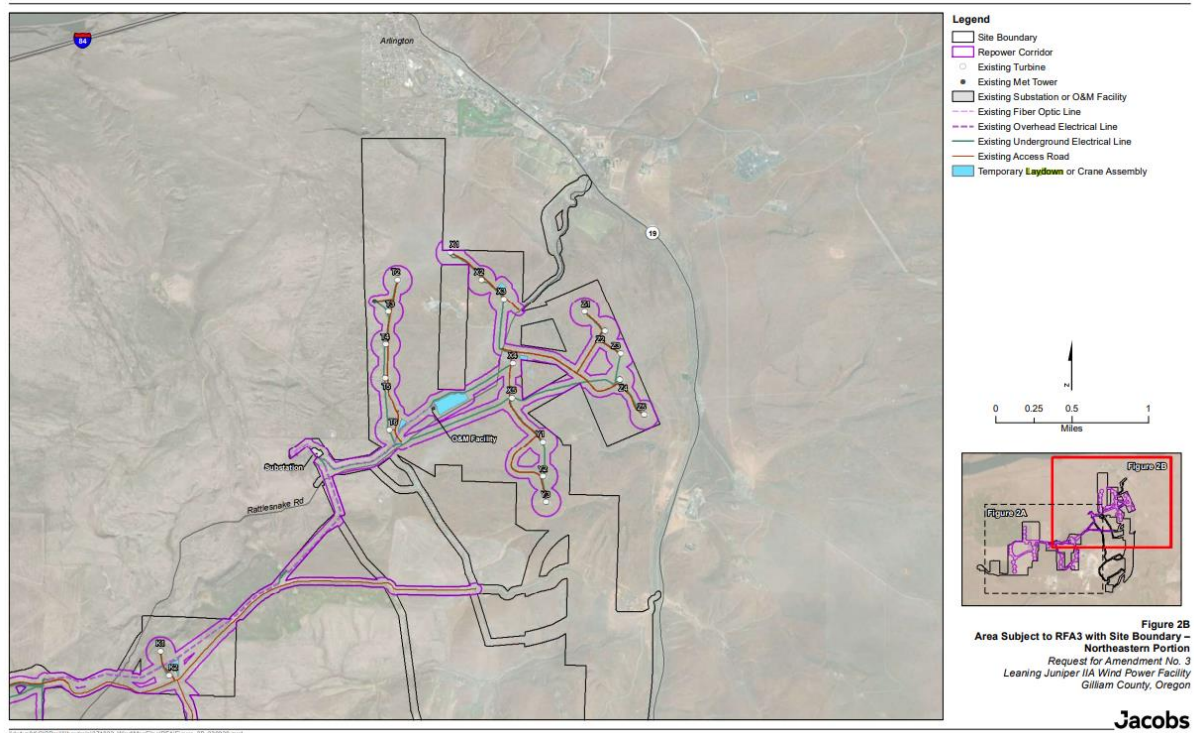
In 2013, Council approved the construction of an Operations and Maintenance building at LJIIA, with approximately 2 acres of fenced, graveled parking and storage area.⁷ The Certificate Holder did not utilize this entire area for storage, rather, the O&M building has occupied approximately 0.2 acres, surrounded by approximately 1 acre of fenced, graveled parking and storage area. Earlier this year,

⁵ Leaning Juniper II A Wind Power Facility – Third Amended Site Certificate (June 12, 2024), p. 4, Table 1.

⁶ OAR 340-035-0035(5)(h).

⁷ Leaning Juniper II Wind Power Facility – Final Order on Amendment #2 and Request for Transfer of Site Certificate (June 21, 2013), pp. 2-3, 54.

Council approved use of the area adjacent to the O&M building for use as a temporary laydown area during repowering work, as depicted in the following figures.



In the ADR, Certificate Holder proposes to expand the storage area to the fully-permitted size of 2 acres, to improve facility operational flexibility following the repowering work. The expanded storage area would occupy the temporary laydown area approved as part of Amendment 3, depicted in the following figure from the ADR:



Instead of reclaiming the laydown area following the repower work, as anticipated in Amendment 3, the Certificate Holder would fence the area and retain it for operational use. This area was fully surveyed for all resources and no new resources or impacts were identified (hence Council's prior approvals to use

the area for storage and, subsequently, temporary laydown). However, one acre of land currently categorized as Category 3 Rabbitbrush-Snakeweed-Eriogonum/bunchgrass (SSA) would be permanently disturbed rather than temporarily disturbed. Mitigation for temporary impacts to Category 3 habitat has been identified as .5 acre for every 1 acre temporarily impacted⁸ and at a ratio of 1 acre of mitigation for every 1 acre of permanent impact.⁹

Determination re: Modification 3

Because the land proposed for the expanded O&M Building Storage Yard was already planned for mitigation at 0.5:1 ratio for temporary impacts, the Certificate Holder states that when they finalize the HMP they'll include the additional 0.5 acre mitigation, and can do so with no new analysis or modification of site certificate conditions.

The Department agrees that none of the "three could's" is triggered by the proposed expansion of the O&M Building Storage Yard. The expansion would not result in a significant adverse impact that the Council has not addressed in an earlier order because the area was already surveyed and in the Third Amended Site Certificate Council recently approved that area to be used as a laydown area. Nor would the expansion require modification of an existing condition or a new condition. The Site Certificate on Amendment 3, Fish and Wildlife Condition 110 requires that, prior to the facility repower, the Certificate Holder finalize the draft Repower Habitat Mitigation Plan subject to approval by the Department in consultation with ODFW. While the draft Repower Habitat Mitigation Plan focuses on mitigation for temporary impacts, it states "[t]he final extent of the enhancement actions will be determined based on the actual habitat impacts during Facility repower."¹⁰ Therefore, when the Certificate Holder seeks Department approval of the final Repower Habitat Mitigation Plan, per existing Condition 110, the Department will ensure that it includes 1 acre of mitigation for the 1 acre of Category 3 Rabbitbrush-Snakeweed-Eriogonum/bunchgrass (SSA) that would be permanently disturbed by the expanded O&M Building Storage Yard.

Finally, Condition 40 requires the certificate holder to consult with area landowners and lessees during facility operation and implement measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs. That condition need not be modified or supplemented. Here, Certificate Holder provided documentation demonstrating that the O&M yard would be on property that is developable under the lease with the landowner - *i.e.*, it is on T.2N R21E. W.M. Section 4 in an area that is subject to the Lease. See Attachment 3 below, a redacted version of the Lease provided by the Certificate Holder, including Attachments A and B and a supplemented version of Attachment B identifying the location of the O&M yard. (The Certificate Holder also provided the Department documentation demonstrating that it is the current lessee. If Council wishes to review those documents, the Department will provide them to Council).

Conclusion

For the reasons discussed above, the Department has determined that the three proposed changes would not require an amendment to the Leaning Juniper IIA Wind Power Facility Site Certificate.

⁸ Leaning Juniper II Wind Power Facility Final Order on Amendment #1 – Attachment C (November 20, 2009), p. C-2; Leaning Juniper II A Wind Power Facility –Final Order on Request for Amendment 3 (June 12, 2024), Attachment E, Draft Repower Habitat Mitigation Plan, pp. 1-2 and Table 1.

⁹ Leaning Juniper II Wind Power Facility Final Order on Amendment #1 – Attachment C (November 20, 2009), p. C-2.

¹⁰ Leaning Juniper II A Wind Power Facility –Final Order on Request for Amendment 3 (June 12, 2024), Attachment E, Draft Repower Habitat Mitigation Plan, p. 3.

Attachment 2: Certificate Holder's Amendment Determination Request



December 12, 2024

Sarah T. Esterson, Senior Policy Advisor
Oregon Department of Energy
550 Capitol St. NE
Salem, OR 97301

Re: Leaning Juniper IIA Wind Power Facility – Amendment Determination Request

Dear Sarah,

Thank you for the telephone call on November 6 to discuss minor modifications that are needed to accommodate detailed planning for construction of the repower effort authorized under Amendment 3 to the Site Certificate for the Leaning Juniper IIA Wind Power Facility (“Project”). Leaning Juniper Wind Power II, LLC, a wholly owned subsidiary of Avangrid Renewables, LLC (“Certificate Holder”) submits this Amendment Determination Request (“ADR”) to confirm that three modifications to the Leaning Juniper IIA Wind Power Facility (“Facility”) do not trigger an amendment of the Third Amended Site Certificate, dated June 12, 2024 (“Site Certificate”). Certificate Holder is finalizing the Facility repower design and three modifications are needed to facilitate repower mobilization. These modifications consist of a crane walk reroute to avoid potential safety hazards; a modification to the allowed work area for the two turbines that will be decommissioned; and build-out of additional storage yard area at the Operations and Maintenance Building.

These three modifications amount to a change in the Facility design, construction, or operation; however, none trigger any one of the “three could’s” in OAR 345-027-0350(4)(a)-(c). For the reasons provided in the attached amendment determination request, Certificate Holder requests that the Oregon Department of Energy (“ODOE”) concur with the proposed findings in this ADR and conclude that no amendment is needed.

We request that you process this ADR expeditiously to the extent possible. Thank you for your consideration, and we look forward to working with the Department to obtain your concurrence that no Site Certificate amendment is required.

Sincerely,

Talia Haley
Development Permitting Manager

Enclosure

LEANING JUNIPER WIND POWER II, LLC

LEANING JUNIPER IIA WIND POWER FACILITY

AMENDMENT DETERMINATION REQUEST

DECEMBER 12, 2024

Leaning Juniper IIA Wind Power Facility Project Background

Leaning Juniper IIA Wind Power Facility is an operating wind energy facility with a peak generating capacity of approximately 98.4 megawatts. The facility consists of 42 turbines (a 43rd turbine was decommissioned in 2020). Amendment 3 to the Site Certificate authorized the Certificate Holder to repower 36 wind turbines, install new underground 34.5kV collector lines, and decommission two wind turbines, with accompanying temporary disturbance of up to approximately 396.2 acres within the “RFA3 repower corridor”.

Amendment Determination Request

- Modification 1. Reroute Crane Path to Existing Roadway. Crane walk between turbines M1 and K2 needs to be rerouted to avoid potential safety hazards.
- Modification 2. Designate Turbine Decommissioning Work Zone and Modify Decommissioning Method. Due to safety hazards resulting from a previous fire at Turbine M3, the turbine cannot be disassembled but instead will be ‘felled’. This same method will be used at Turbine Z1 in order to significantly reduce temporary disturbance from crane walk.
- Modification 3. Build-Out O&M Building Storage Yard as Originally Permitted. The existing storage yard is 1 acre in size. The yard will be expanded to a total of 2 acres, which is the size described in the Site Certificate.

These three modifications amount to a change in the Facility design, construction, or operation; however, none trigger any one of the “three could’s” in OAR 345-027-0350(4)(a)-(c). Certificate Holder can still comply with the existing Site Certificate conditions and no condition change would be required to accommodate the modifications. Further, the modifications will not result in significant adverse impacts to resources protected by Council standards and will not result in impacts that the Council did not previously consider. For the reasons provided below, Certificate Holder requests that the Oregon Department of Energy (“ODOE”) concur with the proposed findings in this ADR and conclude that no amendment is needed.

1. Modification 1, Reroute Crane Path to Existing Roadway

Certificate Holder needs to walk the turbine crane between two turbines (Turbine M1 and Turbine K2) to avoid potential safety hazards with walking the crane past operating turbines that will not be repowered (see Figure 1). To avoid this route, the modified route of least disturbance requires Certificate Holder to use a temporary crane path that relies, in part, on an existing roadway outside of the Facility site boundary (northern portion). The southern portion of the temporary crane path, after the path leaves the existing road, would be within the repower micrositing corridor as shown on Figure 2 of the Final Order on Amendment 3 (ODOE 2024, p. 7). The repower micrositing corridor (green), original estimated limits of disturbance (blue), and the new temporary crane path (red) are shown in Figure 1. Certificate Holder proposes to use this crane walk once during the repower activities, for approximately two to four hours when walking the crane between Turbine M1 and Turbine K2.

The temporary crane path will be within the repower corridor that has been surveyed (except as noted below for WGS) or on an existing roadway that is already disturbed and not considered a

related or supporting facility. The repower micrositing corridor was already surveyed for habitat, rare plants, and cultural resources. No wetlands or cultural resources were identified during surveys of this portion of the repower micrositing corridor, and the area is mapped as Category 3 shrub-steppe habitat. All anticipated temporary disturbance has been previously evaluated and any temporary impact to Category 3 habitat will be mitigated in accordance with the Habitat Mitigation Plan. Approximately 500 feet of this new crane path, where the path would move off of the existing road to avoid overhead lines, was not surveyed for WGS (see Figure 2).

Certificate Holder does not anticipate using the temporary crane path until May 2025 or later, and plans to conduct protocol-level surveys within 1000 feet of the proposed disturbance area during the appropriate survey season in April 2025. Certificate Holder will provide a supplement to the 2023 Washington Ground Squirrel Report for ODOE and ODFW review and approval. Certificate Holder points ODOE to Condition 84 in the Site Certificate to assure that this work will be done and Certificate Holder will remain in compliance with Site Certificate conditions. Condition 84(e) of the Site Certificate provides that if construction would affect micrositing areas that were not previously surveyed for WGS, Certificate Holder shall construct pre-construction surveys for those locations, notify ODOE of the findings, and implement appropriate avoidance and mitigation measures. Condition 84 is one of the conditions noted in the Site Certificate as being no longer being applicable to repower activities, however, ODOE did note that non-applicable conditions are kept in the Site Certificate “should there be a future change or facility modification for which certificate holder seeks to complete at the site and may rely on compliance with preconstruction and construction conditions to evaluate potential impacts and or need for a site certificate amendment given protections afforded through these historic conditions.” See Site Certificate, p18 Lines 24-28. It is clear from the Site Certificate language that this is the exact situation where a previously-imposed condition may be relied upon to ensure that impacts from the proposed modification are appropriately evaluated and impacts are avoided. The language also implies Certificate Holder, and ODOE, may rely on Condition 84 to avoid triggering and amendment to the Site Certificate.

If WGS are found during the Spring 2025 surveys, Certificate Holder will coordinate with ODOE and ODFW to determine the appropriate course of action to remain in compliance with Site Certificate conditions and protect WGS colonies and habitat.

2. Modification 2. Designate Turbine Decommissioning Work Zone and Modify Decommissioning Method

Certificate Holder plans to decommission two turbines (Turbine M3 and Z1) as part of the repower activities. In finalizing the decommissioning steps for the turbines, Certificate Holder has learned that the contractor will require a modified decommissioning work zone around the turbine to accommodate the dismantling activities.

The reason for the modified decommissioning method is because Turbine M3 experienced a fire and is not safe to be climbed for disassembly prior to decommissioning. The modified decommissioning approach will allow turbines to be decommissioned without walking cranes to these two sites, and will address safety hazards involved with decommissioning the turbine that burned in February of 2023. Certificate Holder proposes decommissioning Turbine Z1 using the same method because it will reduce the safety risk associated with turbine removal. Additionally, using this procedure will eliminate approximately 8,500 linear feet of crane walking distance, and 4

culvert crossings. The turbines will be decommissioned by placing explosives at the tower base, causing the tower to fall in a designated direction to allow removal and disposal of turbine components. The following steps will be taken:

1. Terminate power to the unit as needed and complete removal of potentially hazardous materials such as transformer oils (where possible).
2. Confirm shell circumference and thickness of tower base. Confirm wind direction and velocity forecast and confirm wind direction and direction of fall such that the direction of fall will be away from the nacelle/blade.
3. Conduct preliminary burning on the tower for placement of explosives.
4. Place protection, to consist of multiple layers of ½" thick conveyor belt along with geotextile fabric around the base of the unit to minimize and contain fly of copper from the explosive charge
5. Place approximately 10 pounds of shaped charge explosives at the designated location on the tower base.
6. Clear the exclusion zone (at least two times turbine height). Establish command post and attach blasting caps to the initiation harness.
7. Clear adjacent roadways and post flagmen to halt traffic until the unit is on the ground and the 'all clear' has been provided.
8. Detonate the explosives.
9. Confirm full explosives detonation and inspect debris.
10. Clear debris for recycling or disposal as appropriate.
11. Soil will be examined to confirm no contamination has been released. In the event that contamination is released, affected soil will be immediately contained and treated in accordance with the SPCC plan.

The modified decommissioning work zone is a shift in the shape of the estimated disturbance area at each turbine location described in RFA3 and would not result in an overall increase in the disturbance area for the repower effort. As described in the Site Certificate, the disturbance area at each turbine location consists of an area estimated as a circle with a radius of 275 feet around each turbine. As defined in RFA3, the disturbance area is intended to accommodate equipment storage and vehicle traffic, and areas may be graded and/or vegetation may be removed to allow repower activities. At the two locations where decommissioning will occur (Turbines M3 and Z1), an approximately 2-acre supplemental work zone for each turbine extending up to approximately 250 feet beyond the 275-foot radius in one direction will be needed in order to accommodate the modified decommissioning approach (see Figures 3 and 4). This supplemental work zone is where portions of the decommissioned turbine will fall. Portions of the approved circular disturbance area will still be used for vehicle traffic and limited equipment placement but for the two turbines that will be decommissioned, the disturbance area close to the turbine foundation will not need to be as large because no crane will be required and no new blades or components will need to be staged. No vegetation removal or grading is proposed for the modified work zones where they are more than 275 feet from the turbine. It is Certificate Holder's position that these decommissioning work zones do not amount to an increase in temporary disturbance under the Site Certificate and further that the total disturbance area for the repower will not exceed the area analyzed during the Council's review of RFA3.

This supplemental work zone at these two turbine locations will not result in an overall increase in temporary disturbance associated with the repower action, but does result in activity outside of the maximum temporary disturbance specific to turbine pads as identified in Table 1 of the Site Certificate at these two locations (275 foot radius around turbine base). Table 1 is not a site certificate condition but it is part of the project description as presented in the site certificate.

This alternate decommissioning approach will not result in any new significant adverse impacts to resources protected by the Council because all disturbance will occur within previously surveyed areas and the Certificate Holder will continue to comply with all Site Certificate Conditions. Further, the total temporary disturbance will be reduced as a result of eliminating 8,500 linear feet of crane walk, resulting in an approximately 19-acre reduction (8,500 linear feet x 100-foot estimated width) in temporary disturbance associated with crane walks.

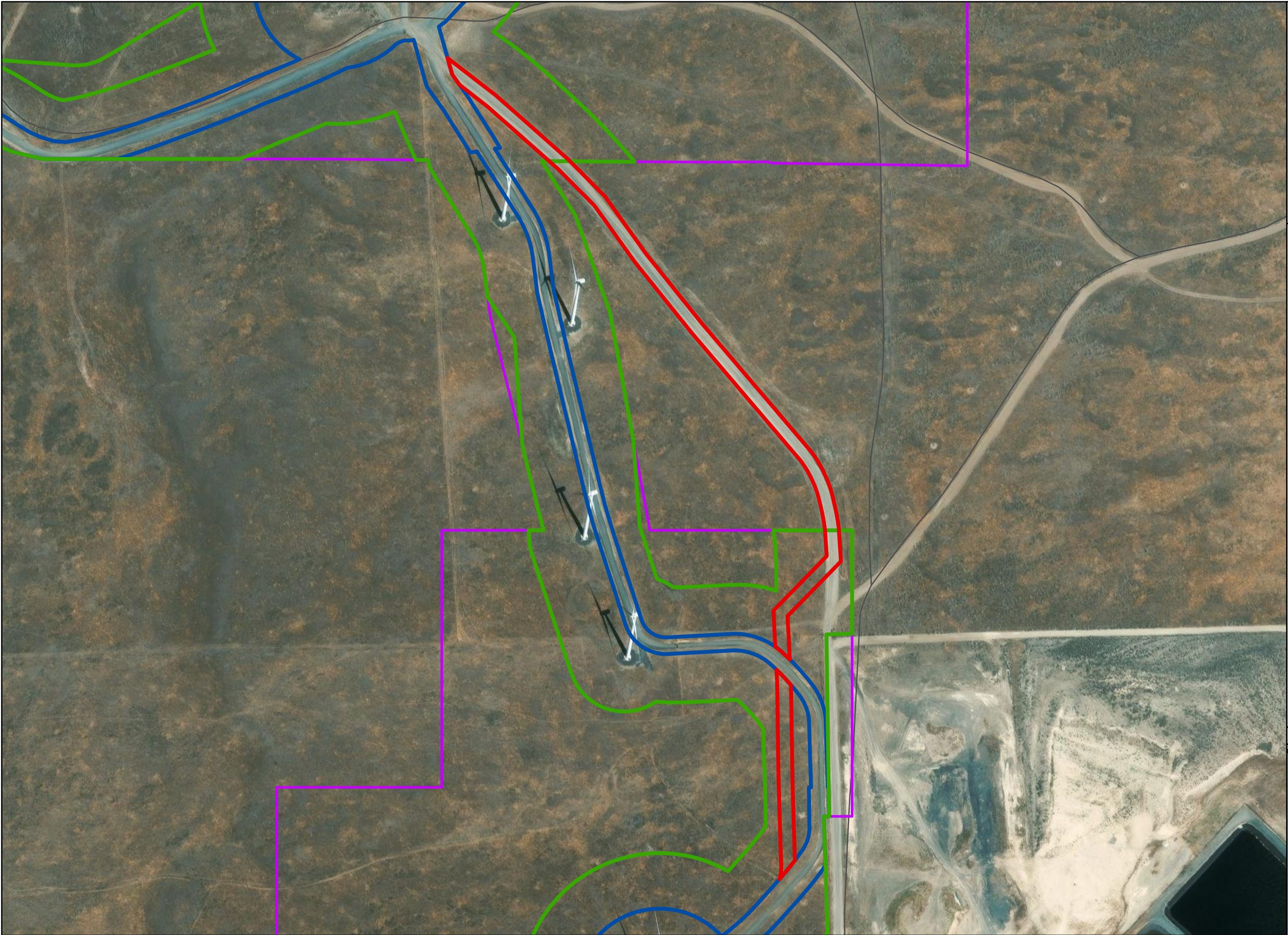
3. Modification 3, Build-Out O&M Building Storage Yard as Originally Permitted

The Facility was previously approved for an O&M building with approximately 2.0 acres of fenced, graveled parking and storage area¹. As constructed, the building itself occupies approximately 0.2 acre and is surrounded by approximately 1 acre of fenced, graveled parking and storage area. To improve facility operational flexibility following completion of the repower activity, Certificate Holder proposes to expand the existing storage area by approximately 1 acre, for a total of 2 acres of fenced, graveled storage and parking. See Figure 5.

This expanded storage area would occupy an area that was approved as part of Amendment 3 for laydown area. Instead of reclaiming this portion of the graveled laydown area following the repower effort, the area would be fenced and retained for operational use. The area has been fully surveyed for all resources and no new significant impacts would occur; however, one acre of land currently categorized as Category 3 Rabbitbrush-Snakeweed-Eriogonum/bunchgrass (SSA) would be permanently disturbed instead of temporarily disturbed. Mitigation for impacts to this habitat type were identified in the Final Order on Amendment #1 (EFSC 2009, Attachment C) at a ratio of 1 acre of mitigation for each 1 acre of impact. Because this land was already planned for mitigation at 0.5:1 ratio for temporary impacts, this would result in a net increase of 0.5 acre beyond the previously anticipated total. The Draft Habitat Mitigation Plan will be finalized as part of pre-construction compliance and this additional 0.5-acre requirement can be included with no new analysis or other new or modified site certificate conditions.

¹ Leaning Juniper IIA Wind Power – Third Amended Site Certificate, June 12, 2024, p. 4.






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Leaning Juniper IIA

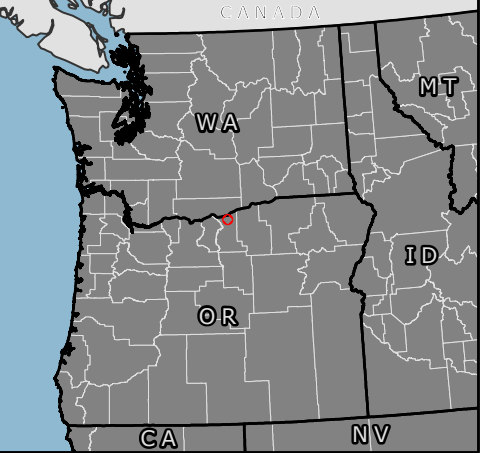
**Figure 1
Alternate Crane
Path Location**

GILLIAM COUNTY, OR

-  Site Boundary
-  Repower Micrositing Corridor
-  Original Estimated Temporary Disturbance Area
-  Alternate Crane Path
-  Local Roads

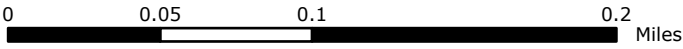


Reference Map



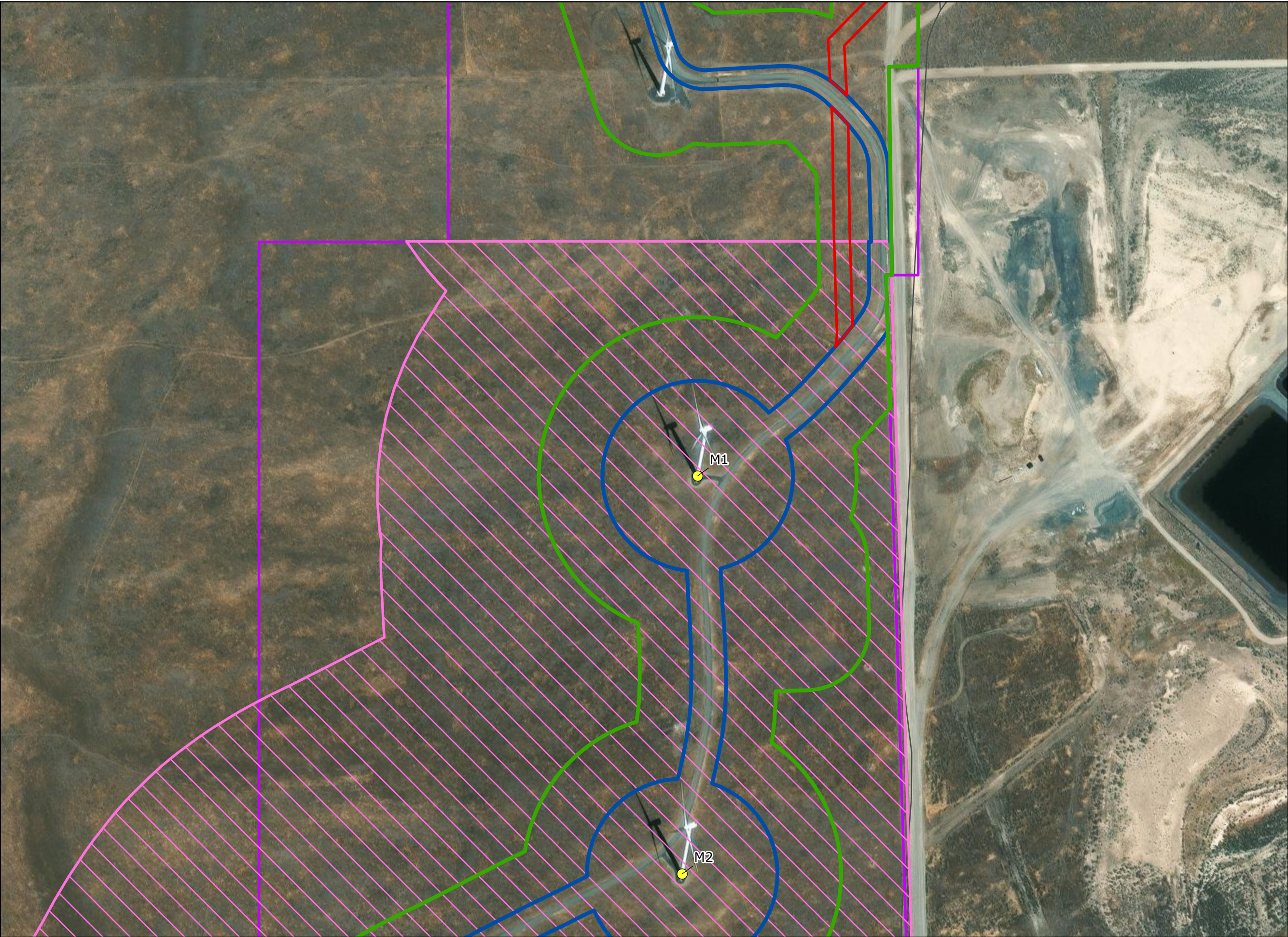
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WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION

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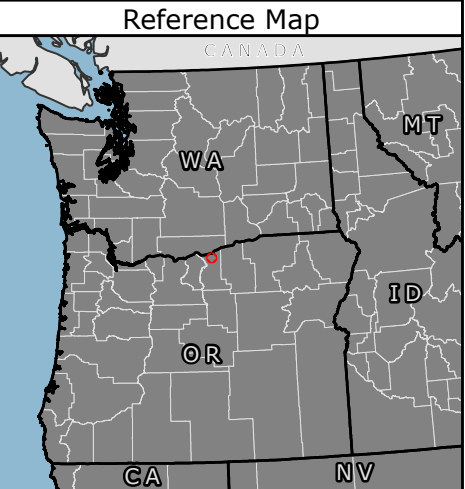


Leaning Juniper IIA

Figure 2
Alternate Crane Path –
Washington Ground
Squirrel Survey Area

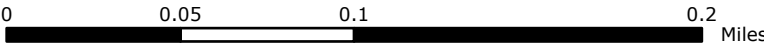
GILLIAM COUNTY, OR

- Site Boundary
- Repower Micrositing Corridor
- Original Estimated Temporary Disturbance Area
- Alternate Crane Path
- 2023 WAGS Survey Extent
- Turbines
- Local Roads



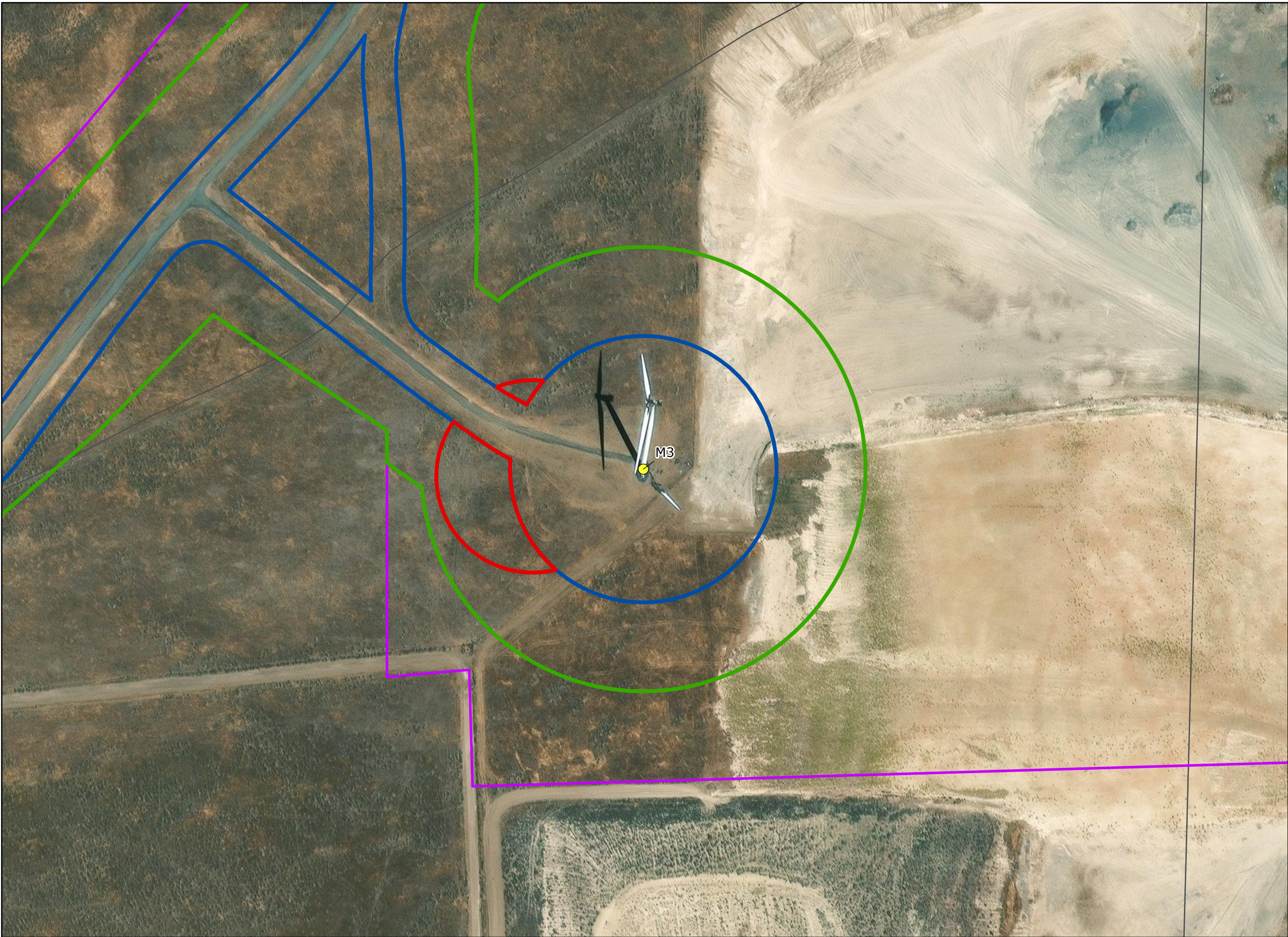
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WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION





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Leaning Juniper IIA

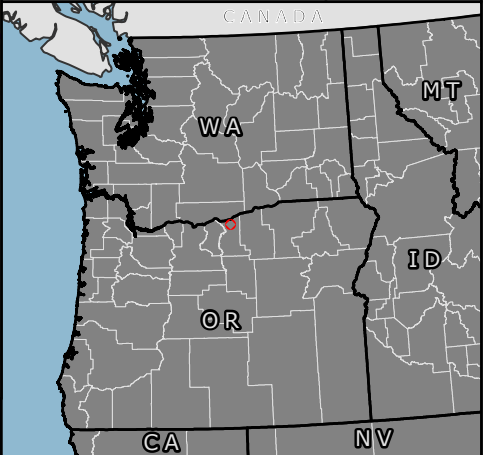
Figure 3
Expanded laydown area –
Turbine M3

GILLIAM COUNTY, OR

-  Site Boundary
-  Repower Micrositing Corridor
-  Original Estimated Temporary Disturbance Area
-  Supplemental Work Zone
-  Turbines
-  Local Roads



Reference Map



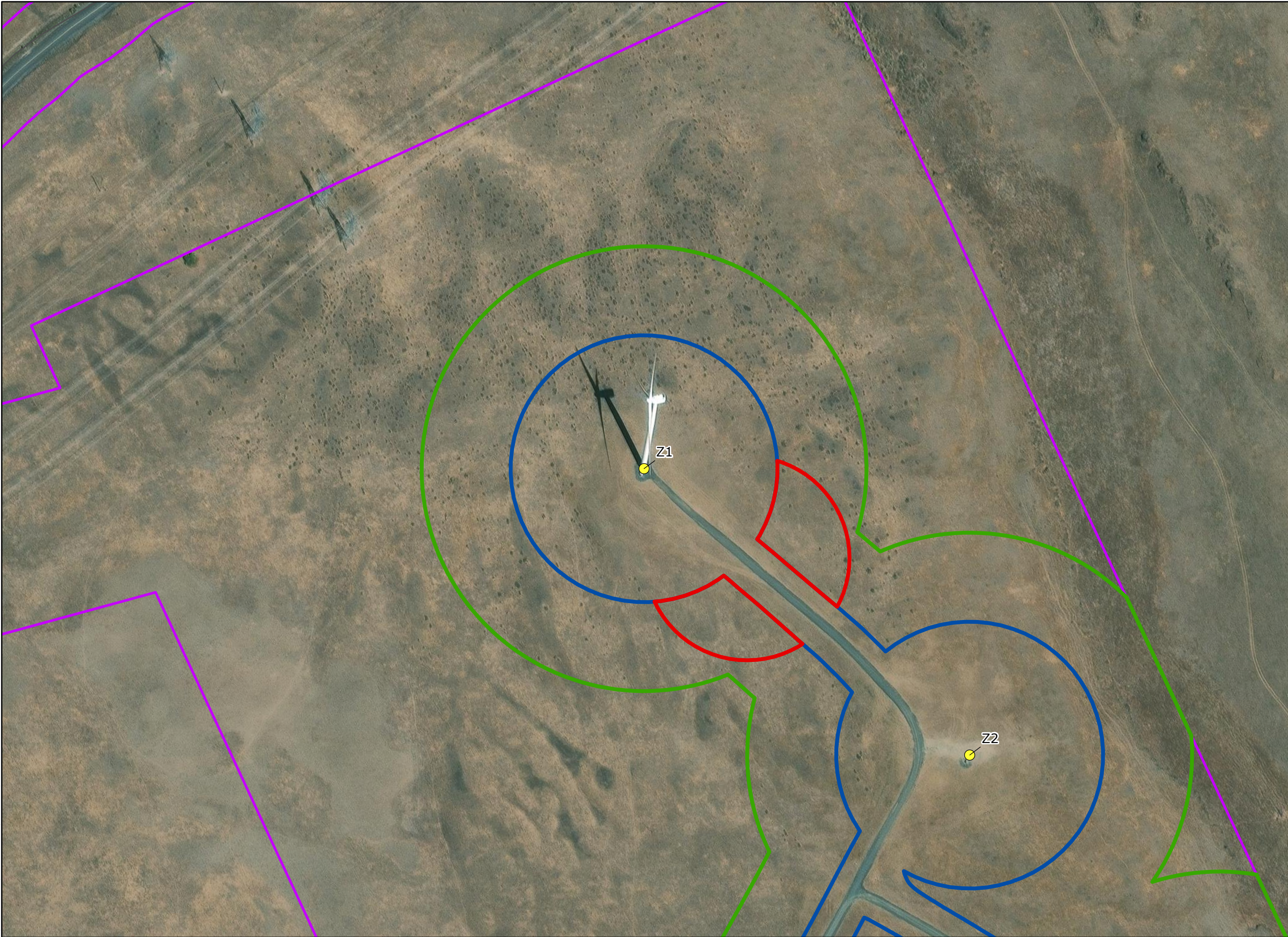
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WGS 1984 UTM Zone 10N

0 0.05 0.1 0.2 Miles

NOT FOR CONSTRUCTION







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Leaning Juniper IIA

Figure 4
Expanded laydown area –
Turbine Z1

GILLIAM COUNTY, OR

-  Site Boundary
-  Repower Micrositing Corridor
-  Original Estimated Temporary Disturbance Area
-  Supplemental Work Zone
-  Turbines
-  Local Roads

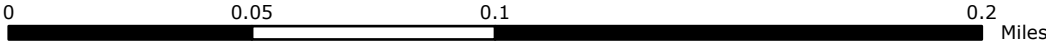


Reference Map



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WGS 1984 UTM Zone 10N



NOT FOR CONSTRUCTION






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Leaning Juniper IIA

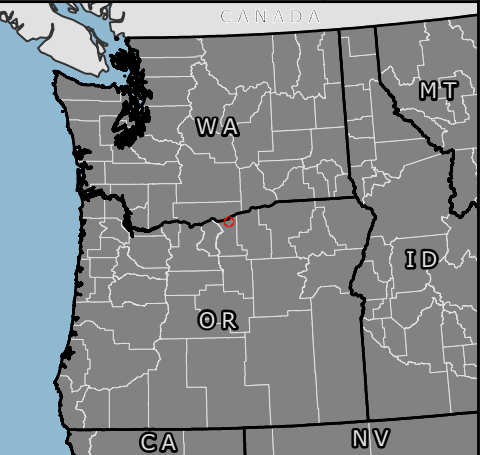
Figure 5
LJIIA Operations and
Maintenance Facility
Storage Yard Expansion

GILLIAM COUNTY, OR

-  Repower Micrositing Corridor
-  Original Estimated Temporary Disturbance Area
-  Laydown
-  Approximate Layout of Storage Yard Expansion
-  Local Roads

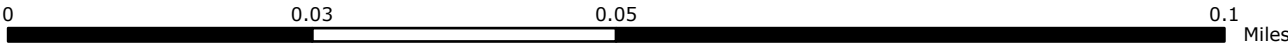


Reference Map



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WGS 1984 UTM Zone 10N




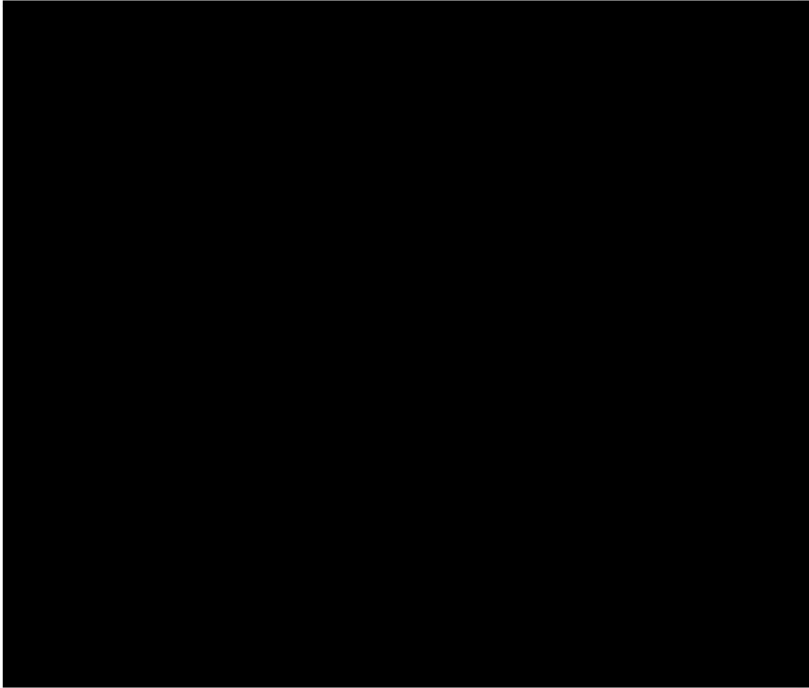
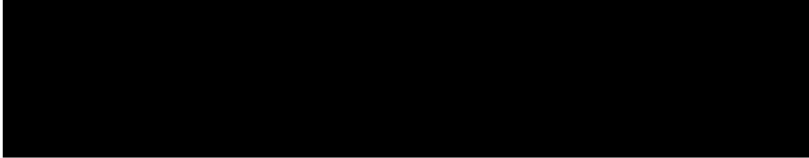

NOT FOR CONSTRUCTION

Attachment 3: Lease Excerpts

WIND ENERGY LEASE AGREEMENT

This **WIND ENERGY LEASE AGREEMENT** (this “**Agreement**”) is made, dated and effective as of the Effective Date (defined below), by and between Landowner (defined below) and Pacific Wind Development LLC, an Oregon limited liability company (“**Lessee**”).

1. **Basic Provisions.** The following terms used in this Agreement have the meanings set forth below:

- | | | |
|------|------------------------|--|
| 1.1. | “Landowner” | J.R. Krebs, his assignees and successors in interest
 |
| 1.2. | “Property” | The real property located in Gilliam County, State of Oregon (“ State ”), that is described in <u>Exhibit A</u> attached hereto, incorporated herein by this reference. |
| 1.3. | “Effective Date” | January 1, 2006 |
| 1.4. | “Development Period” | The period commencing on the Effective Date and expiring on the date eight (8) years thereafter. |
| 1.5. | “Development Payments” |  |
| 1.6. | “Lease Rate” |  |
| 1.7. | “Installation Fee” |  |
| 1.8. | “Extended Term” | The thirty-year period commencing upon the date described in <u>Section 4</u> of this Agreement. |

1.9. "Annual Alternative
Rent"

1.10 "Met Tower Fee"

2. Lease and Confirmation; Property Categories.

3. Purpose of Lease; Permitted Uses.

3.1 Purpose of Lease. The lease created by this Agreement is solely and exclusively for wind energy purposes, and throughout the term of this Agreement, Lessee shall have the sole and exclusive rights to use the Property for wind energy purposes and to convert all of the wind resources of the Property. For purposes of this Agreement, "wind energy purposes" means: wind resource evaluation; wind energy development; converting wind energy into electrical energy; collecting and transmitting the electrical energy converted from wind energy; and any and all other activities related to the foregoing.

3.2 Use of Restricted Property. Although the Restricted Property is subject to this Agreement, Lessee shall have no right to access or use the Restricted Property for any purpose, other than to confirm Lessor's compliance with the terms of this Agreement as they apply to the Restricted Property. The parties' intent with respect to the Restricted Property is to subject it to Lessor's obligations hereunder that limit or prohibit the use or development of the Restricted Property in any manner that interferes with Lessee's use of the Developable Property pursuant to this Agreement.

3.3 Use of Developable Property. The rights granted to Lessee in this Agreement permit Lessee, without limitation, to do the following on the Developable Property:

3.3.1 Extract soil samples, perform geotechnical tests, and conduct such other tests, studies, inspections and analysis as Lessee deems necessary,

useful or appropriate. However, this Agreement does not allow Lessee the right to develop or operate pits or quarries, or to mine, extract, or remove materials.

3.3.2 Construct, erect, install, reinstall, replace, relocate and remove from time to time, the following “**Windpower Facilities**”:

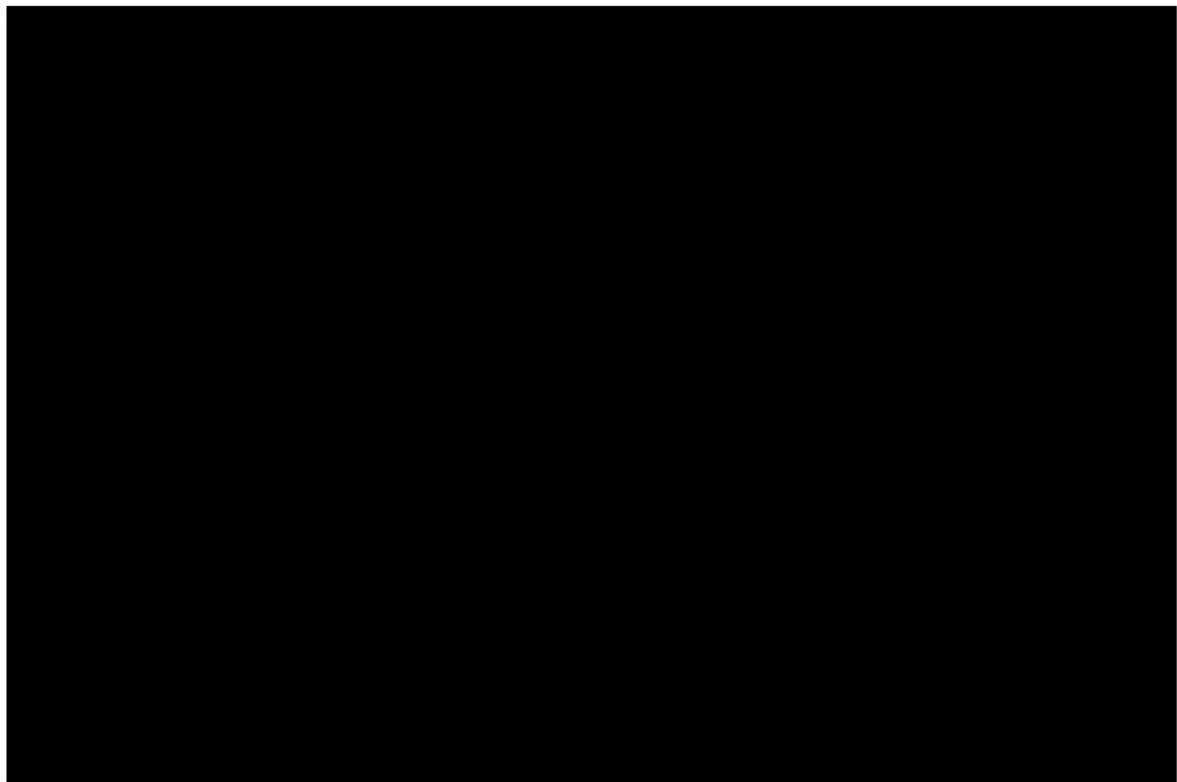
(a) meteorological and wind measuring equipment, including but not limited to anemometer towers and all necessary and proper appliances and fixtures for use in connection with said towers, to determine the feasibility of wind energy conversion on the Property;

(b) wind turbines, steel towers, foundations and concrete pads, support structure, footings, anchors, fences and other fixtures and facilities, maintenance, security, office, staging areas for the assembly of equipment, control buildings, laydown areas, crane pads, and related facilities and equipment;

(c) electrical wires and cables required for the gathering and transmission of electrical energy and/or for communication purposes (communications for the project only), which may be placed overhead on appurtenant support structures or underground and interconnection or switching facilities from which Lessee may interconnect to a utility transmission system or the transmission system of another purchaser of electrical energy, together with the appropriate rights of way; and

(d) any other improvements, including roads, facilities, machinery and equipment that Lessee reasonably determines are necessary, useful or appropriate to accomplish any of the foregoing.

3.3.3 Use, maintain and operate Windpower Facilities.

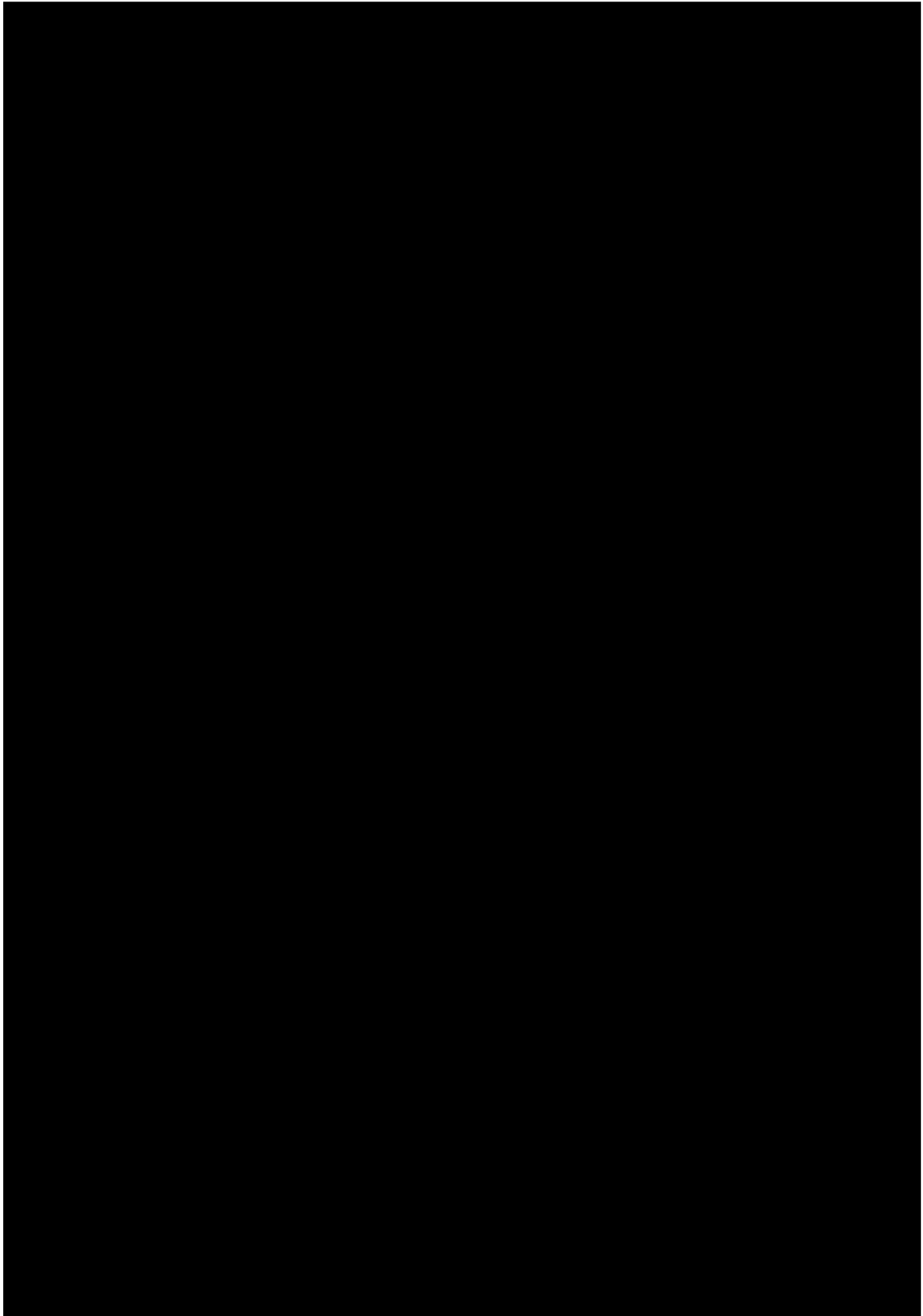


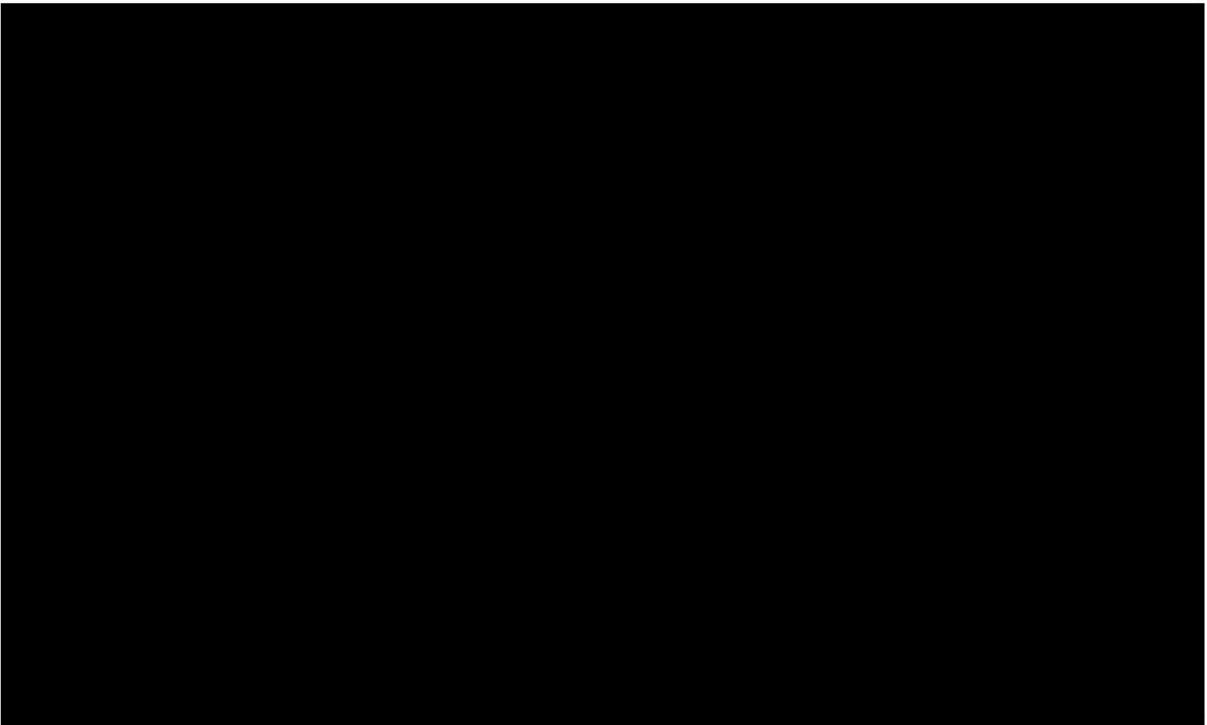
[REDACTED]

5. Payments.

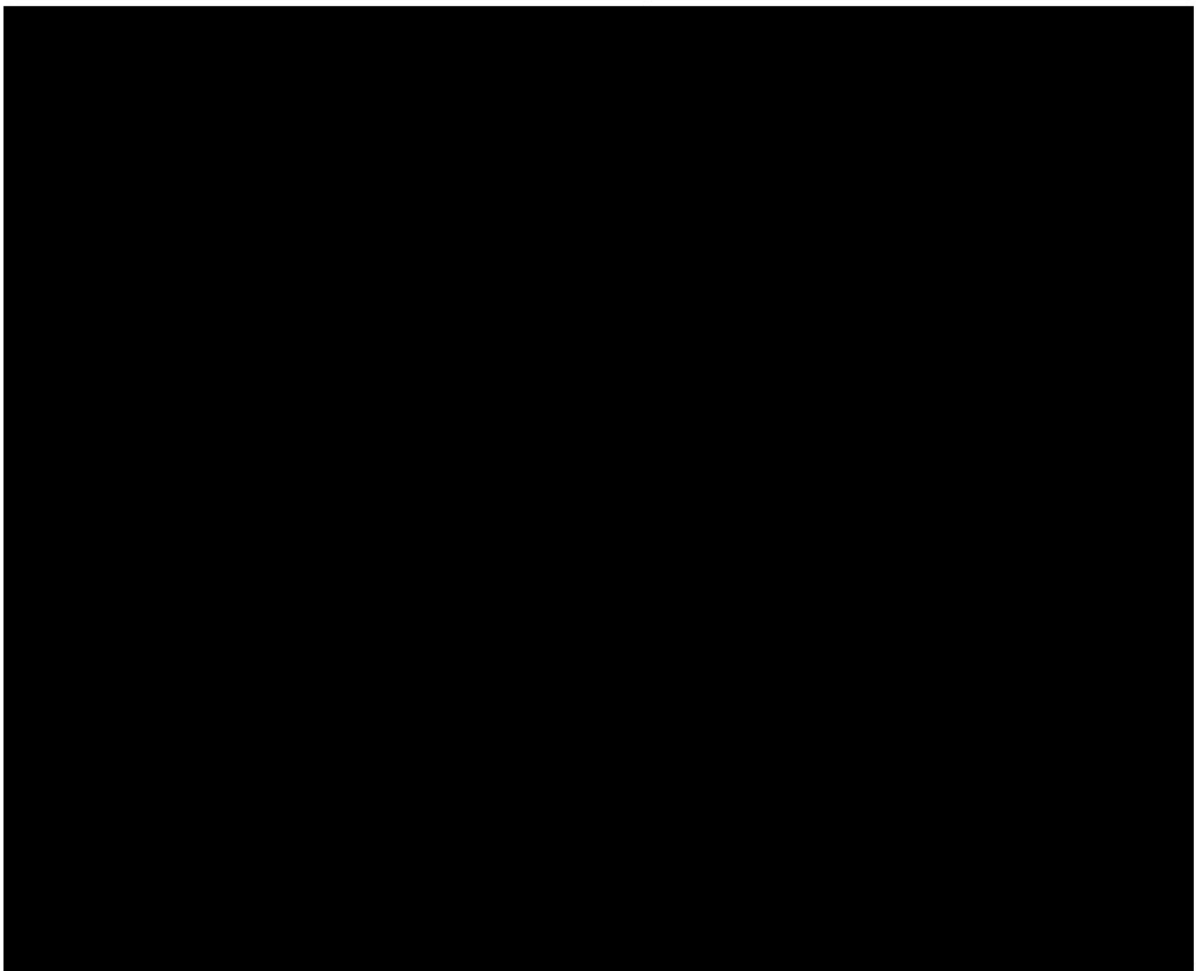
[REDACTED]

[REDACTED]





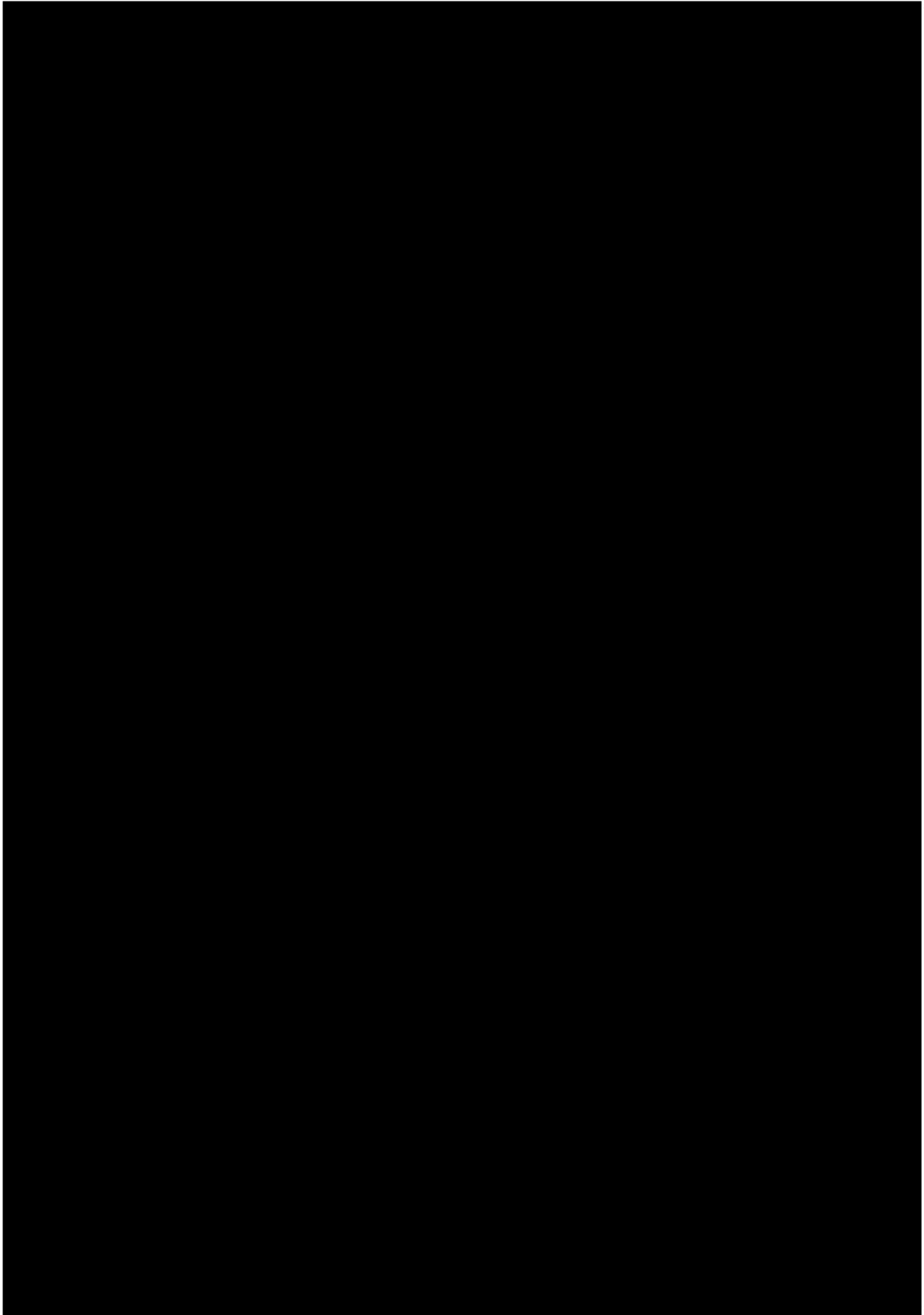
6. Ownership of Windpower Facilities and Ownership of Property.

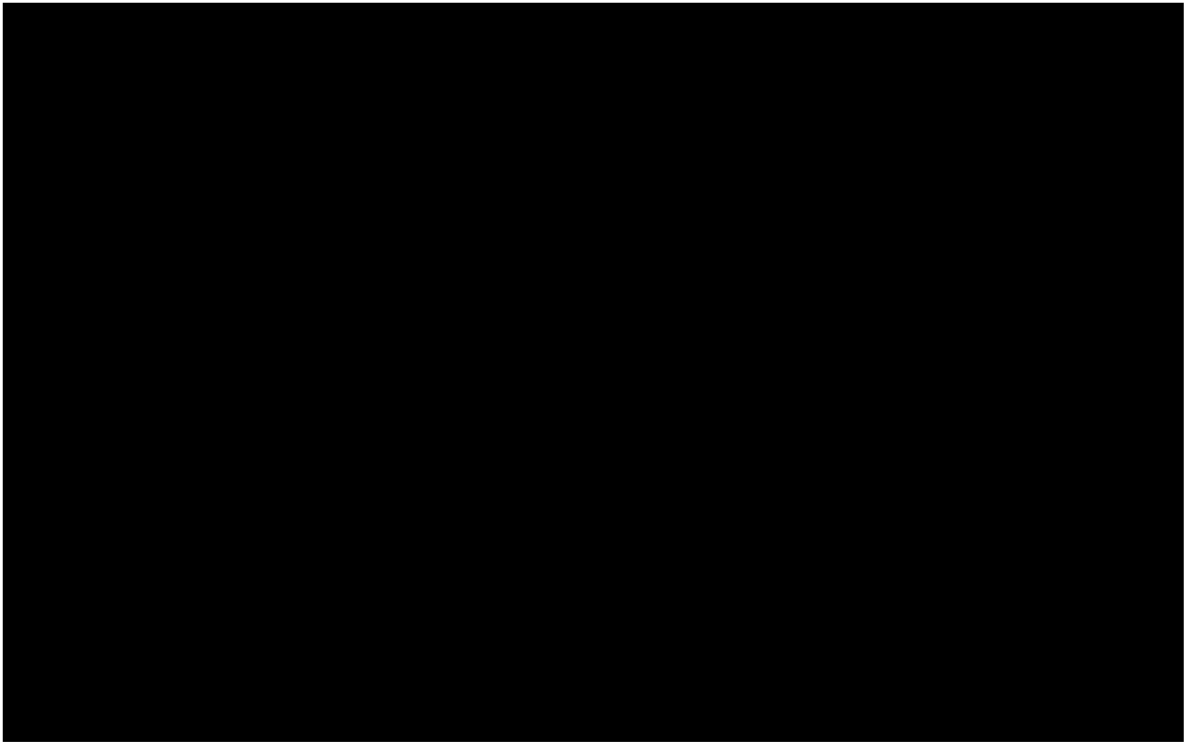


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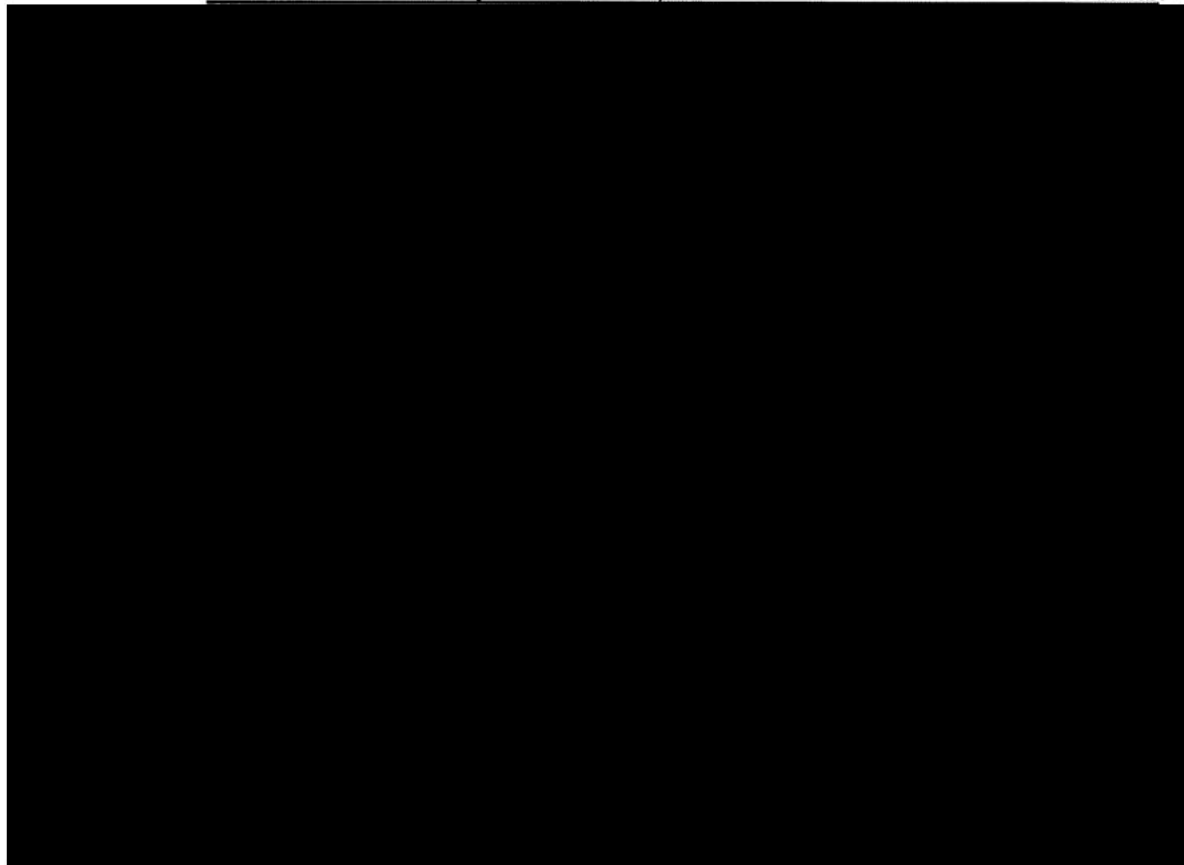
8. Lessee's Representations, Warranties and Covenants.

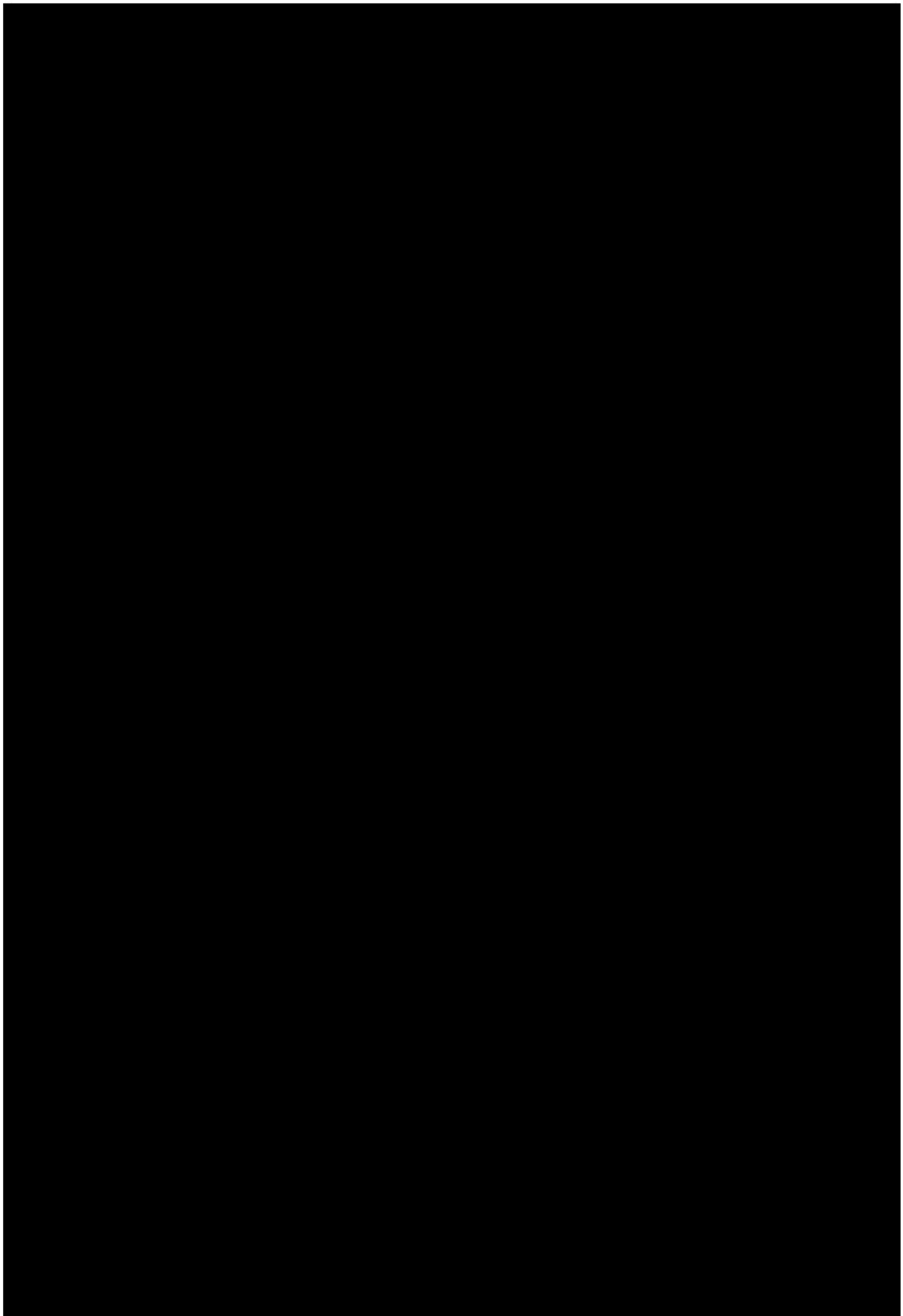
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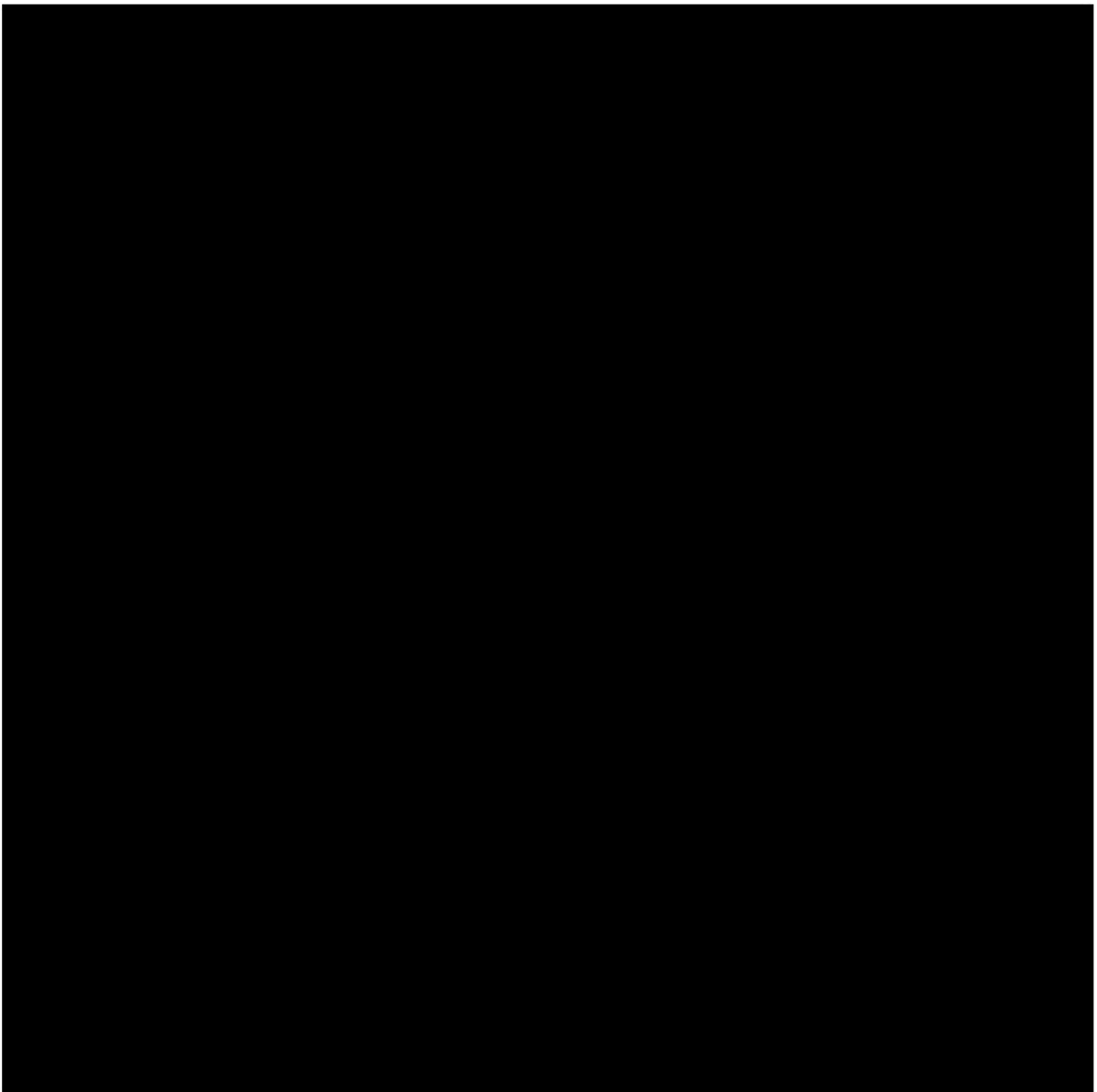
9. Landowner's Representations, Warranties and Covenants.

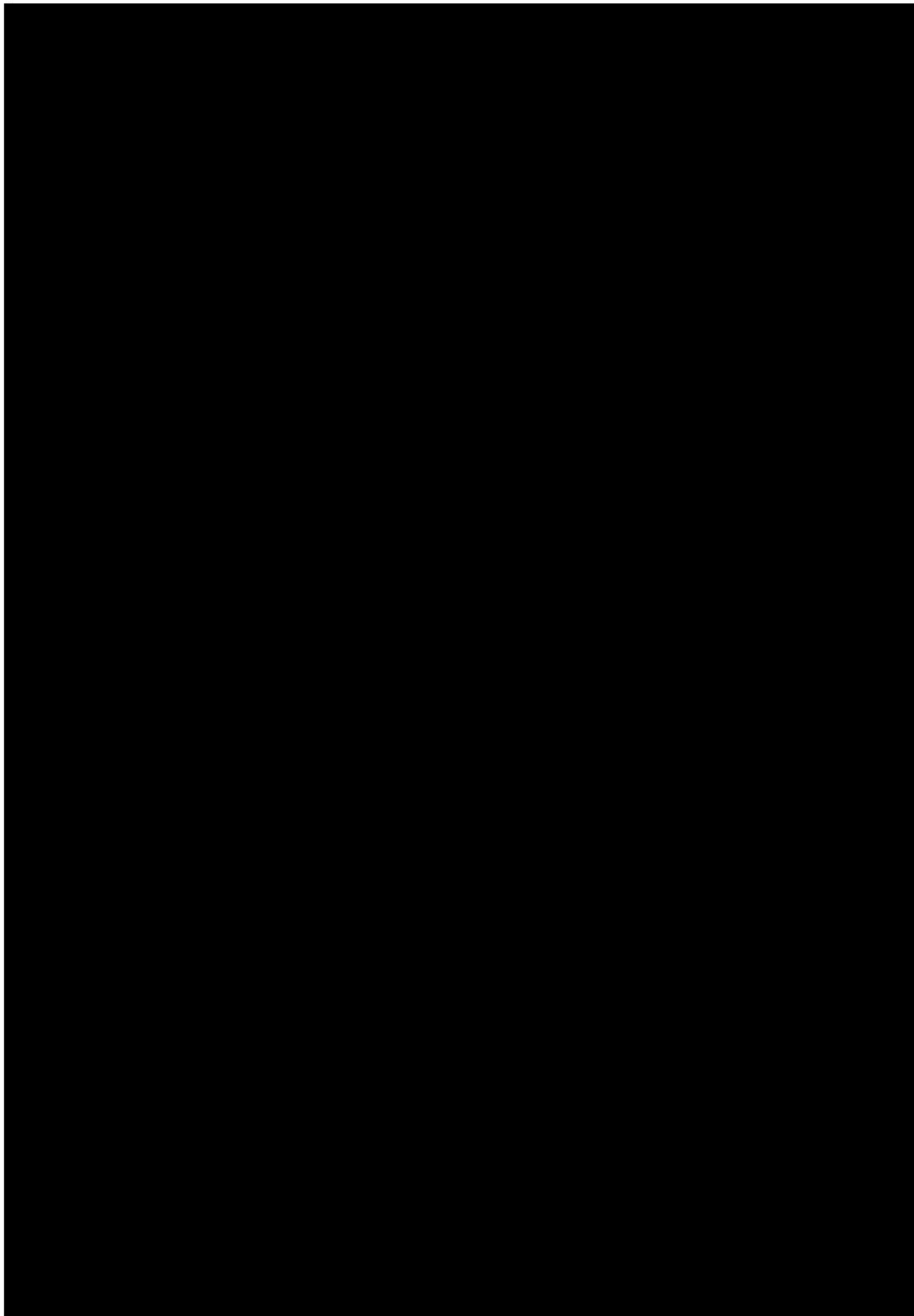


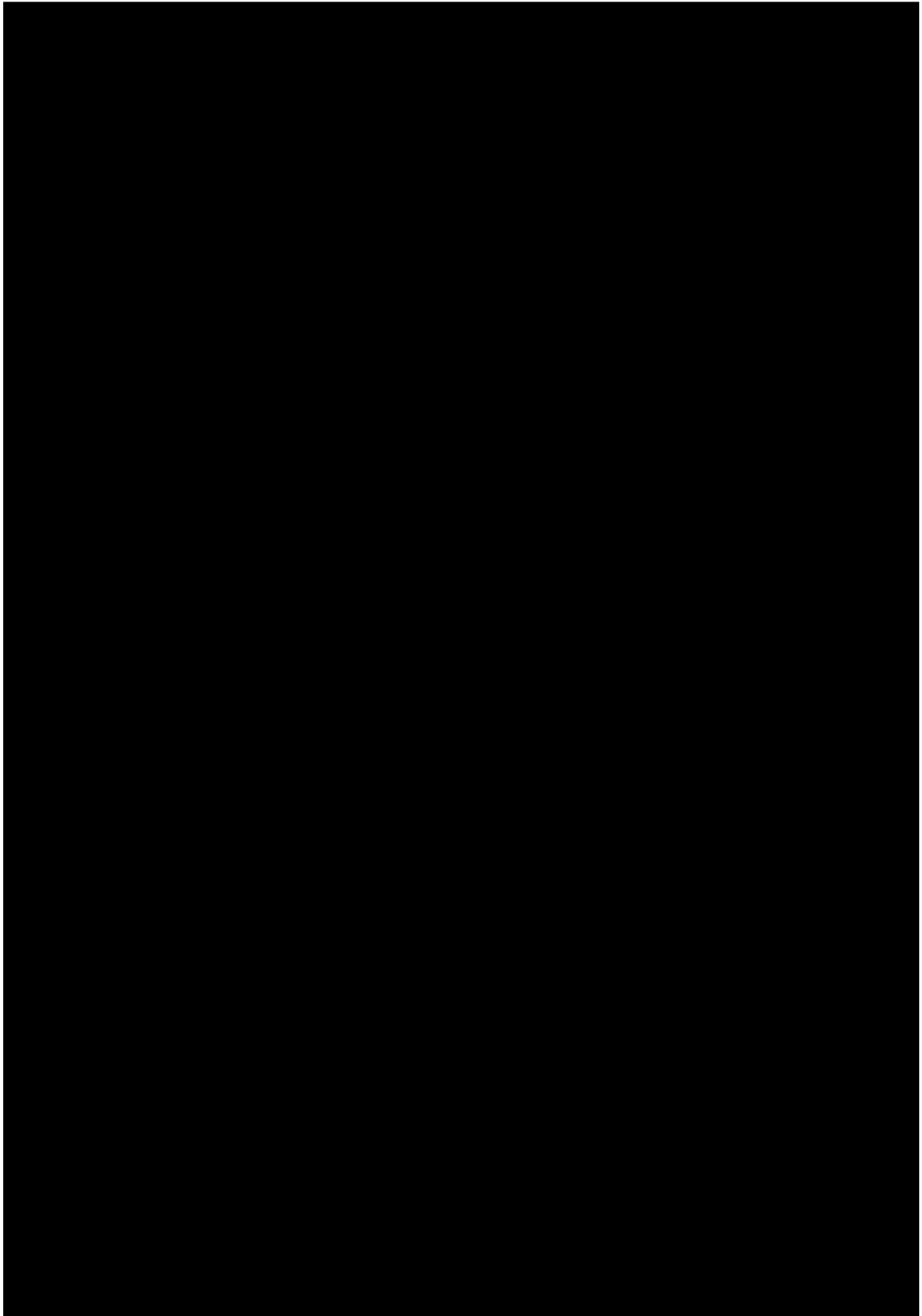


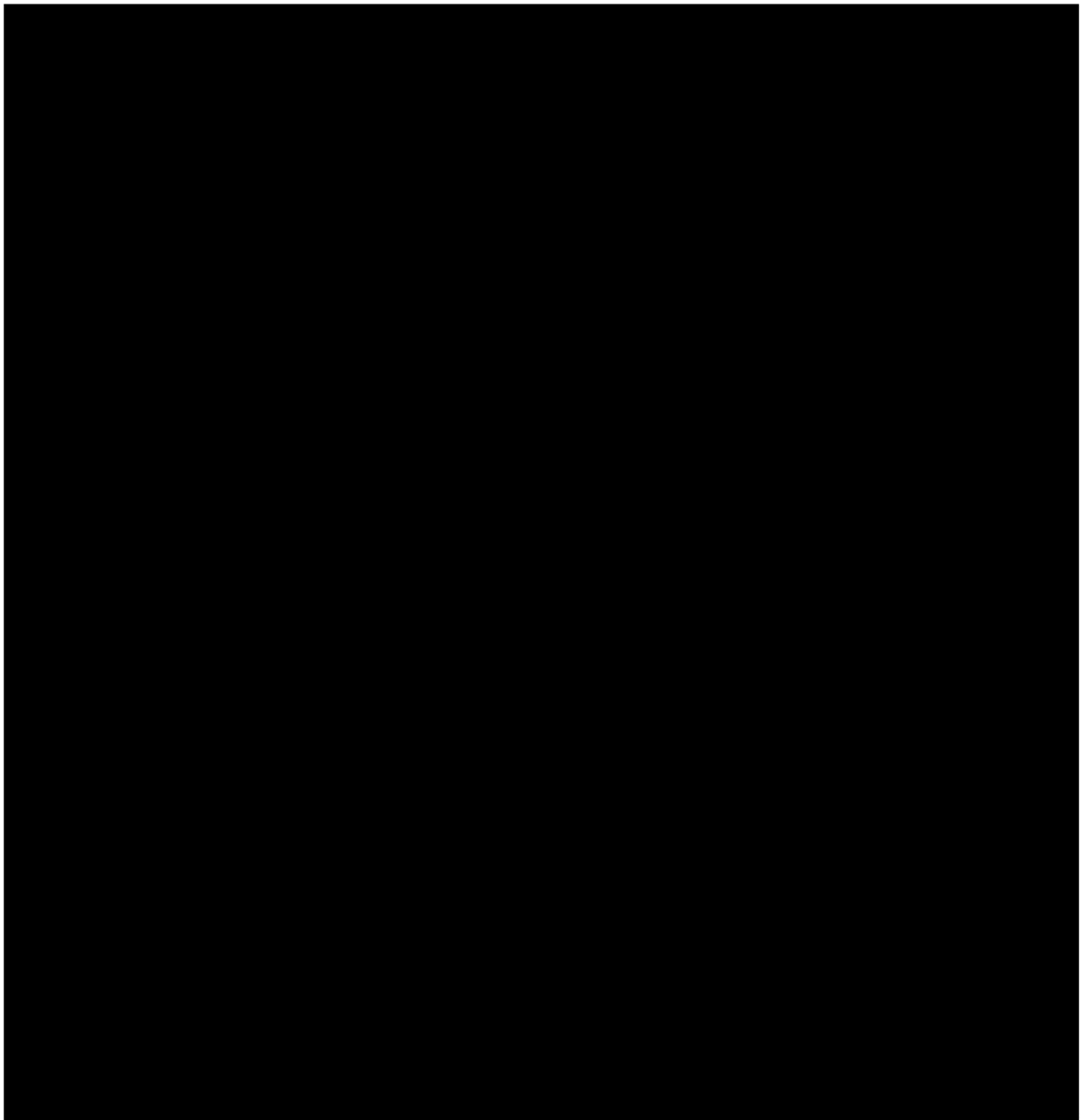


10. Assignment; Subleases; Cure.

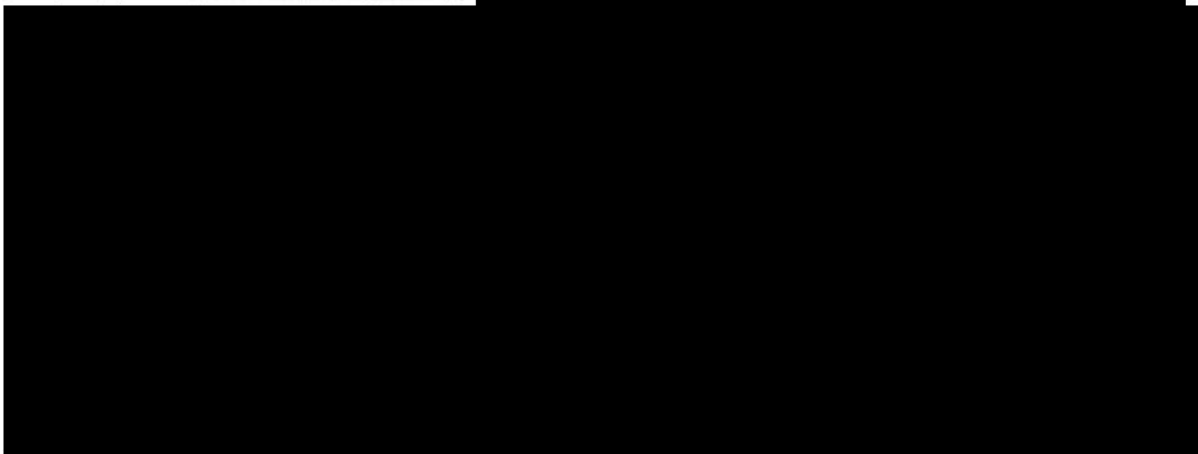


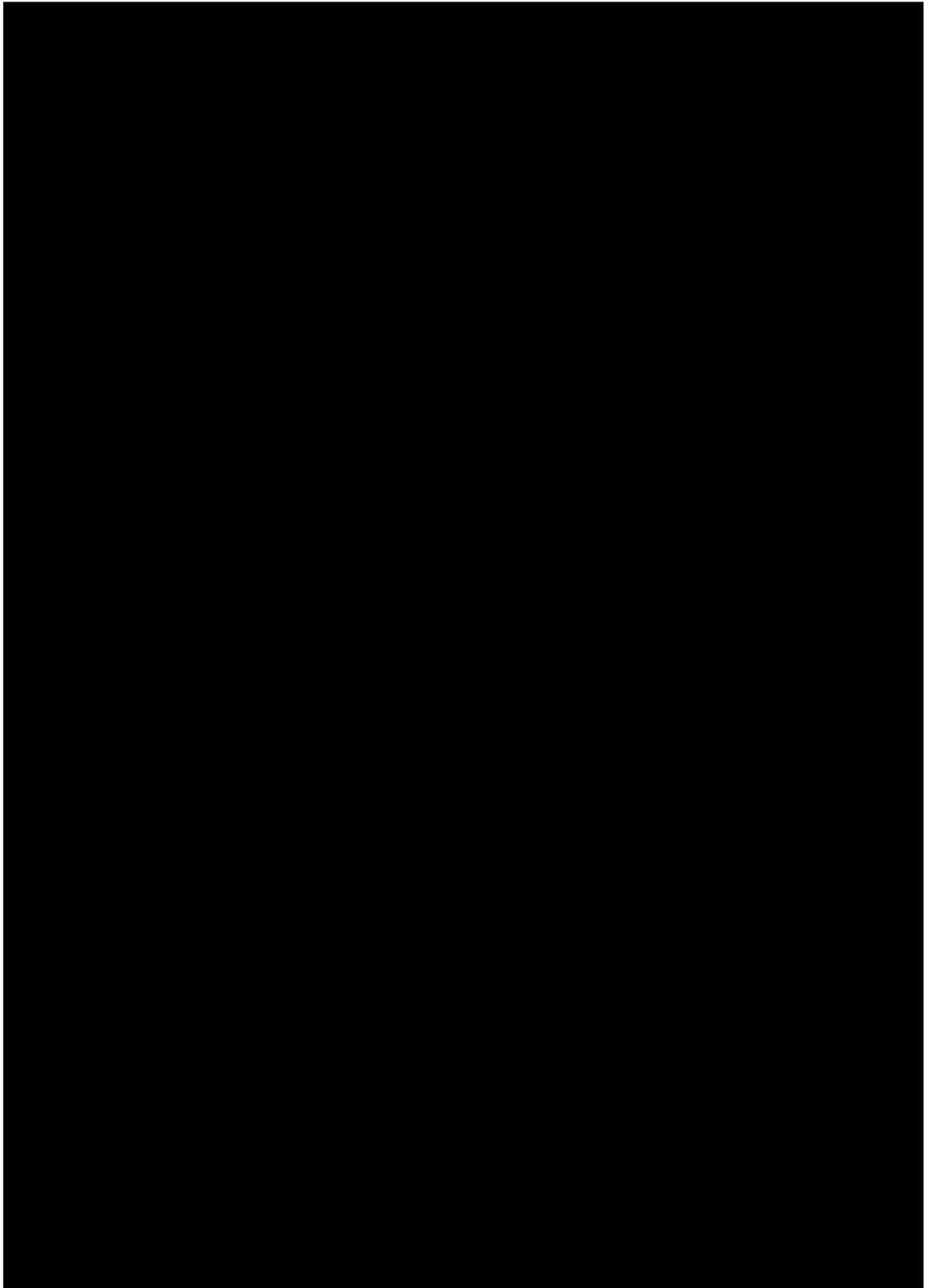


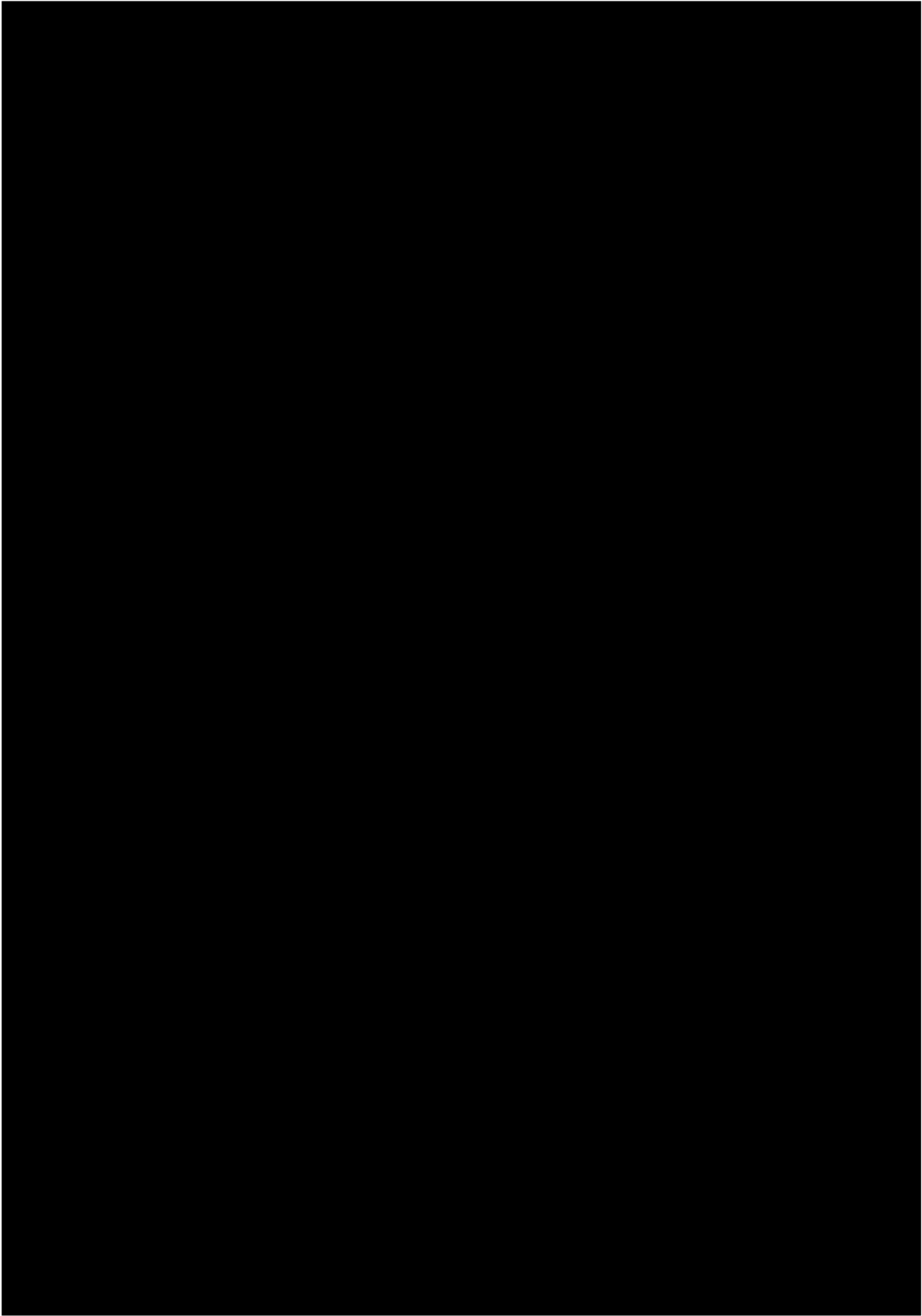


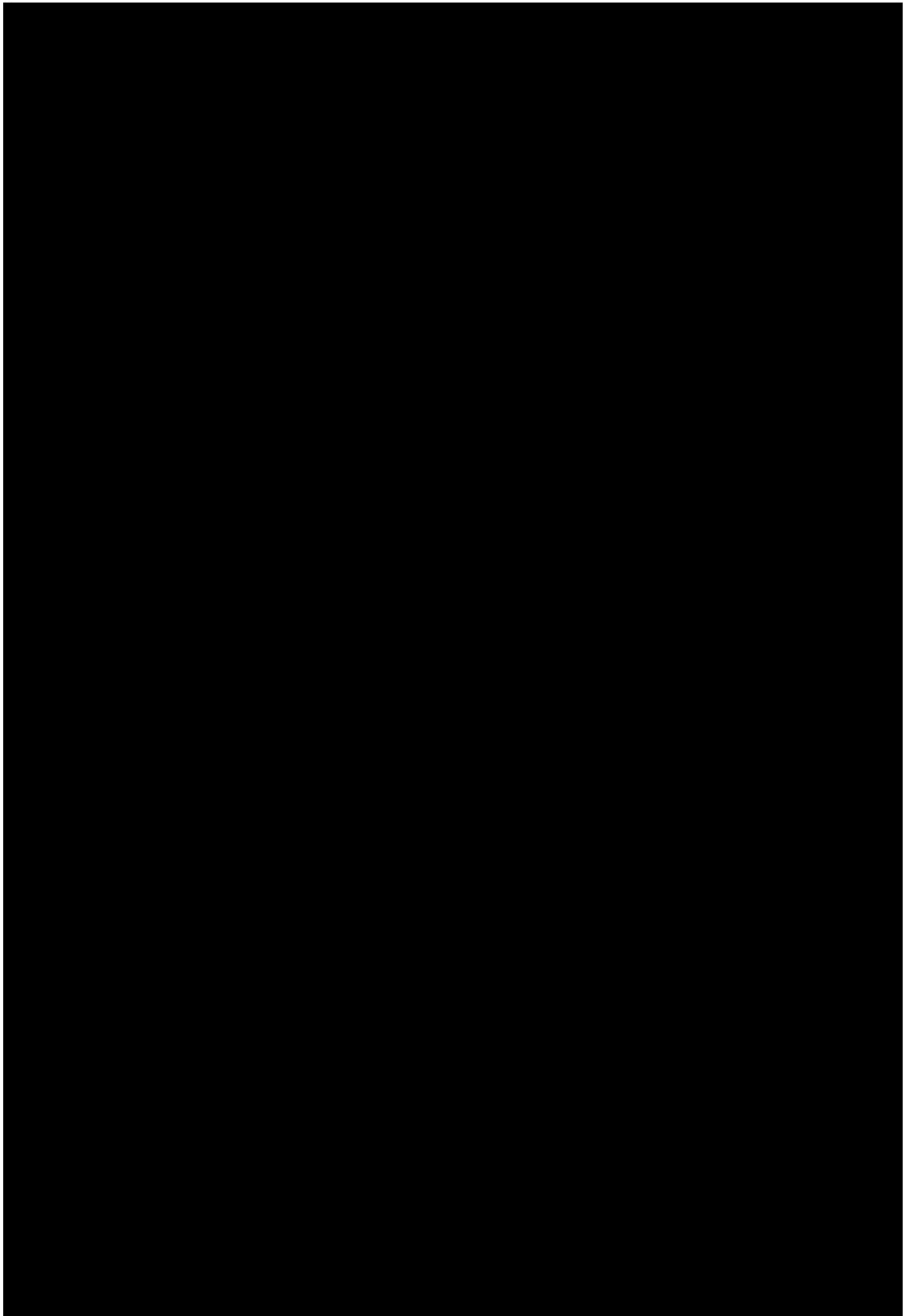


11. Lender Protection.









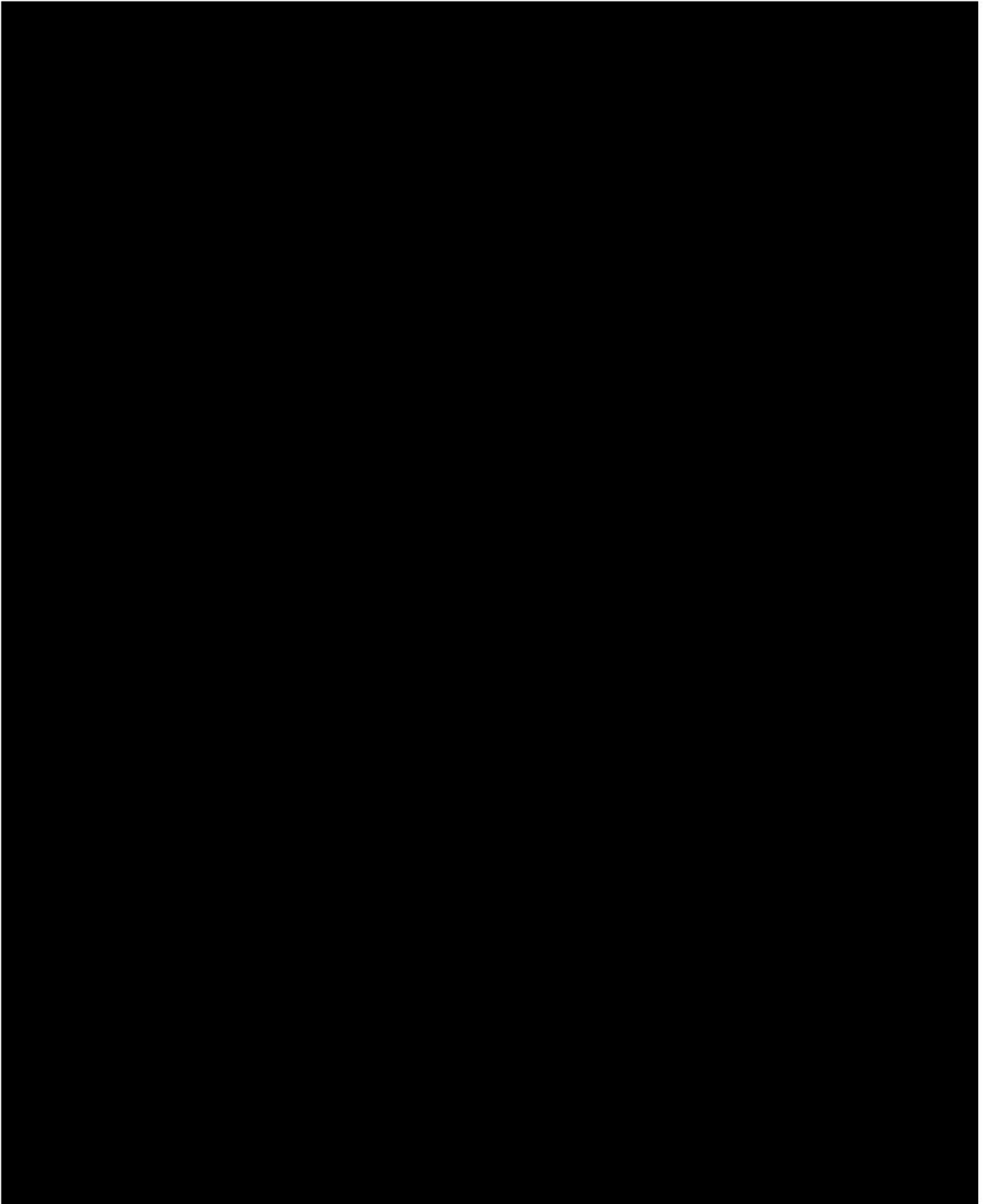
[REDACTED]

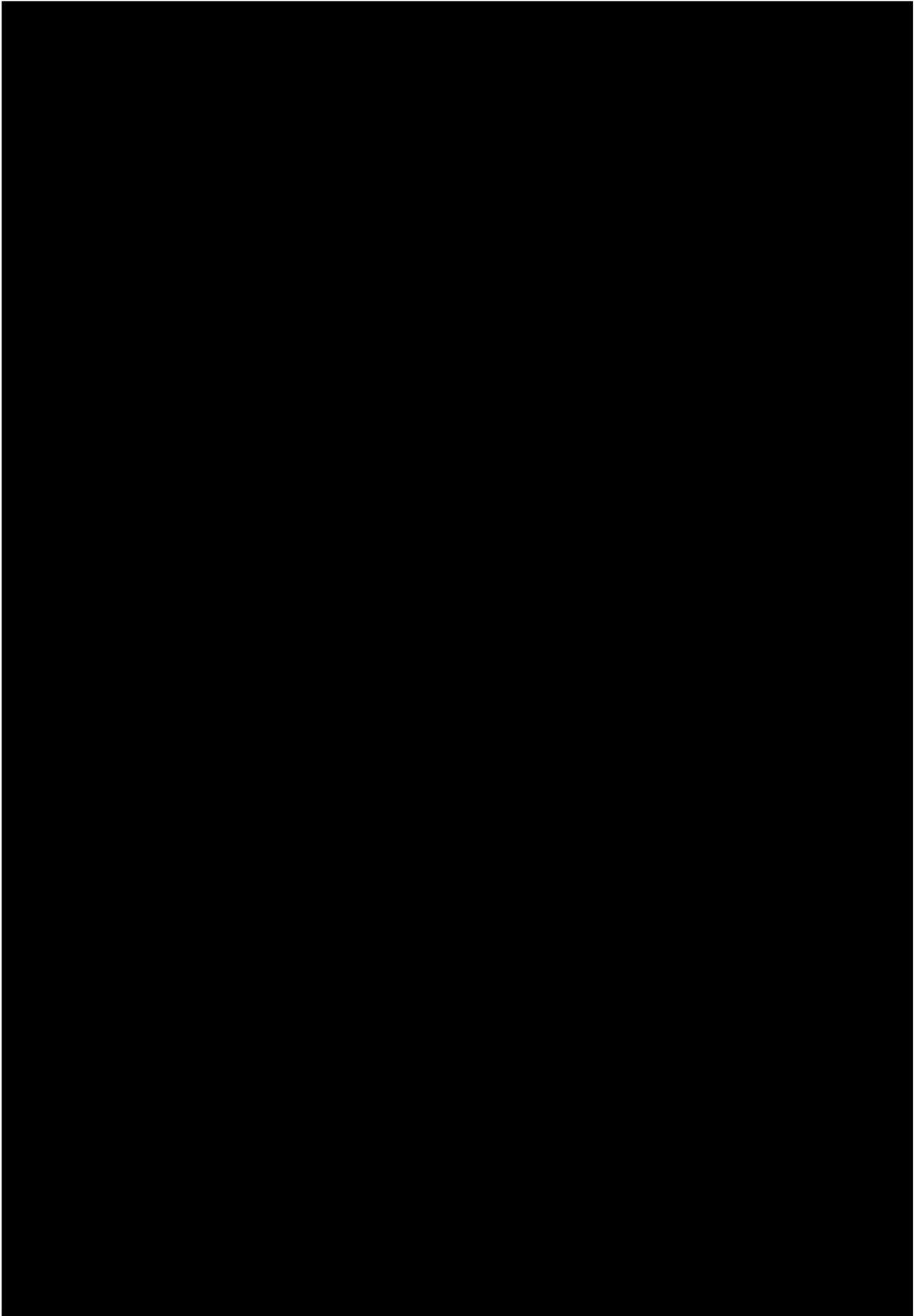
12. Default and Termination.

[REDACTED]



13. Miscellaneous.





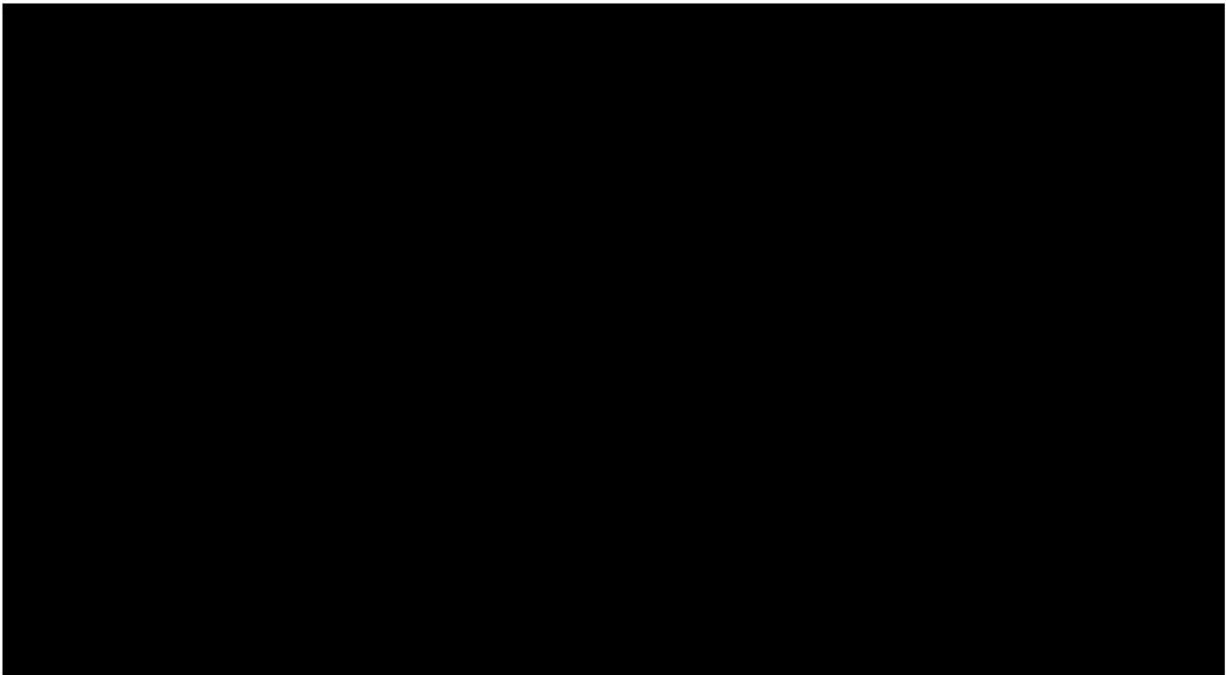
[REDACTED]

13.6 Entire Agreement; Amendments.

[REDACTED]

13.7 Legal Matters.

[REDACTED]



IN WITNESS WHEREOF, Landowner and Lessee have caused this Agreement to be executed and delivered by their duly authorized representatives as of the Effective Date.

LESSEE:

Pacific Wind Development LLC,
an Oregon limited liability company

copy to

By:

Alan Query

Printed Name:

ALLAN QUERY

Title:

VICE PRESIDENT

LANDOWNER:

J. R. Krebs

J. R. Krebs

SS#:



STATE OF OREGON

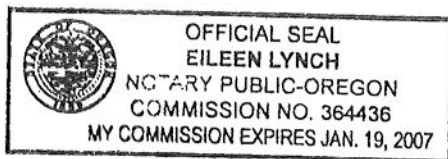
)

) ss.

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 27 day of JANUARY, 2006 by ALLAN QUERY, as VICE PRESIDENT of Pacific Wind Development LLC, an Oregon limited liability company, on behalf of the limited liability company.



Eileen Lynch
Notary Public for Oregon
My commission expires: JANUARY 19, 2007
Commission No.: 364436

STATE OF OREGON

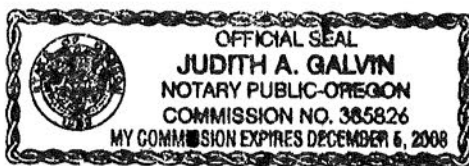
)

) ss.

COUNTY OF Gilliam

)

The foregoing instrument was acknowledged before me this 26th day of January, 2006 by J.R. Krebs.



Judith A. Galvin
Notary Public for Arlington, OR
My commission expires: 12/5/2008
Commission No.: 385826

"EXHIBIT A"

Description of Property

All that real property located in Gilliam County, Oregon, described as follows:

Township 2 North, Range 21 East, W.M.:

Section 2: All that portion lying West of Oregon State Highway No. 19

Section 3: All

Section 4: All

Section 9: N½, NE¼SE¼

Section 10: All that portion lying West of Oregon State Highway No. 19

EXCEPTING THEREFROM those portions of Sections 9 and 10 lying South of the following described line: Beginning at the Northwest corner of the NW¼NW¼ of Section 9; running thence East on the section line between Sections 4 and 9, and 3 and 10, to the Northeast corner of the NW¼NE¼ of Section 10; thence South on the quarter section line to the Southeast corner of the SW¼SE¼ of said Section 10; thence in a Northwesterly direction on a straight line to the point of beginning, and

EXCEPTING THEREFROM Union Pacific Railroad right of way.

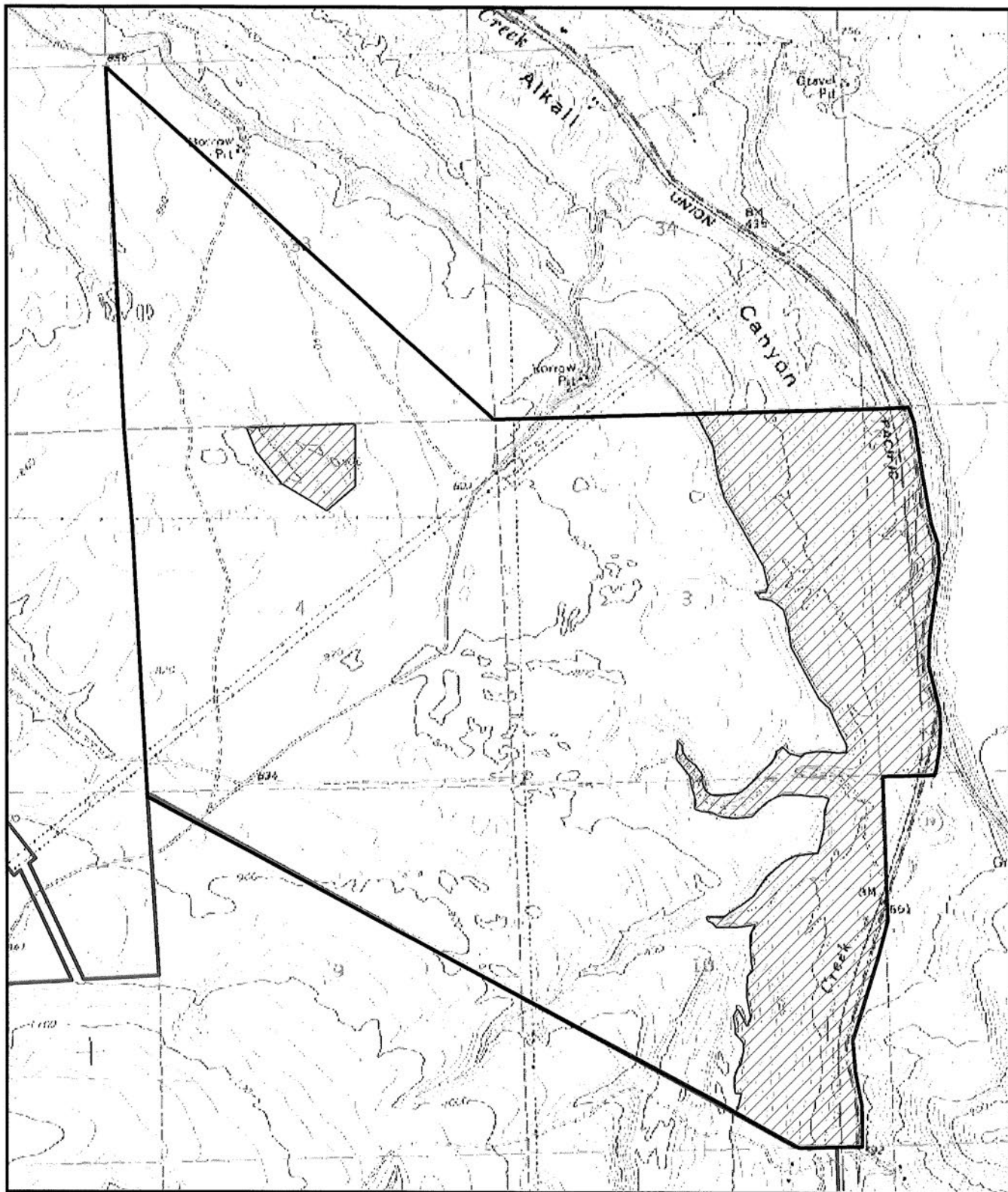
Township 3 North, Range 21 East, W.M.:

Section 33: All




EXCEPTING THEREFROM that portion of Section 33 lying North of the following described line: Beginning at the Northwest corner of Section 33; running thence in a Southeasterly direction in a straight line to the Southeast corner of Section 33.

"EXHIBIT B"

Map



Legend

-  Lease Area
-  Project Boundary
-  Restricted Area

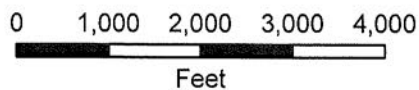


Exhibit B
Krebs Property
Leasing Juniper

