Oregon
Tina Kotek, Governor

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To: Energy Facility Siting Council

From: Chase McVeigh-Walker, Senior Siting Analyst

Date: March 19-20, 2026

Subject: Agenda Item E (Hearing/Action Item): Transfer Hearing and Council Review of draft Final order on Request for Amendment to Transfer Certificate Holder of Leaning Juniper IIB Wind Power Facility Site Certificate for the March 19-20, 2026 EFSC Meeting

Attachments: Attachment 1: Request to Amend to Transfer (Request for Amendment 4)
Attachment 2: Placeholder (comments on Request to Transfer, if received)
Attachment 3: Draft Final Order on Request to Amend to Transfer

STAFF RECOMMENDATION

The Oregon Department of Energy (Department) recommends that the Energy Facility Siting Council (Council) review the Request for Certificate Holder Transfer of the Leaning Juniper IIB Wind Power Facility Site Certificate (Attachment 1 of this Staff Report), any comments received during the comment period (Attachment 2 of this Staff Report), the Department's draft Final Order on the Request for Amendment to Transfer (Attachment 3 of this Staff Report), and take action at the March 20, 2026 Council meeting to either approve or reject the transfer request.

BACKGROUND

Leaning Juniper IIB Wind Power Facility (facility) is an operational 111 megawatt (MW) wind power generation facility within a 7,962 acre (12.4 square miles) site boundary, in Gilliam County. The facility consists of 74 wind turbines, with a blade tip height of 423 feet. The facility has been in operation since 2011. The certificate holder is Leaning Juniper II, LLC, a wholly owned subsidiary of Avangrid Power, LLC (parent company).

Pursuant to OAR 345-027-0400(1), "A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder." A "new owner" refers to the person or entity that will gain ownership, possession or control of the facility or the certificate holder." In the Request to Transfer, the certificate holder requests a site certificate transfer to reflect a change in ownership of the facility from Leaning Juniper II, LLC to Leaning Juniper 2B, LLC, where Leaning Juniper 2B, LLC would be the "new owner" and certificate holder authorized to operate and retire components of the facility.

TRANSFER REQUEST PROCESS

The procedural requirements for a Request for Amendment to Transfer a Site Certificate are established in OAR 345-027-0400. A procedural requirement includes the Department's issuance of a Public Notice of the Request for Amendment to Transfer to all persons on the Council's general mailing list, the special mailing list established for the facility, list of property owners supplied by the certificate holder, and reviewing agencies as defined in OAR 345-001-0010(52). The Department issued this notice on February 19, 2026. The notice established a comment period extending from February 19, 2026 through the close of a public hearing on the Request to Amend to Transfer on March 20, 2026.

Since issuance of the Notice, no comments have been received. Attachment 2 of this staff report is a placeholder, to be replaced with any comment received in the Supplemental Council packet materials.

The transfer hearing is scheduled to occur at the March 20, 2026 Council meeting, at approximately 9:30 am (Additional details on WebEx login and conference call-in number for the transfer hearing are provided on the Department's Council meeting webpage at: https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Meetings.aspx)

To approve this Request for Amendment to Transfer a Site Certificate, Council must find that the new owner has the ability to satisfy the requirements of the Organizational Expertise (OAR 345-022-0010) and Retirement and Financial Assurance (OAR 345-022-0050) standards. Council must also find that the new owner is or will be lawfully entitled to possession or control of the site or facility. As presented in the draft Final Order on the Request for Amendment to Transfer Certificate Holder of the Leaning Juniper IIB Wind Power Facility Site Certificate (Attachment 3 of this staff report), the Department recommends that the Council find that the new certificate holder complies with the applicable standards.

March 19-20, 2026 EFSC Meeting

Agenda Item E
Attachment 1: Request to Amend to Transfer (Request for Amendment 4)

Request for Transfer of the Site Certificate for the Leaning Juniper IIB Wind Power Facility (Request for Amendment 4)

Prepared by
Leaning Juniper 2B, LLC

January 2026

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Table of Contents

1.0 Introduction 3
1.1 Project Summary and Request 3
1.2 Procedural History 3
1.3 Amendment Required under OAR 345-027-0350 3
2.0 Transfer of Site Certificate Pursuant to OAR 345-027-0400 4
2.1 OAR 345-022-0010 (Organizational Expertise) 5
2.2 OAR 345-022-0050 (Retirement and Financial Assurance) 12
3.0 OAR 345-027-0360(1)(f) 15
4.0 Conclusion 16

List of Attachments

Attachment 1. Notification of Transfer
Attachment 2. Certification of Formation
Attachment 3. Oregon Registration of Applicant
Attachment 4. Legal Opinion
Attachment 5. Evidence of Obtaining Bond or Letter of Credit
Attachment 6. Attestation Letter from Applicant
Attachment 7. Supplemental Information (Cert Holder Statement, Financial Assurance Letter)

Acronyms and Abbreviations

Avangrid or Parent Company	Avangrid Power, LLC
Certificate Holder	Leaning Juniper Wind Power II, LLC
Council or EFSC	Oregon Energy Facility Siting Council
Facility	Leaning Juniper IIB Wind Power Facility
HMA	Habitat Mitigation Area
LJ2B or Applicant	Leaning Juniper 2B, LLC
LLC	limited liability company
OAR	Oregon Administrative Rules
ODOE or Department	Oregon Department of Energy

1.0 Introduction

1.1 Project Summary and Request

Leaning Juniper IIB Wind Power Facility (Facility) is an operational wind power facility with 74 GE 1.5SLE wind turbines and a total peak generating capacity of approximately 111 megawatts (MW). The Facility Site Boundary consists of approximately 7,962 acres of land in Gilliam County, Oregon (Figure 1). The site is generally bounded by Eightmile Road to the north, 8 Mile Canyon Road to the east, Old Tree Road to the south, and Berthold Road to the west. Additionally, OR-19 passes through the middle of the Site Boundary.

Leaning Juniper Wind Power II, LLC (Certificate Holder) is submitting this Request for Amendment (RFA) 4 to transfer the Third Amended Site Certificate, dated July 18, 2025 (Site Certificate) from Certificate Holder to Leaning Juniper 2B, LLC, a new Delaware limited liability company created to hold the Facility assets (Transferee or LJ2B). The parent company, Avangrid Power, LLC (Avangrid), will remain the same.

1.2 Procedural History

The Facility was originally permitted as the Leaning Juniper II Wind Power Facility in 2007. Since the issuance of the original site certificate, there have been three amendments:

- Amendment 1 – On November 20, 2009, the Oregon Energy Facility Siting Council (Council) approved a request by the Certificate Holder to expand the Site Boundary, adding approximately 7,962 acres to the site and authorizing the construction and operation of up to 84 wind turbines and related infrastructure with the new area (EFSC 2009).
- Amendment 2 – On June 21, 2013, Council approved a request by the Certificate Holder to divide the Leaning Juniper II facility into two separate facilities, Leaning Juniper IIA Wind Power Facility and Leaning Juniper IIB Wind Power Facility, each having an individual site certificate (EFSC 2013).
- Amendment 3 – On July 18, 2025, Council approved a request by the Certificate Holder to repower the Facility (EFSC 2025).

1.3 Amendment Required under OAR 345-027-0350

OAR 345-027-0350 Changes Requiring an Amendment

Except for changes allowed under OAR 345-027-0353, 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;*

Response: The Facility is owned and operated by Certificate Holder, a wholly-owned subsidiary of Avangrid. Avangrid plans to transfer and assign the Facility assets to the Transferee. LJ2B will become the new certificate holder for the Facility. There will be no change to the parent company.

2.0 Transfer of Site Certificate Pursuant to OAR 345-027-0400

(1) For the purpose of this rule:

(a) A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder.

Response: Pursuant to OAR 345-027-0400(4), the Certificate Holder and LJ2B submit this RFA4 to transfer ownership of the Facility and the Site Certificate from the Certificate Holder to LJ2B. LJ2B will therefore be the "new owner" within the meaning of OAR 34500270400(1)(b).

(b) "New owner" means the person or entity that will gain ownership, possession or control of the facility or the certificate holder.

Response: As previously stated, Avangrid intends to transfer and assign all Facility assets to a LJ2B. Upon completion of this transfer, LJ2B shall assume the role of certificate holder for the Facility. This change in certificate holder will necessitate an amendment to the existing Site Certificate to reflect the new legal entity.

(*2) When the certificate holder has knowledge that a transaction that requires a transfer of the site certificate as described in section (1)(a) of this rule is or may be pending, the certificate holder must notify the Department. In the notice, the certificate holder must include the name and contact information of the new owner, and the date of the transfer of ownership. If possible, the certificate holder must notify the Department at least 60 days before the date of the transfer of ownership.*

Response: The Certificate Holder notified the Oregon Department of Energy of the pending transfer at a pre application meeting on December 11th, 2025 and by letter dated December 16th, 2025. A copy of the letter is provided as Attachment 1 to this RFA. The transfer of ownership is anticipated to occur in April 2026. This requirement has been met.

(3) A transaction that would require a transfer of the site certificate as described in subsection (1)(a) of this rule does not terminate the transferor's duties and obligations under the site certificate until the Council approves a request for amendment to transfer the site certificate and issues an amended site certificate. The new owner may not construct or operate the facility until an amended site certificate as described in section (10) of this rule or a temporary amended site certificate as described in section (11) of this rule becomes effective.

Response: LJ2B and the Certificate Holder acknowledge that any transaction requiring the transfer of a site certificate does not relieve the transferor of its duties and obligations under the existing site certificate until EFSC formally approves the transfer request in RFA4.

(4) To request an amendment to transfer the site certificate, the new owner must submit a written request to the Department that includes the information described in OAR 345-022-0010 and OAR 345-022-0050, a certification that the new owner agrees to abide by all terms and conditions of the site certificate currently in effect and, if known, the expected date of the transaction. If applicable, the new owner must include in the request the information described in 345-024-0500(4)(b)(O)(iv).

2.1 OAR 345-022-0010 (Organizational Expertise)

(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non- hazardous condition. The Council may consider the applicant's experience, the applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.

Response: The Council previously and as a recently as July 2025 found that the Certificate Holder complies with the Organizational Expertise Standard and has demonstrated an ability to construct, operate, and retire the Facility in compliance with Council standards and applicable Site Certificate Conditions as reviewed during RFA3.[1,2] Because the parent company remains the same, the Council may make a similar finding for LJ2B. The following addresses LJ2B's ability to meet OAR 345-022-0010(Organizational Expertise).

LJ2B, like Certificate Holder, relies upon Avangrid's significant previous experience in construction and operation of other renewable energy generation facilities, including numerous facilities in Oregon. Avangrid has operated in Oregon since 2001 and has a long history of working under the jurisdiction of the Council. Avangrid operates 8.6 gigawatts of utility scale wind and solar generation facilities, of which 2.2 megawatts are in Oregon. Avangrid is the parent company to several other Council-permitted facilities including, but not limited to, the Leaning Juniper IIA Wind Power Facility, Bakeoven Solar Project, Daybreak Solar Project, Montague Wind Power Facility, Pachwáywit Fields, and Golden Hills Wind Power Facility, each of which are in various stages of operation.

(2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, if the applicant has an ISO

[1] Final Order on AMD3. LJF, July 2025.
[2] Third Amended Site Certificate for the Leaning Juniper IIB Wind Power Facility (LJIIB), July 2025

9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program.

Response: Although Avangrid participate in the ISO programs, they are not relying on the ISO 9000 or ISO 14000 certified programs for the purposes of this request.

(3) If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.

Response: LJ2B and the Certificate Holder request Council approve the transfer of ownership for the Facility assets from the Certificate Holder to LJ2B. No third party permits or approvals are required in connection with this RFA4.

(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.

Response: LJ2B and the Certificate Holder request Council approve the transfer of ownership for the Facility assets from the Certificate Holder to LJ2B. No third party permits or approvals are required in connection with this RFA4.

(5) To assist the Council in determining whether the standard outlined in (1) through (4) has been met, the Applicant must submit:

(a) Information about the applicant and participating persons, including:

(A) The name and address of the applicant including all co-owners of the proposed facility, the name, mailing address, email address and telephone number of the contact person for the application, and if there is a contact person other than the applicant, the name, title, mailing address, email address and telephone number of that person;

Name and Address of Transferee

Leaning Juniper 2B, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

Contact Information

Anneke Solsby

Permitting and Environmental

Avangrid Power, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

Anneke.Solsby@avangrid.com

503-758-2220

(B) The contact name, mailing address, email address and telephone number of all participating persons, other than individuals, including but not limited to any parent corporation of the applicant, persons upon whom the applicant will rely for third-party permits or approvals related to the facility, and, if known, other persons upon whom the applicant will rely in meeting any facility standard adopted by the Council;

Parent Company

Avangrid Power, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

Contact persons other than the Transferee:

Elaine Albrich
Partner, Davis Wright Tremaine LLP

560 SW 10th Avenue, Suite 700, Portland, OR 97205

P 503.778.5423 C 503.250.4429

elainealbrich@dwt.com

(C) If the applicant is a corporation:

(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;

(ii) The date and place of its incorporation;

(iii) A copy of its articles of incorporation and its authorization for submitting the application; and

(iv) In the case of a corporation not incorporated in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon;

Response: LJ2B is not a corporation. Therefore, the above criteria are not applicable to the Facility.

(D) If the applicant is a wholly owned subsidiary of a company, corporation or other business entity, in addition to the information required by paragraph (C), the full name and business address of each of the applicant's full or partial owners;

Response: LJ2B is a wholly-owned subsidiary of:

Avangrid Power, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

(E) If the applicant is an association of citizens, a joint venture or a partnership:

(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application;

(ii) The name, business address and telephone number of each person participating in the association, joint venture or partnership and the percentage interest held by each;

(iii) Proof of registration to do business in Oregon;

(iv) A copy of its articles of association, joint venture agreement or partnership agreement and a list of its members and their cities of residence; and

(v) If there are no articles of association, joint venture agreement or partnership agreement, the applicant must state that fact over the signature of each member;

Response: LJ2B is not an association of citizens, a joint venture, or partnership.

(F) If the applicant is a public or governmental entity:

(i) The full name, official designation, mailing address, email address and telephone number of the person responsible for submitting the application; and

(ii) Written authorization from the entity's governing body to submit an application;

Response: LB2B is not a public or governmental entity.

(G) If the applicant is an individual, the individual's mailing address, email address and telephone number; and

Response: LJ2B is not an individual.

(H) If the applicant is a limited liability company:

Response: LJ2B is a limited liability company. The contact information for the Certificate Holder and LJ2B submitting RFA4 for the transfer request is:

Anneke Solsby

Permitting and Environmental

Avangrid Power, LLC

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

Anneke.Solsby@avangrid.com

503-758-2220

(i) The full name, official designation, mailing address, email address and telephone number of the officer responsible for submitting the application;

Response: The Officer for LJ2B is:

Sara Parsons

Vice President – Organic Growth

2701 NW Vaughn Street, Suite 300

Portland, OR 97210

Cell: 503-830-5160

Sara.Parsons@avangrid.com

(ii) The date and place of its formation;

Response: LJ2B was formed with the Secretary of State of the State of Delaware on September 5, 2025.

(iii) A copy of its articles of organization and its authorization for submitting the application; and

Response: A copy of the Articles of Incorporation are included as Attachment 2. The LLC registration to do business in Oregon are provided in Attachment 3.

(iv) In the case of a limited liability company not registered in Oregon, the name and address of the resident attorney-in-fact in this state and proof of registration to do business in Oregon.

Response: LJ2B is registered in Oregon; therefore, information for the resident attorney-in-fact is not required.

(b) Information about the organizational expertise of the applicant to construct and operate the proposed facility, including:

(A) The applicant's previous experience, if any, in constructing and operating similar facilities;

Response: LJ2B, like the Certificate Holder, will rely upon Avangrid's significant previous experience in construction and operation of other renewable energy generation facilities, including numerous facilities in Oregon.

Avangrid has operated in Oregon since 2001 and has a long history of working under the jurisdiction of the Council. Avangrid operates 8.6 gigawatts of utility scale wind and solar generation facilities, of which 2.2 megawatts are in Oregon. Avangrid is the parent company to several other Council-permitted facilities including, but not limited to, the Leaning Juniper IIA Wind

Power Facility, Bakeoven Solar Project, Daybreak Solar Project, Montague Wind Power Facility, Pachwáywit Fields, and Golden Hills Wind Power Facility, each of which are in various stages of operation.

> *(B) The qualifications of the applicant's personnel who will be responsible for constructing and operating the facility, to the extent that the identities of such personnel are known when the application is submitted;*

Response: LJ2B is staffed through Avangrid, which has extensive experience in reliably and cost-effectively delivering renewable energy products. Avangrid has a diverse staff whose individual areas of focus include renewable development, sales, trading, engineering, construction, operations, and financing. As a result of this fundamental approach, Avangrid is able to bring a depth and breadth of experience to all phases of project development. Avangrid draws on the resources of its extensive wind and solar resource analysis, forecasting, site assessment, and permitting staff; its experience in energy development origination, trading, financing, and operations and maintenance (O&M); and its experience with stakeholder outreach to ensure efficient and inclusive project development.

> *(C) The qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted;*

Response: LJ2B, like the Certificate Holder will work with contractors experienced with the construction, operation, and maintenance of wind, solar, and battery-storage facilities. Selection criteria centers on qualified engineers, manufacturers, and contractors who are experienced in these industries.

> *(D) The past performance of the applicant, including but not limited to the number and severity of any regulatory citations in constructing or operating a facility, type of equipment, or process* similar to the proposed facility;

Response: Regarding regulatory compliance, the Council may look to Avangrid as LJ2B's parent company. Avangrid has generally maintained compliance for over 20 years for its 11 existing facilities operating under EFSC Site Certificates in Oregon, and also maintains numerous operating energy facilities permitted at the county level. However, Avangrid's Golden Hills Wind Project was issued two notices by the Oregon Department of Environmental Quality (ODEQ) in 2021 related to erosion control during construction that were addressed promptly, with no enforcement actions or penalties. Additionally, Golden Hills initiated a self-investigation of potential impacts to farming operations due to construction activities at the facility for which no 4 Final Order on AMD2. LJF, June 2013, p. 13. 5 Second Amended Site Certificate for the Leaning Juniper IIB Wind Power Facility (LJIIB), June 2013 Final Request for Amendment 3 for the Leaning Juniper IIB Wind Power Facility Leaning Juniper IIB Wind Power Facility 21 Request for Amendment 3 to Site Certificate notice of violation has been issued. Further, in 2023, the Department issued a letter to Avangrid's Montague Solar Facility requiring corrective actions for soil protection and a warning letter regarding water quality violations. These issues have been resolved by the Certificate Holder

(E) If the applicant has no previous experience in constructing or operating similar facilities and has not identified a prime contractor for construction or operation of the proposed facility, other evidence that the applicant can successfully construct and operate the proposed facility. The applicant may include, as evidence, a warranty that it will, through contracts, secure the necessary expertise;

Response: L2B relies on its parent company and Avangrid has extensive experience..

(F) If the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program, a description of the program; and

Response: LJ2B relies on its parent company and Avangrid has ISO programs, but is not relying on those programs for the purposes of this RFA4.

(G) If the applicant relies on mitigation to demonstrate compliance with any standards of Division 22 or 24 of this chapter, evidence that the applicant can successfully complete such proposed mitigation, including past experience with other projects and the qualifications and experience of personnel upon whom the applicant will rely, to the extent that the identities of such persons are known at the date of submittal.

Response: LJ2B and the Certificate Holder do not rely on any mitigation for this RFA4 request.

(c) Information about permits needed for construction and operation of the facility, including:

(A) Identification of all federal, state and local government permits related to the siting of the proposed facility, a legal citation of the statute, rule or ordinance governing each permit, and the name, mailing address, email address and telephone number of the agency or office responsible for each permit;

(B) A description of each permit, the reasons the permit is needed for construction or operation of the facility and the applicant's analysis of whether the permit should or should not be included in and governed by the site certificate;

(C) For any state or local government agency permits, licenses or certificates that are proposed to be included in and governed by the site certificate, evidence to support findings by the Council that construction and operation of the proposed facility will comply with the statutes, rules and standards applicable to the permit. For permits related to wetlands and water rights the applicant may show this evidence in the State and Local Laws and Regulations Exhibit.

(D) For federally-delegated permit applications, evidence that the responsible agency has received a permit application and the estimated date when the responsible agency will complete its review and issue a permit decision;

(E) If the applicant relies on a state or local government permit or approval issued to a third party, identification of any such third-party permit and for each:

(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit;

(ii) Evidence that the third party has, or has a reasonable likelihood of obtaining, the necessary permit;

(iii) An assessment of the impact of the proposed facility on any permits that a third party has obtained and on which the applicant relies to comply with any applicable Council standard;

(F) If the applicant relies on a federally-delegated permit issued to a third party, identification of any such third-party permit and for each:

(i) Evidence that the applicant has, or has a reasonable likelihood of entering into, a contract or other agreement with the third party for access to the resource or service to be secured by that permit;

(ii) Evidence that the responsible agency has received a permit application;

(iii) The estimated the date when the responsible agency will complete its review and issue a permit decision; and

Response: No permits are needed for this transfer.

(G) The applicant's proposed monitoring program, if any, for compliance with permit conditions.

Response: LJ2B will comply with the monitoring provisions of the Third Amended Site Certificate. Monitoring requirements are included in following Site Certificate Conditions:

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]

113 Soil Protection Condition 113 (PRE): Prior to the facility repower, the certificate holder shall collect the data described in Sections 1.1 and 1.2 of the Soil Monitoring Plan as provided in Final Order on Amendment F Attachment C. Results shall be reported to the Department.

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]

2.2 OAR 345-022-0050 (Retirement and Financial Assurance)

OAR 345-022-0050 *To issue a site certificate, the Council must find that:*

To issue a site certificate, the Council must find that:

(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

(2) To assist the Council in determining whether the standard outlined in (1) has been met, the Applicant must submit information about site restoration, providing evidence to support a finding by the Council as required by this rule. The applicant must include:

> *(a) The estimated useful life of the proposed facility;*
>
> *(b) Specific actions and tasks to restore the site to a useful, non-hazardous condition;*
>
> *(c) An estimate, in current dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition;*
>
> *(d) A discussion and justification of the methods and assumptions used to estimate site restoration costs; and*
>
> *(e) For facilities that might produce site contamination by hazardous materials, a proposed monitoring plan, such as periodic environmental site assessment and reporting, or an explanation why a monitoring plan is unnecessary.*

Response: The proposed RFA4 changes will not change the decommissioning tasks and actions previously reviewed by Council in RFA 3 and used to establish the approved decommissioning estimate facility, including for the Facility as repowered at $10.33 million (Q1 2024 dollars). To ensure that LJ2B as the new certificate holder has the ability to restore the site to useful, nonhazardous condition, LJ2B will post an updated financial assurance in.

(3) The applicant has a reasonable likelihood of obtaining 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.

(4) To assist the Council in determining whether the standard outlined in (3) has been met, the Applicant must submit information:

> *(a) about the applicant's financial capability, providing evidence to support a finding by the Council as required by OAR 345-022-0050(2). Nothing in this section requires the disclosure of information or records protected from public disclosure by any provision of state or federal law. The applicant must include:*
>
> > *(A) An opinion or opinions from legal counsel stating that, to counsel's best knowledge, the applicant has the legal authority to construct and operate the facility without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements;*

Response: An opinion of legal counsel is provided as Attachment 4.

> > *(B) The type and amount of the applicant's proposed bond or letter of credit to meet the requirements of OAR 345-022-0050; and*

(C) Evidence that the applicant has a reasonable likelihood of obtaining the proposed bond or letter of credit in the amount proposed in paragraph (B), before beginning construction of the facility.

Response: A performance bond has been maintained for the Facility. Attachment 5 provides evidence that LJ2B has reasonable likelihood of obtaining a bond or letter of credit by relying on its parent company Avangrid.

(b) A materials analysis, including:

(A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation;

(B) The applicant's plans to manage hazardous substances during construction and operation, including measures to prevent and contain spills; and

(C) The applicant's plans to manage non-hazardous waste materials during construction and operation.

Response: The transfer of the Site Certificate to LJ2B does not change Council previously imposed Conditions 7, 68, 69, 99, and 100, and to provide construction and operations conditions requirements to ensure that the new certificate holder can restore the site to a useful, nonhazardous condition in accordance with the Retirement and Financial Assurance standard, as summarized below:

Condition 7 requires that the certificate holder prevent the development of any conditions on site that would preclude restoration of the site to a useful, nonhazardous condition.

Condition 68 - The certificate holder shall handle any hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations.

Condition 69 - If a reportable spill or release of hazardous materials occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and storage facilities to respond to accidental spills and shall instruct employees handling hazardous materials in the proper handling, storage and cleanup of these materials.

Council previously imposed site certificate condition 99 which identifies requirements specific to the disposal of concrete waste, and condition 100 which outlines requirements for an operational waste management plan for employee training and more house-hold solid waste and recycled materials; both conditions continue to apply to the facility.

The Council previously found that the Facility could be adequately restored to a non-hazardous condition following permanent cessation of construction and operations in compliance with the Retirement and Financial Assurance Standard and Site Certificate Condition 101. Transferring the

site certificate to a new LLC will not alter the methods of decommissioning the Facility that were described and approved when the Facility was originally permitted, and a full decommissioning plan will be prepared for Department review and approval prior to decommissioning the Facility in accordance with Site Certificate Condition 9.

Therefore, the Council may find that RF4 does not alter the basis for the Council's prior findings and that the Facility as modified would continue to meet the Retirement and Financial Assurance Standard.

(5) The Department may require the new owner to submit a written statement from the current certificate holder, or a certified copy of an order or judgment of a court of competent jurisdiction, verifying the new owner's right, subject to the provisions of ORS Chapter 469 and the rules of this chapter, to possession or control of the site or the facility.

Response: A written statement is provided in Attachment 6.

3.0 OAR 345-027-0360(1)(f)

OAR 345-027-0360(1)(f) A list of the names and mailing addresses of property owners, as described in this rule:

OAR 345-027-0360(1)(f)(A) The list must include all owners of record, as shown on the most recent property tax assessment roll, of property located:

(i) Within 100 feet of property which the subject of the request for amendment, where the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of property which is the subject of the request for amendment, where the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 500 feet of property which is the subject of the request for amendment, where the subject property is within a farm or forest zone; and

OAR 345-027-0360(1)(f)(B) In addition to incorporating the list in the request for amendment, the applicant must submit the list to the Department in an electronic format acceptable to the Department.

Response: OAR 345-027-0360(f) requires a request for amendment to provide a current list of the names and mailing addresses of property owners in the Site Boundary. This will be provided under a separate cover.

4.0 Conclusion

This RFA4 demonstrates transferring the Site Certificate from Certificate Holder to the new LLC, LJ2B, complies with all applicable laws and Council standards.

Attachment 1 – Notification of Transfer

Docusign Envelope ID: BF972DA0-29D0-4948-BAE5-56B65FD5B305

Avangrid
A member of the Iberdrola Group

December 16, 2025

Ms. Sarah Esterson
Senior Policy Advisor
Oregon Department of Energy
550 Capital Street NE, First Floor
Salem, OR 97301

Dear Ms. Esterson,

The Leaning Juniper IIB Wind Power Facility (Facility) is owned and operated by Leaning Juniper Wind Power II, LLC (Certificate Holder), a wholly-owned subsidiary of Avangrid Power, LLC (Avangrid). Avangrid plans to transfer and assign the Facility assets into a new wholly-owned subsidiary limited liability company called Leaning Juniper 2B, LLC (LJ2B). LJ2B will become the new Certificate Holder for the Facility. There will be no change to the parent company.

This letter is to confirm notice, as communicated at the pre-application meeting on December 11, 2025, and required by OAR 345-027-0400(2), that such transfer and assignment is anticipated for April 2026. The Certificate Holder and LJ2B intend to submit a formal request for transfer by early January 2026. The contact information for LJ2B is as follows:

Leaning Juniper 2B, LLC
2701 NW Vaughn Street, Suite 300
Portland, OR 97210

Sincerely,

Signed by:
Jeffrey Durocher
F073637EFB0E460...

Jeffrey Durocher
Deputy General Counsel

Attachment 2 – Certification of Formation

Delaware

The First State

I, CHARUNI PATIBANDA-SANCHEZ, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "LEANING JUNIPER 2B, LLC", FILED IN THIS OFFICE ON THE FIFTH DAY OF SEPTEMBER, A.D. 2025, AT 5:11 O`CLOCK P.M.

Charuni Patibanda-Sanchez, Secretary of State

10323094 8100
SR# 20253894024

Authentication: 204683065
Date: 09-08-25

You may verify this certificate online at corp.delaware.gov/authver.shtml

Docusign Envelope ID: 6823A6E3-5EB8-4651-B558-911D17905D0D

STATE OF DELAWARE
CERTIFICATE OF FORMATION
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is Leaning Juniper 2B, LLC.

2. The Registered Office of the limited liability company in the State of Delaware is located at 251 Little Falls Drive (street), in the City of Wilmington, Zip Code 19808. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is Corporation Service Company.

Signed by:
By: FB65F6AF984B43D...
Authorized Person

Name: Leonard Rodriguez,Authorized Person
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 05:11 PM 09/05/2025
FILED 05:11 PM 09/05/2025
SR 20253894024 - File Number 10323094

Attachment 3 – Oregon Registration of Applicant

APPLICATION FOR AUTHORITY

Corporation Division
sos.oregon.gov/business

E-FILED
Dec 23, 2025
OREGON SECRETARY OF STATE

REGISTRY NUMBER

250645695

TYPE

FOREIGN LIMITED LIABILITY COMPANY

1. ENTITY NAME

LEANING JUNIPER 2B, LLC

2. MAILING ADDRESS

2701 NW VAUGHN ST STE 300
PORTLAND OR 97210 USA

3. NAME & ADDRESS OF REGISTERED AGENT

15872088 - CORPORATION SERVICE COMPANY

1127 BROADWAY ST NE STE 310
SALEM OR 97301 USA

4. MANAGEMENT

This Limited Liability Company will be member-managed by one or more members

5. DATE OF ORGANIZATION

09-05-2025

6. DURATION

PERPETUAL

7. JURISDICTION

DE

8. PRIMARY PHYSICAL LOCATION

2701 NW VAUGHN ST STE 300
PORTLAND OR 97210 USA

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

LEONARD RODRIGUEZ

TITLE

AUTHORIZED SIGNATORY

DATE

12-22-2025

Attachment 4 – Legal Opinion

Docusign Envelope ID: BF972DA0-29D0-4948-BAE5-56B65FD5B305

Avangrid
A member of the Iberdrola Group

December 16, 2025

Ms. Sarah Esterson
Senior Policy Advisor
Oregon Department of Energy
550 Capital Street NE, First Floor
Salem, OR 97301

Dear Ms. Esterson:

I am Deputy General Counsel for Avangrid Power, LLC, a Delaware limited liability company, and also represent and act as counsel to its affiliate, Leaning Juniper 2B, LLC, a Delaware limited liability company ("LJ2B"). I have examined originals or copies certified or otherwise identified to my satisfaction as the books and records of LJ2B and such other documents, limited liability company records, certificates of public officials and other instruments regarding LJ2B as I have deemed necessary and appropriate for the purposes of this opinion letter.

In rendering this opinion expressed below, I have assumed (i) the authenticity of all the documents submitted to me as originals and (ii) the conformity to original documents of all documents submitted to me as copies. As to factual matters, I have relied to the extent deemed proper upon statements and certification of officers and managers of LJ2B.

Based on the foregoing, to the best of my knowledge, I am of the opinion that, subject to LJ2B satisfying all applicable federal, state and local laws (including all rules and regulations promulgated thereunder), LJ2B has the legal authority to construct, operate and repower the existing Leaning Juniper IIB Wind Power Facility ("Facility") without violating its articles of organization, covenants or similar agreements.

I am a member of the bar of the state of Oregon and other jurisdictions. For the purposes of this opinion, I do not hold myself out as an expert in, and do not express any opinion with respect to the law of any jurisdiction other than the law of the state of Oregon. The foregoing opinion is limited solely to whether LJ2B has the authority under its operating agreements to construct, own, operate, and repower the Facility. I express no opinion as to the applicability of any federal, state or local laws (including all rules and regulations promulgated thereunder) to such construction and operation or as to the effects of the foregoing laws on such construction, operation, and repower.

Please contact me if you have any additional questions regarding this matter.

Sincerely,

Signed by:
Jeffrey Durocher
F073637EFB0E460...

Jeffrey Durocher

Attachment 5 – Evidence of Obtaining Bond or Letter of Credit

December 16th, 2025

Ms. Sarah T. Esterson
Energy Facility Siting Office
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301-3742

RE: Avangrid Power, LLC
RE: Leaning Juniper 2B, LLC

Dear Ms. Esterson:

Avangrid Power, LLC is a highly regarded and valued client of Aon Risk Services and Liberty Mutual Insurance Company. Liberty Mutual Insurance Company (hereinafter, Liberty Mutual) is privileged to act as surety for Avangrid Power, LLC. Our surety relationship and experience with Avangrid Power, LLC has been superior in all respects and is qualified for issuance of a single bond in the amount of $20,000,000 with an aggregate capacity of $350,000,000.

Liberty Mutual is a national provider of surety bonds, enjoying an "Excellent" A.M. Best rating of "A". Liberty Mutual is listed in the Federal Register as a surety acceptable on government projects.

If Avangrid Power, LLC is selected for any project, and we receive a request from them to provide decommissioning bonds, we are prepared to look favorably upon issuance of these bonds. Such pre-qualification and approval would be conditioned upon applicable underwriting procedures, which are routine at the time of the bond request. However, please understand that the surety assumes no liability to you or to third parties if for any reason we do not execute any required bonds.

Should you have any questions or comments, please feel free to contact our office.

Sincerely,

Liberty Mutual Insurance Company

Nathaniel Jakaitis, Attorney-In-Fact

LIBERTY MUTUAL INSURANCE COMPANY
INCORPORATED
1912
MASSACHUSETTS

Seal No. 5708

POWER OF ATTORNEY

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8214262-012022**

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Bryan Huft; Jane Gilson; Jean Correia; Nathaniel Jakaitis; Theresan E. Rowedder

all of the city of Boston state of MA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 26th day of June, 2025.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS
THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE
WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: _____
Nathan J. Zangerle, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 26th day of June, 2025 before me personally appeared Nathan J. Zangerle, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

TERESA PASTELLA COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2029
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: _____
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Nathan J. Zangerle, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 16th day of December, 2025.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS
THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE
WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

By: _____
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

Attachment 6 – Attestation Letter from Applicant

Docusign Envelope ID: BF972DA0-29D0-4948-BAE5-56B65FD5B305

Avangrid
A member of the Iberdrola Group

December 16, 2025

Ms. Sarah Esterson
Senior Policy Advisor
Oregon Department of Energy
550 Capital Street NE, First Floor
Salem, OR 97301

Dear Ms. Esterson,

On behalf of Leaning Juniper 2B, LLC (LJ2B), this letter confirms LJ2B's commitment to comply with all applicable terms and conditions of the Third Amended Site Certificate for the Leaning Juniper IIB Wind Power Facility, when transferred per the Request for Transfer of the Leaning Juniper IIB Wind Power Facility (the "Facility") submitted by Leaning Juniper 2B, LLC and Leaning Juniper Wind Power II, LLC. LJ2B is an indirect, wholly owned subsidiary of Avangrid Power, LLC and there will be no change in the parent company.

Sincerely,

Signed by:
Jeffrey Durocher
F073637EFB0E460...

Jeffrey Durocher
Deputy General Counsel

Attachment 7. Supplemental Information (Cert Holder Statement, Financial Assurance Letter)

February 20, 2026

Ms. Sarah Esterson
Senior Policy Advisor
Oregon Department of Energy
550 Capital Street NE, First Floor
Salem, OR 97301

Dear Ms. Esterson:

In response to the supplemental information request for the Leaning Juniper IIB Wind Power Facility Site Certificate Transfer, the following supporting documentation is provided:

- An updated statement from the Certificate Holder addressing OAR 345-027-0400(8)(b), included as **Attachment 1**.
- An updated bond letter noting the transfer and reflecting the aggregate bonding capacity for all Avangrid Power facilities, included as **Attachment 2**.
- Updated property owner information, resubmitted via SharePoint as obtained directly from the Gilliam County Tax Assessor.

Please let me know if you have any additional questions.

Sincerely,

Anneke Solsby

Attachment 1

Docusign Envelope ID: 41B5B67E-63C4-428B-86F5-834CDF3AD968

February 17, 2026

Ms. Sarah Esterson
Senior Policy Advisor
Oregon Department of Energy
550 Capital Street NE, First Floor
Salem, OR 97301

Dear Ms. Esterson,

The Leaning Juniper IIB Wind Power Facility (Facility) is owned and operated by Leaning Juniper Wind Power II, LLC (Certificate Holder), a wholly-owned subsidiary of Avangrid Power, LLC (Avangrid). As outlined in Request for Amendment 4, Avangrid plans to transfer and assign the Facility assets into a new wholly-owned subsidiary limited liability company called Leaning Juniper 2B, LLC (LJ2B). LJ2B will become the new Certificate Holder for the Facility and upon transfer and assignment of facility assets to LJ2B, LJ2B will take possession and control of the facility and site. There will be no change to the parent company, Avangrid.

Sincerely,

Signed by:
F073637EFB0E460...

Jeffrey Durocher
Deputy General Counsel
Avangrid Power, LLC

Attachment 2

February 19th, 2026

Ms. Sarah T. Esterson
Energy Facility Siting Office
Oregon Department of Energy
550 Capitol St. NE, 1st Floor
Salem, OR 97301-3742

RE: Avangrid Power, LLC
RE: Leaning Juniper Wind Power II, LLC

Dear Ms. Esterson:

Avangrid Power, LLC is a highly regarded and valued client of Aon Risk Services and Liberty Mutual Insurance Company. Liberty Mutual Insurance Company (hereinafter, Liberty Mutual) is privileged to act as surety for Avangrid Power, LLC. Our surety relationship and experience with Avangrid Power, LLC has been superior in all respects and is qualified for issuance of a single bond in the amount of $20,000,000 with an aggregate capacity of $350,000,000.

Liberty Mutual is a national provider of surety bonds, enjoying an "Excellent" A.M. Best rating of "A". Liberty Mutual is listed in the Federal Register as a surety acceptable on government projects.

We are aware of the proposed transfer of the LJIIB facility to Avangrid's subsidiary Leaning Juniper 2B, LLC, that the site certificate requires a bond or Letter of Credit of $10.33 million (Q4 2024 dollars) and that, even in light of the aggregate capacity of bonding for all Avangrid Power, LLC projects, we are prepared to consider issuance of a bond for the LJIIB facility in an amount of at least $10.33 million. Final approval and issuance of said bond is subject to satisfactory completion of normal underwriting requirements at the time of the request, including but not limited to review of related contracts, agreements, bond forms and financial review of our Principal. However, please understand that Liberty Mutual assumes no liability to you or to third parties if for any reason we do not execute any required bonds.

Should you have any questions or comments, please feel free to contact our office.

Sincerely,

Liberty Mutual Insurance Company

Nathaniel Jakaitis, Attorney-In-Fact

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS

Seal No. 5708

POWER OF ATTORNEY

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8214262-012022**

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Bryan Huft; Jane Gilson; Jean Correia; Nathaniel Jakaitis; Theresan E. Rowedder

all of the city of Boston state of MA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 26th day of June, 2025.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS
THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE
WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: _____
Nathan J. Zangerle, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 26th day of June, 2025 before me personally appeared Nathan J. Zangerle, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

TERESA PASTELLA COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC

Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2029
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: _____
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Nathan J. Zangerle, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 19th day of February, 2026.

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS
THE OHIO CASUALTY INSURANCE COMPANY INCORPORATED 1919 NEW HAMPSHIRE
WEST AMERICAN INSURANCE COMPANY INCORPORATED 1991 INDIANA

By: _____
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

March 19-20 EFSC Meeting

Agenda Item E: Attachment 2 (Placeholder for comments, if received)

March 19-20 EFSC Meeting

Agenda Item E: Attachment 3

BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

In the Matter of the Request for Amendment 4 of the Leaning Juniper IIB Wind Power Facility Site Certificate	)))))	DRAFT FINAL ORDER ON REQUEST FOR AMENDMENT 4 TO TRANSFER SITE CERTIFICATE TO NEW OWNER

Issued by

Oregon Department of Energy
550 Capitol Street NE
Salem, Oregon 97301-3742

March 2026

DRAFT

Table of Contents

I. INTRODUCTION 1

I.A. NAME AND ADDRESS OF CERTIFICATE HOLDER 1
I.B. NAME AND ADDRESS OF NEW PROJECT OWNER / NEW CERTIFICATE HOLDER 2
I.C. DESCRIPTION OF FACILITY AND LOCATION 2

II. THE TRANSFER PROCESS 4

II.A. DESCRIPTION OF THE TRANSFER REQUEST 4
II.B. PROCEDURAL HISTORY 4
II.C. COMMENTS ON THE TRANSFER REQUEST 4

III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS 4

III.A. ORGANIZATIONAL EXPERTISE [OAR 345-022-0010] 5
III.B. RETIREMENT AND FINANCIAL ASSURANCE [OAR 345-022-0050] 7

IV. GENERAL CONCLUSIONS 10

V. ORDER 10

Figures

Figure 1: Regional Location of Facility and Facility Site Boundary 3

ATTACHMENTS

Attachment A: Draft Fourth Amended Site Certificate

DRAFT

I. INTRODUCTION

The Oregon Department of Energy (Department), as staff to the Energy Facility Siting Council (Council), issues this Draft Final Order in accordance with Oregon Revised Statutes (ORS) 469.405 and Oregon Administrative Rules (OAR) 345-027-0400, recommending that the Council grant a Request for Amendment of the Leaning Juniper IIB Wind Power Facility Site Certificate for a transfer in certificate holder.

The Council approved the Site Certificate for Leaning Juniper II Wind Power Facility on September 21, 2007. On November 20, 2009, the Council approved the First Amended Site Certificate, adding area to the site boundary and authorizing wind turbines to be sited therein. On June 21, 2013, the Council approved the Second Amended Site Certificate authorizing the splitting of the site certificate into two separate site certificates for Leaning Juniper IIA Wind Power Facility and Leaning Juniper IIB Wind Power Facility. On July 18, 2025, the Council approved the Third Amended Site Certificate, authorizing repowering of the operational wind turbines.

This order addresses a request to transfer the Third Amended Leaning Juniper IIB Wind Power Facility Site Certificate from Leaning Juniper Wind Power II, LLC (current certificate holder) to Leaning Juniper 2B, LLC (proposed new certificate holder). Specifically, this order recommends that the Council grant a request for the site certificate to be amended to identify Leaning Juniper 2B, LLC, as the new owner of, and certificate holder for the Leaning Juniper IIB Wind Power Facility Site Certificate, with all the rights and obligations of the certificate holder under the site certificate.

Pursuant to OAR 345-027-0400(1), "A request for amendment to a site certificate to transfer the site certificate is required for a transaction that results in a change in the ownership, possession or control of the facility or the certificate holder." A "new owner" refers to "the person or entity that will gain ownership, possession or control of the facility or the certificate holder."

I.A. Name and Address of Certificate Holder

The certificate holder, parent company of the certificate holder and certificate holder contacts are:

Leaning Juniper Wind Power II, LLC
2701 NW Vaughn Street, Suite 300
Portland, OR 97210

Parent company:

Avangrid Power, LLC

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2701 NW Vaughn Street, Suite 300
Portland, OR 97210

Individual responsible for submitting this amendment request:
Anneke Solsby, Permitting and Environmental
Avangrid Power, LLC
2701 NW Vaughn Street, Suite 300
Portland, OR 97210

I.B. Name and Address of New Project Owner / New Certificate Holder

New owner/certificate holder:

Leaning Juniper 2B, LLC
2701 NW Vaughn Street, Suite 300
Portland, OR 97210

Parent company:

Avangrid Power, LLC
2701 NW Vaughn Street, Suite 300
Portland, OR 97210

I.C. Description of Facility and Location

The facility is an operational, wind power generation facility consisting of 74 wind turbines with a peak generating capacity of 120 MW. The maximum turbine blade tip height is 423 feet. The facility includes the following related or supporting facilities described below:

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

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, as presented in Figure 1 below.[1]

[1] Site boundary means, "the perimeter of the site of a proposed energy facility, its related or supporting facilities, all temporary laydown and staging areas and all corridors and micrositing corridors proposed by the applicant." (OAR 345-001-0010(54))

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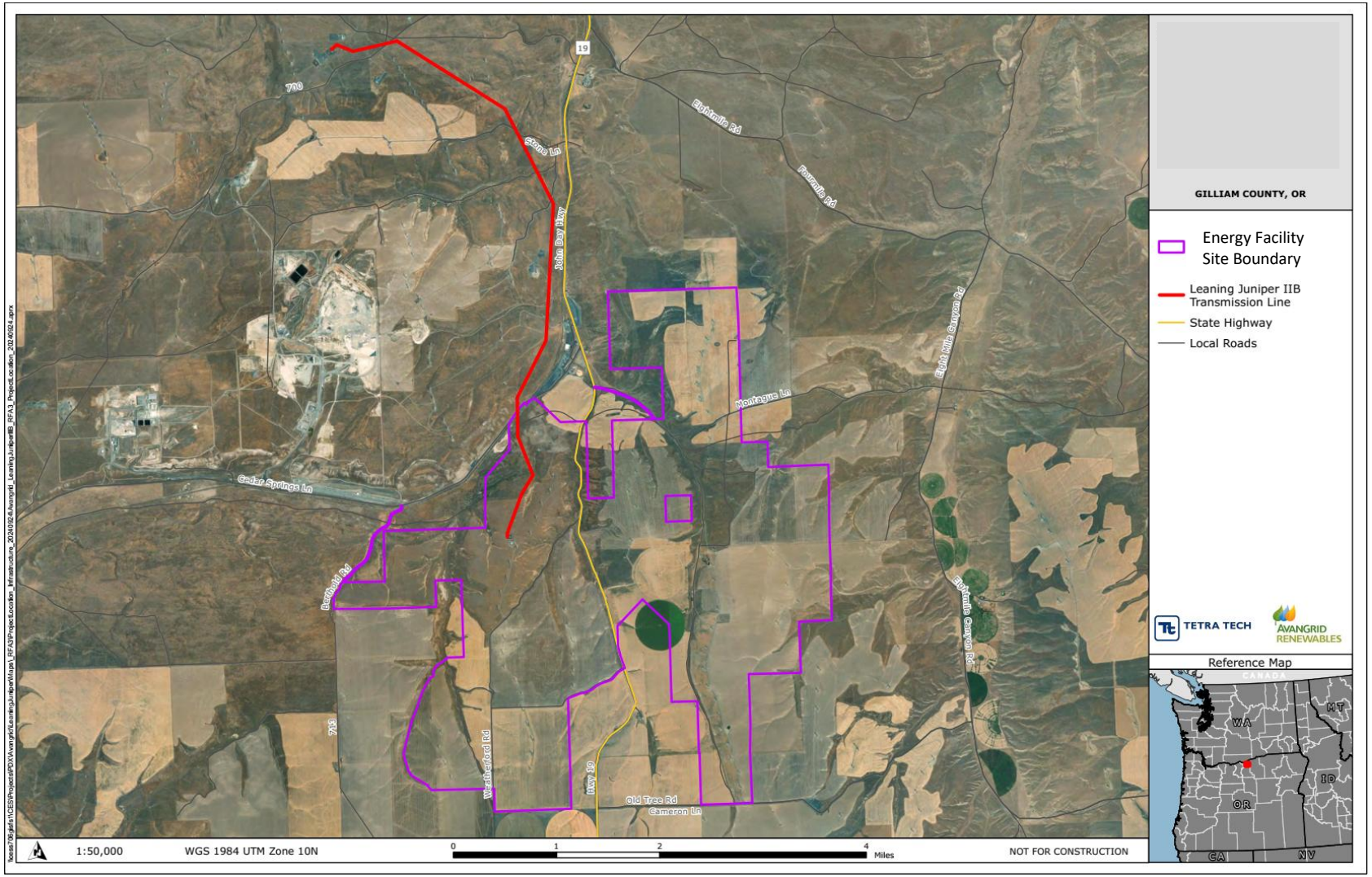
Figure 1: Regional Location of Facility and Facility Site Boundary



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II. THE TRANSFER PROCESS

II.A. Description of the Transfer Request

In its Request for Transfer of the Site Certificate, the certificate holder requests to transfer the Third Amended Site Certificate to Leaning Juniper 2B, LLC, a new Delaware limited liability company created to hold the facility assets. The parent company, Avangrid Power, LLC will remain the same.

II.B. Procedural History

On December 16, 2025, counsel for the existing certificate holder and its parent company notified the Department of the plan to transfer and assign the Leaning Juniper IIB Wind Power Facility assets into a new wholly-owned subsidiary of Avangrid Power, LLC. On January 15, 2026, the certificate holder submitted a Request for Transfer (Request for Amendment 4 or "RFA4") seeking authorization to transfer the site certificate for the facility to a new owner.

February 19, 2026, the Department issued Public Notice of Request for Amendment 4 to all persons on the Council's general mailing list, the special mailing list established for the facility, an updated list of property owners supplied by the new owner, and reviewing agencies as defined in OAR 345-001-0010(28).

The comment period ran from February 19 through March 20, 2026. During its March 20, 2026 meeting, Council conducted a public hearing on the Request for Transfer of the Leaning Juniper IIB Wind Power Facility Site Certificate. Following the public hearing, Council received a staff presentation on the details of the transfer request, including the Department's recommendations as presented in a March 6, 2026 staff report (which including the draft Final Order). Following review of the transfer request and comments received, Council approved/rejected the Request for Transfer and issued a Final Order granting/denying the Request for Transfer and issuance of the related Fourth Amended Site Certificate.

II.C. Comments on the Transfer Request

[At the time of this draft Final Order, no comments on the transfer request had been received]

III. EVALUATION OF TRANSFER REQUEST AND APPLICABLE COUNCIL STANDARDS

Under OAR 345-027-0400(8), the Council may approve a transfer of the site certificate if the Council finds that:

(a) *The new owner complies with the Council standards described in OAR 345-022-0010, 345-022-0050 and, if applicable, OAR 345-024-0710(1); and*

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(b) The new owner is or will be lawfully entitled to possession or control of the site or the facility described in the site certificate.

The evaluation of OAR 345-027-0400(8)(a) is presented in Section III.A. *Organizational Expertise* and III.B. *Retirement and Financial Assurance* of this order; OAR 345-024-0710(1), *Monetary Path Payment Requirement* is related to the Carbon Standard and does not apply to wind energy generation facilities and therefore is not evaluated in this order.

Possession or Control of the Site, Facility or Certificate Holder [OAR 345-027-0400(8)(b)]

Per OAR 345-027-0400(8)(b), to approve a transfer of the site certificate, the Council must find that the new owner is or will be lawfully entitled to possession or control of the site or the facility described in the site certificate. To evaluate whether the new owner is lawfully entitled to possession or control of the site or facility, OAR 345-027-0400(5) states, "The Department may require the new owner to submit a written statement from the current certificate holder…verifying the new owner's right, subject to the provisions of ORS Chapter 469 and the rules of this chapter, to possession or control of the site or the facility." Avangrid Power, LLC (parent company of existing and proposed certificate holders) stated that Avangrid plans to transfer and assign the facility assets to Leaning Juniper 2B, LLC and that Leaning Juniper 2B, LLC will take possession and control of the facility and site.[2] The Department recommends Council find that this letter satisfies the requirements of OAR 345-027-0400(8)(b).

Certification [OAR 345-027-0400(4)]

On behalf of Leaning Juniper 2B, LLC (the proposed new owner), Avangrid Power, LLC's Deputy General Counsel Jeffrey Durocher confirmed that Leaning Juniper 2B, LLC will abide by all the terms and conditions of the Third Amended Site Certificate for the Leaning Juniper IIB Wind Power Facility when transferred per the Request for Transfer.[3] The Department recommends Council find that this letter satisfies the requirements of OAR 345-027-0400(4).

III.A. Organizational Expertise [OAR 345-022-0010]

(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant's experience, the

[2] LJIIBAMD4 Request to Transfer 2026-02-20, Attachment 7, Attachment 1.
[3] LJIIBAMD4 Request to Transfer 2026-02-20, Attachment 6.

applicant's access to technical expertise and the applicant's past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.
***[4]

Findings of Fact

To approve a request for amendment for site certificate transfer, the Council must find that the new owner complies with the Organizational Expertise Standard. Leaning Juniper Wind Power II, LLC (certificate holder) is a registered Oregon Limited Liability Company and has a registered agent in Oregon.[5] The certificate holder is a wholly owned subsidiary of Avangrid Power, LLC (Avangrid Power).

The proposed new owner of the Leaning Juniper II Wind Power Facility Site Certificate, Leaning Juniper 2B, LLC, is a limited liability company that was formed in the State of Delaware on September 5, 2025.[6] Leaning Juniper 2B, LLC registered to do business in the State of Oregon on December 23, 2025.[7] Like the current certificate holder/owner, Leaning Juniper 2B, LLC is a wholly owned subsidiary of Avangrid Power, LLC. Because Leaning Juniper 2B, LLC is a newly formed project-specific LLC, it seeks to rely on the organizational expertise of its parent company to meet the Council's Standard.[8]

Avangrid Power has operated renewable energy projects in Oregon since 2001. Avangrid Power owns approximately 8.6 gigawatts of utility-scale wind and solar generation, of which 2.2 megawatts are in Oregon, including six EFSC jurisdictional facilities. Avangrid Power is also the parent company for two EFSC jurisdictional natural gas fired power plants in Klamath Falls totaling 620 MW.

The Council has previously found that the parent company has the organizational expertise to construct, operate and retire EFSC-jurisdictional facilities in compliance with Council standards and conditions of the site certificate.

As described above, per OAR 345-022-0010(1), the Council may consider the number and severity of regulatory citations issued to the new owner in determining whether the proposed

[4] Because the certificate holder does not rely on an ISO 9000 or ISO 14000 certificate to meet the standard, and because the proposed transfer of ownership would not require any new or different third-party permits to be obtained the new owner's compliance with sections (2) through (4) are not evaluated further in this Order.
[5] LJIIBAMD3Doc9 RFA3 2025-05-25, Attachment 2b Articles of Organization.
[6] LJIIBAMD4 Request to Transfer 2026-02-20, Attachment 2.
[7] LJIIBAMD4 Request to Transfer 2026-02-20, Attachment 3. *See also* Oregon Secretary of State Corporation Division webpage: https://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_detl?p_be_rsn=2636834&p_srce=BR_INQ&p_print=FALSE
[8] LJIIBAMD4 Request to Transfer 2026-02-20, pp. 8-9.

new certificate holder meets the Organizational Expertise Standard. The certificate holder's parent company has experienced compliance issues within the last 6 years for EFSC jurisdictional facilities. The Golden Hills Wind Project received two notices from Oregon Department of Environmental Quality (DEQ) related to water quality issues under the 1200-C/Erosion Sediment Control Plan (ESCP) permit. On April 19, 2023, following an April 13, 2023 site inspection, the Department issued corrective actions needed at the Montague Solar Facility for failure to protect soils under the 1200-C/ESCP. On October 3, 2023, DEQ issued a warning letter for water quality violations at the Bakeoven Solar Project site (2023-WLOTC-6715). The issues have been resolved.

Because in this case both the certificate holder and new owner are subsidiaries of the same parent company, Avangrid Power, LLC, the Department recommends that the Council find that this regulatory history is relevant to the request to transfer ownership. The Council evaluated the parent company's compliance history in 2025 through the decision on the Third Amended Site Certificate and imposed stricter compliance reporting requirements to afford the Department the ability to more closely track compliance status (see existing Conditions 21 and 112).

Based on compliance with the previously imposed conditions intended to address the compliance history, the Department recommends Council find that Leaning Juniper 2B, LLC may rely on the technical expertise of its parent company Avangrid Power, LLC, and that the parent company has the organizational expertise to operate and retire the facility in compliance with Council standards and conditions of the site certificate.

<u>Conclusions of Law</u>

Based on the foregoing recommended findings of fact, and based upon compliance with existing site certificate conditions, the new owner has demonstrated an ability to comply with the requirements of the Council's Organizational Expertise standard.

III.B. Retirement and Financial Assurance [OAR 345-022-0050]

To issue a site certificate, the Council must find that:

(1) The site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.

(2) To assist the Council in determining whether the standard outlined in (1) has been met, the Applicant must submit information about site restoration, providing evidence to support a finding by the Council as required by this rule. The applicant must include:

(a) The estimated useful life of the proposed facility;

(b) Specific actions and tasks to restore the site to a useful, non-hazardous condition;
(c) An estimate, in current dollars, of the total and unit costs of restoring the site to a useful, non-hazardous condition;
(d) A discussion and justification of the methods and assumptions used to estimate site restoration costs; and
(e) For facilities that might produce site contamination by hazardous materials, a proposed monitoring plan, such as periodic environmental site assessment and reporting, or an explanation why a monitoring plan is unnecessary.

(3) The applicant has a reasonable likelihood of obtaining 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.

(4) To assist the Council in determining whether the standard outlined in (3) has been met, the Applicant must submit information:
(a) about the applicant's financial capability, providing evidence to support a finding by the Council as required by OAR 345-022-0050(2). Nothing in this section requires the disclosure of information or records protected from public disclosure by any provision of state or federal law. The applicant must include:
(A) An opinion or opinions from legal counsel stating that, to counsel's best knowledge, the applicant has the legal authority to construct and operate the facility without violating its bond indenture provisions, articles of incorporation, common stock covenants, or similar agreements;
(B) The type and amount of the applicant's proposed bond or letter of credit to meet the requirements of OAR 345-022-0050; and
(C) Evidence that the applicant has a reasonable likelihood of obtaining the proposed bond or letter of credit in the amount proposed in paragraph (B), before beginning construction of the facility.
(b) A materials analysis, including:
(A) An inventory of substantial quantities of industrial materials flowing into and out of the proposed facility during construction and operation;
(B) The applicant's plans to manage hazardous substances during construction and operation, including measures to prevent and contain spills; and
(C) The applicant's plans to manage non-hazardous waste materials during construction and operation.

<u>Findings of Fact</u>

In its Final Order on Request for Amendment 3, the Council found that $10.33 million (in Q4 2024 dollars) was a satisfactory amount to restore the site to a useful, nonhazardous condition

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and that the site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility.[9] No changes to the design, construction, operation or retirement of the facility are proposed as part of RFA4. The proposed change in ownership will not change the decommissioning tasks or decommissioning estimate for the facility that Council previously approved, therefore the Department recommends Council find that the new owner's compliance with OAR 345-022-0050(1) would not be affected by the proposed transfer of ownership.

Under OAR 345-022-0050(3), the Council must find that the new owner has a reasonable likelihood of obtaining 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.

As part of its Final Order on Request for Amendment 3, the Council amended Condition 101 and imposed Condition 115, which require the certificate holder, among other items, to provide a bond or letter of credit in the amount of $10.33 million (in Q4 2024 dollars), adjusted to the date of issuance or the amount determined as described in Condition 115 (a) or (b), and to adjust the amount annually for inflation. Because the proposed transfer of ownership does not change the activities necessary for site restoration, the Department recommends that Council find that the amount referenced in Condition 115 continue to be satisfactory.

On February 19, 2026, Liberty Mutual Insurance Company, a national provider of surety bonds, stated that Avangrid Power, LLC is a highly regarded client and is qualified for a single bond in the amount of $20,000,000 with an aggregate capacity of $350,000,000. Liberty Mutual referred to the proposed site certificate transfer to Leaning Juniper 2B, LLC, the required bond or Letter of Credit of $10.33 million (Q4 2024 dollars) and stated that, taking into consideration the aggregate capacity of bonding for all Avangrid Power LLC projects, they are prepared to consider issuance of a bond for the LJIIB facility in an amount of at least $10.33 million, subject to completion of normal underwriting requirements.[10] Because all assets associated with the Leaning Juniper IIB Wind Power Facility will be transferred to the proposed new owner, Leaning Juniper 2B, LLC, because the new owner is owned by Avangrid Power, LLC (the same Parent Company as the current certificate holder) and given the statements made by Liberty Mutual, the Department recommends Council find that the new owner has a reasonable likelihood of obtaining a bond or letter of credit in the form and amount required by the site certificate.

<u>Conclusions of Law</u>

Based on the foregoing recommended findings of fact, the Department recommends that Council find that the site, taking into account mitigation, can be restored adequately to a useful, non-hazardous condition following permanent cessation of operation of the facility, the new owner has a reasonable likelihood of obtaining a bond or letter of credit in a form and amount

[9] LJIIBAMD3 Final Order on Request for Amendment 3 2025-07-18, pp. 61-69.
[10] LJIIBAMD4 Request to Transfer 2026-02-20, Attachment 5.

satisfactory to the Council to restore the site to a useful, non- hazardous condition and, therefore, the proposed transfer of the facility to the new owner complies with the Council's Retirement and Financial Assurance standard.

IV. GENERAL CONCLUSIONS

The Department recommends that the Council find that, subject to compliance with site certificate conditions, the approval of the request to transfer ownership of Leaning Juniper IIB Wind Power Facility Site Certificate from Leaning Juniper Wind Power II, LLC to Leaning Juniper 2B, LLC will not affect compliance with the Council's standards described in OAR 345-022-0010 and 345-022-0050. The Department further recommends that the Council find that the new owner is lawfully entitled to possession or control of the site or the facility described in the site certificate.

V. ORDER

Based on the above recommended findings of fact, reasoning, and conclusions of law, the Department recommends the Council approve the Request for Amendment 4 to Transfer the Site Certificate for the Leaning Juniper IIB Wind Power Facility and issue the Fourth Amended Site Certificate naming Leaning Juniper 2B, LLC as the new certificate holder.

Issued this 20th day of March 2026

OREGON ENERGY FACILITY SITING COUNCIL

By: _____
Cindy Condon, Chair

ATTACHMENTS

Attachment A: Draft Fourth Amended Site Certificate

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Attachment A: Draft Fourth Amended Site Certificate

ENERGY FACILITY SITING COUNCIL

OF THE

STATE OF OREGON

~~Third~~ Fourth 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
Fourth Amended Site Certificate	TBD

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The Oregon Energy Facility Siting Council

~~THIRD~~ FOURTH 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, LJIIB) 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~~2B, 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 ~~LJIIA~~ LJIIB* issued on July 18, 2025; and (e) the Council's Final Order on Amendment 4. 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*~~*the Final Order on Amendment #4 for LJIIB*, (2) the *Final Order on Amendment #3 for LJIIB, (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~~ 3 and Amendment #4 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 LJLLB. 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~~
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 LJIIB:

- 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 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 disturbed the areas listed in Table 2 below.

Table 2: Maximum Temporary Disturbance, Per Component/Activity

Component	Existing Footprint	RFA3 Temporary[1] 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)]

IV. MANDATORY CONDITIONS

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

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

In addition to these conditions, the site certificate holder is subject to all conditions and requirements contained in the rules of the Council and in local ordinances and state law in effect on the date the certificate is executed. Under ORS 469.401(2), upon a clear showing of a significant threat to the 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.

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

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

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

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

(a) Substantially as described in the site certificate;

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

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

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.)*

9 OAR 345-025-0006(9): The certificate holder shall retire the facility if the certificate holder permanently ceases construction or operation of the facility. The certificate holder shall retire the facility according to a final retirement plan approved by the Council, as described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a useful, non-hazardous condition at the time of retirement, notwithstanding the Council's approval in the site certificate of an estimated amount required to restore the site.

10 OAR 345-025-0006(10): The Council shall include as conditions in the site certificate all representations in the site certificate application and supporting record the Council deems to be binding commitments made by the applicant.

11 OAR 345-025-0006(11): Upon completion of construction, the certificate holder shall restore vegetation to the extent practicable and shall landscape all areas disturbed by construction in a manner compatible with the surroundings and proposed use. Upon completion of construction, the certificate holder shall remove all temporary structures not required for facility operation and dispose of all timber, brush, refuse and flammable or combustible material resulting from clearing of land and construction of the facility.

12 OAR 345-025-0006(12): The certificate holder shall design, engineer and construct the facility to avoid dangers to human safety presented by seismic hazards affecting the site that are expected to result from all maximum probable seismic events. As used in this rule "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement and subsidence.

13 OAR 345-025-0006(13): The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if site investigations or trenching reveal that conditions in the foundation rocks differ significantly from those described in the application for a site certificate. After the Department receives the notice, the Council may require the certificate holder to consult with the Department of Geology and Mineral Industries and the Building Codes Division and to propose mitigation actions.

14 OAR 345-025-0006(14): The certificate holder shall notify the Department, the State Building Codes Division and the Department of Geology and Mineral Industries promptly if shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity of the site.

15 OAR 345-025-0006(15): Before any transfer of ownership of the facility or ownership of the site certificate holder, the certificate holder shall inform the Department of the proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership that requires a transfer of the site certificate

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.

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

(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

(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.

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.

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

(a) The certificate holder shall consult with affected state agencies, local governments and tribes and shall develop specific monitoring programs for impacts to resources protected by the standards of Divisions 22 and 24 of 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.

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

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

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

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

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

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

v. Compliance Report: A report describing the certificate holder's compliance with all site certificate conditions that are applicable during the reporting period. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.

vi. Facility Modification Report: A summary of changes to the facility that the certificate holder has made during the reporting period without an amendment of the site certificate in accordance with OAR 345-027-0350.

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

23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72 hours of any occurrence involving the facility if:

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

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

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

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)]

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

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

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

4. Geotechnical Conditions

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

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

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

5. Hazardous Materials, Fire Protection & Public Safety Conditions

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

53 Before beginning construction of any phase of the facility, the certificate holder shall submit Notices of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon Department of Aviation identifying the proposed final locations of the turbines and related or supporting facilities in that phase of construction. The certificate holder shall promptly notify the Department of the responses from the FAA and the Oregon Department of Aviation. [Amendment #1 (LJF)]

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

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

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

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

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

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

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

61 [Condition deleted by Amendment #3)]

62 During construction and operation of the facility, the certificate holder shall ensure that the O&M buildings and all service vehicles are equipped with shovels and portable fire extinguishers of a 4A5OBC or equivalent rating.

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

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

65 During operation, the certificate holder shall ensure that all on-site employees receive annual fire prevention and response training, including tower rescue training, by qualified instructors or members of the local fire department and that all employees are instructed to keep vehicles on roads and off dry grassland, except when off-road operation is required for emergency purposes.

66 During facility repower, the certificate holder shall require that all on-site construction contractors develop and implement a site health and safety plan that informs workers and others on-site what to do in case of an emergency and that includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques. The certificate holder shall ensure that construction contractors have personnel on-site who are trained and equipped for tower rescue and who are first aid and CPR certified.

67 During operation, the certificate holder shall develop and implement a site health and safety plan that informs employees and others on-site what to do in case of an emergency and that includes the locations of fire extinguishers and nearby hospitals, important telephone numbers and first aid techniques.

68 The certificate holder shall handle any hazardous materials used on the site in a manner that protects public health, safety and the environment and shall comply with all applicable local, state and federal environmental laws and regulations.

69 If a reportable spill or release of hazardous materials occurs during construction or operation of the facility, the certificate holder shall notify the Department within 72 hours and shall clean up the spill or release and dispose of any contaminated soil or other materials according to applicable regulations. The certificate holder shall make sure that spill kits containing items such as absorbent pads are located on equipment and storage facilities to respond to accidental spills and shall instruct employees handling hazardous materials in the proper handling, storage and cleanup of these materials.

6. Water, Soils, Streams & Wetlands Conditions

70 The certificate holder shall conduct all construction work in compliance with an Erosion and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental Quality and as required under the National Pollutant Discharge Elimination System (NPDES)

Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the ESCP any procedures necessary to meet local erosion and sediment control requirements and storm water management requirements.

71 During onsite disturbance, the certificate holder shall limit truck traffic to designated existing and improved road surfaces to avoid soil compaction, to the extent possible.

72 During construction, the certificate holder shall avoid impacts to waters of the state in the following manner:

(a) [Condition deleted by Amendment #1 (LJF)]

(b) The certificate holder shall avoid any disturbance to the wetland area identified as "W-8" in the Request for Amendment #1 for LJF, Attachment 11, Figure 6. [Amendment #2 (LJF)].

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

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

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

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

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

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

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

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

7. Transmission Line & EMF Conditions

78 The certificate holder shall install the 34.5-kV collector system underground to the extent practical. The certificate holder shall install underground segments of the collector system at a minimum depth of three feet. Where geotechnical conditions or other engineering considerations require, the certificate holder may install segments of the collector system 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 micrositing 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 micrositing 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:

Species	**Sensitive Period**	**Early Release Date**
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:

(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 LJIIB 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 LJIIB 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 LJIIB 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~~ RELATED TO FACILITY REPOWER

108 General Standard of Review Condition 108 (PRE): Prior to and during the facility repower, as applicable, if certificate holder identifies that disturbance impacts may or will occur outside of the 1,135 acre repower micrositing corridor, as shown in the Final Order Attachment A-1, these areas must be surveyed using current and accepted methodologies for cultural and archeological objects and wetlands and waters of the state. Survey results and reporting must be submitted to the State Historic Preservation Office (SHPO), and the Department of State Lands (DSL), and the Department for Department approval. The Department may request that any new resource, impact or mitigation be evaluated through an Amendment Determination Request or Site Certificate Amendment Process.
[AMD3]

109 General Standard Condition 109 (GEN): The certificate holder shall:
(a) Provide written notice to the Department of commencement of the facility repower and shall commence repower actions on or before July 18, 2028.
(b) Provide written notice to the Department of repower completion. Repower actions shall be substantively complete within three years of repower commencement.
[Mandatory Condition OAR 345-025-0006(4), AMD3]

110 Organizational Expertise Condition 110 (PRE): Prior to the facility repower, as applicable, the certificate holder shall identify any necessary permits normally governed by the site certificate for which it plans to obtain via a third-party contractor. Certificate holder shall demonstrate that third-party permits are obtained prior to actions regulated under the associated permit(s).
[AMD3]

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111 Soil Protection Condition 111 (PRE): Prior to the facility repower, the certificate holder shall submit to the Department an ODEQ-issued NPDES 1200-C General Construction Permit and Erosion Sediment Control Plan (ESCP).
[AMD3]

112 Soil Protection Condition 112 (CON): During the facility repower, the certificate holder shall conduct all work in compliance with the NPDES 1200-C General Construction Permit, ESCP or revised ESCP, if applicable. The ESCP shall be revised if determined necessary by the certificate holder, certificate holder's contractor(s) or the Department. Any Department-required ESCP revisions shall be implemented within 14 days, unless otherwise agreed to by the Department based on a good faith effort to address erosion issues.
[AMD3]

113 Soil Protection Condition 113 (PRE): Prior to the facility repower, the certificate holder shall collect the data described in Sections 1.1 and 1.2 of the Soil Monitoring Plan as provided in Final Order on Amendment F Attachment C. Results shall be reported to the Department.
[AMD3]

114 Soil Protection Condition 114 (CON): During the facility repower, the certificate holder shall implement the Soil Monitoring Plan, as provided in the Final Order on Amendment 3 Attachment F.
[AMD3]

115 Retirement and Financial Assurance Condition 115 (PRE): Prior to the facility repower, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit rider in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The bond or letter of credit amount is $10.33 million (in Q4 2024 dollars), adjusted to the date of issuance as described in (b), or the amount determined as described in (a).

(a) The certificate holder may adjust the amount of the bond or letter of credit rider based on the final design of the repowered facility by applying the unit costs and general costs illustrated in the Final Order on Request for Amendment 3 (RFA3) Attachment J to the final design of the repowered facility and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to approval by the Department. Any modification to the unit costs of the retirement cost estimate, as presented in the Final Order on RFA3 Attachment J, are subject to review and approval by the Council.

(b) The certificate holder shall adjust the amount of the bond or letter of credit rider, using the following calculation and subject to approval by the Department:

(i) Adjust the Subtotal component of the bond or letter of credit amount (expressed in Q4 2024 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the annual average index value for 2024 dollars and the quarterly index value for the date of issuance of the bond or letter of credit rider. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 2024 dollars to present value.

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

(iii) Add 10 percent of the adjusted Gross Cost for the adjusted administration and project management costs and 10 percent of the adjusted Gross Cost for the 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]

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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]

121 Threatened and Endangered Species Condition 121 (PRE)**:** Prior to the facility repower, in areas of ground disturbance within suitable WGS habitat within 1,000-feet of previously identified WGS colonies (2024 Survey), the certificate holder shall perform annual WGS surveys (non-protocol, spot check) within suitable WGS habitat and update maps and flagging within 785-feet of any active WGS colony within suitable WGS habitat. Provide updated maps to the Department and ODFW and identify any significant change in previously identified WGS colonies and habitat.
[AMD3]

122 Threatened and Endangered Species Condition 122 (PRE): Prior to the facility repower, certificate holder shall finalize and submit to the Department the WGS Avoidance and Minimization Plan, Attachment G to the Final Order on AMD3.
[AMD3]

123 Threatened and Endangered Species Condition 123 (CON): During the facility repower, certificate holder shall adhere to and implement the measures in the WGS Avoidance and Minimization Plan under Threatened and Endangered Species Condition 122.
[AMD3]

124 Historic, Cultural, and Archaeological Resources Condition 124 (CON): During the facility repower, the certificate holder shall prohibit ground disturbance within 50-feet from the boundaries of LJ2B-I01 and 35GM243; the 50-foot buffer does not apply to existing roads. Flagging shall be maintained to protect the resources unless activities are 200-feet or more from the resource. Sensitive resource maps identifying the resource location and avoidance area shall be maintained onsite and provided to contractors.
[AMD3]

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125 Historic, Cultural, and Archaeological Resources Condition 125 (PRO): Prior to completion of the facility repower, the certificate holder shall demonstrate completion of coordination with CTUIR on impacts and mitigation, if applicable, related to effects of the facility repower to Tiqaxtiqax. Coordination completion may be demonstrated through CTUIR concurrence or analysis of impacts and mitigation.
[AMD3]

126 Historic, Cultural, and Archaeological Resources Condition 126 (PRE): Prior to the facility repower, the certificate holder shall review/update the contact information in the Inadvertent Discovery Plan (IDP); Attachment I of the Final Order on RFA3.
[AMD3]

127 Historic, Cultural, and Archaeological Resources Condition 127 (CON): The certificate holder, and any onsite contractors, shall adhere to the requirements of the Inadvertent Discovery Plan approved in accordance with Historic, Cultural, and Archaeological Resources Condition 126.
[AMD3]

128 Public Services Condition 128 (PRE): Prior to and during the facility repower, as applicable, the certificate holder shall:

a. Identify all water-related needs and estimate daily and annual water demand for repower construction.
b. Provide evidence such as a contract or purchase agreement demonstrating that adequate water supply to meet repower construction demand has been secured and that water for all repower construction activities will be legally obtained by service providers or third-party permits.
[AMD3]

129 Public Services Condition 129 (CON): Prior to facility repower, the certificate holder shall notify local police and fire department(s) of the repower schedule, number of onsite workers, type of activity and emergency response procedures.
[AMD3]

130 Public Services Condition 130 (PRE): Prior to the facility repower, the certificate holder shall execute a Road Use Agreement with the Gilliam County Public Works Department and submit a copy to the Department.
[AMD3]

131 Public Services Condition 131 (GEN): During and post-facility repower, as applicable, the certificate holder shall adhere to the terms and conditions of the Road Use Agreement.
[AMD3]

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132 Wildfire Prevention and Risk Mitigation Condition 132 (PRE): Prior to the facility repower, the certificate holder shall finalize and submit a Final Wildfire Mitigation Plan (WMP), Attachment H to the Final Order on AMD3 to the Department for review and approval.
[AMD3]

133 Wildfire Prevention and Risk Mitigation Condition 133 (CON): During the facility repower, the certificate holder shall require onsite contractors and employees to adhere to the Final Wildfire Mitigation Plan (WMP) approved under Wildfire Prevention and Risk Mitigation Condition 132 .
[AMD3]

134 Wildfire Prevention and Risk Mitigation Condition 134 (OPR): During operation, the certificate holder shall adhere to the requirements of the Wildfire Mitigation Plan (WMP), as provided in the Wildfire Prevention and Risk Mitigation Condition 131.
[AMD3]

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

a. Submit to the Department a copy of the contract or agreement with the contractor for wind turbine component recycling. If not included with contract or agreement, provide a description of methods and vendors for the packaging, transport, and recycling of wind turbine components; or
b. Submit to the Department a copy of the contract or agreement with the contractor for wind turbine component use, or description of reuse. If not included with contract, agreement, or description, provide a description of methods and vendors for the packaging, transport, and reuse purpose for wind turbine components; or
c. If recycling or reuse of wind turbine components is not feasible. Submit to the Department an explanation of why no reasonable option for the recycling or reuse of wind turbine components is available. Provide description of the methods, vendors, and location for the disposal of wind turbine components.

[AMD3]

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

SUCCESSORS AND ASSIGNS

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

SEVERABILITY AND CONSTRUCTION

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

GOVERNING LAW AND FORUM

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

EXECUTION

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

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

ENERGY FACILITY SITING COUNCIL and LEANING JUNIPER WIND POWER ~~II~~2B, LLC

By: _____

Chair

Oregon Energy Facility Siting Council

Date: _____

By: _____

Print: _____

Date: _____

and

By: _____

Print: _____

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Date: _____

and

By: _____

Print: _____

Date: _____

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