

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

**Third Amended Site Certificate
for the
Leaning Juniper IIB Wind Power Facility**

ISSUANCE DATES

Site Certificate	September 21, 2007
First Amended Site Certificate	November 20, 2009
Second Amended Site Certificate	June 21, 2013
Third Amended Site Certificate	July 18, 2025

The Oregon Energy Facility Siting Council
THIRD AMENDED SITE CERTIFICATE
FOR THE LEANING JUNIPER IIB WIND POWER FACILITY

I. INTRODUCTION

The Oregon Energy Facility Siting Council (Council) issues this site certificate for the Leaning Juniper IIB Wind Power Facility (the facility, LJIB) in the manner authorized under ORS Chapter 469. This site certificate is a binding agreement between the State of Oregon (State), acting through the Council, and Leaning Juniper Wind Power II, LLC (certificate holder) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon. [Amendment #2 (LJF)]

The findings of fact, reasoning and conclusions of law underlying the terms and conditions of this site certificate are set forth in the following documents, incorporated herein by this reference: (a) the Council's *Final Order on the Application* for the facility issued on September 21, 2007, (b) the Council's *Final Order on Amendment #1 for LJF*, and (c) the Council's *Final Order on Amendment #2 for LJF*; and (d) the Council's *Final Order on Amendment 3 for LJIA* issued on July 18, 2025. In interpreting this site certificate, any ambiguity will be clarified by reference to the following, in order of priority: (1) this Third Amended Site Certificate, (2) the *Final Order on Amendment #3 for LJIB*, (3) the *Final Order on Amendment #2 for LJF*, (4) the *Final Order on Amendment #1 for LJF*, (5) the *Final Order on the Application for LJF*, and (6) the record of the proceedings that led to the Final Orders on the Application, Amendment #1, Amendment #2, and Amendment #2 for the facility.

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

II. SITE CERTIFICATION

1. To the extent authorized by state law and subject to the conditions set forth herein, the State authorizes the certificate holder to construct, operate and retire a wind energy facility, together with certain related or supporting facilities, at the site in Gilliam County, Oregon, as described in Section III of this site certificate. ORS 469.401(1).
2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in effect on the date that termination is sought or until the site certificate is revoked under ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that revocation is ordered. ORS 469.401(1).
3. This site certificate does not address, and is not binding with respect to, matters that were not addressed in the Council's Final Orders on the Application and Amendment #1 for LJF, Amendment #2, and Amendment #3 for LJLB. Such matters include, but are not limited to: building code compliance, wage, hour and other labor regulations, local government fees and charges and other design or operational issues that do not relate to siting the facility (ORS 469.401(4)) and permits issued under statutes and rules for which the decision on

compliance has been delegated by the federal government to a state agency other than the Council. 469.503(3). [Amendment #2 (LJF), AMD3]

4. Both the State and the certificate holder shall abide by local ordinances, state law and the rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In addition, upon a clear showing of a significant threat to public health, safety or the environment that requires application of later-adopted laws or rules, the Council may require compliance with such later-adopted laws or rules. ORS 469.401(2).
5. For a permit, license or other approval 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).
6. Subject to the conditions herein, this site certificate binds the State and all counties, cities and political subdivisions in Oregon as to the approval of the site and the construction, operation and retirement of the facility as to matters that are addressed in and governed by this site certificate. ORS 469.401(3).
7. Each affected state agency, county, city and political subdivision in Oregon with authority to issue a permit, license or other approval addressed in or governed by this site certificate shall, upon submission of the proper application and payment of the proper fees, but without hearings or other proceedings, issue such permit, license or other approval subject only to conditions set forth in this site certificate. ORS 469.401(3).
8. After issuance of this site certificate, each state agency or local government agency that issues a permit, license or other approval for the facility shall continue to exercise enforcement authority over such permit, license or other approval. ORS 469.401(3).
9. After issuance of this site certificate, the Council shall have continuing authority over the site and may inspect, or direct the Oregon Department of Energy (Department) to inspect, or request another state agency or local government to inspect, the site at any time in order to ensure that the facility is being operated consistently with the terms and conditions of this site certificate. ORS 469.430.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

The energy facility is an operating electric power generating plant with an average electric generating capacity of approximately 40 megawatts and a peak generating capacity of approximately 120 megawatts that produces power from wind energy. The facility consists of not more than 74 wind turbines. The energy facility is described further in the Final Orders on the Application and Amendment #1, #2 and #3 for the facility.

Table 1: Facility Component Summary

Component	Dimension or Quantity
Turbines	74 1.62 MW GE

Table 1: Facility Component Summary

Component	Dimension or Quantity
Rotor Diameter	318 feet (97 meters)
Tower Hub Height	262 feet (80 meters)
Max. Blade Tip Height	423 feet (129 meters)
Minimum Aboveground Blade Tip Clearance	103 feet (31.5 meters)

(b) Related or Supporting Facilities

The facility includes the following related or supporting facilities described below and in greater detail in the Final Order on Amendment #3 for LJIB:

- Power collection system
- Substations and interconnection system
- Meteorological towers
- Operations and maintenance facilities
- Control system
- Access roads

Power Collection System

A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine to a collector substation. To the extent practicable, the collection system is installed underground at a depth of at least three feet. Not more than 30 percent of the collector system is installed aboveground.

Substations and Interconnection System

The facility includes a centrally located collector substation located near the turbines. An above ground 230-kV transmission line carries the power from the substation to the Bonneville Power Administration (BPA) Jones Canyon Switching Station and an interconnection with the regional transmission grid through BPA's McNary-Santiam 230-kV transmission line. [Amendment #2 (LJF)]

Meteorological Towers

The facility includes two permanent meteorological (met) towers. The met towers are non-guyed steel towers approximately 80 meters in height. [Amendment #2 (LJF)]

Operations and Maintenance Facilities

The facility includes one operations and maintenance (O&M) buildings with approximately 1.5 acres of fenced, graveled parking and storage area adjacent to each building. [Amendment #2 (LJF)]

Control System

A fiber optic communications network links the wind turbines to a central computer at the O&M buildings. A "supervisory, control and data acquisition" (SCADA) system collects

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operating and performance data from each wind turbine and from the project as a whole and allows remote operation of the wind turbines.

Access Roads

The facility includes approximately 15 miles of 15-foot wide access roads to provide access to the turbine strings.

2. Site Boundary, Micrositing Areas and Disturbance Limits

The facility is located within an approximately 7,962 acre site boundary. A micrositing corridor is a continuous area of land within which construction of facility components may occur, subject to site certificate conditions. Council permits final siting flexibility within a micrositing corridor when the certificate holder demonstrates that requirements of all applicable standards have been satisfied by adequately evaluating the entire micrositing area/corridor and location of facility components anywhere within the corridor. To facilitate the repowering of the facility approved in the Final Order on RFA3, Council approved a 1,135 acre micrositing corridor (RFA3 repower micrositing corridor – represented in Final Order Attachment A-1) within a 4,348 acre repower corridor, within the approved site boundary. Within that area, the certificate holder is approved to temporarily disturb the areas listed in Table 2 below.

Table 2: Maximum Temporary Disturbance, Per Component/Activity

Component	Existing Footprint	RFA3 Temporary¹ Disturbance	Notes
Turbine Pads	25-30 feet (radius)	6.5 acres ²	Variable; graded areas occupy irregular shapes generally incorporating areas up to 500 feet from tower center point. This measurement generally does not include disturbance that did not require grading.
Access Road	15-20 feet (width)	85-110 ² feet (width)	110 feet wide (not inclusive of permanent access road)
Crane Path	15-20 feet (width)	85-110 ³ feet (width)	
Collector Line	40-55 feet (width)	50-75 feet (width)	
Central Laydown Areas	-	10-12 acres at each (two) central yard	
Turbine String Laydown Yards	-	5-10 acres	

3. Location of the Proposed Facility

The facility is located southwest of Arlington, in Gilliam County, Oregon. The site is in Townships 1 and 2 North and Ranges 21 and 22 East. The facility is located on land subject to lease agreements with landowners. [Amendment #2 (LJF)]

1 **IV. MANDATORY CONDITIONS**

2 This section lists conditions required by OAR 345-025-0006 (Mandatory Conditions in
3 Site Certificates), OAR 345-025-0010 (Site Specific Conditions), OAR 345-025-0016 (Monitoring
4 Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities).
5 These conditions should be read together with the specific facility conditions listed in Section V
6 to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to
7 protect the public health and safety. In these conditions, “Office of Energy” means the Oregon
8 Department of Energy, and the other definitions in OAR 345-001-0010 apply.

9 The obligation of the certificate holder to report information to the Department or the
10 Council under the conditions listed in this section and in Section V is subject to the provisions of
11 ORS 192.502 *et seq.* and ORS 469.560. To the extent permitted by law, the Department and the
12 Council will not publicly disclose information that may be exempt from public disclosure if the
13 certificate holder has clearly labeled such information and stated the basis for the exemption at
14 the time of submitting the information to the Department or the Council. If the Council or the
15 Department receives a request for the disclosure of the information, the Council or the
16 Department, as appropriate, will make a reasonable attempt to notify the certificate holder and
17 will refer the matter to the Attorney General for a determination of whether the exemption is
18 applicable, pursuant to ORS 192.450.

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

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

29 1 OAR 345-025-0006(1): The Council may not change the conditions of the site certificate
30 except as provided for in OAR Chapter 345, Division 27.

31 2 OAR 345-025-0006(2): The certificate holder must submit a legal description of the site to
32 the Department of Energy within 90 days after beginning operation of the facility. The legal
33 description required by this rule means a description of metes and bounds or a description
34 of the site by reference to a map and geographic data that clearly and specifically identify
35 the outer boundaries that contain all parts of the facility.

36 3 OAR 345-025-0006(3): The certificate holder must design, construct, operate and retire the
37 facility:

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

(b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and

(c) In compliance with all applicable permit requirements of other state agencies.

4 OAR 345-025-0006(4): The certificate holder must begin and complete construction of the facility by the dates specified in the site certificate. *(See conditions 25 and 26.)*

5 OAR 345-025-0006(5): 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 may not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, “construction rights” means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:

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

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

6 OAR 345-025-0006(6): If the Council requires mitigation based on an affirmative finding under any standards of Division 22 or Division 24 of this chapter, the certificate holder shall consult with affected state agencies and local governments designated by the Council and shall develop specific mitigation plans consistent with Council findings under the relevant standards. The certificate holder must submit the mitigation plans to the Office and receive Office approval before beginning construction or, as appropriate, operation of the facility.

7 OAR 345-025-0006(7): The certificate holder must 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.

8 OAR 345-025-0006(8): Before beginning construction of the facility, the certificate holder shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form and amount satisfactory to the Council to restore the site to a useful, non-hazardous condition. The certificate holder shall maintain a bond or letter of credit in effect at all times until the facility has been retired. The Council may specify different amounts for the bond or letter of credit during construction and during operation of the facility. *(See Condition 30.)*

- 1 9 OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder
2 permanently ceases construction or operation of the facility. The certificate holder shall
3 retire the facility according to a final retirement plan approved by the Council, as described
4 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
5 useful, non-hazardous condition at the time of retirement, notwithstanding the Council's
6 approval in the site certificate of an estimated amount required to restore the site.
- 7 10 OAR 345-025-0006(10): The Council shall include as conditions in the site certificate all
8 representations in the site certificate application and supporting record the Council deems
9 to be binding commitments made by the applicant.
- 10 11 OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall
11 restore vegetation to the extent practicable and shall landscape all areas disturbed by
12 construction in a manner compatible with the surroundings and proposed use. Upon
13 completion of construction, the certificate holder shall remove all temporary structures not
14 required for facility operation and dispose of all timber, brush, refuse and flammable or
15 combustible material resulting from clearing of land and construction of the facility.
- 16 12 OAR 345-025-0006(12): The certificate holder shall design, engineer and construct the
17 facility to avoid dangers to human safety presented by seismic hazards affecting the site
18 that are expected to result from all maximum probable seismic events. As used in this rule
19 "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading,
20 tsunami inundation, fault displacement and subsidence.
- 21 13 OAR 345-025-0006(13): The certificate holder shall notify the Department, the State
22 Building Codes Division and the Department of Geology and Mineral Industries promptly if
23 site investigations or trenching reveal that conditions in the foundation rocks differ
24 significantly from those described in the application for a site certificate. After the
25 Department receives the notice, the Council may require the certificate holder to consult
26 with the Department of Geology and Mineral Industries and the Building Codes Division
27 and to propose mitigation actions.
- 28 14 OAR 345-025-0006(14): The certificate holder shall notify the Department, the State
29 Building Codes Division and the Department of Geology and Mineral Industries promptly if
30 shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity
31 of the site.
- 32 15 OAR 345-025-0006(15): Before any transfer of ownership of the facility or ownership of the
33 site certificate holder, the certificate holder shall inform the Department of the proposed
34 new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership
35 that requires a transfer of the site certificate

16 OAR 345-025-0006(16): 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 Office within a reasonable time not to exceed 90 days. If the certificate holder does not submit a proposed final retirement plan by the specified date, the Council may direct the Department to prepare a proposed a final retirement plan for the Council's approval. Upon the Council's approval of the final retirement plan, the Council may draw on the bond or letter of credit described in section (8) of this rule to restore the site to a useful, non-hazardous condition according to the final retirement plan, in addition to any penalties the Council may impose under OAR Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the actual cost of retirement, the certificate holder shall pay any additional cost necessary to restore the site to a useful, non-hazardous condition. After completion of site restoration, the Council shall issue an order to terminate the site certificate if the Council finds that the facility has been retired according to the approved final retirement plan.

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18 17 OAR 345-025-0010(4): If the facility includes any transmission line under Council jurisdiction:

- 19 (a) The certificate holder shall design, construct and operate the transmission line in accordance with the 2012 edition of the National Electrical Safety Code approved on June 3, 2011 by the American National Standards Institute; and
- 20 (b) The certificate holder shall develop and implement a program that provides reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or structures of a permanent nature that could become inadvertently charged with electricity are grounded or bonded throughout the life of the line.

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28 18 OAR 345-025-0010(5): If the proposed energy facility is a pipeline or a transmission line or has, as a related or supporting facility, a pipeline or transmission line, the Council shall specify an approved corridor in the site certificate and shall allow the certificate holder to construct the pipeline or transmission line anywhere within the corridor, subject to the conditions of the site certificate. If the applicant has analyzed more than one corridor in its application for a site certificate, the Council may, subject to the Council's standards, approve more than one corridor.

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36 19 OAR 345-025-0016: The following general monitoring conditions apply:

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

- (b) The certificate holder shall implement the approved monitoring programs described in section (a) and monitoring programs required by permitting agencies and local governments.
- (c) For each monitoring program described in sections (1) and (2), the certificate holder shall have quality assurance measures approved by the Department before beginning construction or, as appropriate, before beginning commercial operation.
- (d) If the certificate holder becomes aware of a significant environmental change or impact attributable to the facility, the certificate holder shall, as soon as possible, submit a written report to the Department describing the impact on the facility and any affected site certificate conditions.

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

21 The certificate holder shall report according to the following requirements:

- (a) General reporting obligation for energy facilities under construction or operating:
- i. Within three months after beginning the facility repower, and every three months thereafter during the facility repower, the certificate holder shall submit a repower progress report to the Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones. The certificate holder shall report on the progress of the repower and shall address the subjects listed in subsection (c) of this condition. When the reporting date coincides, the certificate holder may include the progress report within the annual report described in this rule.
- (b) After January 1 but not later than April 30 of each year after beginning operation of the facility, the certificate holder shall submit an annual report to the Department addressing the subjects listed in in subsection (c) of this condition this rule. For the purpose of this condition, the beginning of operation of the facility means the date when construction of a significant portion of the facility is substantially complete and the certificate holder begins commercial operation of the facility as reported by the certificate holder and accepted by the Department. The Council Secretary and the certificate holder may, by mutual agreement, change the reporting date.

- 1 i. To the extent that information required by this rule is contained in reports the
2 certificate holder submits to other state, federal or local agencies, the certificate
3 holder may submit excerpts from such other reports to satisfy this rule. The
4 Council reserves the right to request full copies of such excerpted reports.
- 5 (c) In the annual report, the certificate holder shall include the following information for
6 the calendar year preceding the date of the report:
- 7 i. Facility Status: An overview of site conditions, the status of facilities under
8 construction and a summary of the operating experience of facilities that are in
9 operation. The certificate holder shall describe any unusual events, such as
10 earthquakes, extraordinary windstorms, major accidents or the like that
11 occurred during the year and that had a significant adverse impact on the
12 facility.
- 13 ii. Reliability and Efficiency of Power Production: For electric power plants, the
14 plant availability and capacity factors for the reporting year. The certificate
15 holder shall describe any equipment failures or plant breakdowns that had a
16 significant impact on those factors and shall describe any actions taken to
17 prevent the recurrence of such problems
- 18 iii. Status of Surety Information: Documentation demonstrating that bonds or
19 letters of credit as described in the site certificate are in full force and effect and
20 will remain in full force and effect for the term of the next reporting period.
- 21 iv. Monitoring Report: A list and description of all significant monitoring and
22 mitigation activities performed during the previous year in accordance with site
23 certificate terms and conditions, a summary of the results of those activities and
24 a discussion of any significant changes to any monitoring or mitigation program,
25 including the reason for any such changes.
- 26 v. Compliance Report: A report describing the certificate holder's compliance with
27 all site certificate conditions that are applicable during the reporting period. For
28 ease of review, the certificate holder shall, in this section of the report, use
29 numbered subparagraphs corresponding to the applicable sections of the site
30 certificate.
- 31 vi. Facility Modification Report: A summary of changes to the facility that the
32 certificate holder has made during the reporting period without an amendment
33 of the site certificate in accordance with OAR 345-027-0350.
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- 35 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange
36 copies of all correspondence or summaries of correspondence related to compliance with
37 statutes, rules and local ordinances on which the Council determined compliance, except
38 for material withheld from public disclosure under state or federal law or under Council
39 rules. The certificate holder may submit abstracts of reports in place of full reports;
40 however, the certificate holder shall provide full copies of abstracted reports and any
41 summarized correspondence at the request of the Department.
- 42 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72
43 hours of any occurrence involving the facility if:

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

V. SPECIFIC FACILITY CONDITIONS

The conditions in this section only apply to facility repower activities or the operational facility, once repowered, if they are not shaded. **All shaded conditions applied to original facility construction and are no longer applicable.**

The non-applicable conditions are 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.

This section includes other specific facility conditions the Council finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to protect public health and safety. For conditions that require subsequent review and approval of a future action, ORS 469.402 authorizes the Council to delegate the future review and approval to the Department if, in the Council's discretion, the delegation is warranted under the circumstances of the case. The conditions listed in this section also include conditions based on representations in the site certificate application and supporting record.

24 [Condition deleted by Amendment #2 (LJF)]

25 The certificate holder shall begin construction of the facility by September 24, 2010. Under OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and the applicant. The Council may grant an extension of the deadline to begin construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #1 (LJF)]

26 The certificate holder shall complete construction of the facility by September 24, 2013. Construction is complete when: 1) the facility is substantially complete as defined by the certificate holder's construction contract documents, 2) acceptance testing has been satisfactorily completed and 3) the energy facility is ready to begin continuous operation consistent with the site certificate. The certificate holder shall promptly notify the Department of the date of completion of construction. The Council may grant an extension of the deadline for completing construction in accordance with OAR 345-027-0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #1 (LJF)]

- 27 The certificate holder shall design, construct and operate the facility substantially as described in Section III of the site certificate and may select turbines of any type, subject to the following restrictions:
- (a) The total number of turbines at the facility must not exceed 74 turbines.
 - (b) The turbine hub height must not exceed 100 meters, and the turbine blade tip height must not exceed 129 meters.
- [AMD2, AMD3]
- 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals required for construction, operation and retirement of the facility or ensure that its contractors obtain the necessary federal, state and local permits or approvals.
- 29 Before beginning construction, the certificate holder shall notify the Department in advance of any work on the site that does not meet the definition of “construction” in OAR 345-001-0010 or ORS 469.300 and shall provide to the Department a description of the work and evidence that its value is less than \$250,000.
- 30 [Condition deleted by Amendment #2 (LJF)].
- 31 If the certificate holder elects to use a bond to meet the requirements of Condition 30 or Condition 101, the certificate holder shall ensure that the surety is obligated to comply with the requirements of applicable statutes, Council rules and this site certificate when the surety exercises any legal or contractual right it may have to assume construction, operation or retirement of the energy facility. The certificate holder shall also ensure that the surety is obligated to notify the Council that it is exercising such rights and to obtain any Council approvals required by applicable statutes, Council rules and this site certificate before the surety commences any activity to complete construction, operate or retire the energy facility. [Amendment #1]
- 32 Before beginning the facility repower, the certificate holder shall notify the Department of the identity and qualifications of onsite construction contractor(s) for specific portions of the work. The certificate holder shall select contractors that have substantial experience in the design and construction of similar facilities. The certificate holder shall report to the Department any change of construction contractors.
- 33 The certificate holder shall contractually require all construction contractors and subcontractors involved in the facility repower to comply with all applicable laws and regulations and with the terms and conditions of the site certificate. Such contractual provisions shall not operate to relieve the certificate holder of responsibility under the site certificate.
- 34 During the facility repower, the certificate holder shall have an on-site construction manager or environmental monitor who is qualified in environmental compliance to ensure compliance with all repower construction-related site certificate conditions. During operation, the certificate holder shall have a project manager who is qualified in environmental compliance to ensure compliance with all ongoing site certificate conditions. The certificate holder shall notify the Department of the qualifications and

contract information (name, telephone number and e-mail address) of these managers and shall keep the Department informed of any change in this information.

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

2. Land Use Conditions

36 The certificate holder shall cooperate with the Gilliam County Road Department to ensure that any unusual damage or wear to county roads that is caused by construction of the facility is repaired by the certificate holder. Upon completion of construction, the certificate holder shall restore county roads to pre-construction condition or better, to the satisfaction of the County Road Department.

37 During construction, the certificate holder shall implement measures to reduce traffic impacts, including:

- (a) Providing notice to adjacent landowners when heavy construction traffic is anticipated.
- (b) Providing appropriate traffic safety signage and warnings.
- (c) Requiring flaggers to be at appropriate locations at appropriate times during construction to direct traffic reduce accident risks.
- (d) Using traffic diversion equipment (such as advanced signage and pilot cars) when slow or oversize construction loads are anticipated.
- (e) Maintaining at least one travel lane at all times to the extent reasonably possible so that roads will not be closed to traffic because of construction vehicles. [Amendment #1 (LJF)]
- (f) Encouraging carpooling for the construction workforce.
- (g) Including traffic control procedures in contract specifications for construction of the facility.
- (h) Keeping the access from Highway 19 free of gravel that tracks out onto the highway.

38 The certificate holder shall ensure that no equipment or machinery is parked or stored on any county road except while in use.

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

- (a) All facility components must be at least 3,520 feet from the property line of properties zoned residential use or designated in the Gilliam County Comprehensive Plan as residential.
- (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest edge of any public road right-of-way. The certificate holder shall assume a minimum right-of-way width of 60 feet.
- (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 1,320 feet, measured from the centerline of the turbine tower to the center of the nearest residence existing at the time of tower construction.

- (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance of 110-percent of maximum blade tip height, measured from the centerline of the turbine tower to the nearest boundary of the certificate holder's lease area.
- (e) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each turbine tower to the nearest edge of any railroad right-of-way or electrical substation.
- (f) The certificate holder shall maintain a minimum distance of 250 feet measured from the center line of each meteorological tower to the nearest edge of any public road right-of-way or railroad right-of-way, nearest boundary of the certificate holder's lease area or nearest electrical substation.
- (g) The certificate holder shall maintain a minimum distance of 50 feet measured from any facility O&M building to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's lease area.
- (h) The certificate holder shall maintain a minimum distance of 50 feet measured from any substation to the nearest edge of any public road right-of-way or railroad right-of-way or the nearest boundary of the certificate holder's electrical substation easement or, if there is no easement, the nearest boundary of the certificate holder's lease area.
- [Amendment #1(LJF)]

40 The certificate holder shall consult with area landowners and lessees during construction and operation of the facility and shall implement measures to reduce or avoid any adverse impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

41 The certificate holder shall locate access roads and temporary construction laydown and staging areas to minimize disturbance with farming practices and, wherever feasible, shall place turbines and transmission interconnection lines along the margins of cultivated areas to reduce the potential for conflict with farm operations.

42 Before beginning construction of any phase of the facility, the certificate holder shall record in the real property records of Gilliam County a Covenant Not to Sue with regard to generally accepted farming practices on farmland adjacent to the construction area consistent with Gilliam County Zoning Ordinance 7.020(T)(4)(a)(5). [Amendment #1 (LJF)]

43 The certificate holder shall install lockable gates at the substation and on private access roads.

44 Within 90 days after beginning operation of any phase of the facility, the certificate holder shall provide to the Department and to the Gilliam County Planning Director the actual latitude and longitude location or Stateplane NA D 83(91) coordinates of each turbine tower, connecting line and transmission line built in that phase. In addition, the certificate holder shall provide to the Department and to the Gilliam County Planning Director, a summary of as-built changes in the facility compared to the original plan, if any. [Amendment #1 (LJF)]

3. Cultural Resource Conditions

45 [Condition deleted by Amendment #2 (LJF)]

1 46 The certificate holder shall ensure that a qualified person instructs construction personnel
2 in the identification of cultural materials and avoidance of accidental damage to identified
3 resource sites.

4 47 The certificate holder shall ensure that construction personnel cease all ground-disturbing
5 activities in the immediate area if any archaeological or cultural resources are found during
6 construction of the facility until a qualified archaeologist can evaluate the significance of
7 the find. The certificate holder shall notify the Department and the State Historic
8 Preservation Office (SHPO) of the find. If the archaeologist determines that the resource is
9 significant, the certificate holder shall make recommendations to the Council for
10 mitigation, including avoidance or data recovery, in consultation with the Department,
11 SHPO and other appropriate parties. The certificate holder shall not restart work in the
12 affected area until the certificate holder has demonstrated to the Department that it has
13 complied with the archaeological permit requirements administered by SHPO.

14 48 During construction of the LJIB components, the certificate holder shall label the site
15 identified as LJ-4/10/09-8 in the Request for Amendment #1 for LJF on construction maps
16 and drawings as a “no entry” area, and if construction will occur within 200 feet of the site,
17 the certificate holder shall flag a 50-foot buffer around the site. [Amendment #2 (LJF)]

4. Geotechnical Conditions

18 49 Before beginning construction of the facility, the certificate holder shall conduct site-
19 specific geotechnical investigation of that phase and shall report its findings to the Oregon
20 Department of Geology & Mineral Industries (DOGAMI). The certificate holder shall
21 conduct the geotechnical investigation after consultation with DOGAMI and in general
22 accordance with DOGAMI open file report 00-04 “Guidelines for Engineering Geologic
23 Reports and Site-Specific Seismic Hazard Reports.” [Amendment #2 (LJF)]

24 50 The certificate holder shall design and construct the facility in accordance with
25 requirements set forth by the State of Oregon’s Building Code Division and any other
26 applicable codes and design procedures. The certificate holder shall design all components
27 of the facility to meet or exceed the minimum standards required by the 2003 International
28 Building Code.

29 51 The certificate holder shall design, engineer and construct the facility to avoid dangers to
30 human safety presented by non-seismic hazards. As used in this condition, “non-seismic
31 hazards” include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

32 52 The certificate holder shall notify the Department within 72 hours of any accidents
33 including mechanical failures on the site associated with construction or operation of the
34 facility that may result in public health and safety concerns.

35 53 Before beginning construction of any phase of the facility, the certificate holder shall
36 submit Notices of Proposed Construction or Alteration to the Federal Aviation
37 Administration (FAA) and the Oregon Department of Aviation identifying the proposed final
38 locations of the turbines and related or supporting facilities in that phase of construction.

1 The certificate holder shall promptly notify the Department of the responses from the FAA
2 and the Oregon Department of Aviation. [Amendment #1 (LJF)]

3 54 To protect the public from electrical hazards, the certificate holder shall enclose the facility
4 substations with appropriate fencing and locked gates.

5 55 The certificate holder shall construct turbine towers that are smooth steel structures with
6 no exterior ladders or access to the turbine blades and shall install locked access doors
7 accessible only to authorized personnel.

8 56 The certificate holder shall follow manufacturers' recommended handling instructions and
9 procedures to prevent damage to towers or blades that could lead to failure.

10 57 The certificate holder shall have an operational safety monitoring program and shall
11 inspect turbine blades on a regular basis for signs of wear. The certificate holder shall
12 repair turbine blades as necessary to protect public safety.

13 58 The certificate holder shall install and maintain self-monitoring devices on each turbine,
14 linked to sensors at the operations and maintenance building, to alert operators to
15 potentially dangerous conditions, and the certificate holder shall immediately remedy any
16 dangerous conditions. The certificate holder shall maintain automatic equipment
17 protection features in each turbine that would shut down the turbine and reduce the
18 chance of a mechanical problem causing a fire.

19 59 The certificate holder shall install generator step-up transformers at the base of each tower
20 in locked cabinets designed to protect the public from electrical hazards and shall design
21 the cabinets to avoid creation of artificial habitat for raptor prey.

22 60 The certificate holder shall maintain turbines on concrete pads with a minimum of 10 feet
23 of non-flammable and non-erosive ground cover on all sides. The certificate holder shall
24 cover turbine pad areas with non-erosive material immediately following exposure during
25 disturbance and shall maintain the pad area covering during operation of the facility.

26 61 [Condition deleted by Amendment #3]]

27 62 During construction and operation of the facility, the certificate holder shall ensure that
28 the O&M buildings and all service vehicles are equipped with shovels and portable fire
29 extinguishers of a 4A50BC or equivalent rating.

30 63 During facility repower, the certificate holder shall ensure that construction vehicles and
31 equipment are operated on graveled areas to the extent possible and that open flames,
32 such as cutting torches, are kept away from dry grass areas.

33 64 Upon the beginning of operation of the facility, the certificate holder shall provide to North
34 Gilliam County Rural Fire Protection District and the Arlington Fire Department a site plan
35 indicating the identification number assigned to each turbine and the location of all facility
36 structures. During operation, the certificate holder will ensure that appropriate District and
37 Fire Department personnel have an up-to-date list of the names and telephone numbers of
38 facility personnel available to respond on a 24-hour basis in case of an emergency on the
39 facility site.

- 1 65 During operation, the certificate holder shall ensure that all on-site employees receive
2 annual fire prevention and response training, including tower rescue training, by qualified
3 instructors or members of the local fire department and that all employees are instructed
4 to keep vehicles on roads and off dry grassland, except when off-road operation is required
5 for emergency purposes.
- 6 66 During facility repower, the certificate holder shall require that all on-site construction
7 contractors develop and implement a site health and safety plan that informs workers and
8 others on-site what to do in case of an emergency and that includes the locations of fire
9 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
10 The certificate holder shall ensure that construction contractors have personnel on-site
11 who are trained and equipped for tower rescue and who are first aid and CPR certified.
- 12 67 During operation, the certificate holder shall develop and implement a site health and
13 safety plan that informs employees and others on-site what to do in case of an emergency
14 and that includes the locations of fire extinguishers and nearby hospitals, important
15 telephone numbers and first aid techniques.
- 16 68 The certificate holder shall handle any hazardous materials used on the site in a manner
17 that protects public health, safety and the environment and shall comply with all applicable
18 local, state and federal environmental laws and regulations.
- 19 69 If a reportable spill or release of hazardous materials occurs during construction or
20 operation of the facility, the certificate holder shall notify the Department within 72 hours
21 and shall clean up the spill or release and dispose of any contaminated soil or other
22 materials according to applicable regulations. The certificate holder shall make sure that
23 spill kits containing items such as absorbent pads are located on equipment and storage
24 facilities to respond to accidental spills and shall instruct employees handling hazardous
25 materials in the proper handling, storage and cleanup of these materials.

6. Water, Soils, Streams & Wetlands Conditions

- 26 70 The certificate holder shall conduct all construction work in compliance with an Erosion
27 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental
28 Quality and as required under the National Pollutant Discharge Elimination System (NPDES)
29 Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the
30 ESCP any procedures necessary to meet local erosion and sediment control requirements
31 and storm water management requirements.
- 32 71 During onsite disturbance, the certificate holder shall limit truck traffic to designated
33 existing and improved road surfaces to avoid soil compaction, to the extent possible.
- 34 72 During construction, the certificate holder shall avoid impacts to waters of the state in the
35 following manner:
- 36 (a) [Condition deleted by Amendment #1 (LJF)]
- 37 (b) The certificate holder shall avoid any disturbance to the wetland area identified as "W-
38 8" in the Request for Amendment #1 for LJF, Attachment 11, Figure 6. [Amendment #2
39 (LJF)].

1 (c) [Condition deleted by Amendment #2 (LJF)]

2 (d) [Condition deleted by Amendment #2 (LJF)]

3 (e) Before beginning construction of any phase of the facility, the certificate holder shall
4 determine whether any construction disturbance in that phase would occur in locations
5 not previously investigated for potential jurisdictional waters as described in the Final
6 Orders on the Application and Amendment #1 for LJF. The certificate holder shall
7 conduct pre-construction investigations to determine whether any jurisdictional waters
8 exist in those locations. The certificate holder shall submit a written report on the pre-
9 construction investigation to the Department of Energy and to the Department of State
10 Lands for approval before beginning construction of any phase of the facility and shall
11 ensure that construction of that phase would have no impact on any jurisdictional
12 water identified in the report. [Amendment #2 (LJF)]

13 73 During facility repower, the certificate holder shall ensure that the wash down of concrete
14 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
15 such wash down occurs at tower foundation locations, then the certificate holder shall
16 ensure that wash down wastewater does not run off the construction site into otherwise
17 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
18 underground with the backfill over the tower foundation.

19 74 The certificate holder shall restore areas outside the permanent footprint that are
20 disturbed during construction according to the methods and monitoring procedures
21 described in the *Revegetation Plan* that is incorporated in the *Final Order on Amendment*
22 *#2 for LJF* as Attachment F and as amended from time to time. [Amendment #2 (LJF)]

23 75 During facility operation, the certificate holder shall routinely inspect and maintain all
24 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
25 measures. The certificate holder shall restore areas that are temporarily disturbed during
26 facility maintenance or repair activities to pre-disturbance condition or better.

27 76 During facility operation, the certificate holder shall obtain water for on-site uses from one
28 or more on-site wells, subject to compliance with any applicable permit requirements, not
29 exceeding 5,000 gallons per day. The certificate holder shall not change the source of water
30 for on-site uses without prior Department approval.

31 77 During facility operation, if blade-washing becomes necessary, the certificate holder shall
32 ensure that there is no runoff of wash water from the site or discharges to surface waters,
33 storm sewers or dry wells. The certificate holder shall not use more than 50 gallons of
34 water per blade and shall not wash more than eight turbines (24 blades) per week. The
35 certificate holder shall not use acids, bases or metal brighteners with the wash water. The
36 certificate holder may use biodegradable, phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

37 78 The certificate holder shall install the 34.5-kV collector system underground to the extent
38 practical. The certificate holder shall install underground segments of the collector system
39 at a minimum depth of three feet. Where geotechnical conditions or other engineering
40 considerations require, the certificate holder may install segments of the collector system
41 aboveground, but the total length of aboveground segments must not exceed 30 percent

of the collector system. The certificate holder shall construct aboveground segments of the collector system using single or double circuit monopole design as described in the site certificate application. [Amendment #2 (LJF)]

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

80 To protect public safety, the certificate holder shall design and maintain the transmission lines so that:

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

Induced voltages during operation are as low as reasonably achievable.

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

(a) Constructing all aboveground transmission lines at least 200 feet from any residence or other occupied structure.

(b) Ensuring that the area near the facility substation is inaccessible to the public by fencing the area.

(c) Constructing aboveground 34.5-kV transmission lines with a minimum clearance of 25 feet from the ground.

(d) Constructing all aboveground 230-kV transmission lines with a minimum clearance of 30 feet from the ground.

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

[Amendment #1 (LJF)]

8. Plants, Wildlife & Habitat Protection Conditions

82 During operation of the facility, the certificate holder shall implement the Revegetation and Noxious Weed Control Plan, as finalized under Fish and Wildlife Habitat Condition 117.

83 The certificate holder shall design all aboveground transmission line support structures following the practices suggested by the Avian Powerline Interaction Committee (2006) and shall install anti-perching devices on transmission pole tops and cross arms where the poles are located within ½ mile of turbines. [Amendment #1 (LJF)]

84 The certificate holder may construct turbines and other facility components within the site boundary as described in the Final Orders on the Application and Amendment #1 for LJF, subject to the following requirements addressing potential habitat impact:

(a) The certificate holder shall not construct any facility components within areas of Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.

(b) The certificate holder shall design and construct facility components that are the minimum size needed for safe operation of the energy facility.

- (c) In the final design of the facility within micrositeing areas, the certificate holder shall reduce impact on essential or important habitat (Category 4 and above) to the extent practical.
- (d) As a protective measure during construction, the certificate holder shall install exclusion fencing around confirmed populations of Laurent's milk-vetch (identified in the Request for Amendment #1 for LJF, Attachment 7, p. 13) and sessile mousetail (identified in Figure Q-3 of the site certificate application and Request for Amendment #1 for LJF, Attachment 7, p. 14). The certificate holder shall not install facility components or cause temporary disturbance within these areas. Before beginning construction, the certificate holder shall verify the protected status of sessile mousetail and notify the Department. If the species has been upgraded to threatened or endangered under State or federal law, the certificate holder shall take appropriate mitigation actions, subject to Department approval.
- (e) If construction would affect locations within the micrositeing areas that were not previously surveyed for the occurrence of State or federal threatened or endangered species as described in the Final Orders on the Application and Amendment #1 for LJF, 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 threatened or endangered species detected, subject to Department approval. [Amendment #2 (LJF)]
- 85 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife habitat during construction and operation including, but not limited to, the following:
- (a) Preparing maps to show sensitive areas, such as nesting or denning areas for sensitive wildlife species, that are off limits to construction personnel.
- (b) Before beginning construction of any phase of the facility, the certificate holder shall have a qualified biologist place exclusion markers around sensitive wildlife habitat areas for that phase of construction, including Category 1 Washington ground squirrel (WGS) areas and an appropriate buffer around these areas. The certificate holder shall maintain the exclusion markings until that phase of construction has been completed.
- (c) Ensuring that a qualified person instructs construction and operations personnel to be aware of wildlife in the area and to take precautions to avoid injuring or destroying wildlife or sensitive wildlife habitat.
- (d) Avoiding unnecessary road construction, temporary disturbance and vehicle use. Posting and maintaining speed limit signs (not to exceed 20 miles per hour) on access roads throughout the site. The certificate holder shall ensure that all construction and operations personnel are instructed to observe caution when driving in the facility area to avoid injury or disturbance to wildlife enforce and for personal safety. [Amendment #1 (LJF)]

86 During facility repower, the certificate holder shall protect the area within a 1300-foot buffer around active nests of the following species during the sensitive period, as provided in this condition:

<u>Species</u>	<u>Sensitive Period</u>	<u>Early Release Date</u>
Swainson's hawk	April 1 to August 15	May 31

Ferruginous hawk

March 15 to August 15 May 31

Burrowing owl

April 1 to August 15 July 15

During the year in which the repower occurs, the certificate holder shall use a protocol approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether there are any active nests of these species within a half-mile of any areas that would be disturbed during construction of that phase. If a nest is occupied by any of these species after the beginning of the sensitive period, the certificate holder shall not engage in high-impact construction activities (activities that involve blasting, grading or other major ground disturbance) or allow high levels of construction traffic within 1300 feet of the nest site. In addition, the certificate holder will flag the boundaries of the 1300-foot buffer area and shall instruct construction personnel to avoid any unnecessary activity within the buffer area. The certificate holder shall hire an independent biological monitor to observe the active nest sites during the sensitive period for signs of disturbance and to notify the Department of any non-compliance with this condition. If the monitor observes nest site abandonment or other adverse impact to nesting activity, the certificate holder shall implement appropriate mitigation, in consultation with ODFW and subject to the approval of the Department, unless the adverse impact is clearly shown to have a cause other than construction activity. The certificate holder may begin or resume high-impact construction activities before the ending day of the sensitive period if any known nest site is not occupied by the early release date. If a nest site is occupied, then the certificate holder may begin or resume high-impact construction before the ending day of the sensitive period with the approval of ODFW, after the young are fledged. The certificate holder shall use a protocol approved by ODFW to determine when the young are fledged (the young are independent of the core nest site). If avoidance within the buffer restrictions cannot be maintained, the certificate holder may request approval from the Department in consultation with ODFW on a mitigation and conservation strategy for condition compliance [AMD1, AMD3]

87 The certificate holder shall conduct wildlife monitoring as described in the *Wildlife Monitoring and Mitigation Plan* that is incorporated in the *Final Order on Amendment #3* Attachment E and as amended from time to time. [AMD2, AMD3]

88 [Condition deleted by Amendment #2 (LJF)]

89 The certificate holder shall acquire the legal right to create, enhance, maintain and protect a habitat mitigation area as long as the site certificate is in effect by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department. Within the habitat mitigation area, the certificate holder shall improve the habitat quality as described in the *Habitat Mitigation Plan* that is incorporated in the *Final Order on Amendment #2* as Attachment E and as Finalized under Fish and Wildlife Habitat Condition 119, and as amended from time to time. [AMD2, AMD3]

9. Visual Effects Conditions

90 To reduce the visual impact of the facility, the certificate holder shall:

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- (a) Mount nacelles on smooth steel towers, painted uniformly in a neutral white color.
- (b) Paint substation structures in a neutral color to blend with the surrounding landscape.
- (c) Not allow any advertising on any part of the facility.
- (d) Use only those signs required for facility safety or required by law, except that the certificate holder may erect a sign to identify the facility.
- (e) Maintain any signs allowed under this condition in good repair.

91 The certificate holder shall design and construct the operation and maintenance buildings to be generally consistent with the character of similar buildings used by commercial farmers or ranchers in the area and shall paint the building in a neutral color to blend with the surrounding landscape.

92 The certificate holder shall not use exterior lighting at the facility except:

- (a) The minimum turbine tower lighting required or recommended by the Federal Aviation Administration.
- (b) Security lighting at the operations and maintenance buildings and at the substations, provided that such lighting is shielded or downward-directed to reduce glare.
- (c) Minimum lighting necessary for repairs or emergencies.
- (d) Minimum lighting necessary for construction directed to illuminate the work area and shielded or downward-directed to reduce glare.

[Amendment #1 (LJF)]

10. Noise Control Conditions

93 To reduce noise impacts at nearby residential areas, the certificate holder shall:

- (a) Confine the noisiest operation of heavy construction equipment to the daylight hours.
- (b) Require contractors to install and maintain exhaust mufflers on all combustion engine-powered equipment; and
- (c) Establish a complaint response system at the construction manager's office to address noise complaints.

94 Prior to facility repower, the certificate holder shall provide to the Department:

- (a) The maximum sound power level of the turbines based on manufacturers' warranties or confirmed by other means acceptable to the Department.
- (b) The results of noise analysis of the facility to be built according to the final design performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the total noise generated by the facility (including the noise from turbines and substation transformers) would meet the ambient noise degradation test and maximum allowable test at the appropriate measurement point for all potentially-affected noise sensitive properties.
- (c) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant pursuant to which the owner of the

property authorizes the certificate holder's operation of the facility to increase ambient statistical noise levels 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 certificate holder; expressly run with the land and bind all future owners, lessees or holders of any interest in the burdened property; and not be subject to revocation without the certificate holder's written approval.

[AMD1, AMD3]

95 During operation, the certificate holder shall maintain a complaint response system to address noise complaints. The certificate holder shall promptly notify the Department of any complaints received regarding facility noise and of any actions taken by the certificate holder to address those complaints.

11. Waste Management Conditions

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

97 During operation, the certificate holder shall discharge sanitary wastewater generated at the O&M building to a licensed on-site septic system in compliance with county permit requirements. The certificate holder shall design the septic system design with a capacity that is less than 2,500 gallons per day.

98 The certificate holder shall implement a waste management plan during construction that includes but is not limited to the following measures:

- (a) Training construction personnel to minimize and recycle solid waste.
- (b) Minimizing the generation of wastes from construction through detailed estimating of materials needs and through efficient construction practices.
- (c) Recycling steel and other metal scrap.
- (d) Recycling wood waste.
- (e) Recycling packaging wastes such as paper and cardboard.
- (f) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.
- (g) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.

99 The certificate holder may dispose of waste concrete on site with the permission of the landowner and in accordance with OAR 340-093-0080 and other applicable regulations. The certificate holder shall dispose of waste concrete on site by placing the material in an excavated hole, covering it with at least three feet of topsoil and grading the area to match existing contours. If the waste concrete is not disposed of on site, the certificate holder shall arrange for proper disposal in a landfill.

100 The certificate holder shall implement a waste management plan during operation that includes but is not limited to the following measures:

- (a) Training employees to minimize and recycle solid waste.
- (b) Recycling paper products, metals, glass and plastics.
- (c) Recycling used oil and hydraulic fluid.
- (d) Collecting non-recyclable waste for transport to a landfill by a licensed waste hauler.
- (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous wastes.

VI. CONDITIONS ADDED BY AMENDMENT #1 OF LJF

101 During facility operation, the certificate holder shall:

- (a) Annually adjust the amount of the bond or letter of credit thereafter described in Retirement and Financial Assurance Condition 115.
- (b) Describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.
- (c) Ensure that the bond or letter of credit is not subject to revocation or reduction before retirement of the facility site.
- (d) The Department and Council reserve the right to adjust the contingencies, as appropriate necessary to protect public health and safety or the environment and ensure the certificate holder's bond or letter of credit is sufficient to ~~retire~~ restore the site to a useful, non-hazardous condition.

[AMD2, AMD3]

102 Before beginning construction of the LJIB components as described in the *Final Order on Amendment #1 for LJF*, the certificate holder shall provide to the Department a map showing the final design locations of all LJIB components, the areas that would be disturbed during construction and the areas that were surveyed in 2009 for historic, cultural or archaeological resources as described in the Request for Amendment #1 for LJF. If areas to be disturbed during construction lie outside of the previously surveyed areas, the certificate holder shall hire qualified personnel to conduct field investigation of those areas. The certificate holder shall provide a written report of the field investigation to the Department and to the Oregon State Historic Preservation Office (SHPO). If any potentially significant historic, cultural or archaeological resource sites are found during the field investigation, the certificate holder shall ensure that construction and operation of the facility will have no impact on the resources. The certificate holder shall instruct all construction personnel to avoid the areas where resources were identified in the 2009 surveys or were found during pre-construction investigations and shall implement other appropriate measures to protect the resources.

[Amendment #2 (LJF)]

103 In reference to the approximate alignment of the Oregon Trail described in the Request for Amendment #1 for LJF, the certificate holder shall comply with the following requirements:

- (a) The certificate holder shall not locate facility components on visible remnants of the Oregon Trail and shall avoid any construction disturbance to those remnants.

(b) The certificate holder shall not locate facility components on undeveloped land where the trail alignment is marked by existing Oregon-California Trail Association markers, as described in the Request for Amendment #1 for LJF.

(c) Before beginning construction of the LJIB components as described in the *Final Order on Amendment #1 for LJF*, the certificate holder shall provide to the State Historic Preservation Office (SHPO) and the Department photographic documentation of the presumed Oregon Trail alignments within the site boundary.

(d) The certificate holder shall ensure that construction personnel proceed carefully in the vicinity of the presumed alignments of the Oregon Trail. If any intact physical evidence of the trail is discovered, the certificate holder shall avoid any disturbance to the intact segments by redesign, re-engineering or restricting the area of construction activity. The certificate holder shall promptly notify the SHPO and the Department of the discovery. The certificate holder shall consult with the SHPO and the Department to determine appropriate mitigation measures.

[Amendment #2 (LJF)]

104 Before beginning construction of any new State Highway approaches or utility crossing authorized by the *Final Order on Amendment #1 for LJF*, the certificate holder shall obtain all required permits from the Oregon Department of Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734, Divisions 51 and 55. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department for the location, construction and maintenance of approaches to State Highway 19 for access to the site. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department for the location, construction and maintenance of collector cables or transmission lines crossing Highway 19.

[Amendment #2 (LJF)]

VII. CONDITIONS ADDED BY AMENDMENT # 2 OF LJF

105 [Deleted in AMD3]

106 [Deleted in AMD3]

107 [Deleted in AMD3]

VIII. CONDITIONS ADDED BY AMENDMENT #3 REALTED TO FACILITY REPOWER

- 1 108 General Standard of Review Condition 108 (PRE): Prior to and during the facility
2 repower, as applicable, if certificate holder identifies that disturbance impacts may or
3 will occur outside of the 1,135 acre repower microsinning corridor, as shown in the Final
4 Order Attachment A-1, these areas must be surveyed using current and accepted
5 methodologies for cultural and archeological objects and wetlands and waters of the
6 state. Survey results and reporting must be submitted to the State Historic Preservation
7 Office (SHPO), and the Department of State Lands (DSL), and the Department for
8 Department approval. The Department may request that any new resource, impact or
9 mitigation be evaluated through an Amendment Determination Request or Site
10 Certificate Amendment Process.
11 [AMD3]
- 12 109 General Standard Condition 109 (GEN): The certificate holder shall:
13 (a) Provide written notice to the Department of commencement of the facility repower
14 and shall commence repower actions on or before July 18, 2028.
15 (b) Provide written notice to the Department of repower completion. Repower actions
16 shall be substantively complete within three years of repower commencement.
17 [Mandatory Condition OAR 345-025-0006(4), AMD3]
18
- 19 110 Organizational Expertise Condition 110 (PRE): Prior to the facility repower, as applicable,
20 the certificate holder shall identify any necessary permits normally governed by the site
21 certificate for which it plans to obtain via a third-party contractor. Certificate holder
22 shall demonstrate that third-party permits are obtained prior to actions regulated under
23 the associated permit(s).
24 [AMD3]
- 25 111 Soil Protection Condition 111 (PRE): Prior to the facility repower, the certificate holder
26 shall submit to the Department an ODEQ-issued NPDES 1200-C General Construction
27 Permit and Erosion Sediment Control Plan (ESCP).
28 [AMD3]
- 29 112 Soil Protection Condition 112 (CON): During the facility repower, the certificate holder
30 shall conduct all work in compliance with the NPDES 1200-C General Construction
31 Permit, ESCP or revised ESCP, if applicable. The ESCP shall be revised if determined
32 necessary by the certificate holder, certificate holder's contractor(s) or the Department.
33 Any Department-required ESCP revisions shall be implemented within 14 days, unless
34 otherwise agreed to by the Department based on a good faith effort to address erosion
35 issues.
36 [AMD3]

- 1 113 Soil Protection Condition 113 (PRE): Prior to the facility repower, the certificate holder
2 shall collect the data described in Sections 1.1 and 1.2 of the Soil Monitoring Plan as
3 provided in Final Order on Amendment F Attachment C. Results shall be reported to the
4 Department.
5 [AMD3]
6
- 7 114 Soil Protection Condition 114 (CON): During the facility repower, the certificate holder
8 shall implement the Soil Monitoring Plan, as provided in the Final Order on Amendment
9 3 Attachment F.
10 [AMD3]
11
- 12 115 Retirement and Financial Assurance Condition 115 (PRE): Prior to the facility repower,
13 the certificate holder shall submit to the State of Oregon through the Council a bond or
14 letter of credit rider in the amount described herein naming the State of Oregon, acting
15 by and through the Council, as beneficiary or payee. The bond or letter of credit amount
16 is \$10.33 million (in Q4 2024 dollars), adjusted to the date of issuance as described in
17 (b), or the amount determined as described in (a).
- 18 (a) The certificate holder may adjust the amount of the bond or letter of credit rider
19 based on the final design of the repowered facility by applying the unit costs and
20 general costs illustrated in the Final Order on Request for Amendment 3 (RFA3)
21 Attachment J to the final design of the repowered facility and calculating the
22 financial assurance amount as described in that order, adjusted to the date of
23 issuance as described in (b) and subject to approval by the Department. Any
24 modification to the unit costs of the retirement cost estimate, as presented in the
25 Final Order on RFA3 Attachment J, are subject to review and approval by the
26 Council.
- 27 (b) The certificate holder shall adjust the amount of the bond or letter of credit rider,
28 using the following calculation and subject to approval by the Department:
- 29 (i) Adjust the Subtotal component of the bond or letter of credit amount
30 (expressed in Q4 2024 dollars) to present value, using the U.S. Gross Domestic
31 Product Implicit Price Deflator, Chain-Weight, as published in the Oregon
32 Department of Administrative Services' "Oregon Economic and Revenue
33 Forecast" or by any successor agency (the "Index") and using the annual
34 average index value for 2024 dollars and the quarterly index value for the date
35 of issuance of the bond or letter of credit rider. If at any time the Index is no
36 longer published, the Council shall select a comparable calculation to adjust
37 2024 dollars to present value.
- 38 (ii) Add 1 percent of the adjusted Subtotal (i) for the adjusted performance bond
39 amount to determine the adjusted Gross Cost.
- 40 (iii) Add 10 percent of the adjusted Gross Cost for the adjusted administration and
41 project management costs and 10 percent of the adjusted Gross Cost for the
42 adjusted future developments contingency.

- (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round the resulting total to the nearest \$1,000 to determine the adjusted financial assurance amount.
- (c) The certificate holder shall use a form of bond or letter of credit approved by the Council.
- (d) The certificate holder shall use an issuer of the bond or letter of credit approved by the Council.
- [AMD3]

116 Retirement and Financial Assurance Condition 116 (CON): During the facility repower, the certificate holder shall describe the status of the bond or letter of credit in the semi-annual report submitted to the Council under Condition 21(a). If repower activities extend for more than 12 months, the certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in Condition 101(b). The Department and Council reserve the right to adjust the contingencies, as necessary to ensure that costs to restore the site are adequate to maintain health and safety of the public and environment.

[AMD3]

117 Fish and Wildlife Habitat Condition 117 (PRE): Prior to the facility repower, the certificate holder shall finalize the Repower Revegetation and Noxious Weed Control Plan as provided in Final Order on Amendment 3 Attachment C, subject to approval by the Department. Finalization includes selection of seed mix, predisturbance data collection, selection and documentation of monitoring and reference sites and final review of success criteria, as described in the plan.

[AMD3]

118 Fish and Wildlife Habitat Condition 117 (CON): During the facility repower, the certificate holder shall implement the Repower Revegetation and Noxious Weed Control Plan, as finalized under Fish and Wildlife Habitat Condition 117.

[AMD3]

119 Fish and Wildlife Habitat Condition 119 (PRE): Prior to the facility repower, the certificate holder shall finalize the Repower Habitat Mitigation Plan as provided in Final Order on Amendment 3 Attachment D, subject to approval by the Department in consultation with ODFW.

[AMD3]

120 Fish and Wildlife Habitat Condition 120 (GEN): The certificate holder shall implement the Repower Habitat Mitigation Plan, as finalized under Fish and Wildlife Habitat Condition 119, for the life of the facility.

[AMD3]

- 1 121 Threatened and Endangered Species Condition 121 (PRE): Prior to the facility repower,
2 in areas of ground disturbance within suitable WGS habitat within 1,000-feet of
3 previously identified WGS colonies (2024 Survey), the certificate holder shall perform
4 annual WGS surveys (non-protocol, spot check) within suitable WGS habitat and update
5 maps and flagging within 785-feet of any active WGS colony within suitable WGS
6 habitat. Provide updated maps to the Department and ODFW and identify any
7 significant change in previously identified WGS colonies and habitat.
8 [AMD3]
- 9 122 Threatened and Endangered Species Condition 122 (PRE): Prior to the facility repower,
10 certificate holder shall finalize and submit to the Department the WGS Avoidance and
11 Minimization Plan, Attachment G to the Final Order on AMD3.
12 [AMD3]
- 13 123 Threatened and Endangered Species Condition 123 (CON): During the facility repower,
14 certificate holder shall adhere to and implement the measures in the WGS Avoidance
15 and Minimization Plan under Threatened and Endangered Species Condition 122.
16 [AMD3]
- 17 124 Historic, Cultural, and Archaeological Resources Condition 124 (CON): During the facility
18 repower, the certificate holder shall prohibit ground disturbance within 50-feet from the
19 boundaries of LJ2B-I01 and 35GM243; the 50-foot buffer does not apply to existing
20 roads. Flagging shall be maintained to protect the resources unless activities are 200-
21 feet or more from the resource. Sensitive resource maps identifying the resource
22 location and avoidance area shall be maintained onsite and provided to contractors.
23 [AMD3]
- 24 125 Historic, Cultural, and Archaeological Resources Condition 125 (PRO): Prior to
25 completion of the facility repower, the certificate holder shall demonstrate completion
26 of coordination with CTUIR on impacts and mitigation, if applicable, related to effects of
27 the facility repower to Tiqaxtiqax. Coordination completion may be demonstrated
28 through CTUIR concurrence or analysis of impacts and mitigation.
29 [AMD3]
- 30 126 Historic, Cultural, and Archaeological Resources Condition 126 (PRE): Prior to the facility
31 repower, the certificate holder shall review/update the contact information in the
32 Inadvertent Discovery Plan (IDP); Attachment I of the Final Order on RFA3.
33 [AMD3]
- 34 127 Historic, Cultural, and Archaeological Resources Condition 127 (CON): The certificate
35 holder, and any onsite contractors, shall adhere to the requirements of the Inadvertent
36 Discovery Plan approved in accordance with Historic, Cultural, and Archaeological
37 Resources Condition 126.
38 [AMD3]

- 1
- 2 128 Public Services Condition 128 (PRE): Prior to and during the facility repower, as
3 applicable, the certificate holder shall:
4 a. Identify all water-related needs and estimate daily and annual water demand for
5 repower construction.
6 b. Provide evidence such as a contract or purchase agreement demonstrating that
7 adequate water supply to meet repower construction demand has been secured and
8 that water for all repower construction activities will be legally obtained by service
9 providers or third-party permits.
10 [AMD3]
- 11 129 Public Services Condition 129 (CON): Prior to facility repower, the certificate holder shall
12 notify local police and fire department(s) of the repower schedule, number of onsite
13 workers, type of activity and emergency response procedures.
14 [AMD3]
- 15 130 Public Services Condition 130 (PRE): Prior to the facility repower, the certificate holder
16 shall execute a Road Use Agreement with the Gilliam County Public Works Department
17 and submit a copy to the Department.
18 [AMD3]
- 19 131 Public Services Condition 131 (GEN): During and post-facility repower, as applicable, the
20 certificate holder shall adhere to the terms and conditions of the Road Use Agreement.
21 [AMD3]
- 22 132 Wildfire Prevention and Risk Mitigation Condition 132 (PRE): Prior to the facility
23 repower, the certificate holder shall finalize and submit a Final Wildfire Mitigation Plan
24 (WMP), Attachment H to the Final Order on AMD3 to the Department for review and
25 approval.
26 [AMD3]
- 27 133 Wildfire Prevention and Risk Mitigation Condition 133 (CON): During the facility
28 repower, the certificate holder shall require onsite contractors and employees to adhere
29 to the Final Wildfire Mitigation Plan (WMP) approved under Wildfire Prevention and
30 Risk Mitigation Condition 132 .
31 [AMD3]
- 32 134 Wildfire Prevention and Risk Mitigation Condition 134 (OPR): During operation, the
33 certificate holder shall adhere to the requirements of the Wildfire Mitigation Plan
34 (WMP), as provided in the Wildfire Prevention and Risk Mitigation Condition 131.
35 [AMD3]

1 135 Waste Minimization Condition 135 (GEN): Prior to the facility repower and during facility
2 operations, as applicable, the certificate holder shall:

- 3 a. Submit to the Department a copy of the contract or agreement with the contractor
4 for wind turbine component recycling. If not included with contract or agreement,
5 provide a description of methods and vendors for the packaging, transport, and
6 recycling of wind turbine components; or
7 b. Submit to the Department a copy of the contract or agreement with the contractor
8 for wind turbine component use, or description of reuse. If not included with
9 contract, agreement, or description, provide a description of methods and vendors
10 for the packaging, transport, and reuse purpose for wind turbine components; or
11 c. If recycling or reuse of wind turbine components is not feasible. Submit to the
12 Department an explanation of why no reasonable option for the recycling or reuse
13 of wind turbine components is available. Provide description of the methods,
14 vendors, and location for the disposal of wind turbine components.

15 [AMD3]

16 136 Public Health and Safety Condition 136 (PRO): Prior to completion of the facility repower,
17 certificate holder shall submit to the Department evidence that maintenance or repairs,
18 as identified in Final Order on AMD3 Attachment K, were completed.

19 [AMD3]

20 **SUCCESSORS AND ASSIGNS**

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

SEVERABILITY AND CONSTRUCTION

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

GOVERNING LAW AND FORUM

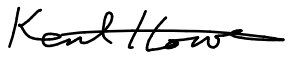
27 This site certificate shall be governed by the laws of the State of Oregon. Any litigation
28 or arbitration arising out of this agreement shall be conducted in an appropriate forum in
29 Oregon.

EXECUTION

30
31 This site certificate may be executed in counterparts and will become effective upon
32 signature by the Chair of the Energy Facility Siting Council and the authorized representative of
33 the certificate holder.


1 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting by
2 and through its Energy Facility Siting Council, and by Leaning Juniper Wind Power II, LLC, a
3 wholly owned subsidiary of Avangrid Power, LLC.
4
5

ENERGY FACILITY SITING COUNCIL and LEANING JUNIPER WIND POWER II, LLC

By: 
[Kent Howe \(Aug 11, 2025 15:37:10 PDT\)](#)
Chair

Oregon Energy Facility Siting Council

Date: 11-Aug-2025

By: 
[Jeffrey B. Durocher \(Aug 9, 2025 08:58:10 PDT\)](#)

Print: Jeffrey B. Durocher

Date: 09-Aug-2025

and

By: 
[Kristen Goland \(Aug 9, 2025 13:42:58 PDT\)](#)

Print: Kristen Goland

Date: 09-Aug-2025

and

By: 
[Stephanie La Pier \(Aug 11, 2025 09:34:31 PDT\)](#)

Print: Stephanie La Pier

Date: 11-Aug-2025