BEFORE THE
ENERGY FACILITY SITING COUNCIL
OF THE STATE OF OREGON

In the Matter of the Request for Amendment #2 of
the Site Certificate for the Leaning Juniper II Wind
Power Facility

FINAL ORDER ON AMENDMENT
#2 AND REQUEST FOR TRANSFER
OF SITE CERTIFICATE

June 21, 2013
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I. INTRODUCTION

The Oregon Energy Facility Siting Council issues this proposed order in accordance with ORS 469.405 and OAR 345-027-0070. This proposed order addresses a request by the certificate holder, Leaning Juniper Wind Power II, LLC (LJWP or certificate holder), for amendment of the Site Certificate for the Leaning Juniper II Wind Power Facility (site certificate), and a request by the transferee, Portland General Electric (PGE) for a transfer of one of the resulting amended site certificates from LJWP to PGE, upon closing, should closing occur, as described in more detail below in Section III.C.

The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this order.

I.A. Name and Address of Certificate Holder

Leaning Juniper Wind Power Facility II, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209

Individual Responsible for Submitting this Amendment Request:

Sara McMahon Parsons
Iberdrola Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209

Individual Responsible for Submitting this Transfer Request:

Lenna Cope
Portland General Electric Company
121 SW Salmon Street
3 WTC BR05
Portland, OR 97204

I.B. Description of the Facility

The Oregon Energy Facility Siting Council (Council) issued the Site Certificate in September 2007 and the First Amended Site Certificate in 2009, authorizing the construction and operation of the facility with a peak generating capacity of approximately 201 megawatts (MW) (LWF or facility). The facility is operational and connects to the regional transmission system through Bonneville Power Administration's Jones Canyon Substation and exiting 230-kilovolt McNary-Santiam transmission line via an overhead 230-kilovolt line. LIF is comprised of LIIIA (90.3 MW) and LIIIB (111 MW). LIIIA and LIIIB have different turbine types, separate roads, collector lines and O&M buildings. LIIIA is located west of Highway 19 and north of Cedar Springs Road. LIIIB is located entirely south of Cedar Springs Road, except for the 230-
II. THE AMENDMENT PROCESS

II.A. Description of the Proposed Amendments

II.A.1. Summary of Proposed Changes to Site Certificate

LIWP requests an amendment to the site certificate authorizing the division of LJF into two separate facilities (LIJIA and LIJIB), with each possessing an individual site certificate. Additionally, the transferee, Portland General Electric (PGE), requests a transfer of the LIJIB site certificate from LIWP to PGE, effective at closing of the sale of LIJIB to PGE.

This request does not seek to change the site boundary or physical components of the facility. If the LIJIB site certificate is transferred, LIWP and PGE will share the 230-kV transmission line to BPA’s Jones Canyon substation and an access road. PGE will have a separate road around the LIJIA collector substation, a separate control building and a LIJIB circuit breaker adjacent to the LIJIA collector substation. This allows LIJIB equipment to be accessed and maintained independent from the LIJIA equipment.¹

Should closing not occur due to unforeseen circumstances and a transfer of the LIJIB site certificate is no longer necessary, LIWP nonetheless requests approval of the division of the facility. In that instance, LIWP would hold the site certificates for both LIJIA and LIJIB.

II.A.2. Summary of Facilities Authorized by Amendment #2

If the Council approves Amendment #2, two new site certificates would be issued, one for LIJIA and one for LIJIB. LIWP would be authorized to own and operate both the LIJIA facility and the LIJIB facility, although should closing occur on the sale of LIJIB to PGE, PGE would be authorized to own and operate the LIJIB facility. In that circumstance, each certificate holder may allow shared use of related or supporting facilities by the other certificate holders, subject to compliance with site certificate conditions.

(a) Leaning Juniper IIA (LIJIA)

The energy facility is an operating electric power generating plant with an average electric generating capacity of approximately 30 megawatts and a peak generating capacity of not

¹ These additional changes and minor modifications were contemplated and approved through Change Order 2, submitted July 2012. The details of the Change Order are explained in Section II-Administrative History of this Proposed Order.
more than 90.3 megawatts. The facility consists of, at maximum, 43 wind turbines with a
peak generating capacity of each turbine no more than 2.1 megawatts.

**Related or Supporting Facilities**

**Power Collection System**
A power collection system operating at 34.5 kilovolts 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 substation located near the Bonneville Power Administration Jones
Canyon Switching Station. An aboveground transmission line carries the power from the
substation to a BPA switching station and an interconnection with the regional transmission
grid through BPA's McNary-Santiam 230-kV transmission line.

**Meteorological Towers**
The facility includes two permanent meteorological towers. The met towers are non-guyed
steel towers approximately 80 meters in height.

**Operations and Maintenance Facilities**
The facility includes one operations and maintenance building with approximately two acres
of fenced, graveled parking and storage area.

**Control System**
A fiber optic communications network links the wind turbines to a central computer at the
Operations and Maintenance buildings. A "supervisory, control and data acquisition" system
collects operation 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 access roads to provide access to the turbine strings.

**Site and Site Boundary**
The facility is located southwest of Arlington, in Gilliam County, Oregon. The site is in
Townships 2 and 3 North and Ranges 20 and 21 East. The facility is located on land subject to
lease agreements with landowners. There are approximately 6,404 acres within the LJIIA site
boundary.
(b) Leaning Juniper IIB (LJIIB)

The energy facility is an operating electric power generating plant with an average electric generating capacity of approximately 37 megawatts and a peak generating capacity of not more than 111 megawatts. The facility consists of, at maximum, 74 wind turbines with the peak generating capacity of each turbine not more than 1.5 megawatts.

Related or Supporting Facilities

Power Collection System
A power collection system operating at 34.5 kilovolts 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 near the turbines. An above ground 230-kV transmission line carries the power from the substation to the Bonneville Power Administration Jones Canyon Switching Station and an interconnection with the regional transmission grid through BPA’s McNary-Santiam 230-kV transmission line.

Meteorological Towers
The facility includes two permanent meteorological towers. The met towers are non-guyed steel towers approximately 80 meters in height.

Operations and Maintenance Facilities
The facility includes one operations and maintenance building with approximately 1.5 acres of fenced, graveled parking and storage area adjacent to the building.

Control System
A fiber optic communications network links the wind turbines to a central computer at the Operations and Maintenance buildings. A “supervisory, control and data acquisition” system collects operating and performance data from each wind turbine and from the facility as a whole and allows remote operation of the wind turbines.

Access Roads
The facility includes access roads to provide access to the turbine strings.

Site and Site Boundary
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, and there are approximately 7,962 acres in the LJIIB site boundary.
II.A.3. Certificate Holder’s Proposed Changes to Site Certificate

Certificate holder submitted a red-line version of the site certificate(s) detailing the proposed changes in its Request for Amendment dated December 28, 2012.

II.A.4. Council’s Recommended Changes to the Site Certificate

The Council adopts the certificate holder’s proposed amendments, subject to slight modification regarding conditions relating to the Habitat Plans, Wildlife Monitoring and Mitigation Plans, the Revegetation Plans and the transfer of the LIIIB site certificate to PGE. Please see Attachment A and B for a red-line version of the recommended site certificate(s) detailing the proposed changes. New text proposed by Council is shown in a single underline. New text proposed by the certificate holder with concurrence by Council is shown with a double underline. Deletions are shown with a strikethrough.

II.B. Procedural History

As described above, on September 21, 2007, the Council issued the Site Certificate for Leaning Juniper II Wind Power Facility to Leaning Juniper Wind Power Facility II, LLC. This amendment represents the second amendment to the site certificate.

On March 17, 2009, the Department concluded that a site certificate amendment proceeding was not necessary to accommodate the changes proposed in Change Order 1 by the certificate holder.\(^2\) Change Order 1 allowed the location of the substation to be moved approximately 200 feet to the northeast from where it was shown in Figure C-4 of the Site Certificate Application; increased the length of the interconnection line between the substation and the Jones Canyon Switching Station from 400 feet to approximately 1550 feet because of the change in substation location; and realigned a segment of the collector line to accommodate the needs of the parties granting the easement.

On November 20, 2009, the Council executed Amendment 1 to the site certificate. Amendment 1 expanded the site boundary, adding approximately 7,962 acres to the site, and authorized the construction and operation of up to 84 wind turbines and related infrastructure within the new area (LIIIB).

On July 30, 2012, the Department determined that a site certificate amendment proceeding was unnecessary to accommodate the changes proposed in Change Order 2 by the certificate holder.\(^3\) Change Order 2 provided alterations allowing for physical separation between the LIIIA and LIIIB equipment. The order modified components within the existing fenced and graveled area at the substation and added components outside the existing

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\(^2\) Letter from John G. White, ODOE Siting Analyst to Dave Filippi re: Leaning Juniper II Wind Power Facility, Change Request #1 (March. 17, 2009).

\(^3\) Letter from John G. White, ODOE Siting Analyst to Sara Parsons re: Leaning Juniper II Wind Power Facility, Change Request #2 (July 30, 2012).
fence line. Components outside the existing fence line included: up to three additional 230-
kv line support poles; approximately 700 feet of access road running from Rattlesnake Road
to the substation; and an addition to the existing fence to accommodate the new access
road and gate. These changes provide separate access to the substation equipment that
serve LIIB. In the Change Order Request Letter, ODOE confirmed that the changes would
not affect the calculation of the habitat mitigation area required under Condition 89 and
noted that the construction of the components described in the change request should be
performed in compliance with conditions in the site certificate (note especially 11, 17, 28,
33, 39, 40, 41, 44, 47, 50, 54, 63, 70, 72, 74, 79, 80, 83-85 and 92). In addition, ODOE
explained that it treated the new transmission line and access road components as
components of LIIB, even though the existing substation is accounted for in the site
restoration cost calculation for LIIIA. ODOE explained that in the event that LIIA and LIIB
become separate facilities, it would consider the substation to be shared. Therefore, the
costs associated with removing the substation and restoring the site within the substation
fence would be included in the restoration cost calculation for both facilities.

On December 28, 2012, LIWP and PGE jointly submitted the “Request for Amendment No. 2
to the Site Certificate for the Leaning Juniper II Wind Power Facility.” On January 09, 2013,
LIWP and PGE sent copies of the amendment request to a list of reviewing agencies
provided by the Department with an attached memorandum from the Department
requesting agency comments by February 11, 2013. On January 11, 2013 the Department
sent notice of the amendment request to all persons on the Council’s mailing list, to the
special list established for the facility and to an updated list of property owners supplied by
LIWP, again requesting comment by February 11, 2013. Public and Agency comments on the
Request for Amendment are summarized in the following sections, and, as applicable to
Council standards, are addressed in Section III of this Proposed Order.

By email dated January 11, 2013, the Department notified LIWP and PGE that the Proposed
Order would be issued no later than April 12, 2013.

ODOE issued the proposed order on April 10, 2013 recommending approval of the
amendment 2 and the transfer. On the same day, ODOE issued notice of the proposed order
in accordance with OAR 345-027-0070, specifying May 10, 2013 as the deadline for public
comments and requests for a contested case on the proposed order. ODOE also posted
notice on the agency website, along with the proposed order.

EFSC held an informational hearing on the transfer request at the May 03, 2013 public
meeting in Hermiston, Oregon, and considered the proposed order at a public meeting in
Portland, Oregon on June 21, 2013.
II.C. Reviewing Agency Comments on the Request for Amendment 2

Oregon Department of State Lands
DSL stated that if there is wetland mitigation associated with the facility, before the transfer the applicant must contact the DSL Northern Region Manager to discuss any needed information for transferring the mitigation responsibility. DSL stressed that if there is a mitigation responsibility and/or a financial security for mitigation, those must be transferred along with the site certificate. The Department’s assessment of mitigation impacts and responsibilities is discussed below in Section III.

Oregon Department of Transportation
ODOT reviewed the proposed amendment and had no comment on the project.

Oregon Department of Fish and Wildlife
ODFW reviewed the amendment request and had no concerns about the amendment provided PGE accepts and completes all obligations agreed upon by LJWP in the original site certificate including the Habitat Mitigation, Revegetation and Wildlife Monitoring Plans. The Department’s assessment of the wildlife impacts and responsibilities is discussed below in Section III.A.8. Additionally, PGE’s responsibilities as transferee are discussed in Section III.D., which includes a discussion of the necessary commitment from PGE to assume the on-going obligations as stated in the site certificate conditions.

Oregon Water Resources Department
OWRD noted that because this is an operating facility with no construction anticipated, OWRD had no concerns because no additional water use or impact is anticipated.

Oregon State Historic Preservation Office
SHPO reviewed the amendment request and had no comment addressing cultural resources regarding the transfer of site certificate to PGE. However, SHPO noted that if once the division and transfer are complete and changes to the facilities result in ground disturbing activities, additional survey may be needed.

II.D. Public Comments on the Request for Amendment 2

Irene Gilbert
Ms. Gilbert submitted comments on the request for amendment and within her comments included a Request for a Contested Case. Ms. Gilbert’s comments can be summarized as follows: (1) a division of the facility requires a review of the impacts on wildlife that are specific to each facility; (2) mitigation requirements that were based upon assumptions and

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4 Under OAR 345-027-0070(6), the contested case request was premature. A request for a contested case must be based upon the Proposed Order. Ms. Gilbert was notified and made aware that if she determines a need to request a contested case, she must submit that request after the issuance of the Proposed Order.
generalizations that covered both sites as one facility are no longer appropriate or accurate; (3) all binding requirements must be specifically outlined in a site certificate and the proposed order does not meet this requirement; (4) there has been a significant change in the financial viability of Iberdrola since the initial site certificate was issued—a bond needs to be required which is equal to the amount of public financing which has been extended to Iberdrola with the requirement that it be repaid. In response to Ms. Gilbert’s comments, Montague and PGE submitted a joint response, addressing each of Ms. Gilbert’s comments. The Department reviewed Ms. Gilbert’s comments and the joint response, and, as applicable to EFSC standards, addresses each comment in Section III below. The Department addresses wildlife impacts and mitigation in Section III.A.9 and III.A.10, and financial assurance obligations in Section III.A.8. and Section III.C.2.

II.E. Reviewing Agency Comments on the Proposed Order

The Department did not receive any substantive comments from any reviewing agency on the Proposed Order.

II.F. Public Comments on the Proposed Order

Marion Weatherford
Ms. Weatherford expressed support for the Leaning Juniper facility and cited many of the positive benefits wind energy development has had on Gilliam County. Ms. Weatherford urged EFSC to grant the amendment and transfer.

Honorable Steve Shaffer
Judge Shaffer submitted a comment expressing support for the amendment and transfer, citing the positive economic impacts energy projects can have, and urged EFSC to grant both requests.

Jan Foglesong
Ms. Foglesong expressed support for both the amendment and the transfer and referenced a recent OpEd article outlining the benefits of wind energy in Gilliam County.

II.G. Applicable Standards

Under ORS 469.405, “a site certificate may be amended with the approval of the Energy Facility Siting Council.” The Council has adopted rules for determining when a site certificate amendment is required (OAR 345-027-0030 and -0050) and rules setting out the procedure for amending or transferring a site certificate (OAR 345-027-0060 -0070 and -0100).
Consistent with OAR 345-027-0100(12), the Council may act concurrently on a request to transfer a site certificate and any other amendment request. However, the Council must follow the procedures described in OAR 345-027-0100 for the transfer request and the procedures described in OAR 345-027-0060 and -0070 for the amendment.

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II.G.1. When an Amendment is Required

Under OAR 345-027-0050, an amendment is necessary when the certificate holder proposes to design, construct, or operate a facility in a manner different from the description in the site certificate when the proposed change could (a) result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource protected by Council standards; (b) impair the certificate holder’s ability to comply with a site certificate condition; or (c) could require a new condition or a change to a condition in the site certificate. LIWP requests, in addition to the transfer, a division of the facility into two separate, individual facilities (LIIB and LIIB) with each possessing its own site certificate.

In making its decision on the amendment request, OAR 345-027-0070(10)(d) establishes the scope of Council review. OAR 345-027-0070(10)(d) guides the Council’s consideration because the amendment request does not seek to extend the construction deadlines (OAR 345-027-0070(10)(b)) nor does the request seek to change the site boundary (OAR 345-027-0070(10)(a)). Accordingly, the Council shall consider, under OAR 345-027-0070(10)(c), whether the division of the facility would affect any finding made by the Council in an earlier order. Council standards and previous Council findings are discussed further in Section III below.

In addition, the Council must consider whether the amount of the bond or letter of credit required under OAR 345-022-0050 is adequate (OAR 345-027-0070(10)(d)). Compliance with this Council standard is discussed in Section III.

II.G.2. Transfer of a Site Certificate

OAR 345-027-0100 describes the procedures and process for transferring a site certificate. Under OAR 345-027-0100(1)(a) a transfer of ownership requires a transfer of the site certificate when the person who will have the legal right to possession and control of the site or the facility does not have authority under the site certificate to construct, operate or retire the facility. As described in PGE’s 2009 Integrated Resource Plan, PGE is seeking to acquire approximately 101 Mwa of mid-to-long-term renewable energy supply, bundled with their associated renewable energy credits, to be available beginning in the 2013-2017 timeframe. PGE and Montague entered into an Asset Purchase Agreement for (1) the ownership and development rights and Site Certificate for the Montague Wind Power facility and (2) PGE and Leaning Juniper Wind Power II, LLC entered into an APA for the ownership and site certificate for the 111 MW Leaning Juniper IIB project. Iberdrola Renewables, LLC is the parent company of the certificate holder. In accordance with PGE’s Request for Proposal dated October 1, 2012, PGE and Iberdrola Renewables, LLC jointly prepared and submitted a “Benchmark Bid” consisting of LIIB and the Montague Wind Power facility. Pursuant to the APAs, if PGE and Iberdrola’s Benchmark Bid is selected, PGE will acquire the rights, title and interests in both LIIB and Montague Wind Power facility upon closing.
Therefore, pursuant to OAR 345-027-0100(1)(a), a transfer of the resulting LJIIB site certificate is required as PGE, assuming the closing occurs, will have the legal right to possession of LJIIB. LJWP will retain authority to construct, operate or retire LJIIB.

To request a transfer, a transferee must submit a written request to the Department that includes the information described in OAR 345-021-0010(1)(a), (d), (f) and (m), a certification that the transferee agrees to abide by all terms and conditions of the site certificate currently in effect and, if known, the date of the transfer of ownership. Additionally, the Council must hold a public informational hearing during a Council meeting before acting on the transfer request. To approve the transfer, the Council must find that the transferee complies with the standards described in OAR 345-022-0010, OAR 345-022-0050 and, if applicable, OAR 345-024-0710(1), and that the transferee is or will be lawfully entitled to possession or control of the site or the facility described in the site certificate. As described in more detail below, PGE, as the transferee, joined LJWP in filing the amendment request, and provided the necessary information to demonstrate PGE's compliance with the applicable Council standards.

III. REVIEW OF THE PROPOSED AMENDMENT AND TRANSFER

III.A. Review of the Proposed Amendments

A site certificate amendment is necessary under OAR 345-027-0050, because LJWP proposes to operate the facility in a manner different from the description in the site certificate, and the division of the facility could require new conditions or modification to current conditions in the site certificate. In making its decision on this amendment request, OAR 345-027-0070(10) establishes the Council’s scope of review and the Council shall consider whether the amendment affects any finding made by the Council in an earlier order.

III.A.1. Energy Facility Siting Standards

The Council must decide whether the amendment complies with the facility siting standards adopted by the Council. In addition, the Council must impose conditions for the protection of the public health and safety, conditions for the time of commencement and completion of construction conditions to ensure compliance with standards, statutes and rules.

The Council is not authorized to determine compliance with regulatory programs that have been delegated to another state agency by the federal government. Nevertheless, the

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6 OAR 345-022-0010 is the Council’s Organizational Expertise Standard, OAR 345-022-0050 is the Retirement and Financial Assurance Standard, and OAR 345-024-0710(1) is the Monetary Path Payment Requirement applicable to the Carbon Dioxide Emissions Standard.
7 OAR 345-027-0100(8).
8 ORS 469.401(2)
9 ORS 469.503(3)
Council may consider these programs in the context of its own standards to ensure public
health and safety, resource efficiency and protection of the environment.

The Council has no jurisdiction over design or operational issues that do not relate to siting,
such as matters relating to employee health and safety, building code compliance, wage and
hour or other labor regulations, or local government fees and charges.\(^9\)
In making its decision on an amendment of a site certificate, the Council applies the
applicable state statutes, administrative rules and local government ordinances that are in
effect on the date the Council makes its decision, except when applying the Land Use
Standard. In making findings on the Land Use Standard, the Council applies the applicable
substantive criteria in effect on the date the certificate holder submitted the request for
amendment.\(^{12}\)

III.A.2. General Standard of Review: OAR 345-022-0000

W. To issue a site certificate for a proposed facility or to amend a site certificate, the
Council shall determine that the preponderance of evidence on the record supports
the following conclusions:

W. The facility complies with the requirements of the Oregon Energy Facility
Siting statutes, ORS 469.300 to ORS 469.570 and 469.590 to 469.619, and the
standards adopted by the Council pursuant to ORS 469.501 or the overall
public benefits of the facility outweigh the damage to the resources protected
by the standards the facility does not meet as described in section (2);

(b) Except as provided in OAR 345-022-0030 for land use compliance and except
for those statutes and rules for which the decision on compliance has been
delegated by the federal government to a state agency other than the Council, the
facility complies with all other Oregon statutes and administrative rules identified
in the project order, as amended, as applicable to the issuance of a site certificate
for the proposed facility. If the Council finds that applicable Oregon statutes and
rules, other than those involving federally delegated programs, would impose
conflicting requirements, the Council shall resolve the conflict consistent with the
public interest. In resolving the conflict, the Council cannot waive any applicable
state statute.

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The requirements of OAR 345-022-0000 are addressed in the findings of fact and conclusions
of law in the sections that follow. Upon consideration of all of the evidence on the record,
recommendation of approval is submitted.

\(^9\) ORS 469.401(4)
\(^{12}\) OAR 345-027-0070(10)
III.A.3. 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 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.

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

(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.

(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.

Findings of Fact

Subsections (1) and (2) of the Council’s Organizational Expertise Standard require that the certificate holder demonstrate the ability to design, construct, and operate the facility in compliance with Council standards and all site certificate conditions, as well as to restore the site to a useful, non-hazardous condition. Subsections (3) and (4) address third-party permits, which include those permits that the certificate holder relies on a contractor or other third party to obtain.
The current site certificate holder is Leaning Juniper Wind Power Facility II, LLC. When the site certificate was originally issued, Leaning Juniper Wind Power Facility II, LLC was a wholly-owned subsidiary of PPM Energy, Inc. Because of its corporate relationship as a subsidiary of PPM Energy, Inc., in the Final Order on the Application, the Council found that LIWP, subject to the site certificate conditions, demonstrated the organizational expertise to construct and operate the proposed facility. Those findings are incorporated by this reference. Additionally, in the Final Order on Amendment 1, the Council found that even though there had been modification of the corporate organization above LIWP, the site certificate holder still satisfied the Council’s Organizational Expertise Standard.

With regard to third-party permits, in the Final Order on the Application and the Final Order on Amendment 1, the Council found that LIWP did not require or rely on any state or local government permit issued to a third party for the construction and operation of the LIJIA and LIJIB components of the facility.

The proposed amendment, dividing LIJ into two separate facilities, LIJIA and LIJIB, does not affect the certificate holder’s organizational expertise or impact the Council’s previous findings. There has been no change of circumstance affecting the certificate holder’s qualifications.

Conclusion

Based on the findings discussed above, the Council concludes that LIWP satisfies the Council’s Organizational Expertise standard.

III.A.4. Structural Standard: OAR 345-022-0020

(1) Except for facilities described in sections (2) and (3) to issue a site certificate, the Council must find that:

(a) The applicant, through appropriate site-specific study, has adequately characterized the site as to the Maximum Considered Earthquake Ground Motion as shown for the site in the 2009 International Building Code and maximum probable ground motion, taking into account ground failure and amplification for the site specific soil profile under the maximum credible and maximum probable seismic events; and

(b) The applicant can 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 maximum probable ground motion events. As used in this rule “seismic hazard” includes ground shaking, ground failure, landslide, liquefaction, lateral spreading, tsunami inundation, fault displacement, and subsidence;

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12 Final Order on the Application at 18.
13 Final Order on Amendment 1 at 11.
(C) The applicant, through appropriate site-specific study, has adequately characterized the potential geological and soils hazards of the site and its vicinity that could, in the absence of a seismic event, adversely affect, or be aggravated by, the construction and operation of the proposed facility; and

(d) The applicant can design, engineer and construct the facility to avoid dangers to human safety presented by the hazards identified in subsection 1.

(2) The Council may issue a site certificate for a facility that would produce power from wind, solar or geothermal energy without making the findings described in section (1). However, the Council may apply the requirements of section (1) to impose conditions on a site certificate issued for such a facility.

***

Findings of Fact

Pursuant to the rule, the Council may issue a site certificate without making findings with respect to the Structural Standard; however the rule also authorizes the Council to impose site certificate conditions based upon the requirements of the standard. In the Final Order on the Application, the Council adopted site certificate Conditions 12, 13, 14, 49, 50 and 51 to address the potential seismic and non-seismic geologic hazards at the facility site. The Council’s previous findings and conclusions are incorporated by this reference. In the Final Order on Amendment 1, the Council modified Condition 49 to require a site-specific geotechnical investigation before beginning construction of any phase of the facility. The Council found no other necessary changes to the site certificate conditions related to the Structural Standard.

Amendment 2 seeks to divide the facility into two separate facilities within the approved site boundary. LIJA and LJIIB are operational, and Amendment 2 would not result in the placement of facility components within geologic areas that have not been addressed by the Council. The Council recommends that Condition 49 be amended as applicable to each facility, with no additional changes necessary.

Conclusion

The Council concludes that, as amended, LIJA and LJIIB, comply with the Council’s Structural Standard.

III.A.5. Soil Protection: OAR 345-022-0022

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in a

14 Final Order on the Application at 104.
15 Final Order on Amendment 1 at 76.
significant adverse impact to soils including, but not limited to, erosion and chemical factors such as salt deposition from cooling towers, land application of liquid effluent, and chemical spills.

Findings of Fact

The Soil Protection Standard requires the Council to find that the design, construction and operation of the facility are not likely to result in significant adverse impacts to soil.

In the Final Order on the Application, the Council found that the design, construction and operation of the proposed facility, taking into account mitigation, would not result in a significant adverse impact to soil. Therefore, the Council concluded that the facility complied with the Soil Protection Standard. Those findings are incorporated by this reference. To further mitigate the potential impacts to soil during construction and operation, the Council adopted Conditions 60, 70, 71, 74, 75 and 77.

In the Final Order on Amendment 1, the Council found that the design, construction and operation of the facility, including the proposed LJIIA components, would not result in significant adverse impacts to soils, taking into account the mitigation required by the site certificate conditions. Those findings are incorporated by this reference.

Amendment 2 seeks to divide the facility into two separate facilities within the existing approved site boundary. Because the site boundary would not be changed, approval of the amendment would not result in any soil impacts that have not been addressed by the Council in a previous order. In addition, LJIIA and LJIIB are operational and the proposed division of the facility would not alter the facts upon which the Council relied in its previous findings regarding soil impacts. The Council modifies Condition 74 to incorporate modifications to the Revegetation Plan as applicable to each facility. The Council finds that no additional changes are necessary to the other site certificate conditions regarding soil protection (Conditions 60, 70, 71, 75 and 77). The Council finds that the design, construction and operation of the LJIIA and LJIIB facilities would not likely result in significant adverse impacts to soils, taking into account the mitigation required by the site certificate conditions.

Conclusion

The Council concludes that, as amended, LJIIA and LJIIB, comply with the Council’s Soil Protection Standard.

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16 Final Order on the Application at 53.
17 Final Order on Amendment 1 at 46.
III.A.6. Land Use: OAR 345-022-0030

(1) To issue a site certificate, the Council must find that the proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission.

(2) The Council shall find that a proposed facility complies with section (1) if:

(a) The applicant elects to obtain local land use approvals under ORS 469.504(1)(a) and the Council finds that the facility has received local land use approval under the acknowledged comprehensive plan and land use regulations of the affected local government; or

(b) The applicant elects to obtain a Council determination under ORS 469.504(1)(b) and the Council determines that:

(A) The proposed facility complies with applicable substantive criteria as described in section (3) and the facility complies with any Land Conservation and Development Commission administrative rules and goals and any land use statutes directly applicable to the facility under ORS 197.646(3);

(B) For a proposed facility that does not comply with one or more of the applicable substantive criteria as described in section (3), the facility otherwise complies with the statewide planning goals or an exception to any applicable statewide planning goal is justified under section (4); or

(C) For a proposed facility that the Council decides, under sections (3) or (6), to evaluate against the statewide planning goals, the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under section (4).

***

Findings of Fact

The Land Use Standard requires the Council to find that a proposed facility complies with the statewide planning goals adopted by the Land Conservation and Development Commission. The Council must apply the Land Use Standard in conformance with the requirements in ORS 469.504. The Oregon Supreme Court has held “under ORS 469.504(1)(b) and (5), the Council may choose to determine compliance with statewide planning goals by evaluating a facility under paragraph (A) or (B) or (C), but it may not combine elements or methods from more than one paragraph, except to the extent that the chosen paragraph itself permits.”

The Council may find compliance with statewide planning goals under ORS 469.504(1)(b)(A) if the Council finds that the proposed facility “complies with applicable substantive criteria from the affected local government’s acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the
application is submitted.” Under ORS 469.504(1)(b)(B) the Council must determine whether the proposed facility “otherwise [complies] with the applicable statewide planning goals.” In *Save Our Rural Oregon*, the Oregon Supreme Court held that “paragraph (B) necessarily requires an evaluation of the same applicable substantive criteria as paragraph (A) and, to the extent those criteria are not met, directs the council to consider statewide planning goals.” However, the Council may not evaluate a proposed facility under both subparagraph (A) and subparagraph (B).

Under ORS 469.504(5), the Council must apply the applicable substantive criteria recommended by the Special Advisory Group (SAG). Gilliam County is the affected local government and, as such, the Council appointed Gilliam County Court, the Gilliam County governing body, as the SAG for the LWF application and amendment review processes.¹⁸

In the *Final Order on the Application*, the Council determined the following as applicable substantive criteria: Gilliam County Zoning Ordinance (GCZO) Sections 4.020(A), 4.020(D)(14), 4.020(J), 7.010(A)(1), 7.010(A)(2), 7.020(Q), 7.020(T). The Council found that the Facility complied with the applicable substantive criteria, except GCZO section 4.020(D)(14), which limited the area that a commercial utility facility may occupy in an Exclusive Farm Use Zone.¹⁹ Therefore, in accordance with ORS 469.504(1)(b)(B), the Council reviewed the Facility to determine compliance with the applicable statewide planning goal (Goal 3).²⁰ The Council found that the proposed principal use and access roads would “preclude more than 20 acres from use as a commercial agricultural enterprise” and that the facility, consequently, would not comply with OAR 660-033-0130(22), which implements Goal 3.²¹ However, the Council determined that an exception to Goal 3 was justified under ORS 469.504(2), and, therefore, found compliance under ORS 469.504(1)(b)(B). In addition, the Council adopted the following Conditions relating to the land use standard: 28, 36, 39, 40, 41, 42, 43, 44, 70, 71, 74, 75, 82, 90, 92, 97, 98, 99, and 100. The Council’s previous findings are incorporated by this reference.²²

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¹⁹ GCZO Section 4.020(D)(14) provides that a power generation facility not located on high value farmland must not “preclude more than 20 acres from use as a commercial agricultural enterprise” and a power generation facility located on high value farmland must not “preclude more than 12 acres from use as a commercial agricultural enterprise.”

²⁰ Under Goal 3, non-farm uses are permitted within a farm use zone as provided under ORS 215.283. To find compliance with ORS 215.283, the Council must determine whether the proposed energy facility and its related or supporting facilities are uses that fit within the scope of the uses permitted on EFU land described in ORS 215.283(1), (2) or (3).

²¹ OAR Chapter 660, Division 33, contains the Land Conservation and Development administrative rules for implementing the requirements for agricultural land as defined by Goal 3. Prior to 2009 the standards found in OAR 660-033-0130(5) and (22) applied to a wind power facility proposed to be located on non-high-value farmland and OAR 660-033-0130(5) and (17) applied to such a facility proposed to be located on high-value farmland.

²² *Final Order on the Application* at 52.
Because Amendment 1 included an extension of the construction completion date as well as an expansion of the site boundary, the Council considered whether the facility as a whole complied with the Land Use Standard. In the Final Order on Amendment 1, the Council applied the applicable substantive criteria in effect on the date the certificate holder submitted the request for amendment and determined the following as applicable substantive criteria: GCZO Sections 4.020(A), 4.020(D)(14), 4.010(J), 7.010(A)(1), 7.010(A)(2), 7.020(Q) and 7.020(T). The Council found that the facility, including the proposed LJIIB components, complied with all applicable substantive criteria from Gilliam County except GCZO Section 4.020(D)(14). The Council proceeded with the land use analysis under ORS 469.504(1)(b)(B) to determine whether the facility would “otherwise comply with the applicable statewide planning goals.” Again, the Council determined Goal 3 was the applicable statewide planning goal, and found that if the new LCDC rules applied, the facility, including LJIIB components, complied with the applicable statewide planning goal; conversely, if the old LCDC rules applied, the facility, including the LJIIB components, did not comply with the applicable statewide planning goal. However, the Council found that an exception to Goal 3 was justified, and concluded that the facility, as amended to include LJIIB, complied with the Land Use Standard. The Council’s previous findings are incorporated by this reference.

In considering this amendment request, pursuant to OAR 345-027-0070(10), the Council must apply the applicable substantive criteria in effect on the date the certificate holder submitted the request for amendment. On December 20, 2012, the Department sent Gilliam County Court a letter explaining its appointment as a SAG for the facility and a description of the SAGs role in the amendment review process. The letter included and highlighted the SAG’s responsibility to submit applicable substantive criteria and as requested by the Department. On January 11, 2013, the Department sent out a Memo to Reviewing Agencies, including Gilliam County Court, requesting comment and input on the amendment request by February 11, 2013. Gilliam County Court did not submit comment or its recommendation for applicable substantive criteria by the February 11, 2013 deadline but on March 27, 2013, the Department received a letter confirming that the SAG had adopted

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23 The Council found that the LJIIB principal use and access roads would occupy up to 24 acres of high-value farmland and 48 acres of non-high-value farmland. Therefore, the components would occupy more than 12 acres of high-value farmland and more than 20 acres of non-high-value farmland, in direct contravention with GCZO Section 4.020(D)(14). Final Order on Amendment 1 at 22.
24 Final Order on Amendment 1 at 32.
25 OAR 660-033-0130(37) became effective on January 2, 2009. At the same time, LCDC adopted amendments to OAR 660-033-0120 (Table 1) that added reference to a “wind power generation facility” as a distinct type “R” use. The amendment provided that OAR 660-033-0130(5) and (37) applied to wind power generation facilities. The effect of these amendments was to eliminate the 12-acre and 20-acre restrictions on wind power generation facilities that were contained in OAR 660-033-0130(17) and (22) and to impose, instead, new restrictions on wind power generation facilities contained in OAR 660-033-0130(37). At the time of the amendment request, Gilliam County had yet to incorporate the changes into their local zoning ordinance.
26 The Council found that the facility would occupy more than 12 acres of high-value farmland and more than 20 acres of non-high-value farmland. Therefore, the facility, as amended, did not comply with OAR 660-033-0130(17) and (22); therefore, the facility did not comply with the rules implementing Goal 3.
27 Final Order on the Amendment 1 at 45.
the Gilliam County Planning Director’s recommendation contained in her December 4, 2012 letter to the certificate holder regarding the applicability of the amended GCZO to permitted wind facilities.

In October 2011, Gilliam County Court adopted amendments to the Gilliam County Comprehensive Plan and Land Development Ordinance (GCZO), adopting revised and new standards for wind energy facilities including the amendments of OAR 660-033-0120 and 660-033-0130. Accordingly, the Council concludes that the applicable substantive criteria are those provisions from the amended GCZO. Nonetheless, as discussed previously, the Council’s scope of review is established under OAR 345-027-0070(10). In accordance with the established scope of review, the Council must consider only whether this amendment request would affect any finding made by the Council in an earlier order.

Amendment 2 would divide the facility into two separate facilities within the approved site boundary. LJIIA and LJIIIB are operational, and approval of the amendment would not result in any land use impacts that have not been addressed by the Council. The amendment would not expand the site boundary or alter the authorized uses. The proposed division of the facility would not change the facts upon which the Council relied in its previous findings regarding land use, and the amendment would not affect any finding made by the Council in an earlier order.

Conclusion

Based on these findings, the Council concludes that, as amended, LJIIA and LJIIIB comply with the Council’s Land Use Standard.

III.A.7. Protected Areas: OAR 345-022-0040

(1) Except as provided in sections (2) and (3), the Council shall not issue a site certificate for a proposed facility located in the areas listed below. To issue a site certificate for a proposed facility located outside the areas listed below, the Council must find that, taking into account mitigation, the design, construction and operation of the facility are not likely to result in significant adverse impact to the areas listed below. References in this rule to protected areas designated under federal or state statutes or regulations are to the designations in effect as of May 11, 2007:

(a) National parks, including but not limited to Crater Lake National Park and Fort Clatsop National Memorial;

28 The Department acknowledges that Gilliam County and the certificate holder take the position that the amended GCZO does not apply to the facility, for the reasons set forth in the County’s December 4, 2012 and March 28, 2013 letters and in the certificate holder’s Request for Amendment and Joint Response to Comments.
(b) National monuments, including but not limited to John Day Fossil Bed National Monument, Newberry National Volcanic Monument and Oregon Caves National Monument;

(c) Wilderness areas established pursuant to The Wilderness Act, 16 U.S.C. 1131 et seq. and areas recommended for designation as wilderness areas pursuant to 43 U.S.C. 1782;

(d) National and state wildlife refuges, including but not limited to Ankeny, Bandon Marsh, Baskett Slough, Bear Valley, Cape Meares, Cold Springs, Deer Flat, Hart Mountain, Julia Butler Hansen, Klamath Forest, Lewis and Clark, Lower Klamath, Malheur, McKay Creek, Oregon Islands, Sheldon, Three Arch Rocks, Umatilla, Upper Klamath, and William L. Finley;

(e) National coordination areas, including but not limited to Government Island, Ochoco and Summer Lake;

(f) National and state fish hatcheries, including but not limited to Eagle Creek and Warm Springs;

(g) National recreation and scenic areas, including but not limited to Oregon Dunes National Recreation Area, Hell’s Canyon National Recreation Area, and the Oregon Cascades Recreation Area, and Columbia River Gorge National Scenic Area;

(h) State parks and waysides as listed by the Oregon Department of Parks and Recreation and the Willamette River Greenway;

(i) State natural heritage areas listed in the Oregon Register of Natural Heritage Areas pursuant to ORS 273.581;

(j) State estuarine sanctuaries, including but not limited to South Slough Estuarine Sanctuary, OAR Chapter 142;

(k) Scenic waterways designated pursuant to ORS 390.826, wild or scenic rivers designated pursuant to 16 U.S.C. 1271 et seq., and those waterways and rivers listed as potentials for designation;

(l) Experimental areas established by the Rangeland Resources Program, College of Agriculture, Oregon State University: the Prineville site, the Burns (Squaw Butte) site, the Starkey site and the Union site;

(m) Agricultural experimental stations established by the College of Agriculture, Oregon State University, including but not limited to: Coastal Oregon Marine
Experiment Station, Astoria Mid-Columbia Agriculture Research and Extension Center, Hood River Agriculture Research and Extension Center, Hermiston Columbia Basin Agriculture Research Center, Pendleton Columbia Basin Agriculture Research Center, Moro North Willamette Research and Extension Center, Aurora East Oregon Agriculture Research Center, Union Malheur Experiment Station, Ontario Eastern Oregon Agriculture Research Center, Burns Eastern Oregon Agriculture Research Center, Squaw Butte Central Oregon Experiment Station, Madras Central Oregon Experiment Station, Powell Butte Central Oregon Experiment Station, Redmond Central Station, Corvallis Coastal Oregon Marine Experiment Station, Newport Southern Oregon Experiment Station, Medford Klamath Experiment Station, Klamath Falls;

(o) Research forests established by the College of Forestry, Oregon State University, including but not limited to McDonald Forest, Paul M. Dunn Forest, the Blodgett Tract in Columbia County, the Spaulding Tract in the Mary's Peak area and the Marchel Tract;

(o) Bureau of Land Management areas of critical environmental concern, outstanding natural areas and research natural areas;

(p) State wildlife areas and management areas identified in OAR chapter 635, Division 8.

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Findings of Fact

In the Final Order on the Application, the Council found that the facility, as proposed, was not located in any protected area listed in OAR 345-022-0040 and that the design, construction and operation of the facility, taking mitigation into account, would not result in significant adverse impacts to the protected areas. Those findings are incorporated by this reference.

In the Final Order on Amendment 1, the Council found that the previous findings in the Final Order on the Application regarding potential impacts on protected areas applied to the LIIB components and that the no part of the amended facility was located on any protected area listed in OAR 345-022-0040. The Council concluded that the design, construction and operation of the facility would not result in significant adverse impacts to any protected area. The Council’s previous findings are incorporated by this reference.

Amendment 2 seeks to divide the facility into two separate facilities within the approved site boundary. Approval of the amendment would not result in any impacts to Protected Areas
that have not been addressed by the Council. LJIIB and LJIIB are operational and the
proposed division of the facility would not alter the facts upon which the Council relied in its
previous findings. The Council finds that LJIIB and LJIIB are not located in any protected area
listed in OAR 345-022-0040 and that the design, construction and operation of the facilities
are not likely to result in significant adverse impacts.

Conclusion

The Council concludes that, as amended, LJIIB and LJIIB comply with the Council's Protected
Areas Standard.


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) 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.

Findings of Fact

The Council must find that the site can be restored to a useful, non-hazardous condition
following permanent cessation, and that the certificate holder has a reasonable likelihood of
obtaining a bond or comparable security, satisfactory to the Council, in an amount adequate
to restore the site.

In the Final Order on the Application, the Council found that the facility site could be
restored adequately to a useful, non-hazardous condition following permanent cessation of
construction or operation of the facility.\(^\text{31}\) The Council found that the certificate holder had
demonstrated a reasonable likelihood of obtaining a bond or letter of credit, satisfactory to
the Council, in an amount adequate to restore the site.\(^\text{32}\) Those findings are incorporated by
this reference.

In the Final Order on Amendment 1, the Council found that the facility site (including LJIIB
and LJIIB), taking mitigation into account, could be restored adequately to a useful, non-

\(^{31}\) Final Order on the Application at 25.
\(^{32}\) Final Order on the Application at 25. Condition 30 allows for an adjustment of the financial assurance amount
prior to the beginning of construction, based on the final design configuration.
hazardous condition following permanent cessation of construction or operation of the
facility. The Council adopted Condition 101, allowing the certificate holder to adjust the
amount of the initial bond or letter of credit for LIIB based on the final design configuration
of the facility, subject to Department approval. Based on its findings, the Council concluded
that LIWP demonstrated a reasonable likelihood of obtaining bonds or letters of credit,
satisfactory to the Council, adequate to restore the site to a useful, non-hazardous
condition. The Council’s previous findings are incorporated by this reference.

As established in Change Order 2, LIWP will be making minor modifications to the LIIA
collector substation that is located near BPA’s Jones Canyon substation to provide physical
separation between the LIIA and LIIB equipment. The approved Change Order estimated
the cost to restore the facility, inclusive of the minor modifications, and per ODOE’s request,
the cost of dismantling and disposing of the substation yard near BPA’s Jones Canyon
substation was accounted for in both the LIIA and LIIB cost estimates for restoration. The
LIIB cost estimate also includes the LIIB collector substation located south of Cedar Springs
Road near the LIIB turbines. The revised estimate for site restoration is 10.284 million
dollars, which is less than the currently held bond of $10,766 million dollars.

The certificate holder estimated the site restoration costs for LIIA and LIIB in Table 1 below.

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33 Final Order on Amendment 1 at 15.
34 Final Order on Amendment 1 at 18.
35 In the Change Order, the department established that “in the event that LIIA and LIIB...become separate
facilities, ODOE would likely consider the substation to be shared. That is, the costs associated with removing
the substation and restoring the site within the substation fence line would be included in the restoration cost
calculation for both facilities.”
Table 1

LEAVING JUNIPER II POST CONSTRUCTION SUBMITAL
Site Restoration Cost Estimates (1st Quarter 2010 Dollars)
Compliance with Condition 101 of the Final Order on Amendment #1 to the Site Certificate for Leaving Juniper II

<table>
<thead>
<tr>
<th>Cost Estimate Component</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turbines and Towers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disconnect electrical and ready for disassembly (per tower)</td>
<td>43</td>
<td>$679</td>
<td>$42,067</td>
</tr>
<tr>
<td>Remove turbine blades and hub (per tower)</td>
<td>43</td>
<td>$5,207</td>
<td>$223,801</td>
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<tr>
<td>Remove turbine runners (per net ton of steel)</td>
<td>12,436</td>
<td>$67.09</td>
<td>$830,212</td>
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<tr>
<td>Remove and load pand transformers (per tower)</td>
<td>43</td>
<td>$2,250</td>
<td>$96,750</td>
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<tr>
<td>Foundation and Transformer pad removal (per cubic yard of concrete)</td>
<td>2.163</td>
<td>$20.00</td>
<td>$43,178</td>
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<tr>
<td>Restore turbine turnouts (per tower)</td>
<td>43</td>
<td>$1,207</td>
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<td>Met Towers</td>
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<tr>
<td>Dismantle and dispose of met towers (per tower)</td>
<td>2</td>
<td>$6,637</td>
<td>$13,274</td>
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<tr>
<td>Substation and O&amp;M Building</td>
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<td></td>
<td></td>
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<tr>
<td>Dismantle and dispose of collector substation</td>
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<td>Dismantle and dispose of O&amp;M Facility</td>
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<td>$47,158</td>
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<tr>
<td>Transmission Line</td>
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<tr>
<td>Remove above-ground 34.5-kV collector (per mile)</td>
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<td>Remove 230-kV transmission line (per mile)</td>
<td>0.21</td>
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<tr>
<td>Remove below-ground 34.5-kV collector and junction boxes (each)</td>
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<td>$1,322</td>
<td>$23,892</td>
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<td>Access Roads</td>
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<tr>
<td>Road removal, grading and seeding (per mile)</td>
<td>13.57</td>
<td>$74,408</td>
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<td>Temporary Areas</td>
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<tr>
<td>Seed temporarily disturbed areas (per acre)</td>
<td>186.9</td>
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<td>General Costs</td>
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<tr>
<td>Permits, mobilization, engineering, overhead, utility disconnects (unit cost)</td>
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<td>Subtotal</td>
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<td>Subtotal Adjusted to 1st Quarter 2011 Dollars</td>
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<td>Gross Cost</td>
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<td>Administration and Project Management</td>
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<td>Future Development Contingency</td>
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<tr>
<td>Total Site Restoration Cost</td>
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<tr>
<td>Total Site Restoration Cost (Rounded To Nearest $1,000)</td>
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<td></td>
</tr>
</tbody>
</table>

- 24 -
Based on the above information, the Council finds that the following site restoration cost estimates for the two facilities are reasonable:

- LIJIA: $4.846 million
- LIJIB: $5.438 million

OAR 345-022-0050(2) requires the Council to determine whether the certificate holder has a reasonable likelihood of obtaining bonds or letters of credit, in a form and amount satisfactory to the Council, to restore the sites to a useful, non-hazardous condition.

LIWP, the current site certificate holder, holds a bond for the facility, which includes LIJIA and LIJIB. The bond amount was recently adjusted to 2013 First Quarter dollars and continued in February 2013. The bond provided by Westchester Fire Insurance Company covers the estimated cost for site restoration. The current bond will remain in place and will not be cancelled prior to ODOE receiving revised bonds or letters of credit from LIWP and/or PGE.
The Department received one public comment concerning LJWP’s ability to comply with the Retirement and Financial Assurance Standard, which is summarized above in Section II.D., addressed below.

The Council’s Retirement and Financial Assurance Standard protects the public and ensures that the facility, even if the certificate holder no longer exists, can be retired to a useful, nonhazardous condition. The Council standard does not require the Council to consider the amount of public funding that has been extended to any certificate holder. As discussed above in the Final Order on the Application and the Final Order on Amendment 1, the Council found that the certificate holder demonstrated a reasonable likelihood of obtaining a bond or letter of credit, satisfactory to the Council, adequate to restore the site to a useful, nonhazardous condition. Further, per Change Order 2, the revised estimate for site restoration is 10.284 million dollars, which is less than the currently held bond of 10.766 million dollars, and the bond will not be cancelled until ODOE receives revised bonds from LJWP and PGE (LJIIA and LJIIIB), should the transfer occur. This amendment request does not seek to enlarge the existing site boundary or change the physical components of LJF. Therefore, it is not necessary to recalculate the decommissioning costs for purposes of this amendment request.

Amendment 2 would not affect any of the Council’s previous findings, nor does the amendment request any changes that would alter the basis for the Council’s earlier findings. The Council finds that the certificate holder has demonstrated a reasonable likelihood of obtaining bonds or letters of credit, satisfactory to the Council, in amounts adequate to restore LJIIA and LJIIIB sites to a useful, non-hazardous condition.

Conclusion

Based on these findings, the Council concludes that, as amended, LJIIA and LJIIIB comply with the Council’s Retirement and Financial Assurance Standard.

III.A.9. Fish and Wildlife Habitat: OAR 345-022-0060

To issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are consistent with the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025 in effect as of September 1, 2000.

26 The Department (on behalf of the State of Oregon) would contact the bond holder and draw upon the surety bond. The bond holder would provide the bond money to the State and the State would use that money to contract out decommissioning the facility.
Findings of Fact

The Fish and Wildlife Standard requires the Council to find that the design, construction, and operation of the facility are consistent with fish and wildlife habitat mitigation goals as set forth in OAR 635-415-0025.

In the Final Order on the Application, the Council found that the design, construction and operation of the proposed facility, taking into account mitigation and subject to the site certificate conditions, would be consistent with ODFW’s habitat mitigation goals and standards. The Council made findings regarding the characteristics of the habitat types within the site boundary and the State sensitive species observed within or near the lease boundaries during avian point-counts and other wildlife surveys.37 To estimate the maximum habitat impacts that could result from construction of the facility, the applicant assumed a layout of turbines and other facility components within the micrositing corridors that would maximize the impact on higher-value habitat. The maximum impact habitat assessment for LJIIA is shown in Table 11 of the Final Order. Based upon its findings the Council concluded that the facility complied with the Council’s Fish and Wildlife Habitat Standard.38 The Council’s previous findings are incorporated by this reference.

As previously discussed, Amendment 1 authorized the site certificate holder to expand the site and construct and operate up to 84 wind turbines with a combined peak generating capacity of up to 186 MW together with related or supporting facilities within a new micrositing area of approximately 7,962 acres (LJIIIB).39 In the Final Order on Amendment 1, the Council found that the facility, including the LJIIIB components, would comply with the Council’s Fish and Wildlife Habitat Standard. The Council reviewed the habitat assessment presented in the amendment request and evaluated the potential habitat impacts of LJIIA and LJIIIB, establishing a required mitigation area for the whole facility. The Council found that for the facility as a whole, a mitigation area of up to 92 acres would be needed, recognizing that the actual size of the mitigation area would be smaller based upon the final design configuration of LJIIB.40 Further, the Council applied the previously adopted conditions in the site certificate to LJIIIB, subject to some modification.41 The Council’s

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37 Final Order on the Application at 82-91.
38 Id. at 103.
39 Request for Amendment #1, Section 1, p. 1, Response to RAI, Summary of Modifications, p.1, and Response to Additional RAI (table) #1, p. 2, and #14, p. 19, and Attachment 2, “Table 3-Revised: Habitat Types and Categories in the Amended Site Boundary for LJIIIB with Area of Impact.”
40 The Council determined that 39 acres were required for LJIIA and 53 acres for LJIIIB. Before beginning construction of any phase, the certificate holder had to determine the final size of the mitigation area needed for that phase, and determine the boundaries of the mitigation area in consultation with ODFW and the affected landowners, subject to the approval of the Department. The final mitigation area had to contain suitable habitat to achieve the ODFW mitigation goals through appropriate enhancement activities.
41 Condition 74 was revised to update the cross-reference where the applicable Revegetation Plan could be found; Condition 83 was modified to apply the current Avian Power Line Interaction Committee guidance issued in 2006; Condition 84 was modified to require exclusion fencing around identified populations of a state-listed threatened plant species; Condition 87 was revised to update the cross-reference where the applicable Wildlife Monitoring and Mitigation Plan could be found; Condition 88 was modified to clarify that the Incidental Take
previous findings and conclusions are incorporated by this reference. Based upon its findings and modified site certificate conditions the Council concluded that the facility as a whole, including LIJIA and LIJIB, would comply with the Council’s Fish and Wildlife Habitat Standard. As described in the annual report provided to ODOE on April 25, 2011, LIWP calculated the required mitigation area habitat impacts from the final as-built facilities to be 28.07 acres for LIJIA and 18.36 acres for LIJIB totaling 46.43 acres. This is 45.47 acres less than the secured conservation easement.42 Amendment 2 seeks to divide the facility into two separate facilities within the approved site boundary. Approval of the amendment would not result in any impacts to Fish and Wildlife that have not been addressed by the Council. In addition, LIJIA and LIJIB are operational and the proposed division of the facility would not alter the facts upon which the Council relied in its previous findings. Therefore, the amendment would not affect the Council’s previous findings.

In response to the Department’s request for comments, ODOE received two comments regarding wildlife obligations and impacts, described above in Section II.C. and II.D.

As noted above, the amendment request will not affect the Council’s previous findings. With respect to the transfer, LIWP and PGE will be bound by all requirements and obligations of the LIJIA and LIJIB site certificate, respectively. Further, for thorough review, PGE and LIWP will coordinate efforts on monitoring and reporting obligations. Specifically, for fatality monitoring, if the ownership transfer of LIJIB occurs prior to the end of the second year of monitoring, LIWP and PGE will coordinate review of the second year study and report the results in a joint report to ODOE. The current LJF Wildlife Monitoring and Mitigation Plan requires, for the purposes of determining whether a threshold has been exceeded, that the average annual fatality rates for species groups be calculated after two years of monitoring. When LIJIB was approved and added to the LJF with Amendment #1, ODOE did not establish independent thresholds for LIJIA and LIJIB. Therefore, the average annual fatality rate for species groups will continue to be calculated for LIJIA and LIJIB combined after two years of monitoring. LIWP and PGE will coordinate their review of the second year study and report results and jointly submit the second year study and report results to ODOE.

Further, the site certificate, including the Wildlife Monitoring and Mitigation Plan, the Habitat Mitigation Plan, and the Revegetation Plan imposed as conditions of approval, requires several ongoing studies during the operation of the LJF. LIWP and PGE will address the monitoring and reporting requirements in each plan for LIJIA and LIJIB respectively, should the transfer occur.

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42 Pursuant to Amendment 1, LIWP secured a habitat mitigation area, approved by ODOE and ODFW, for a conservation easement covering 92 acres.
If the ownership transfer occurs, after the closing, LJWP and PGE will provide separate reports to the Department for subsequent raptor nest and Washington ground squirrel surveys for LJI A and LJI B respectively. The Grassland bird survey is being conducted on the LJI A site currently, will apply to both LJI A and LJI B facilities and LJWP and PGE will coordinate their review of the second year study and jointly report the result to the Department. LJWP and PGE will provide separate reports to the Department for LJI A and LJI B, respectively for wildlife reporting and handling. With regard to revegetation, if the ownership transfer occurs prior to the end of the third year of monitoring (2013), LJWP and PGE must coordinate their review of the third year study and report the results to the Department in a joint report. For all years after 2013, to the extent additional reports are needed, LJWP and PGE will provide separate reports to ODOE for LJI A and LJI B, respectively. Regarding the habitat mitigation area, upon closing of the asset purchase agreement, PGE will acquire the rights, title and interest to a 36 acre portion of the conservation easement, pro-rated for the LJI B component. PGE and LJWP will coordinate the review of monitoring and reporting results and jointly submit the report results to the Department. For annual reports, LJWP and PGE will coordinate the preparation and submission of separate annual reports.

The Final Order on the Application and the Final Order on Amendment 1 describe site certificate conditions for mitigation of potential impacts to wildlife and wildlife habitat. The Council applies each condition regarding wildlife and wildlife habitat impact mitigation to each of the facilities and modifies the conditions as appropriate for each facility.

**Conclusion**

For the reasons discussed above and subject to the site certificate conditions, the Council finds that LJI A and LJI B, as amended, comply with the Council’s Fish and Wildlife Standard.

**III.A.10. Threatened and Endangered Species: OAR 345-022-0070**

To issue a site certificate, the Council, after consultation with appropriate state agencies, must find that:

(1) For plant species that the Oregon Department of Agriculture has listed as threatened or endangered under ORS 564.105(2), the design, construction and operation of the proposed facility, taking into account mitigation:
   (a) Are consistent with the protection and conservation program, if any, that the Oregon Department of Agriculture has adopted under ORS 564.105(3); or
   (b) If the Oregon Department of Agriculture has not adopted a protection and conservation program, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species; and
(2) For wildlife species that the Oregon Fish and Wildlife Commission has listed as threatened or endangered under ORS 496.172(2), the design, construction and operation of the proposed facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of the species.

Findings of Fact

The Threatened and Endangered Species Standard requires the Council to find that the design, construction, and operation of the facility are consistent with plant protection and conservation programs adopted by the Oregon Department of Agriculture under ORS 564.105(2). If the Department of Agriculture has not adopted a protection and conservation program, the Council must find that the facility is not likely to cause a significant reduction in the likelihood of survival or recovery of the species. With respect to wildlife species, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to cause a significant reduction in the likelihood of survival or recovery of species listed as threatened or endangered by Oregon Fish and Wildlife Commission under ORS 469.172(2).

In the Final Order on the Application, the Council made findings regarding threatened or endangered plant and wildlife species within the LIIB analysis area. The Council found that no conservation program applied, and that the design, construction and operation of the proposed facility, taking into account mitigation and subject to the site certificate conditions, did not have the potential to significantly reduce the likelihood of the survival or recovery of any threatened or endangered plant or wildlife species listed under Oregon law. Those findings are incorporated by this reference. To ensure compliance, the Council adopted Conditions 84, 85, 87 and 88 into the site certificate. Based upon its findings, the Council found that the facility complied with the Threatened and Endangered Species Standard.

In the Final Order on Amendment 1, the Council found that the design, construction and operation of the proposed LIIB components, subject to the site certificate conditions, were not likely to cause a significant reduction in the likelihood of survival or recovery of any State-listed threatened or endangered plant species. The Council found that the facility, including the LIIB components, was unlikely to cause a significant reduction in the likelihood of survival or recovery of the Washington Ground Squirrel, or have any significant adverse impact on bald eagles. The Council’s previous findings are incorporated by this reference. Based upon its findings, the Council concluded that the facility would comply with the Council’s Threatened and Endangered Species Standard.

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43 Final Order on the Application at 74-79.
44 Final Order on the Application at 80.
45 Id. at 80.
46 Final Order on Amendment 1 at 62.
47 Id. at 63.
The proposed amendment would divide the facility into two separate facilities. LJIIBI and LJIIB are operational and the proposed amendment does not seek to change the site boundary or any physical components of the facility. The proposed amendment does not affect the Council’s previous findings, nor does the proposed amendment affect the facts relied upon by the Council to reach such conclusions.

The Council applies the conditions regarding Threatened and Endangered Species to LJIIB and modifies the conditions as appropriate to each of the proposed facilities as shown in Attachment E.

**Conclusion**

The Council finds that LJIIB and LJIIB, as amended, comply with the Council’s Threatened and Endangered Species Standard.

**III.A.11. Scenic Resources: OAR 345-022-0080**

(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to scenic resources and values identified as significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area described in the project order.

**Findings of Fact**

The Scenic Resources Standard requires the Council to find that the design, construction, and operation of the facility are not likely to result in adverse impacts to scenic resources.

In the Final Order on the Application, the Council found that the design, construction and operation of the facility were not likely to result in a significant adverse impact to scenic and aesthetic values identified as significant or important in applicable federal land management plans or in local land use plans in the analysis area. In making these findings, the Council addressed an analysis area that included the area within the LJIIB site boundary and 30 miles from the site boundary. The Council’s previous findings are incorporated by this reference. In the Final Order on Amendment 1, the Council noted that the proposed amendment would change the site boundary and authorize construction of wind turbines and other visible structures in the LJIIB area. The Council determined that the analysis area for the purposes of the amendment request was the area within the site boundary and 10 miles from the site boundary, in conformance with OAR 345-001-0010. The Council found that the design, construction and operation of the facility, including the proposed LJIIB components, would not result in significant adverse impact to scenic resources and values identified as

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48 Final Order on the Application at 64.
significant or important in local land use plans, tribal land management plans and federal land management plans for any lands located within the analysis area. The Council's previous findings are incorporated by this reference.

The proposed amendment seeks to divide the facility into two separate facilities. LIIIA and LIIIB are both in operation, and the proposed amendment would not substantially change the facts upon which the Council relied in its previous conclusion regarding impacts on identified scenic resources or values. Approval of the amendment seeks no change that would alter the basis for the Council's earlier findings. The total number of wind turbines and the authorized maximum blade tip height of wind turbines would not change.

The Council finds that the continued operation of the LIIIA and LIIIB facilities are not likely to result in significant adverse impacts to scenic and aesthetic values identified as significant or important in applicable management plans or in local land use plans in the analysis area.

**Conclusion**

For the reasons discussed above, the Council concludes that the LIIIA and LIIIB facilities, as amended, comply with the Council's Scenic Resources Standard.

III.A.12. Historic, Cultural and Archaeological Resources: OAR 345-022-0090

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impacts to:

(a) Historic, cultural or archaeological resources that have been listed on, or would likely be listed on the National Register of Historic Places;

(b) For a facility on private land, archaeological objects, as defined in ORS 358.905(1)(a), or archaeological sites, as defined in ORS 358.905(1)(c); and

(c) For a facility on public land, archaeological sites, as defined in ORS 358.905(1)(c).

**Findings of Fact**

This standard requires the Council to evaluate whether the facility would have significant adverse impacts to historic, cultural, or archaeological resources. The Council may issue a site certificate for a wind facility without making findings under this standard, but may rely on this standard as necessary to impose site certificate conditions.

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40 Final Order on Amendment I at 53.
In the Final Order on the Application, the Council reviewed cultural resource reports on the areas where the LIJIJA components would be located, and adopted Conditions 45, 46, 47 and 48 to safeguard cultural resources.\textsuperscript{50}

In the Final Order on Amendment 1, the Council applied the above referenced conditions to LIJIIB, subject to slight modification. In addition, the Council adopted Condition 102 to require pre-construction cultural resource surveys in any area that was not previously surveyed in the LIJIIB area, and Condition 103 to ensure avoidance of any intact physical evidence of the Oregon Trail that is discovered during construction.\textsuperscript{51}

Amendment 2 seeks to divide the facility into two separate facilities within the approved site boundary, and would not result in placement of facility components within areas that were not previously addressed by the Council. The requested amendment seeks no change that would affect the Council’s previous findings.

Conclusion

The Council concludes that LIJIJA and LIJIIB, as amended, comply with the Council’s Historic, Cultural and Archaeological Resources Standard.

III.A.13. Recreation: OAR 345-022-0100

(1) Except for facilities described in section (2), to issue a site certificate, the Council must find that the design, construction and operation of a facility, taking into account mitigation, are not likely to result in a significant adverse impact to important recreational opportunities in the analysis area as described in the project order. The Council shall consider the following factors in judging the importance of a recreational opportunity:

(a) Any special designation or management of the location;

(b) The degree of demand;

(c) Outstanding or unusual qualities;

(d) Availability or rareness;

(e) Irreplaceability or irretrievability of the opportunity.

\textsuperscript{50} Final Order on the Application at 105-106.

\textsuperscript{51} Final Order on Amendment 1 at 77.
Findings of Fact

The Recreation Standard requires the Council to find that the design, construction, and operation of the facility are not likely to result in adverse impacts to important recreational opportunities.

In the Final Order on the Application, the Council found that the design, construction and operation of the facility, taking mitigation site certificate conditions into account, were not likely to result in significant adverse impacts to recreational opportunities in the analysis area.\(^{52}\)

In the Final Order on Amendment 1, the Council noted that the proposed amendment would change the site boundary of the facility and authorize the construction of the LIIIB components. However, the Council found that the design, construction and operation of the facility, including the LIIIB components, were not likely to result in significant adverse impacts to recreation opportunities in the analysis area.\(^{53}\) The Council’s previous findings are incorporated by this reference.

Amendment 2, as proposed, would not affect the Council’s previous findings. The division of the facility into two separate facilities would not affect any recreational opportunities that were not previously addressed by the Council. The amendment does not expand the site boundary or alter the potential impacts of the facility. Approval of Amendment 2 would not change the facts or circumstances upon which the Council relied in making findings regarding impacts on recreational opportunities.

Conclusion

The Council finds that LIIIA and LIIIB, as amended, comply with the Council’s Recreation Standard.

III.A.14. Public Services: OAR 345-022-0110

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that the construction and operation of the facility, taking into account mitigation, are not likely to result in significant adverse impact to the ability of public and private providers within the analysis area described in the project order to provide: sewers and sewage treatment, water, storm water drainage, solid waste management, housing, traffic safety, police and fire protection, health care and schools.

\(^{52}\) Final Order on the Application at 65.
\(^{53}\) Final Order on Amendment 1 at 54.
Findings of Fact

The Public Services Standard requires the Council to find that the construction and operation of the facility are not likely to result in significant adverse impacts to the ability of public and private providers to provide the services listed in the standard above.

In the Final Order on the Application, the Council addressed the potential impacts of construction and operation of the facility on the ability of public and private providers within the analysis area to provide public services. The analysis area that was addressed by the Council in the Final Order on the Application addressed communities within 30 miles of the LJIIA site boundary. The Council’s previous findings are incorporated by this reference. The Council adopted Conditions 36, 37, 38 and 96, addressing impacts to public services.

In May 2007, the Council revised OAR 345-001-0010(57) and reduced the analysis area for impacts to public services to address communities within 10 miles from the site boundary. Accordingly, Amendment 1 did not increase the analysis area for public services even though it enlarged the area within the site boundary. In the Final Order on Amendment 1, the Council found that there would be no significant changes to the impacts of the facility on sewers, sewage treatment during construction or operation. Further, the Council found that Amendment 1 would not present significantly different effects on housing, police and fire protection, health care or school compared to the anticipated effects discussed in the Final Order on the Application, nor would the request significantly increase traffic volumes.

Amendment 2, as proposed, would not affect the Council’s previous findings. The division of the facility into two separate facilities would not change the analysis of affected public services. LJIIA and LJIIIB are operational, and the requested amendment seeks no change that would affect the Council’s previous findings.

Conclusion

Based upon the findings above, the Council concludes that LJIIA and LJIIIB, as amended, comply with the Council’s Public Services Standard.

III.A.15. Waste Minimization: OAR 345-022-0120

(1) Except for facilities described in sections (2) and (3), to issue a site certificate, the Council must find that, to the extent reasonably practicable:

(a) The applicant’s solid waste and wastewater plans are likely to minimize generation of solid waste and wastewater in the construction and operation of the facility, and when solid waste or wastewater is generated, to result in recycling and reuse of such wastes;

54 Final Order on the Application at 106-109.
(b) The applicant’s plans to manage the accumulation, storage, disposal and transportation of waste generated by the construction and operation of the facility are likely to result in minimal adverse impact on surrounding and adjacent areas.

Findings of Fact

The Waste Minimization Standard requires the Council to find that the certificate holder will minimize generation of solid waste and wastewater, and manage waste generated to result in minimal adverse impacts on the surrounding and adjacent areas.

In the Final Order on the Application, the Council made findings and adopted site certificate conditions regarding management of solid waste and wastewater likely to be generated during the construction and operation of the Lijr. The Council’s previous findings are incorporated by this reference. The Council adopted Conditions 68, 69, 73, 77, 96, 98, 99 and 100 to address waste management concerns.

In the Final Order on Amendment 1, the Council concluded that solid waste and wastewater generated by construction and operation of the facility including the LJIIB components were likely to be similar to that generated by construction of the LJIIB components alone because the amendment did not increase the number of turbines authorized for construction for the facility as a whole. The Council found that no changes to the site certificate conditions related to the Waste Minimization Standard were necessary.

Amendment 2 would divide the facility into two separate facilities. LJIIB and LJIIB are operational and the proposed amendment would not affect the Council’s previous findings. The amendment would not change the Council’s analysis regarding waste minimization.

Conclusion

The Council finds that LJIIB and LJIIB, as amended, comply with the Council’s Waste Minimization Standard.

III.A.16. Division 23 Standards

The Division 23 standards apply only to “nongenerating facilities” as defined in ORS 469.503(2)(e)(k), except non-generating facilities that are related or supporting facilities. The facility is not a nongenerating facility as defined in statute and therefore Division 23 is inapplicable to the requested amendment.

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55 Final Order on the Application at 109-112.
56 Final Order on Amendment 1 at 79.
III.A.17. Division 24 Standards

The Council’s Division 24 standards include specific standards for siting facilities including wind, underground gas storage reservoirs, transmission lines and facilities that emit carbon dioxide.

Public Health and Safety Standards for Wind Energy Facilities: OAR 345-024-0010

To issue a site certificate for a proposed wind energy facility, the Council must find that the applicant:

(1) Can design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment.
(2) Can design, construct and operate the facility to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures designed to warn of impending failure and to minimize the consequences of such failure.

Findings of Fact

In the Final Order on the Application, the Council found that the certificate holder could design, construct and operate the facility to exclude members of the public from close proximity to the turbine blades and electrical equipment, to preclude structural failure of the tower or blades that could endanger the public safety and to have adequate safety devices and testing procedures.\(^57\) Those findings are incorporated by this reference. To ensure public safety, the Council included Conditions 12, 27, 39, 50, 51, 53, 54, 55, 56, 57, 58 and 59 in the site certificate.

In the Final Order on Amendment 1, the Council concluded that similar public safety conditions would apply to the LIIIB components with some minor modification.\(^58\) The Council found that the facility, as amended would comply with the Council’s public health and safety standards for wind energy facilities.

Amendment 2, seeking to divide the facility into two separate facilities, would not change the facts or circumstances upon which the Council relied in making findings regarding public health and safety at the facility. LIIIA and LIIIB are operational, and because the proposed LIIIA and LIIIB facilities would be located within the approved facility site boundary, the division of the facility into two separate facilities would not result in any new or increased

\(^57\) Final Order on the Application at 66.
\(^58\) The Council modified Condition 39 to conform to setback distances that the Council required for other wind energy facilities. Additionally, the Council modified Condition 53 to require the submission of Notices of Proposed Construction or Alteration to the Oregon Department of Aviation, as required under OAR 738-070-0080.
risk of harm to public safety. The proposed amendment does not affect the Council's
previous findings.

Conclusion

For the reasons discussed, the Council concludes that, as amended, LIIIA and LIIB comply
with the Council's Public Health and Safety Standards for Wind Energy Facilities.

Siting Standards for Wind Energy Facilities: OAR 345-024-0015

To issue a site certificate for a proposed wind energy facility, the Council must find
that the applicant can design and construct the facility to reduce cumulative
adverse environmental effects in the vicinity by practicable measures including,
but not limited to, the following:

(1) Using existing roads to provide access to the facility site, or if new roads are
needed, minimizing the amount of land used for new roads and locating them to
reduce adverse environmental impacts.

(2) Using underground transmission lines and combining transmission routes.

(3) Connecting the facility to existing substations, or if new substations are needed,
minimizing the number of new substations.

(4) Designing the facility to reduce the risk of injury to raptors or other vulnerable
wildlife in areas near turbines or electrical equipment.

(5) Designing the components of the facility to minimize adverse visual features.

(6) Using the minimum lighting necessary for safety and security purposes and using
techniques to prevent casting glare from the site, except as otherwise required by the
Federal Aviation Administration or the Oregon Department of Aviation

Findings of Fact

In the Final Order on the Application, the Council found that the certificate holder could
design and construct the facility to reduce visual impact, to restrict public access and to
reduce cumulative adverse environmental impacts in the vicinity to the extent practicable in
accordance with the requirements of OAR 345-024-0015.\textsuperscript{59} Those findings are incorporated
by this reference.

\textsuperscript{59} Final Order on the Application at 79-85.
In the *Final Order on Amendment 1*, the Council concluded that the amendment would reduce the number of turbines authorized for construction from 133 to 127, but enlarge the facility site from approximately 6,404 acres to 14,366 acres. However, the Council concluded that subject to the site certificate conditions, the facility, including LIIIB components, would comply with the Council’s Siting Standards for Wind Energy Facilities.\(^{60}\)

Approval of Amendment 2 would authorize the division of the facility into two separate facilities, and would not affect the Council’s previous findings. LIIIA and LIIIB are operational, and approval of the amendment would not substantially change the cumulative effects of the components authorized for construction within the previously-approved site boundary.

**Conclusion**

The Council concludes that LIIIA and LIIIB, as amended, comply with the Council’s Siting Standards for Wind Energy Facilities.

**Siting Standards for Transmission Lines: OAR 345-0240-0090**

> To issue a site certificate for a facility that includes any transmission line under Council jurisdiction, the Council must find that the applicant:

1. Can design, construct and operate the proposed transmission line so that alternating current electric fields do not exceed 9 kV per meter at one meter above the ground surface in areas accessible to the public;

2. Can design, construct and operate the proposed transmission line so that induced currents resulting from the transmission line and related or supporting facilities will be as low as reasonably achievable.

**Findings of Fact**

In the *Final Order on the Application*, the Council found that the certificate holder could design and construct the facility transmission lines so that electric fields would not exceed 9 kV per meter at one meter above ground surface in areas accessible to the public.\(^{61}\) The Council found that the certificate holder could design, construct and operate the proposed transmission lines so that induced currents resulting from the transmission lines and related or supporting facilities would be as low as reasonably achievable. Further, the Council included Condition 17, which requires the certificate holder to design, construct and operate all facility transmission lines in accordance with the requirements of the National Electrical Safety Code, and Condition 80, which requires the certificate holder to design and maintain

\(^{60}\) *Final Order on Amendment 1* at 59.

\(^{61}\) *Final Order on the Application* at 73.
facility transmission lines so that electric fields during operation do not exceed 9 kV per
meter at one meter above the ground surface in areas accessible to the public and so that
induced voltages during operation are as low as reasonably achievable.

In the Final Order on Amendment 1, the Council concluded that the certificate holder could
design and construct the collector lines for LIJIB according to the same specifications
discussed in the Final Order for the LIJIA collector lines. Further, the Council found that the
previous findings regarding LIJIA collector line compliance with the electric field standard
applied the LIJIB collector lines as well. The Council’s previous findings are incorporated by
this reference. The Council found that the facility complied with the Council’s Siting
Standards for Transmission Lines.

Amendment 2 seeks to divide the facility into two separate facilities, but does not request
any change to the previously approved site or facility components. Amendment 2 would not
change the facts or circumstances upon which the Council relied in making findings
regarding compliance with the standards in OAR 345-024-0090.

Conclusion

The Council concludes that LIJIA and LIJIB, as amended, comply with the Council’s Siting
Standards for Transmission Lines.

III.B. OTHER APPLICABLE REGULATORY REQUIREMENTS UNDER COUNCIL JURISDICTION

Under ORS 469.503(3) and under the Council’s General Standard of Review (OAR 345-022-
0000), the Council must determine whether the proposed facility complies with “all other
Oregon statutes and administrative rules... as applicable to the issuance of a site certificate
for the proposed facility.” In evaluating this amendment, the Council must determine
whether the proposed amendment affects any finding made by the Council in earlier
orders. This section addresses the applicable Oregon statutes and administrative rules that
are not otherwise addressed, including noise control regulations, regulations for removal or
fill of material affecting waters of the state, regulations for appropriating ground water, and
the Council’s statutory authority to consider protection of public health and safety.

Noise Control Regulations: OAR 340-035-0035

(1) Standards and Regulations:

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(b) New Noise Sources:

62 Final Order on the Application at 73.
63 Final Order on Amendment 1 at 59.
64 OAR 345-027-0070(10)(c)
(B) New Sources Located on Previously Unused Site:

(i) No person owning or controlling a new industrial or commercial noise source located on a previously unused industrial or commercial site shall cause or permit the operation of that noise source if the noise levels generated or indirectly caused by that noise source increase the ambient statistical noise levels, L10 or L50, by more than 10 dBA in any one hour, or exceed the levels specified in Table 8, as measured at an appropriate measurement point, as specified in subsection (3)(b) of this rule, except as specified in subparagraph (1)(b)(B)(iii).

(ii) The ambient statistical noise level of a new industrial or commercial noise source on a previously unused industrial or commercial site shall include all noises generated or indirectly caused by or attributable to that source including all of its related activities. Sources exempted from the requirements of section (1) of this rule, which are identified in subsections (5)(b) − (f), (j), and (k) of this rule, shall not be excluded from this ambient measurement.

(iii) For noise levels generated or caused by a wind energy facility:

(I) The increase in ambient statistical noise levels is based on an assumed background L50 ambient noise level of 26 dBA or the actual ambient background level. The person owning the wind energy facility may conduct measurements to determine the actual ambient L10 and L50 background level.

(II) The “actual ambient background level” is the measured noise level at the appropriate measurement point as specified in subsection (3)(b) of this rule using generally accepted noise engineering measurement practices. Background noise measurements shall be obtained at the appropriate measurement point, synchronized with windspeed measurements of hub height conditions at the nearest wind turbine location. “Actual ambient background level” does not include noise generated or caused by the wind energy facility.

(III) The noise levels from a wind energy facility may increase the ambient statistical noise levels L10 and L50 by more than 10 dBA (but not above the limits specified in Table 8), if the person who owns the noise sensitive property executes a legally effective easement or real covenant that
benefits the property on which the wind energy facility is located. The easement or covenant must authorize the wind energy facility to increase the ambient statistical noise levels, L10 or L50 on the sensitive property by more than 10 dBA at the appropriate measurement point.

(IV) For purposes of determining whether a proposed wind energy facility would satisfy the ambient noise standard where a landowner has not waived the standard, noise levels at the appropriate measurement point are predicted assuming that all of the proposed wind facility's turbines are operating between cut-in speed and the wind speed corresponding to the maximum sound power level established by IEC 61400-11 (version 2002-12). These predictions must be compared to the highest of either the assumed ambient noise level of 26 dBA or to the actual ambient background L10 and L50 noise level, if measured. The facility complies with the noise ambient background standard if this comparison shows that the increase in noise is not more than 10 dBA over this entire range of wind speeds.

(V) For purposes of determining whether an operating wind energy facility complies with the ambient noise standard where a landowner has not waived the standard, noise levels at the appropriate measurement point are measured when the facility’s nearest wind turbine is operating over the entire range of wind speeds between cut-in speed and the windspeed corresponding to the maximum sound power level and no turbine that could contribute to the noise level is disabled. The facility complies with the noise ambient background standard if the increase in noise over either the assumed ambient noise level of 26 dBA or to the actual ambient background L10 and L50 noise level, if measured, is not more than 10 dBA over this entire range of wind speeds.

(VI) For purposes of determining whether a proposed wind energy facility would satisfy the Table 8 standards, noise levels at the appropriate measurement point are predicted by using the turbine's maximum sound power level following procedures established by IEC 61400-11 (version 2002-12), and assuming that all of the proposed wind facility's turbines are operating at the maximum sound power level.

(VII) For purposes of determining whether an operating wind energy facility satisfies the Table 8 standards, noise generated by the energy facility is measured at the appropriate measurement point when the facility’s nearest wind turbine is operating at the windspeed corresponding
to the maximum sound power level and no turbine that could contribute to
the noise level is disabled.

* * * * *

Findings of Fact

The noise control regulations provided by OAR 340-035-0035 apply to noise associated with
operation of the facility.

In the Final Order on the Application, the Council concluded that the LIF would comply with
the applicable noise control regulations. 65

In the Final Order on the Amendment 1, the Council noted that the amendment would
change the site boundary of the facility and authorize the construction of wind turbines and
related components in the LIIB area, but would not change the maximum number of
turbines, the maximum generating capacity or the range of turbine types or sizes previously
authorized under the site certificate. The Council concluded that subject to the site
certificate conditions, the facility would comply with the noise control regulations in OAR
340-035-0035. 66

Amendment 2 would divide the facility into two separate facilities within the approved site
boundary. LIIBA and LIIBB are operational, and the amendment does not propose to increase
the combined maximum number of turbines. The amendment does not propose any change
that would affect the Council’s previous findings.

Conclusion

For the reasons discussed above and subject to the conditions in each site certificate, the
Council finds that, as amended, LIIBA and LIIBB comply with the applicable noise control
regulations.

Removal-Fill Law

The Oregon Removal-Fill Law (ORS 196.800 through .990) and DSL regulations (OAR 141-085-
0005 through 141-085-0090) require a Removal/Fill Permit if 50 cubic yards or more of

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65 Final Order on the Application at 112-117.
66 Final Order on Amendment 1 at 86. Condition 2 requires the certificate holder to operate the facility in
accordance with all applicable state laws and administrative rules; Condition 94 requires a noise analysis
applicable to any phase of the facility be performed before beginning construction of that phase; Condition 93
requires the certificate holder to confine the noisiest construction activities to the daylight hours and to establish
a noise compliant response system to address any noise complaints during construction; Condition 95 requires
the certificate holder to maintain a noise complaint response system during facility operation and to notify the
Department of any complaints received about noise from the facility as well as the actions taken to address them.
material is removed, filled or altered within any “waters of the state” at the proposed site. The U.S. Army Corps of Engineers administers Section 404 of the Clean Water Act, which regulates the discharge of fill into waters of the United States, and determines whether a Nationwide or Individual Section 404 fill permit is required.

Findings of Fact

In the Final Order on the Application, the Council found that a removal/fill permit would be needed for construction of the facility and approved the issuance of the permit, subject to the requirements of Condition 72.

In the Final Order on Amendment 1, the Council found that a new or amended removal/fill permit would not be required for construction of the LIIB components.

Amendment 2 would divide the facility into two separate facilities within the approved site boundary of the facility and would not affect the Council’s previous findings. LIIB and LIIB are in operation, and the proposed amendment would not affect any areas that were not previously addressed by the delineation report on the wetlands and waters within the facility analysis area. The amendment would not affect any “waters of the state.”

Conclusion

The Council concludes that no removal/fill permit is required.

Ground Water Act

Through the provisions of the Ground Water Act of 1955, ORS 537.505 to ORS 537.796, and OAR Chapter 690, the Oregon Water Resources Commission administers the rights of appropriation and use of the ground water resources of the state.

Findings of Fact

In the Final Order on the Application, the Council found the total amount of water that would be needed for the facility construction could be obtained from the City of Arlington. This finding demonstrated that sufficient water was available from a source for which there is an existing water right under which construction water could be provided to the facility.

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67 OAR 141-085-0010(225) defines “Waters of this State.” The term includes wetlands and certain other water bodies.

68 Under Condition 72, the certificate holder is required to conduct a pre-construction field investigation based on the final design layout of the facility if construction would occur in any locations not previously investigated. The condition requires that there be no impact on any jurisdictional water identified in the pre-construction investigation.

69 Final Order on Amendment 1 at 87.

70 Final Order on the Application at 127.
The Council found that, during operation, water would be used at the O&M buildings primarily for incidental uses and, if necessary, for turbine blade washing. Water for operation uses would be supplied from one or more on-site wells and would not exceed 5,000 gallons per day, consistent with Condition 76.

In the *Final Order on Amendment 1*, the Council found that the expansion of the facility to include LJJIB would not increase the maximum amount of water expected to be used during construction and operation of the facility. The Council concluded that the facility complied with applicable regulations pertaining to appropriation and use of water resources.  

Amendment 2 seeks to divide the facility into two separate facilities. LJJIA and LJJIB are operational, and the amendment would not affect the Council’s previous findings. The amendment request does not seek changes to the site boundary or physical components of the facility. The amendment request would not alter the basis for the Council’s earlier findings.

**Conclusion**

The Council concludes that LJJIA and LJJIB, as amended, comply with the applicable regulations pertaining to water rights.

**State Highway Access and Crossings**

Under OAR Chapter 734, Division 55, the Oregon Department of Transportation regulates the location, installation, construction, maintenance and use of utility structures, including buried cables, within State Highway right-of-way. Under Division 51, ODOT regulates highway approaches and access control.

**Findings of Fact**

In the *Final Order on Amendment 1*, the Council found that ODOT permits for utility crossings and State Highway approaches would be needed for the LJJIB components. The Council adopted Condition 104 in the site certificate to address these requirements.

The amendment request seeks to divide the facility into two separate facilities. The amendment would not affect the Council’s previous findings.

**Conclusion**

The Council finds that LJJIA and LJJIB, as amended, comply with requirements for State Highway access and crossings.

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71 *Final Order on the Amendment 1* at 88.
Public Health and Safety

Under ORS 469.310, the Council is charged with ensuring that the “siting, construction and operation of energy facilities shall be accomplished in a manner consistent with protection of the public health and safety...” State law further provides that “the site certificate shall contain conditions for the protection of the public health and safety...” ORS 469.401(2).

Findings of Fact

The Council’s Public Health and Safety Standards for wind energy facilities are discussed above. This section addresses the issues of fire protection, magnetic fields and coordination with the Oregon Public Utility Commission.

(1) Fire Protection

In the Final Order on the Application, the Council made findings and adopted conditions regarding fire prevention and response for the LJIF. In the Final Order on Amendment 1, the Council concluded that the fire risks for the LIIIB area were similar to the risks previously considered by the Council for the LIIIA area. Applicable conditions include Conditions 58, 60, 61, 62, 63, 64, 65 and 66. The proposed amendment would not affect the Council’s previous findings.

(2) Magnetic Fields

Electric transmission lines create both electric and magnetic fields. The electric fields associated with the proposed transmission lines are addressed above at page 32.

In the Final Order on the Application, the Council concluded that there would not be a significant risk to public health and safety from the magnetic field generated by the underground or aboveground 34.5-kV collector system. Because the 230-kV interconnection line for LIIIA would be entirely within a fenced area and inaccessible to the public (and because the adjacent facility substation and Leaning Juniper I substation would obscure any electromagnetic fields generated by the 230-kV line), the Council found that the magnetic field generated by the interconnection line would not result in any significant risk to public health and safety.

In the Final Order on Amendment 1, the Council concluded that due to the absence of scientific consensus regarding the possible health effects of exposure to magnetic fields, there was no Oregon standard limiting the allowable magnetic field strength associated with transmission lines. The Council encouraged applicants to practice “prudent avoidance” and

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72 Final Order on the Application at 128-129.
73 Id. at 130.
74 Id.
75 A recent discussion of magnetic field effects is included in the Final Order on the Application for the
to implement low-cost ways to reduce or manage public exposure to magnetic fields from transmission lines under the Council’s jurisdiction. Condition 81 addresses prudent avoidance measures to reduce human exposure to magnetic fields. The proposed amendment does not affect the Council’s previous findings or conditions.

(3) Coordination with the PUC

The Oregon Public Utility Commission Safety and Reliability Section (PUC) has requested that the Council ensure that certificate holders coordinate with PUC staff on the design and specifications of electrical transmission lines and natural gas pipelines. The PUC has explained that others in the past have made inadvertent, but costly, mistakes in the design and specifications of power lines and pipelines that could have easily been corrected early if the developer had consulted with the PUC staff responsible for the safety codes and standards. Condition 79 requires the certificate holder to coordinate the design of electric transmission lines with the PUC. The proposed amendment would not affect the Council’s previous findings.

Conclusion

Based on the findings discussed above and subject to the recommended site certificate conditions discussed herein, the Council concludes that, as amended, LIIA and LIIB comply with requirements to protect public health and safety.

III.C. Review of the Transfer Request

PGE submitted the written request to the Department and included all documents necessary pursuant to OAR 345-021-0010(1)(a), (d), (f) and (m). In addition, PGE certified that it agrees to abide by all the terms and conditions of the site certificate currently in effect and terms and conditions that will result from this amendment request.

Under OAR 345-027-0100(8), as discussed above, the Council may approve the transfer request if the Council finds that the transferee complies with the Council’s Organizational Expertise Standard, the Retirement and Financial Assurance Standard, and if applicable, the Monetary Path Payment Requirement under the Carbon Dioxide Emissions standards. Because the facility is a wind facility, the Monetary Path Payment Requirement is not applicable to this transfer request. The transferee’s compliance with the Council’s standards is discussed below. When the term “facility” is referenced in this section, it is intended to apply to only LIIB.
(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.

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

(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.

(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.

Findings of Fact

Subsections (1) and (2) of the Council’s Organizational Expertise Standard require that the applicant, or in this case, the transferee demonstrate the ability to design, construct, and operate the facility in compliance with Council standards and all site certificate conditions, as well as the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant’s experience and the applicant’s past performance in constructing, operating and retiring other facilities. Subsections (3) and (4) address third-party permits, which includes any permits that the certificate holder relies on a contractor or other third party to obtain.
PGE has significant experience in constructing and supervising the construction of
generation projects. Between 2007 and 2010 PGE completed construction of three phases of
the Biglow Canyon Wind Farm, consisting of a total of 217 turbines and located in Sherman
County. The Council authorized the Biglow Canyon Wind Farm and, consequently, the
Council found PGE to satisfy the Organizational Expertise standard. In 2007, PGE
completed the construction of the 406-megawatt Port Westward combined cycle gas turbine
facility in Clatskanie, Oregon. The Council granted PGE the Site Certificate for Port Westward
turbine project located at the Beaver Generation Facility, located in Clatskanie. In 1995, PGE
placed into service Coyote Springs Unit 1, a 240-MW combined cycle combustion turbine
located in Boardman after receiving Council authorization. PGE prepared and negotiated
all the primary contracts for the design and construction of each of the projects listed above;
PGE supervised the construction of each, and performed many of the engineering functions
in support of the design and construction work. Based upon the foregoing, it is evident PGE
has extensive engineering and project management experience associated with generation
projects.

Further, PGE has not received a penalty or fine for regulatory violations at Biglow Canyon
Wind Farm, nor has any regulatory agency levied a penalty or fine against the Coyote Springs
Power Plant, Beaver Facility or Port Westward Facility regarding the construction, operation,
or maintenance of the facilities.

Based on the facts above, the Department recommends that the Council find that the
transferee has demonstrated the ability to design, construct and operate the proposed
facility in compliance with Council standards, all site certificate conditions and in a manner
that protects public health and safety.

With regard to third-party permits, the Council previously determined that LIWP does not
require or rely upon any state or local government permit issued to a third party for the
construction and operation of the LIJIA or LIJIB components of the facility. Consequently,
PGE will also not require or rely upon any state or local government permit issued to a third
party for the construction and operation of the LIJIB facility. In addition, LIJIB is in operation.

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78 Final Order and Site Certificate for the Biglow Canyon Wind Farm (June 30, 2006), Final Order on
Amendment #1 and First Amended Site Certificate for the Biglow Canyon Wind Farm, (November. 3, 2006).
Final Order on Amendment #2 and Second Amended Site Certificate for the Biglow Canyon Wind Farm (May
10, 2007), and Final Order on Amendment #3 and Third Amended Site Certificate for the Biglow Canyon Wind
Farm (October 31, 2008).
79 Site Certificate for the Port Westward Generating Project (November 2002), as most recently amended on
August 19, 2011 in the Eighth Amended Site Certificate.
80 Fourth Amended Site Certificate, incorporating amendments 1 through 9, approved December 2, 2004.
81 Final Order on Amendment 1 at 11.
Conclusion

For the reasons discussed above, the Council finds that the transferee satisfies the Council’s Organizational Expertise standard.

III.C.2. 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) 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.

Findings of Fact

The Council must find that the site can be restored to a useful, non-hazardous condition following permanent cessation of the facility, and that the transferee has a reasonable likelihood of obtaining a bond or comparable security, satisfactory to the Council, in an amount adequate to restore the site.

In the Final Order on the Application and the Final Order on Amendment 1, the Council found that the facility site (including LIIIa and LIIIb), taking mitigation into account, could be restored adequately to a useful, non-hazardous condition following permanent cessation of construction or operation of the facility. LIIIb is operational and the current bond will remain in place until the Council receives revised bonds JWP and PGE.

The transfer request would not affect the Council’s previous findings that the facility site, including LIIIb, could be restored adequately to a useful non-hazardous condition.

OAR 345-022-0050(2) requires the Council to decide whether the applicant (transferee) 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. The estimated costs to restore LIIIb are included below.

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Footnote: Final Order on Amendment 1 at 15.
On March 11, 2013, PGE provided a letter from Wells Fargo which stated that “based upon PGE’s current credit profile, and subject to the terms of the facility, Wells Fargo, as issuing lender, would be willing to furnish a letter of credit in an amount up to $5,438,000 for a period not to exceed the maturity of the facility...for the purpose of ensuring the Company’s obligation that the site of the Leaning Juniper IIB Wind Power Facility can be restored to a useful, non-hazardous condition.” This letter does not constitute a firm commitment from Wells Fargo to issue the letter of credit, but it is evidence that PGE could obtain the necessary letter of credit for LJJIB.

**Conclusion**

For the reasons discussed above, the Council finds that the facility, including LJJIB, can be restored to a useful, non-hazardous condition following permanent cessation of construction. The Council finds that the transferee has demonstrated a reasonable likelihood

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83 Letter from Wells Fargo, Aaron Lemke, Assistant Vice President (March 11, 2013). Per Condition 101, the LJJIB financial assurance requirement was revised and adjusted to 1st quarter 2011 dollars.
of obtaining a bond or letter of credit, satisfactory to the Council, in an amount adequate to
restore the LIIB portion of the facility site to a useful, non-hazardous condition. The Council
concludes that the transferee would satisfy the Council’s Retirement and Financial Assurance
standard.

Council Determination Regarding Transfer

Based on the foregoing, the Council finds that PGE complies with the standards described in
OAR 345-022-0010 and OAR 345-022-0050, and pursuant to the terms of the asset purchase
agreement, the transferee will be entitled to possession or control of the site should the
closing occur. Therefore, the Council approves the transfer.

However, because closing has yet to occur, the Council will issue the LIIB site certificate to
LIWP with a condition of approval requiring the transfer to PGE to occur within 18 months of
the effective date of the LIIB site certificate. If the closing does not occur within the 18-
month period, then PGE must resubmit the transfer request to the Council for
reconsideration as the information previously relied upon in recommending approval of the
transfer may no longer be relevant. Additionally, Council includes a condition requiring the
transferee to submit a copy of the executed site certificate and documentation of the asset
purchase agreement to the Council within 7 days of closing. This ensures prompt notification
to the Council of the transfer and ensures all appropriate documentation is secured. The
added language is included in Attachment B, Conditions 105-107.

III.D. REQUIREMENTS THAT ARE NOT UNDER COUNCIL JURISDICTION

III.D.1 Federally-Delegated Programs

Under ORS 469.503(3), the Council does not have jurisdiction for determining compliance
with statutes and rules for which the federal government has delegated the decision on
compliance to a state agency other than the Council. Nevertheless, the Council may rely on
the determinations of compliance and the conditions in federally-delegated permits issued
by these state agencies in deciding whether the proposed facility meets other standards and
requirements under its jurisdiction.

As required under Condition 70, the certificate holders would conduct all construction work
in compliance with an Erosion and Sediment Control Plan satisfactory to the Oregon
Department of Environmental Quality and as required under the federally-delegated
National Pollutant Discharge Elimination System Storm Water Discharge General Permit
#1200-C.

III.D.2 Requirements That Do Not Relate to Siting
Under ORS 469.401(4), the Council does not have authority to preempt the jurisdiction of any state agency or local government over matters that are not included in and governed by the site certificate or amended site certificate. Such matters include design-specific construction or operating standards and practices that do not relate to siting. Nevertheless, the Council may rely on the determinations of compliance and the conditions in the permits issued by state agencies and local governments in deciding whether the facility meets other standards and requirements under its jurisdiction.

**IV. GENERAL APPLICATION OF CONDITIONS**

The conditions referenced in this proposed order include conditions that are specifically required by OAR 345-027-0020 (Mandatory Conditions in Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring Conditions) or OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities). The conditions referenced in this order include conditions based on representations in the request for amendment and the supporting record. The Council deems these representations to be binding commitments made by the certificate holder. This final order also includes conditions that the Council finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, or to protect public health and safety.

In addition to all other conditions referenced or included in this final order, the site certificate holders are 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 amended site 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 holders' agents or contractors. Nevertheless, the certificate holders are responsible for ensuring that all agents and contractors comply with all provisions of the site certificate.

**V. GENERAL CONCLUSION AND PROPOSED ORDER**

The proposed amendment would divide the current site certificate for the Leaning Juniper II Wind Power Facility into two site certificates for two separate facilities within the previously approved site boundary of the facility (LI1IA and LI1IB, respectively. In addition, the proposed transfer would authorize the transfer of the LI1IB site certificate from Leaning Juniper Wind Power Facility II, LLC to PGE subject to the terms and conditions set forth herein.

Based on the findings and conclusions included in this order, the Council makes the following findings:
(1) The proposed Amendment #2 complies with the requirements of the Oregon Energy Facility Siting statutes, ORS 469.300 to ORS 469.570 and 469.590 to 469.619.

(2) The proposed Amendment #2 complies with the applicable standards adopted by the Council pursuant to ORS 469.501.

(3) The proposed Amendment #2 complies with all other Oregon statutes and administrative rules applicable to the amendment of the site certificate for the LJIIB that are within the Council’s jurisdiction.

(4) The transferee, Portland General Electric, complies with the standards described in OAR 345-022-0010 and OAR 345-022-0050 and, upon completion of a transfer agreement with Leaning Juniper Wind Power Facility II, LLC will be lawfully entitled to possession or control of LJIIB as described in the site certificate as amended by this order.

Accordingly, the Council finds that the facility complies with the General Standard of Review (OAR 345-022-0000). The Council concludes based on a preponderance of the evidence in the record, that the site certificate may be amended as requested by the certificate holder and transferee, subject to the revisions set forth above.

FINAL ORDER

The Council approves Amendment #2 and issues two new site certificates, subject to the terms and conditions set forth above. In addition, the Council approves the transfer of the LJIIB site certificate to PGE subject to the terms and conditions set forth above.

Issued this 21st day of June, 2013.

Oregon Energy Facility Siting Council

By: [Signature]
W. Bryan Wolfe, Chair
Energy Facility Siting Council

Notice of the Right to Appeal
You have the right to appeal this order to the Oregon Supreme Court pursuant to ORS 469.403. To appeal you must file a petition for judicial review with the Supreme Court within 60 days from the day this order was served on you. If this order was personally delivered to you, the date of service is the date you received this order. If this order was mailed to you,
the date of service is the date it was mailed, not the date you received it. If you do not file a petition for judicial review within the 60-day time period, you lose your right to appeal.
ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

Site Certificate
for the
Leaning Juniper IIA Wind Power Facility

June 21, 2013
The Oregon Energy Facility Siting Council

SITE CERTIFICATE

FOR THE LEANING JUNIPER IIA WIND POWER FACILITY

I. INTRODUCTION

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

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

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 and Amendment #2 for LJF. 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)]

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 30 megawatts and a peak generating capacity of not more than 90,3 277 megawatts that produces power from wind energy. The facility consists of not more than 43 127 wind turbines. The maximum peak generating capacity of each turbine is not more than 2,1 3,0 megawatts. The energy facility is described further in the Final Orders on the Application and Amendment #1 for the LJF. [Amendment #2 (LJF)]

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(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 #2 for LIF:

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

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 substation located near the Bonneville Power Administration (BPA) Jones Canyon Switching Station. An aboveground transmission line less than 100 feet in length carries the power from the substation to a BPA switching station and an interconnection with the regional transmission grid through BPA’s McNary-Santiam 230-kV transmission line. The facility may include a second substation located within the area added to the facility by Amendment #1 (LIIIB) and a 230-kV transmission line to carry power from the second substation to the facility substation located near the Jones Canyon Switching Station. Alternatively, the Facility may include two parallel double circuit 34.5 kV lines to carry power from the LIIIB area to the facility substation. [Amendment #2 (LIF)]

Meteorological Towers

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

Operations and Maintenance Facilities

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

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 access roads to provide access to the turbine strings.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment. Construction crane paths are used to move construction cranes between turbine strings. [Deleted Amendment #2 UIF]

2. Location of the Proposed Facility

The facility is located southwest of Arlington, in Gilliam County, Oregon. The site is in Townships 4-2 and 3 North and Ranges 20 and 21 East. The facility is located on land subject to lease agreements with landowners. [Amendment #2 UIF]

IV. CONDITIONS REQUIRED BY COUNCIL RULES

This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring Conditions) and 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 469.550. 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.

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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 345-027-0020(1):** The Council shall not change the conditions of the site certificate except as provided for in OAR Chapter 345, Division 27.

2. **OAR 345-027-0020(2):** The certificate holder shall submit a legal description of the site to the Department of Energy within 90 days after beginning operation of the facility. The legal description required by this rule means a description of metes and bounds or a description of the site by reference to a map and geographic data that clearly and specifically identifies the outer boundaries that contain all parts of the facility.

3. **OAR 345-027-0020(3):** The certificate holder shall design, construct, operate and retire the facility:
   (a) Substantially as described in the site certificate;
   (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules, and applicable state and local laws, rules and ordinances in effect at the time the site certificate is issued; and
   (c) In compliance with all applicable permit requirements of other state agencies.

4. **OAR 345-027-0020(4):** The certificate holder shall begin and complete construction of the facility by the dates specified in the site certificate. (See conditions 25 and 26.)

5. **OAR 345-027-0020(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 shall not begin construction, as defined in OAR 345-001-0010, or create a clearing on any part of the site until the certificate holder has construction rights on all parts of the site. For the purpose of this rule, "construction rights" means the legal right to engage in construction activities. For wind energy facilities, transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:
   (a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of 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 345-027-0020(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 345-027-0020(7): The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

8 OAR 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 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) 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 345-027-0023(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 requirements of the National Electrical Safety Code (American
National Standards Institute, Section C2, 1997 Edition); and
(b) The certificate holder shall develop and implement a program that provides
reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or
structures of a permanent nature that could become inadvertently charged with
electricity are grounded or bonded throughout the life of the line.

18 OAR 345-027-0023(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 345-027-0028: 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 OAR 345-026-0080: The certificate holder shall report according to the following requirements:
(a) General reporting obligation for energy facilities under construction or operating:
(i) Within six months after beginning construction, and every six months thereafter during construction of the energy facility and related or supporting facilities, the certificate holder shall submit a semiannual construction progress report to the

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Department of Energy. In each construction progress report, the certificate holder shall describe any significant changes to major milestones for construction. The certificate holder shall include such information related to construction as specified in the site certificate. When the reporting date coincides, the certificate holder may include the construction progress report within the annual report described in this rule.

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

(iii) 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.

(b) 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. In this section of the annual report, 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) Fuel Use: For thermal power plants:

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

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

(iv) 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.

(v) 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.
Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.

Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050.

Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).

OAR 345-026-0105: 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.

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 listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-027-0020(10). The certificate holder must comply with these conditions in addition to the conditions listed in Section IV. 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.

1. Certificate Administration Conditions

The certificate holder shall request an amendment of the site certificate if the L1 North components are built or operated as part of the Pebble Springs Wind Project under the

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authority of a Gilliam County Conditional Use Permit. [Condition Deleted Amendment 
#2 (LF)]

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 (LF)]

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 (LF)]

27 The certificate holder shall construct a facility substantially as described in 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 124 turbines.
(b) The peak generating capacity of each turbine must not exceed 3.0 megawatts.
(c) The combined peak generating capacity of the facility must not exceed 124 megawatts.
(d) The turbine hub height must not exceed 100 meters, and the turbine blade tip height must not exceed 150 meters.
(e) The minimum blade tip clearance must be 30 meters above ground.
(f) The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility or to increase the number of wind turbines or the dimensions of wind turbines at the facility.

[Amendment #1 (LF)]

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 Before beginning construction of the LIIIA components as described in the Final Order on Amendment #1 for LF, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The
initial bond or letter of credit amount is $8.847 million (in 2006 dollars), adjusted to the
date of issuance as described in (b), or the amount determined as described in (a). The
certificate holder shall adjust the amount of the bond or letter of credit on an annual
basis thereafter as described in (b).

(a) The certificate holder may adjust the amount of the bond or letter of credit
based on the final design configuration of the LI$AA components by applying the unit
costs and general costs illustrated in Table 2 and Table 3 of the Final Order on the
Application to the final design 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.

(b) The certificate holder shall adjust the amount of the bond or letter of credit,
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 2006 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 2006 dollars and the
   quarterly index value for the date of issuance of the new bond or letter of credit. If at
   any time the Index is no longer published, the Council shall select a comparable
   calculation to adjust 2006 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.
   (e) The certificate holder shall describe the status of the bond or letter of credit in
   the annual report submitted to the Council under Condition 21.
   (f) The bond or letter of credit shall not be subject to revocation or reduction
   before retirement of the facility site.

[Amendment #2(LF)]

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 (UF)]

32 Before beginning construction, the certificate holder shall notify the Department of the
identity and qualifications of major 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 major construction contractors.

33 The certificate holder shall contractually require all construction contractors and
subcontractors involved in the construction of the facility 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 construction, the certificate holder shall have an on-site assistant construction
manager who is qualified in environmental compliance to ensure compliance with all
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 name, telephone number, fax 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 #1 (UF)]

(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 (UF)]
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.

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.

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)]

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

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

Before beginning construction of the LJIA 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 LJIA components and areas that would be disturbed during their construction and also showing the LJIA areas that were surveyed in 2004, 2005 and 2006 for cultural resources as described in the site certificate application. If areas to be disturbed during construction lie outside of the 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 State Historic Preservation Office (SHPO). If any historic, cultural or archaeological resources 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 2004-2006 surveys or were found during pre-construction investigations and shall implement other appropriate measures to protect the resources. [Amendment #2 (LJF)]
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.

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.

During construction of the LIIIA components as described in the Final Order on Amendment #1 for LIIIA, the certificate holder shall label all identified historic, cultural or archaeological resource sites on construction maps and drawings as "no entry" areas, and if construction activities will occur within 200 feet of an identified site, the certificate holder shall flag a 50-foot buffer around the site. During construction of the LIIB components, the certificate holder shall label the site identified as U 4/10/09-3 in the Request for Amendment #1 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 #1-2 (LIIA)]

4. Geotechnical Conditions

Before beginning construction of any phase 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 (LIIA)]

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.

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.

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 (UFI)]

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 construct 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 construction and shall maintain the pad area covering during operation of the facility.

61 During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection District and the Arlington Fire Department to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder should take into account the dry nature of the region.
and should address risks on a seasonal basis. The certificate holder shall meet annually
with District and Fire Department personnel to discuss emergency planning and shall
invite District and Fire Department personnel to observe any emergency drill or tower
rescue training conducted at the facility.

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 4A50BC or equivalent rating.

During construction, 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.

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.

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.

During construction, 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.

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.

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.

If a 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 construction, 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) The certificate holder shall avoid any disturbance, including the placement of
poles for the collector line, within 25 feet of the stream channel in the area identified as
“S5” on Figure J-1 of the Site Certificate Application.

(b) The certificate holder shall avoid any disturbance to the six wetland areas
identified as “W1” through “W6” on Figure J-1 of the Site Certificate Application and the
wetland area identified as “W-8” in the Request for Amendment #1 for LUF, Attachment
11, Figure 6. [Amendment #2 (LUF)].

(c) The certificate holder shall avoid any disturbance to the stream channels
identified as “S24” and “S25” on Figure J-1 of the Site Certificate Application.

(d) Before beginning construction affecting the location identified as “S27” on Figure
J-1 of the Site Certificate Application, the certificate holder shall apply for and obtain a
Removal/Fill Permit from the Department of State Lands, which, in accordance with ORS
469.401, shall issue the permit substantially in the form of Attachment F of the Final
Order on the Application and subject only to the conditions of this site certificate
including substantive requirements listed in that attachment.

(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 LUF. 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 (LUF)]
During construction, 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.

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 LIF as Attachment F and as amended from time to time.

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.

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.

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 may use biodegradable, phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

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, excluding the optional parallel double-circuit 34.5-kV lines that may be built to carry power from the U1IB area to the U1IA substation as described in the Final Order on Amendment #1. 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 (LIF)]

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.
To protect public safety, the certificate holder shall design and maintain the
transmission lines so that:
(a) 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.
(b) Induced voltages during operation are as low as reasonably achievable.

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

During construction and operation of the facility, the certificate holder shall implement
a plan to control the introduction and spread of noxious weeds. The certificate shall
develop the weed control plan in consultation with the Gilliam County Weed Control
Board.

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}]

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 the 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 the LJF, Attachment 7, p. 13) and sessile mousetail
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.

During construction of any phase of the facility, 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:

<table>
<thead>
<tr>
<th>Species</th>
<th>Sensitive Period</th>
<th>Early Release Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swainson's hawk</td>
<td>April 1 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Ferruginous hawk</td>
<td>March 15 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Burrowing owl</td>
<td>April 1 to August 15</td>
<td>July 15</td>
</tr>
</tbody>
</table>
During the year in which construction of any phase of the facility 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).

[Amendment #1 (LIF)]

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 #2 for LIF as Attachment D and as amended from time to time. [Amendment #2 (LIF)]

88 Before beginning construction of the LIIA components as described in the Final Order on Amendment #1 for LIF, the certificate holder shall obtain an Incidental Take Permit (ITP) letter from the Oregon Department of Fish and Wildlife (ODFW) that incorporates the terms and commitments of the ITP application as set forth in Attachment E of the Final Order on the Application. [Amendment #2 (LIF)]

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 for LIF as Attachment E and as amended from time to time. [Amendment #2 (LIF)]
9. Visual Effects Conditions

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.

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.

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 (UFI)]

10. Noise Control Conditions

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.

Before beginning construction of any phase of the facility, the certificate holder shall provide to the Department:

(a) Information that identifies the final design locations of all turbines to be built in that phase of construction.
(b) The maximum sound power level of the turbines and substation transformers based on manufacturers’ warranties or confirmed by other means acceptable to the Department.
(c) 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.

(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the 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 $L_{10}$ and $L_{50}$ 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.

[Amendment #1 (LF)]

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 FOR LJF

101 Before beginning construction of the LIIIB components as described in the Final Order on Amendment #1, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is $7,281 million (in 4th Quarter 2009 dollars), adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (a).

The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the LIIIB components by applying the unit costs and general costs illustrated in Table 2 of the Final Order on Amendment #1 to the final design and calculating the financial assurance amount as described in that order, adjusted to the date of issuance as described in (b) and subject to the approval by the Department.

(a) The certificate holder shall adjust the amount of the bond or letter of credit, 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 4th Quarter 2009 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain Weight, as published in the Oregon Department of Administrative Services “Oregon Economic and Revenue Forecast” or by any successor agency (the “Index”) and using the index value for 4th Quarter 2009 dollars and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall effect a comparable calculation to adjust 4th Quarter 2009 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.

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

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

(c) The Certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.

   The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site. [Condition deleted by Amendment #2 (LIF)].
103 In reference to the approximate alignment of the Oregon Trail described in the Request for Amendment #1, the certificate holder shall comply with the following requirements:
(a) The certificate holder shall not locate facility components on visible remnant 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.
(c) Before beginning construction of the U1B components described in the Final Order on Amendment #1, 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.

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 the construction activity. The certificate holder shall promptly notify the SHPO and the Department to determine appropriate mitigation measures. [Condition deleted by Amendment #2 (LJF)].

104 Before beginning construction of any new State highway approaches or utility crossing authorized by the Final Order on Amendment #1, 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, Division 51 and 55. The certificate holder shall submit the necessary application or applications in a form satisfactory to ODOT and the Department of the location, construction and maintenance of approaches to State Highway 10 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 10. [Condition deleted by Amendment #2 (LJF)].

VII. SUCCESSORS AND ASSIGNS

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

VIII. 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.
IX. 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.

X. 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, LLC.

ENERGY FACILITY SITING COUNCIL

By: __________________________
W. Bryan Wolfe, Chair
Oregon Energy Facility Siting Council

Date: __________________________

LEANING JUNIPER WIND POWER II, LLC

By: __________________________

Print: __________________________
Date: __________________________

and

By: __________________________

Print: __________________________
Date: __________________________

Leaning Juniper II A Wind Power Facility
Site Certificate-June 21, 2013
Attachment B
ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

Site Certificate
for the
Leaning Juniper IIB Wind Power Facility

June 21, 2013
The Oregon Energy Facility Siting Council

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

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

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 and Amendment #2 for LJF. 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 (LFI)]

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 37.92 megawatts and a peak generating
capacity of not more than 111.277 megawatts that produces power from wind energy. The
facility consists of not more than 74.427 wind turbines. The maximum peak generating
capacity of each turbine is not more than 1.5 3.0 megawatts. The energy facility is described
further in the Final Orders on the Application and Amendment #1 for the LIF. [Amendment
#2 (LIF)]

(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 Application on the facility Amendment #2 for LIF:

- Power collection system
- Substations and interconnection system
- Meteorological towers
- Operations and maintenance facilities
- Control system
- Access roads
- Temporary construction areas [deleted Amendment #2 (LIF)]

**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 (LIF)]

The facility includes a substation located near the Bonneville Power Administration (BPA)
Jones Canyon Switching Station. An aboveground transmission line less than 400 feet in
length carries the power from the substation to a BPA switching station and an
interconnection with the regional transmission grid through BPA’s McNary-Santiam 230-kV
transmission line. The facility may include a second substation located within the area added
to the facility by Amendment #1 (LJIB) and a 230-kV transmission line to carry power from
the second substation to the facility substation located near the Jones Canyon Switching
Station. Alternatively, the facility may include two parallel double circuit 34.5-kV lines to
carry power from the LJIB area to the facility substation. [Amendment #1]

**Meteorological Towers**

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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 or two 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 access roads to provide access to the turbine strings.

Temporary Construction Areas

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment. Construction crane paths are used to move construction cranes between turbine strings. [Deleted Amendment #2 (LJF)]

2. 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. CONDITIONS REQUIRED BY COUNCIL RULES

This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring Conditions) and 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

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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 345-027-0020(1): The Council shall not change the conditions of the site certificate
except as provided for in OAR Chapter 345, Division 27.

2. OAR 345-027-0020(2): The certificate holder shall submit a legal description of the site
to the Department of Energy within 90 days after beginning operation of the facility. The
legal description required by this rule means a description of metes and bounds or a
description of the site by reference to a map and geographic data that clearly and
specifically identifies the outer boundaries that contain all parts of the facility.

3. OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire
the facility:
   (a) Substantially as described in the site certificate;
   (b) In compliance with the requirements of ORS Chapter 469, applicable Council
       rules, and applicable state and local laws, rules and ordinances in effect at the time the
       site certificate is issued; and
   (c) In compliance with all applicable permit requirements of other state agencies.

4. OAR 345-027-0020(4): The certificate holder shall begin and complete construction of
the facility by the dates specified in the site certificate. (See conditions 25 and 26.)

5. OAR 345-027-0020(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 shall not begin construction, as defined in OAR 345-001-0010, or
create a clearing on any part of the site until the certificate holder has construction
rights on all parts of the site. For the purpose of this rule, “construction rights” means
the legal right to engage in construction activities. For wind energy facilities,
transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:

(a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of 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.

OAR 345-027-0020(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.

OAR 345-027-0020(7): The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

OAR 345-027-0020(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.)

OAR 345-027-0020(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.

OAR 345-027-0020(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.

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11 OAR 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 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) 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 345-027-0023(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 requirements of the National Electrical Safety Code (American
National Standards Institute, Section C2, 1997 Edition); and
   (b) The certificate holder shall develop and implement a program that provides
reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or
structures of a permanent nature that could become inadvertently charged with
electricity are grounded or bonded throughout the life of the line.

18 OAR 345-027-0023(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 345-027-0028: 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.
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.

OAR 345-026-0080: The certificate holder shall report according to the following requirements:

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

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

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

(iii) 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.

(b) 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. In this section of the annual report, the certificate holder shall describe any unusual events, such as earthquakes, extraordinary windstorms, major accidents or

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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) Fuel Use: For thermal power plants:

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

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

(iv) 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.

(v) 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.

(vi) Compliance Report: A description of all instances of noncompliance with a
site certificate condition. For ease of review, the certificate holder shall, in this section
of the report, use numbered subparagraphs corresponding to the applicable sections
of the site certificate.

(vii) Facility Modification Report: A summary of changes to the facility that the
certificate holder has determined do not require a site certificate amendment in
accordance with OAR 345-027-0050.

(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating
facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and
annual hours of operation of the carbon dioxide emitting equipment as described in
OAR 345-024-0630(4).

OAR 345-026-0105: 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

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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 listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-027-0020(10). The certificate holder must comply with these conditions in addition to the conditions listed in Section IV. 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.

1. **Certificate Administration Conditions**

24 The certificate holder shall request an amendment of the site certificate if the UJ North components are built or operated as part of the Pebble Springs Wind Project under the authority of a Gilliam County Conditional Use Permit. [Condition deleted by Amendment #2 (UJ)]

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 (UJ)]

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-

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0030 or any successor rule in effect at the time the request for extension is submitted. [Amendment #1 (UJF)]

27 The certificate holder shall construct a facility substantially as described in 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 80,127 turbines.
(b) The peak generating capacity of each turbine must not exceed 3.0 megawatts.
(c) The combined peak generating capacity of the facility must not exceed 153,272 megawatts.
(d) The turbine hub height must not exceed 100 meters, and the turbine blade tip height must not exceed 150 meters.
(e) The minimum blade tip clearance must be 30 meters above ground.
(f) The certificate holder shall request an amendment of the site certificate to increase the combined peak generating capacity of the facility or to increase the number of wind turbines or the dimensions of wind turbines at the facility. [Amendment #2 (UJF)]

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 Before beginning construction of the UJIA components as described in the Final Order on Amendment #1, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is $8,647 million (in 2006 dollars), adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the UJIA components by applying the unit costs and general costs illustrated in Table 2 and Table 3 of the Final Order on the Application to the final design 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.

(a) The certificate holder shall adjust the amount of the bond or letter of credit, 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 2006 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 2006 dollars and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 2006 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.

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

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

(d) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.

The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Amendment #1] [Condition deleted by Amendment #2 (UF)].

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]

Before beginning construction, the certificate holder shall notify the Department of the identity and qualifications of major 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 major construction contractors.

33 The certificate holder shall contractually require all construction contractors and
subcontractors involved in the construction of the facility 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 construction, the certificate holder shall have an on-site assistant construction
manager who is qualified in environmental compliance to ensure compliance with all
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 name, telephone number, fax 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

1. 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 [LF]]
(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[LF]]
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.

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.

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 (LIIF)]

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

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 NAD 83[93] 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 (LIIF)]

3. Cultural Resource Conditions

Before beginning construction of the LJIIA components as described in the Final Order on Amendment #1, the certificate holder shall provide to the Department a map showing the final design locations of all LJIIA components and areas that would be disturbed during their construction and also showing the LJIIA areas that were surveyed in 2004, 2005 and 2006 for cultural resources as described in the site certificate application. If areas to be disturbed during construction lie outside of the 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 State Historic Preservation Office (SHPO). If any historic, cultural or archaeological resources 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 2004-2006 surveys or were found during pre-construction investigations and shall implement other...
appropriate measures to protect the resources. [Condition deleted by Amendment #2 (LIF)]

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 LJIA components as described in the Final Order on Amendment #1, the certificate holder shall label all identified historic, cultural or archaeological resource sites on construction maps and drawings as "no entry" areas, and if construction activities will occur within 200 feet of an identified site, the certificate holder shall flag a 50-foot buffer around the site. During construction of the LJIB components, the certificate holder shall label the site identified as LJ-4/10/09-8 in the Request for Amendment #1 for UF 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 (LIF)]

4. Geotechnical Conditions

49 Before beginning construction of any phase 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 (LIF)]

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.
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.


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.

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 (LIF)]

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

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.

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

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.

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.

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.

The certificate holder shall construct 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 construction and shall maintain the pad area covering during operation of the facility.
During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection District and the Arlington Fire Department to minimize the risk of fire and to respond appropriately to any fires that occur on the facility site. In developing the fire safety plans, the certificate holder should take into account the dry nature of the region and should address risks on a seasonal basis. The certificate holder shall meet annually with District and Fire Department personnel to discuss emergency planning and shall invite District and Fire Department personnel to observe any emergency drill or tower rescue training conducted at the facility.

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 4A50B or equivalent rating.

During construction, 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.

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.

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.

During construction, 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.

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.
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.

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

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.

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

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

(a) The certificate holder shall avoid any disturbance, including the placement of pipes for the collector line, within 25 feet of the stream channel in the area identified as "SS" on Figure J-1 of the Site Certificate Application. [Condition deleted by Amendment #1 [UE]]

(b) The certificate holder shall avoid any disturbance to the six wetland areas identified as "W1" through "W6" on Figure J-1 of the Site Certificate Application and wetland area identified as "W-8" in the Request for Amendment #1 for UE, Attachment 11, Figure 6. [Amendment #2 [UE]].

(c) The certificate holder shall avoid any disturbance to the stream channels identified as "S24" and "S25" on Figure J-1 of the site Certificate Application. [Condition deleted by Amendment #2 [UE]]

(d) Before beginning construction affecting the location identified as "S27" on Figure J-1 of the Site Certificate Application, the certificate holder shall apply for and obtain a Removal/Fill Permit from the Department of State Lands, which, in accordance with OWS 469.401, shall issue the permit substantially in the form of Attachment F of
the Final Order on the Application and subject only to the conditions of this site
certificate including substantive requirements listed in that attachment. [Condition
deleted by Amendment #2 [LJF]]

c) 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 construction, 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 may use biodegradable, phosphate-free cleaners sparingly.
7. Transmission Line & EMF Conditions

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, excluding the optional parallel double-circuit 34.5-kV lines that may be built to carry power from the LIIIIB area to the LIIIA substations as described in the Final Order on Amendment #1. 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 (LIF)]

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.

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

(a) 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.

(b) Induced voltages during operation are as low as reasonably achievable.

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 (LIF)]

8. Plants, Wildlife & Habitat Protection Conditions

During construction and operation of the facility, the certificate holder shall implement a plan to control the introduction and spread of noxious weeds. The certificate shall
develop the weed control plan in consultation with the Gilliam County Weed Control Board.

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 mouse-tail (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 mouse-tail 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 [UF]]

During construction of any phase of the facility, 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:

<table>
<thead>
<tr>
<th>Species</th>
<th>Sensitive Period</th>
<th>Early Release Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swainson’s hawk</td>
<td>April 1 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Ferruginous hawk</td>
<td>March 15 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Burrowing owl</td>
<td>April 1 to August 15</td>
<td>July 15</td>
</tr>
</tbody>
</table>

During the year in which construction of any phase of the facility 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).

[Amendment #1 (UF)]

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
#2 for UF as Attachment D and as amended from time to time. [Amendment #2 (UF)]

Before beginning construction of the LIIA components as described in the Final Order
on Amendment #1, the certificate holder shall obtain an Incidental Take Permit (ITP)
letter from the Oregon Department of Fish and Wildlife (ODFW) that incorporates the
terms and commitments of the ITP application as set forth in Attachment E of the Final
Order on the Application. [Condition deleted by Amendment #2 (UF)]

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 for UF as
Attachment E and as amended from time to time. [Amendment #2 (UF)]

9. Visual Effects Conditions

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.

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.

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

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(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 (UF)]

10. Noise Control Conditions

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.

Before beginning construction of any phase of the facility, the certificate holder shall provide to the Department:

(a) Information that identifies the final design locations of all turbines to be built in that phase of construction.
(b) The maximum sound power level of the turbines and substation transformers based on manufacturers’ warranties or confirmed by other means acceptable to the Department.
(c) 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)(ii)(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.
(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a copy of the 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 L_{10} and L_{50} 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

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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.

[Amendment #1 (LFR)]

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.
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.
(c) 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 LIF

Before beginning construction of the LJIIB components as described in the Final Order on Amendment #1 for LIF, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is $7,281 million (in 4th Quarter 2009 dollars), adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the LJIIB components by applying the unit costs and general costs illustrated in Table 2 of the Final Order on Amendment #1 for LIF to the final design 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.

(b) The certificate holder shall adjust the amount of the bond or letter of credit, 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 4th Quarter 2009 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor agency (the "Index") and using the index value for 4th Quarter 2009 dollars and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 4th Quarter 2009 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.

(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.

(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Amendment #2 (LIF)]

102 Before beginning construction of the LJIIB components as described in the Final Order on Amendment #1 for LIF, 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 LIF. 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 (LIF)]

103 In reference to the approximate alignment of the Oregon Trail described in the Request for Amendment #1 for LIF, 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 LIF.

c) Before beginning construction of the LIIB components as described in the Final Order on Amendment #1 for LIF, 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 (LIF)]

104 Before beginning construction of any new State Highway approaches or utility crossing authorized by the Final Order on Amendment #1 for LIF, 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 (LIF)]

VII. CONDITIONS ADDED BY AMENDMENT #2 OF LIF

105 The transfer of the LIIB site certificate from the certificate holder to Portland General Electric (PGE), the transferee, shall not be effective until PGE executes in closing the form of site certificate naming PGE the certificate holder, which is attached as Attachment C to the Final Order on Amendment #2. Upon closing, the LIIB site certificate naming PGE as the certificate holder shall be in full force and effect and the LIIB site certificate naming Leaning Juniper Wind Power II, LLC as the certificate holder shall be considered rescinded and void in its entirety.

106 Should the closing contemplated in Condition 105 not occur within 18 months of the effective date of the LIIB site certificate to LJWP, the Council's transfer approval within the Final Order on Amendment #2 shall be void.
PGE must provide the Department a copy of the executed UIIB site certificate and documentation of the asset purchase agreement within 7 days of closing.

VIII. SUCCESSORS AND ASSIGNS

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

IX. 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.

X. 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.

XI. 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, LLC.
ENERGY FACILITY SITING COUNCIL

By: ________________________
W. Bryan Wolfe, Chair
Oregon Energy Facility Siting Council
Date: ________________________

LEANING JUNIPER WIND POWER II, LLC

By: ________________________
Print: ________________________
Date: ________________________

and

By: ________________________
Print: ________________________
Date: ________________________

LEANING JUNIPER IIB WIND POWER FACILITY
SITE CERTIFICATE – June 21, 2013
Attachment C
ENERGY FACILITY SITING COUNCIL
OF THE
STATE OF OREGON

Site Certificate
for the
Leaning Juniper IIB Wind Power Facility

June 21, 2013
The Oregon Energy Facility Siting Council

FIRST 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) 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 Portland General Electric Leaning Juniper Wind Power II LLC (certificate holder) authorizing the certificate holder to construct and operate the facility in Gilliam County, Oregon. [Amendment #2 (LJF)]

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

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 and Amendment #2 for LJF. 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 (UDJ)]

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 3792 megawatts and a peak generating
capacity of not more than 111277 megawatts that produces power from wind energy. The
facility consists of not more than 74427 wind turbines. The maximum peak generating

LEANING JUNIPER IIB WIND POWER FACILITY
SITE CERTIFICATE – June 21, 2013
capacity of each turbine is not more than 1.5-3.0 megawatts. The energy facility is described further in the Final Orders on the Application and Amendment #1 for the UF. [Amendment #2 (LJF)]

(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 Application on the facility Amendment #2 for LJF:

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

**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)]

The facility includes a substation located near the Bonneville Power Administration (BPA) Jones Canyon Switching Station. An aboveground transmission line less than 400 feet in length carries the power from the substation to a BPA switching station and an interconnection with the regional transmission grid through BPA’s McNary-Santiam 230-kV transmission line. The facility may include a second substation located within the area added to the facility by Amendment #1 (LJIB) and a 230-kV transmission line to carry power from the second substation to the facility substation located near the Jones Canyon Switching Station. Alternatively, the facility may include two parallel double circuit 34.5-kV lines to carry power from the LJIB area to the facility substation. [Amendment #1]

**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 or two operations and maintenance (O&M) buildings with approximately 1.5 acres of fenced, gravely 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 access roads to provide access to the turbine strings.

**Temporary Construction Areas**

During construction, the facility includes temporary laydown areas used to stage construction and store supplies and equipment. Construction crane paths are used to move construction cranes between turbine strings. [Deleted Amendment #2 (LJF)]

2. **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. **CONDITIONS REQUIRED BY COUNCIL RULES**

This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring Conditions) and 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 345-027-0020(1):** The Council shall not change the conditions of the site certificate
except as provided for in OAR Chapter 345, Division 27.

2. **OAR 345-027-0020(2):** The certificate holder shall submit a legal description of the site
to the Department of Energy within 90 days after beginning operation of the facility. The
legal description required by this rule means a description of metes and bounds or a
description of the site by reference to a map and geographic data that clearly and
specifically identifies the outer boundaries that contain all parts of the facility.

3. **OAR 345-027-0020(3):** The certificate holder shall design, construct, operate and retire
the facility:
   (a) Substantially as described in the site certificate;
   (b) In compliance with the requirements of ORS Chapter 469, applicable Council
rules, and applicable state and local laws, rules and ordinances in effect at the time the
site certificate is issued; and
   (c) In compliance with all applicable permit requirements of other state agencies.

4. **OAR 345-027-0020(4):** The certificate holder shall begin and complete construction of
the facility by the dates specified in the site certificate. *(See conditions 25 and 26.)*

5. **OAR 345-027-0020(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 shall not begin construction, as defined in OAR 345-001-0010, or
create a clearing on any part of the site until the certificate holder has construction
rights on all parts of the site. For the purpose of this rule, “construction rights” means
the legal right to engage in construction activities. For wind energy facilities,
transmission lines or pipelines, if the certificate holder does not have construction rights on all parts of the site, the certificate holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a clearing on a part of the site if the certificate holder has construction rights on that part of the site and:

(a) The certificate holder would construct and operate part of the facility on that part of the site even if a change in the planned route of 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 345-027-0020(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 345-027-0020(7): The certificate holder shall prevent the development of any conditions on the site that would preclude restoration of the site to a useful, non-hazardous condition to the extent that prevention of such site conditions is within the control of the certificate holder.

8 OAR 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 345-027-0020(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 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) 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
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 345-027-0023(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 requirements of the National Electrical Safety Code (American
       National Standards Institute, Section C2, 1997 Edition); and
   (b) The certificate holder shall develop and implement a program that provides
       reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or
       structures of a permanent nature that could become inadvertantly charged with
       electricity are grounded or bonded throughout the life of the line.

18 OAR 345-027-0023(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 345-027-0028: 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.

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SITE CERTIFICATE – June 21, 2013
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.

OAR 345-026-0080: The certificate holder shall report according to the following requirements:

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

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

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

(iii) 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.

(b) 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. In this section of the annual report, 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) Fuel Use: For thermal power plants:

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

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

(iv) 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.

(v) 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.

(vi) Compliance Report: A description of all instances of noncompliance with a site certificate condition. For ease of review, the certificate holder shall, in this section of the report, use numbered subparagraphs corresponding to the applicable sections of the site certificate.

(vii) Facility Modification Report: A summary of changes to the facility that the certificate holder has determined do not require a site certificate amendment in accordance with OAR 345-027-0050.

(viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of operation of the carbon dioxide emitting equipment as described in OAR 345-024-0630(4).

OAR 345-026-0105: 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

LEANING JUNIPER IIB WIND POWER FACILITY
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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 listed in this section include conditions based on representations in the site certificate application and supporting record. The Council deems these representations to be binding commitments made by the applicant. These conditions are required under OAR 345-027-0020(10). The certificate holder must comply with these conditions in addition to the conditions listed in Section IV. 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.

1. Certificate Administration Conditions

24 The certificate holder shall request an amendment of the site certificate if the LJ North components are built or operated as part of the Pebble Springs Wind Project under the authority of a Gilliam County Conditional Use Permit. [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-
27 The certificate holder shall construct a facility substantially as described in 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 80,427 turbines.
   (b) The peak generating capacity of each turbine must not exceed 3.0 megawatts.
   (c) The combined peak generating capacity of the facility must not exceed 153,277
       megawatts.
   (d) The turbine hub height must not exceed 100 meters, and the turbine blade tip
       height must not exceed 150 meters.
   (e) The minimum blade tip clearance must be 30 meters above ground.
   (f) The certificate holder shall request an amendment of the site certificate to
       increase the combined peak generating capacity of the facility or to increase the
       number of wind turbines or the dimensions of wind turbines at the facility.

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 Before beginning construction of the UHIA components as described in the Final Order
on Amendment #1, the certificate holder shall submit to the State of Oregon through
the Council a bond or letter of credit in the amount described herein naming the State
of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond
or letter of credit amount is $8,847 million (in 2006 dollars), adjusted to the date of
issuance as described in (b), or the amount determined as described in (a). The
certificate holder shall adjust the amount of the bond or letter of credit on an annual
basis thereafter as described in (b).

The certificate holder may adjust the amount of the bond or letter of credit based on
the final design configuration of the UHIA components by applying the unit costs and
general costs illustrated in Table 2 and Table 3 of the Final Order on the Application
to the final design 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.

(a) The certificate holder shall adjust the amount of the bond or letter of credit,
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 2006 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 2006 dollars and the quarterly Index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 2006 dollars to present value.

(ii) Add 1 percent of the adjusted Subtotal (i) to 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.

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

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

(d) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21. The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Amendment #1] [Condition deleted by Amendment #2 (LIF)].

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 construction, the certificate holder shall notify the Department of the identity and qualifications of major 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 major construction contractors.
The certificate holder shall contractually require all construction contractors and subcontractors involved in the construction of the facility 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.

During construction, the certificate holder shall have an on-site assistant construction manager who is qualified in environmental compliance to ensure compliance with all 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 name, telephone number, fax number and e-mail address of these managers and shall keep the Department informed of any change in this information.

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

   2. 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.

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.
   (f) Encouraging carpooling for the construction workforce.

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(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{LF}]

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 
(UF)]

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

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 (UF)]

3. Cultural Resource Conditions

45 Before beginning construction of the LIIA components as described in the Final Order 
on Amendment #1, the certificate holder shall provide to the Department a map 
showing the final design locations of all LIIA components and areas that would be 
disturbed during their construction and also showing the LIIA areas that were surveyed 
in 2004, 2005 and 2006 for cultural resources as described in the site certificate 
application. If areas to be disturbed during construction lie outside of the 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 State Historic Preservation Office (SHPO). If 
any historic, cultural or archaeological resources are found during the field investigation, 
in 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 2004-2006 surveys 
or were found during pre-construction investigations and shall implement other 
appropriate measures to protect the resources. [Condition deleted by Amendment #2 
(UF)]
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.

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.

During construction of the UJNI components as described in the Final Order on Amendment #1, the certificate holder shall label all identified historic, cultural or archaeological resource sites on construction maps and drawings as “no entry” areas, and if construction activities will occur within 200 feet of an identified site, the certificate holder shall flag a 50-foot buffer around the site. During construction of the UJNI components, the certificate holder shall label the site identified as LJ-4/10/09-8 in the Request for Amendment #1 for LJ 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 (LJ)]

4. Geotechnical Conditions

Before beginning construction of any phase 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 (LJ)]

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.

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.

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 (UF)]

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 construct 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 construction and shall maintain the pad area covering during operation of the facility.

61 During construction and operation of the facility, the certificate holder shall develop and implement fire safety plans in consultation with the North Gilliam County Rural Fire Protection District and the Arlington Fire Department to minimize the risk of fire and to
respond appropriately to any fires that occur on the facility site. In developing the fire
safety plans, the certificate holder should take into account the dry nature of the region
and should address risks on a seasonal basis. The certificate holder shall meet annually
with District and Fire Department personnel to discuss emergency planning and shall
invite District and Fire Department personnel to observe any emergency drill or tower
rescue training conducted at the facility.

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 4A50BC or equivalent rating.

63 During construction, 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
the event 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 construction, 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.
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

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.

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

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

(a) The certificate holder shall avoid any disturbance, including the placement of pipes for the collector line, within 25 feet of the stream channel in the area identified as "S5" on Figure J-1 of the Site Certificate Application. [Condition deleted by Amendment #1 (LIF)]

(b) The certificate holder shall avoid any disturbance to the six wetland areas identified as "W1" through "W6" on Figure J-1 of the Site Certificate Application and wetland area identified as "W-8" in the Request for Amendment #1 for LIF, Attachment 11, Figure 6. [Amendment #2 (LIF)].

(c) The certificate holder shall avoid any disturbance to the stream channels identified as "S24" and "S25" on Figure J-1 of the Site Certificate Application. [Condition deleted by Amendment #2 (LIF)]

(d) Before beginning construction affecting the location identified as "S27" on Figure J-1 of the Site Certificate Application, the certificate holder shall apply for and obtain a Removal/Fill Permit from the Department of State Lands, which, in accordance with ORS 469.401, shall issue the permit substantially in the form of Attachment F of the Final Order on the Application and subject only to the conditions of this site certificate including substantive requirements listed in that attachment. [Condition deleted by Amendment #2 (LIF)]
(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 LIF. 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 (LIF)]

During construction, 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.

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 LIF as Attachment F and as amended from time to time. [Amendment #2 (LIF)]

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.

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.

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 may use biodegradable, phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

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

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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, excluding the optional parallel double-
circuit 34.5-kV lines that may be built to carry power from the UHB area to the UHBA
substations as described in the Final Order on Amendment #1. 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
(LUF)]

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:
(a) 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.
(b) 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 (LUF)]

8. Plants, Wildlife & Habitat Protection Conditions

82 During construction and operation of the facility, the certificate holder shall implement
a plan to control the introduction and spread of noxious weeds. The certificate shall
develop the weed control plan in consultation with the Gilliam County Weed Control
Board.

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 (LIF)]

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 LIF, 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 LIF, Attachment 7, p. 13) and sessile mousetail
(identified in Figure Q-3 of the site certificate application and Request for Amendment
#1 for LIF, 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 LIF,
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 (LIF)]

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 (JUF)]

During construction of any phase of the facility, 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:

<table>
<thead>
<tr>
<th>Species</th>
<th>Sensitive Period</th>
<th>Early Release Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swainson's hawk</td>
<td>April 1 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Ferruginous hawk</td>
<td>March 15 to August 15</td>
<td>May 31</td>
</tr>
<tr>
<td>Burrowing owl</td>
<td>April 1 to August 15</td>
<td>July 15</td>
</tr>
</tbody>
</table>

During the year in which construction of any phase of the facility 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).

[Amendment #1 (LIF)]

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
#2 for LIF as Attachment D and as amended from time to time. [Amendment #2 (LIF)]

88 Before beginning construction of the LIIA components as described in the Final Order
on Amendment #1, the certificate holder shall obtain an Incidental Take Permit (ITP)
letter from the Oregon Department of Fish and Wildlife (ODFW) that incorporates the
terms and commitments of the ITP application as set forth in Attachment E of the Final
Order on the Application. [Condition deleted by Amendment #2 (LIF)]

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 for LIF as
Attachment E and as amended from time to time. [Amendment #2 (LIF)]

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.

LEANING JUNIPER IIB WIND POWER FACILITY
SITE CERTIFICATE – June 21, 2013
(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 [UF]]

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 Before beginning construction of any phase of the facility, the certificate holder shall provide to the Department:

(a) Information that identifies the final design locations of all turbines to be built in that phase of construction.

(b) The maximum sound power level of the turbines and substation transformers based on manufacturers’ warranties or confirmed by other means acceptable to the Department.

(c) 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)(i)(II)(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.

(d) For each noise-sensitive property where the certificate holder relies on a noise waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(i)(II)(II), 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 $L_{10}$ and $L_{50}$ 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.

[Amendment #1 (L&F)]

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:

LEANING JUNIPER IIB WIND POWER FACILITY
SITE CERTIFICATE – June 21, 2013
(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-cadmum 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

Before beginning construction of the LJIB components as described in the Final Order on Amendment #1 for LJF, the certificate holder shall submit to the State of Oregon through the Council a bond or letter of credit in the amount described herein naming the State of Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or letter of credit amount is $7.281 million (in 4th Quarter 2009 dollars), adjusted to the date of issuance as described in (b), or the amount determined as described in (a). The certificate holder shall adjust the amount of the bond or letter of credit on an annual basis thereafter as described in (b).

(a) The certificate holder may adjust the amount of the bond or letter of credit based on the final design configuration of the LJIB components by applying the unit costs and general costs illustrated in Table 2 of the Final Order on Amendment #1 for LJF to the final design 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.

(b) The certificate holder shall adjust the amount of the bond or letter of credit, 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 4th Quarter 2009 dollars) to present value, using the U.S. Gross Domestic Product Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of Administrative Services’ “Oregon Economic and Revenue Forecast” or by any successor agency (the “Index”) and using the index value for 4th Quarter 2009 dollars and the quarterly index value for the date of issuance of the new bond or letter of credit. If at any time the Index is no longer published, the Council shall select a comparable calculation to adjust 4th Quarter 2009 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.

(e) The certificate holder shall describe the status of the bond or letter of credit in the annual report submitted to the Council under Condition 21.

(f) The bond or letter of credit shall not be subject to revocation or reduction before retirement of the facility site.

[Amendment #2 (LIF)]

102 Before beginning construction of the LIJIIB components as described in the Final Order on Amendment #1 for LIF, the certificate holder shall provide to the Department a map showing the final design locations of all LIJIIB 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 LIF. 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 (LIF)]

103 In reference to the approximate alignment of the Oregon Trail described in the Request for Amendment #1 for LIF, 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 LIF.

(c) Before beginning construction of the LIJIIB components as described in the Final Order on Amendment #1 for LIF, 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. PGE must provide the Department a copy of the executed LIIIB site certificate and documentation of the asset purchase agreement within 7 days of closing.

VIII. SUCCESSORS AND ASSIGNS

To transfer this site certificate or any portion thereof or to assign or dispose of it in any other manner, directly or indirectly, the certificate holder shall comply with OAR 345-027-0100.

IX. 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.

X. GOVERNING LAW AND FORUM

LEANING JUNIPER IIB WIND POWER FACILITY
SITE CERTIFICATE – June 21, 2013
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.

XI. 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 Portland General Electric, Leaning Juniper Wind Power I, LLC.

ENERGY FACILITY SITING COUNCIL

By: ______________________
W. Bryan Wolfe, Chair
Oregon Energy Facility Siting Council

Date: ______________________

PORTLAND GENERAL ELECTRIC

By: ______________________

Print: ______________________

Date: ______________________

and

By: ______________________

Print: ______________________

Date: ______________________

LEANING JUNIPER IIB WIND POWER FACILITY
SITE CERTIFICATE – June 21, 2013
Attachment D
This plan describes wildlife monitoring that the certificate holder shall conduct during operation of the Leaning Juniper IIA Wind Power Facility. The monitoring objectives are to determine whether the facility causes significant fatalities of birds and bats and to determine whether the facility results in a loss of habitat quality.

Per Amendment 2 to Leaning Juniper II Wind Power Facility, the facility was divided into two separate facilities with LJIIA and LJIIB each receiving its own site certificate. However, the site certificate holders agreed to share mitigation and environmental responsibilities. Therefore, the requirements for the facility as a whole, including both LJIIA and LJIIB, remain in this Wildlife Monitoring and Mitigation Plan and each individual site certificate holder remains bound by its terms.

The facility consists of up to 127 wind turbines, four non-guyed meteorological (met) towers and other related or supporting facilities as described in the site certificate. The permanent facility components occupy approximately 111 acres, of which up to 52 acres is Category 5 wildlife habitat or better, based on the Oregon Department of Fish and Wildlife (ODFW) standards (OAR 635-415-0025).

The certificate holder shall use experienced personnel to implement the monitoring required under this plan and properly trained personnel to conduct the monitoring, subject to approval by the Oregon Department of Energy (Department) as to professional qualifications. For all components of this plan except the Wildlife Reporting and Handling System, the certificate holder shall hire an independent third party (not employees of the certificate holder) to perform monitoring tasks.

The Wildlife Monitoring and Mitigation Plan for the facility has the following components:

2) Fatality monitoring program including:
   a) Removal trials
   b) Searcher efficiency trials
   c) Fatality search protocol
   d) Statistical analysis

3) Raptor nesting surveys
4) Washington ground squirrel surveys
5) Grassland bird study
6) Wildlife Reporting and Handling System

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84 This plan is incorporated by reference in the site certificate for the LJJ and must be understood in that context. It is not a "stand-alone" document. This plan does not contain all mitigation required of the certificate holder.

85 A more complete description of the habitat areas affected by each facility, LJIIA and LJIIB, is provided in the Final Order on Amendment #1, Section IV.4(b), which expanded the site boundary to include LJIIB
Based on the results of the monitoring programs, mitigation of significant impacts may be required. The selection of the mitigation actions should allow for flexibility in creating appropriate responses to monitoring results that cannot be known in advance. If the Department determines that mitigation is needed, the certificate holder shall propose appropriate mitigation actions to the Department and shall carry out mitigation actions approved by the Department, subject to review by the Oregon Energy Facility Council (Council).

- Fatality Monitoring
- Definitions and Methods
  - \textit{Seasons}

This plan uses the following dates for defining seasons:

<table>
<thead>
<tr>
<th>Season</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Migration</td>
<td>March 16 to May 15</td>
</tr>
<tr>
<td>Summer/Breeding</td>
<td>May 16 to August 15</td>
</tr>
<tr>
<td>Fall Migration</td>
<td>August 16 to October 31</td>
</tr>
<tr>
<td>Winter</td>
<td>November 1 to March 15</td>
</tr>
</tbody>
</table>

- \textit{Search Plots}

The certificate holder shall conduct fatality monitoring within search plots. The certificate holder, in consultation with the Oregon Department of Fish and Wildlife (ODFW), shall select search plots based on a systematic sampling design that ensures that the selected search plots are representative of the habitat conditions in different parts of the site. Each search plot will contain one turbine. Search plots will be square or circular. Circular search plots will be centered on the turbine location and will have a radius equal to the maximum blade tip height of the turbine contained within the plot. “Maximum blade tip height” is the turbine hub-height plus one-half the rotor diameter. Square search plots will be of sufficient size to contain a circular search plot as described above. The certificate holder shall provide maps of the search plots to the Department before beginning fatality monitoring at the facility. The certificate holder shall use the same search plots for each search conducted during a monitoring year.

- \textit{Scheduling}

In each monitoring year, the certificate holder shall conduct fatality monitoring searches at the rates of frequency shown below. Over the course of one monitoring year, the certificate holder would conduct 16 searches, as follows:

<table>
<thead>
<tr>
<th>Season</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Migration</td>
<td>2 searches per month (4 searches)</td>
</tr>
<tr>
<td>Summer/Breeding</td>
<td>1 search per month (3 searches)</td>
</tr>
<tr>
<td>Fall Migration</td>
<td>2 searches per month (5 searches)</td>
</tr>
<tr>
<td>Winter</td>
<td>1 search per month (4 searches)</td>
</tr>
</tbody>
</table>
Leaning Juniper II A Wildlife Monitoring and Mitigation Plan

[JUNE 21, 2013]

- **Sample Size**

  The sample size for fatality monitoring is the number of turbines searched per monitoring year. During each monitoring year, the certificate holder shall search a minimum of 50 turbines. If fewer than 50 turbines are built, the certificate holder shall search all turbines.

  As described in the site certificate, the certificate holder may choose to build the LIF using turbine types in two size classes:
  - Small: turbines having a rotor diameter of 82 meters or less
  - Large: turbines having a rotor diameter greater than 82 meters

  If the final design of the facility includes both small and large turbines, the certificate holder shall consult with an independent expert with experience in statistical analysis of avian fatality data to determine whether it would be possible to design a 50-turbine sample with a sufficient number of turbines in each size class to allow a statistical comparison of fatality rates for all birds as a group. The certificate holder shall submit the expert’s written analysis to the Department. If the expert’s analysis shows that a comparison study is possible and if the Department approves, the certificate holder shall sample the appropriate number of turbines in each class and conduct the comparison study. The certificate holder may choose to sample more than 50 turbines in each monitoring year, if a larger sample size would allow the comparison study to be done.

- **Removal Trials**

  The objective of the removal trials is to estimate the length of time avian and bat carcasses remain in the search area. Carcass removal studies will be conducted during each season in the vicinity of the search plots. Estimates of carcass removal rates will be used to adjust carcass counts for removal bias. “Carcass removal” is the disappearance of a carcass from the search area due to predation, scavenging or other means such as farming activity. Removal rates will be estimated by size class, habitat type and season.

  The certificate holder shall conduct carcass removal trials within each of the seasons defined above during the years in which fatality monitoring occurs. During the first year in which fatality monitoring occurs, the certificate holder shall conduct one removal trial per season (four removal trials per year). For each trial, at least 10 small bird carcasses and at least 10 large bird carcasses will be distributed throughout the project area (approximately 80 trial carcasses per year).

  Before beginning removal trials for the second year of fatality monitoring, the certificate holder shall report the results of the first year removal trials to the Department and ODFW. In the report, the certificate holder shall analyze whether four removal trials per year, as described above, provides sufficient data to accurately estimate adjustment factors for carcass removal. The number of removal trials for the second year of fatality monitoring may be adjusted up or down, subject to the approval of the Department.

  The “small bird” size class will use carcasses of house sparrows, starlings, commercially available game bird chicks or legally obtained native birds to simulate passerines. The “large bird” size class will use carcasses of raptors provided by agencies, commercially available adult game birds or cryptically colored chickens to simulate raptors, game birds and waterfowl. If fresh bat carcasses are available, they may also be used.

LEANING JUNIPER II A WIND POWER FACILITY
FINAL ORDER ON AMENDMENT #2 – ATTACHMENT D
To avoid confusion with turbine-related fatalities, planted carcasses will not be placed in fatality monitoring search plots. Planted carcasses will be placed in the vicinity of search plots but not so near as to attract scavengers to the search plots. The planted carcasses will be located randomly within the carcass removal trial plots.

Carcasses will be placed in a variety of postures to simulate a range of conditions. For example, birds will be: 1) placed in an exposed posture (e.g., thrown over the shoulder), 2) hidden to simulate a crippled bird (e.g., placed beneath a shrub or tuft of grass) or 3) partially hidden. Trial carcasses will be marked discreetly for recognition by searchers and other personnel. Trial carcasses will be left at the location until the end of the carcass removal trial.

It is expected that carcasses will be checked as follows, although actual intervals may vary. Carcasses will be checked for a period of 40 days to determine removal rates. They will be checked approximately every day for the first 4 days, and then on day 7, day 10, day 14, day 20, day 30 and day 40. This schedule may vary depending on weather and coordination with the other survey work. At the end of the 40-day period, the trial carcasses and scattered feathers will be removed.

- Searcher Efficiency Trials

The objective of searcher efficiency trials is to estimate the percentage of bird and bat fatalities that searchers are able to find. The certificate holder shall conduct searcher efficiency trials on the fatality monitoring search plots in both grassland/shrub-steppe and cultivated agriculture habitat types. Searcher efficiency will be estimated by size class, habitat type and season. A pooled estimate of searcher efficiency will be used to adjust carcass counts for detection bias.

The certificate holder shall conduct searcher efficiency trials within each of the seasons defined above during the years in which the fatality monitoring occurs. During each season of the years in which fatality monitoring occurs, the certificate holder shall use approximately 25 carcasses for searcher efficiency trials (approximately 100 carcasses per year). The certificate holder shall vary the number of trials per season and the number of carcasses per trial so that the searchers will not know the total number of trial carcasses being used in any trial. The certificate holder shall distribute trial carcasses in varied habitat in rough proportion to the habitat types within the facility site. During each season, both small bird and large bird carcasses will be used in approximately equal numbers. "Small bird" and "large bird" size classes and carcass selection are as described above for the removal trials.

Before beginning searcher efficiency trials for the second year of fatality monitoring, the certificate holder shall report the results of the first year efficiency trials to the Department and ODFW. In the report, the certificate holder shall analyze whether the efficiency trials as described above (using approximately 100 carcasses per year) provides sufficient data to accurately estimate adjustment factors for carcass removal. The number of removal trials for the second year of fatality monitoring may be adjusted up or down, subject to the approval of the Department.

Personnel conducting searches will not know in advance when trials are conducted; nor will they know the location of the trial carcasses. If suitable trial carcasses are available, trials during the fall season will include several small brown birds to simulate bat carcasses. Legally obtained bat carcasses will be used if available.
On the day of a standardized fatality monitoring search (described below) but before the
beginning of the search, efficiency trial carcasses will be placed at random locations within areas
to be searched. If scavengers appear attracted by placement of carcasses, the carcasses will be
distributed before dawn.

Efficiency trials will be spread over the entire season to incorporate effects of varying
weather and vegetation growth. Carcasses will be placed in a variety of postures to simulate a
range of conditions. For example, birds will be: 1) placed in an exposed posture (thrown over the
shoulder), 2) hidden to simulate a crippled bird or 3) partially hidden.

Each non-domestic carcass will be discreetly marked so that it can be identified as an
efficiency trial carcass after it is found. The number and location of the efficiency trial carcasses
found during the carcass search will be recorded. The number of efficiency trial carcasses
available for detection during each trial will be determined immediately after the trial by the
person responsible for distributing the carcasses.

If new searchers are brought into the search team, additional searcher efficiency trials
will be conducted to ensure that detection rates incorporate searcher differences. The certificate
holder shall include a discussion of any changes in search personnel and any additional detection
trials in the reporting required under Section 4 of this plan.

- Fatality Monitoring Search Protocol

The objective fatality monitoring is to estimate the number of bird and bat fatalities that
are attributable to facility operation as an indicator of the impact of the facility on habitat quality.
The goal of bird and bat fatality monitoring is to estimate fatality rates and associated variances.
The certificate holder shall conduct fatality monitoring using standardized carcass searches. For
each phase of the facility, the certificate holder shall conduct fatality monitoring for two years
(32 searches), beginning one month after the start of commercial operation of that phase.

The certificate holder shall use a worst-case analysis to resolve any uncertainty in the
results and to determine whether the data indicate that additional mitigation should be
considered. The Department may require additional, targeted monitoring if the data indicate the
potential for significant impacts that cannot be addressed by worst-case analysis and appropriate
mitigation.

The certificate holder shall calculate fatality rates using the statistical methods described
in Section (e). On an annual basis, the certificate holder shall report an estimate of fatalities in
eight categories: 1) all birds, 2) small birds, 3) large birds, 4) raptors, 5) grassland birds, 6)
opturnal migrants, 7) State Sensitive Species listed under OAR 635-100-0040 and 8) bats.

If the sample size is large enough to conduct a comparison study of large and small
turbines and the Department approves, the certificate holder shall compare the fatality rates in
the “all birds” category for each of the turbine size classes. In proposing a comparison study of
large and small turbines, the certificate holder may include available data collected at other wind
energy facilities in similar habitat areas, if the data are based on comparable survey protocols and
are appropriately adjusted for removal and searcher efficiency bias.

The certificate holder shall estimate the number of avian and bat fatalities attributable to
operation of the facility based on the number of avian and bat fatalities found at the facility site.
All carcasses located within areas surveyed, regardless of species, will be recorded and, if
possible, a cause of death determined based on blind necropsy results. If a different cause of
death is not apparent, the fatality will be attributed to facility operation. The total number of
avian and bat fatalities will be estimated by adjusting for removal and searcher efficiency bias.

Personnel trained in proper search techniques ("the searchers") will conduct the carcass
searches by walking parallel transects within the search plots. Transects will be initially set at 6
meters apart in the area to be searched. A searcher will walk at a rate of approximately 45 to 60
meters per minute along each transect searching both sides out to three meters for casualties.
Search area and speed may be adjusted by habitat type after evaluation of the first searcher
efficiency trial. The searchers will record the condition of each carcass found, using the
following condition categories:

- Intact – a carcass that is completely intact, is not badly decomposed and shows no
  sign of being fed upon by a predator or scavenger
- Scavenged – an entire carcass that shows signs of being fed upon by a predator or
  scavenger, or portions of a carcass in one location (e.g., wings, skeletal remains,
  legs, pieces of skin, etc.)
- Feather Spot – 10 or more feathers at one location indicating predation or
  scavenging or 2 or more primary feathers

All carcasses (avian and bat) found during the standardized carcass searches will be
photographed, recorded and labeled with a unique number. Each carcass will be bagged and
frozen for future reference and possible necropsy. A copy of the data sheet for each carcass will
be kept with the carcass at all times. For each carcass found, searchers will record species, sex
and age when possible, date and time collected, location, condition (e.g., intact, scavenged,
feather spot) and any comments that may indicate cause of death. Searchers will photograph each
carcass as found and will map the find on a detailed map of the search area showing the location
of the wind turbines and associated facilities. The certificate holder shall coordinate collection of
state endangered, threatened, sensitive or other state protected species with ODFW. The
certificate holder shall coordinate collection of federally-listed endangered or threatened species
and Migratory Bird Treaty Act protected avian species with the U.S. Fish and Wildlife Service
(USFWS). The certificate holder shall obtain appropriate collection permits from ODFW and
USFWS.

The searchers might discover carcasses incidental to formal carcass searches (e.g., while
driving within the project area). For each incidentally discovered carcass, the searcher shall
identify, photograph, record data and collect the carcass as would be done for carcasses within
the formal search sample during scheduled searches. If the incidentally discovered carcass is
found within a formal search plot, the fatality data will be included in the calculation of fatality
rates. If the incidentally discovered carcass is found outside a formal search plot, the data will be
reported separately. The certificate holder shall coordinate collection of incidentally discovered
state endangered, threatened, sensitive or other state protected species with ODFW. The
certificate holder shall coordinate collection of incidentally discovered federally-listed
endangered or threatened species and Migratory Bird Treaty Act protected avian species with the
USFWS.

86 Where search plots are adjacent, the search area may be rectangular.
The certificate holder shall develop and follow a protocol for handling injured birds. Any injured native birds found on the facility site will be carefully captured by a trained project biologist or technician and transported to a qualified rehabilitation specialist approved by the Department. The certificate holder shall pay costs, if any, charged for time and expenses related to care and rehabilitation of injured native birds found on the site, unless the cause of injury is clearly demonstrated to be unrelated to the facility operations.

- Statistical Methods for Fatality Estimates

The estimate of the total number of wind facility-related fatalities is based on:

1. The observed number of carcasses found during standardized searches during the two monitoring years for which the cause of death is attributed to the facility.
2. Searcher efficiency expressed as the proportion of planted carcasses found by searchers.
3. Removal rates expressed as the estimated average probability a carcass is expected to remain in the study area and be available for detection by the searchers during the entire survey period.

Definition of Variables

The following variables are used in the equations below:

- \( c_i \): the number of carcasses detected at plot \( i \) for the study period of interest (e.g., one year) for which the cause of death is either unknown or is attributed to the facility
- \( n \): the number of search plots
- \( k \): the number of turbines searched (includes the turbines centered within each search plot and a proportion of the number of turbines adjacent to search plots to account for the effect of adjacent turbines on the search plot buffer area)
- \( \bar{c} \): the average number of carcasses observed per turbine per year
- \( s \): the number of carcasses used in removal trials
- \( s_c \): the number of carcasses in removal trials that remain in the study area after 40 days
- \( se \): standard error (square of the sample variance of the mean)
- \( t_i \): the time (days) a carcass remains in the study area before it is removed
- \( \bar{t} \): the average time (days) a carcass remains in the study area before it is removed
- \( d \): the total number of carcasses placed in searcher efficiency trials
- \( p \): the estimated proportion of detectable carcasses found by searchers
- \( \bar{l} \): the average interval between searches in days

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87 Approved specialists include Lynn Tompkins (wildlife rehabilitator) of Blue Mountain Wildlife, a wildlife rehabilitation center in Pendleton, and the Audubon Bird Care Center in Portland. The certificate holder must obtain Department approval before using other specialists.

88 If a different cause of death is not apparent, the fatality will be attributed to facility operation.
\( \hat{\pi} \) the estimated probability that a carcass is both available to be found during a search and is found

\( m_t \) the estimated annual average number of fatalities per turbine per year, adjusted for removal and observer detection bias

\( C \) nameplate energy output of turbine in megawatts (MW)

**Observed Number of Carcasses**

The estimated average number of carcasses (\( \bar{c} \)) observed per turbine per year is:

\[
\bar{c} = \frac{\sum_i c_i}{k}.
\]  

(1)

**Estimation of Carcass Removal**

Estimates of carcass removal are used to adjust carcass counts for removal bias. Mean carcass removal time (\( \bar{t} \)) is the average length of time a carcass remains at the site before it is removed:

\[
\bar{t} = \frac{\sum_i t_i}{s - s_c}.
\]  

(2)

This estimator is the maximum likelihood estimator assuming the removal times follow an exponential distribution and there is right-censoring of data. Any trial carcasses still remaining at 40 days are collected, yielding censored observations at 40 days. If all trial carcasses are removed before the end of the trial, then \( s_c = 0 \), and \( \bar{t} \) is just the arithmetic average of the removal times. Removal rates will be estimated by carcass size (small and large), habitat type and season.

**Estimation of Observer Detection Rates**

Observer detection rates (i.e., searcher efficiency rates) are expressed as \( p \), the proportion of trial carcasses that are detected by searchers. Observer detection rates will be estimated by carcass size, habitat type and season.

**Estimation of Facility-Related Fatality Rates**

The estimated per turbine annual fatality rate (\( m_t \)) is calculated by:

\[
m_t = \frac{\bar{c}}{\hat{\pi}},
\]  

(3)

where \( \hat{\pi} \) includes adjustments for both carcass removal (from scavenging and other means) and observer detection bias assuming that the carcass removal times \( t_i \) follow an exponential distribution. Under these assumptions, this detection probability is estimated by:
\[ n = \frac{I \cdot p}{L} \left[ \frac{\exp \left( \frac{I}{L} \right) - 1}{\exp \left( \frac{I}{L} \right) - 1 + p} \right]. \] (4)

The estimated per MW annual fatality rate \( m \) is calculated by:

\[ m = \frac{m_i}{C}. \] (5)

The certificate holder shall calculate fatality estimates for: (1) all birds, (2) small birds, (3) large birds, (4) raptors, (5) grassland birds, (6) nocturnal migrants, (7) State Sensitive Species listed under OAR 635-100-0040 and (8) bats. If the sample size is large enough to conduct a comparison study of large and small turbines and the Department approves, the certificate holder shall compare the fatality rates in the “all birds” category for each of the turbine size classes. The final reported estimates of \( m \), associated standard errors and 90% confidence intervals will be calculated using bootstrapping (Manly 1997). Bootstrapping is a computer simulation technique that is useful for calculating point estimates, variances and confidence intervals for complicated test statistics. For each iteration of the bootstrap, the plots will be sampled with replacement, trial carcasses will be sampled with replacement and \( \bar{c}, \bar{I}, p, \bar{\pi} \) and \( m \) will be calculated. A total of 5,000 bootstrap iterations will be used. The reported estimates will be the means of the 5,000 bootstrap estimates. The standard deviation of the bootstrap estimates is the estimated standard error. The lower 5\textsuperscript{th} and upper 95\textsuperscript{th} percentiles of the 5000 bootstrap estimates are estimates of the lower limit and upper limit of 90% confidence intervals.

Nocturnal Migrant and Bat Fatalities

Differences in observed nocturnal migrant and bat fatality rates for lit turbines, unlit turbines that are adjacent to lit turbines and unlit turbines that are not adjacent to lit turbines will be compared graphically and statistically.

\* Mitigation

Mitigation may be appropriate if fatality rates exceed a “threshold of concern.” For the purpose of determining whether a threshold has been exceeded, the certificate holder shall calculate the average annual fatality rates for species groups after two years of monitoring. Based on current knowledge of the species that are likely to use the habitat in the area of the facility, the following thresholds apply to the facility:
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Species Group | Threshold of Concern (fatalities per MW)
---|---
Raptors
(All eagles, hawks, falcons and owls, including burrowing owls.) | 0.09
Raptor species of special concern
(Swainson’s hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl and any federal threatened or endangered raptor species.) | 0.06
Grassland species
(All native bird species that rely on grassland habitat and are either resident species occurring year round or species that nest in the area, excluding horned lark, burrowing owl and northern harrier.) | 0.59
State sensitive avian species listed under OAR 635-100-0040
(Excluding raptors listed above.) | 0.2
Bat species as a group | 2.5

If the data show that a threshold of concern for a species group has been exceeded, the certificate holder shall implement additional mitigation if the Department determines that mitigation is appropriate based on analysis of the data, consultation with ODFW and consideration of any other significant information available at the time. In addition, the Department may determine that mitigation is appropriate if fatality rates for individual avian or bat species (especially State Sensitive Species) are higher than expected and at a level of biological concern. If the Department determines that mitigation is appropriate, the certificate holder, in consultation with the Department and ODFW, shall propose mitigation measures designed to benefit the affected species. The certificate holder shall implement mitigation as approved by the Council. The Department may recommend additional, targeted data collection if the need for mitigation is unclear based on the information available at the time. The certificate holder shall implement such data collection as approved by the Council.

Mitigation should be designed to benefit the affected species group. Mitigation may include, but is not limited to, protection of nesting habitat for the affected group of native species through a conservation easement or similar agreement. Tracts of land that are intact and functional for wildlife are preferable to degraded habitat areas. Preference should be given to protection of land that would otherwise be subject to development or use that would diminish the wildlife value of the land. In addition, mitigation measures might include: enhancement of the protected tract by weed removal and control; increasing the diversity of native grasses and forbs; planting sagebrush or other shrubs; constructing and maintaining artificial nest structures for raptors; improving wildfire response; and conducting or making a contribution to research that will aid in understanding more about the affected species and its conservation needs in the region.

- **Raptor Nest Surveys**

The objectives of raptor nest surveys are: (1) to estimate the size of the local breeding populations of raptor species that nest on the ground or aboveground in trees or other aboveground nest locations in the vicinity of the facility; and (2) to determine whether operation of the facility results in a reduction of nesting activity or nesting success in the local populations.
of the following raptor species: Swainson’s hawk, golden eagle, ferruginous hawk and burrowing owl.

- Survey Protocol

  - For Raptor Species that Nest Aboveground

    The certificate holder shall use aerial and ground surveys to evaluate nest success by gathering data on active nests, on nests with young and on young fledged. The certificate holder will share the data with state and federal biologists. For each phase of the facility, the certificate holder shall conduct the first year of post-construction raptor nest surveys in the first raptor nesting season after construction of that phase is completed. The second year of surveys will be done in the fourth year after construction is completed. Thereafter, the certificate holder shall conduct raptor nest surveys as described in Section 2(d) below.

    During each survey year, the certificate holder will conduct a minimum of one helicopter survey in late May or early June and additional surveys as described in this section. All nests discovered during pre-construction surveys and any nests discovered during post-construction surveys, whether active or inactive, will be given identification numbers. Nest locations will be recorded on U.S. Geological Survey 7.5-minute quadrangle maps. Global positioning system coordinates will be recorded for each nest. Locations of inactive nests will be recorded because they could become occupied during future years.

    The certificate holder shall conduct the aerial surveys within the site and a 2-mile buffer around the site to determine nest occupancy. Determining nest occupancy will likely require two helicopter visits to each nest. For occupied nests, the certificate holder shall determine nesting success by a minimum of one ground visit to determine species, number of young and young fledged. “Nesting success” means that the young have successfully fledged (the young are independent of the core nest site). Nests that cannot be monitored due to the landowner denying access will be checked from a distance where feasible.

  - For Burrowing Owls

    If burrowing owl nest sites are discovered, the certificate holder will monitor them according to the following protocol. This species is not easily detected during aerial raptor nest surveys. The certificate holder shall record active burrowing owl nest sites in the vicinity of the facility as they are discovered during other wildlife monitoring tasks. Any nests discovered during post-construction surveys, whether active or showing signs of intermittent use by the species, will be given identification numbers. Nest locations will be recorded on U.S. Geological Survey 7.5-minute quadrangle maps. Global positioning system coordinates will be recorded for each nest site. Coordinates for ancillary burrows used by one nesting pair or a group of nesting pairs will also be recorded. Locations of inactive nests will be recorded because they could become occupied during future years.

    The certificate holder shall conduct burrowing owl monitoring in the same years as the raptor nest surveys described above. For occupied nests, the certificate holder shall determine nesting success by a minimum of one ground visit to determine species, number of young and young fledged. “Nesting success” means that the young have successfully fledged (the young may or may not be independent of the core nest site). Three visits to the nest sites may be necessary to determine outcome. Nests that cannot be monitored due to the landowner denying access will be checked from a distance where feasible.
If burrowing owl nests are discovered during the first year of post-construction raptor
nest surveys (the first raptor nesting season after construction is completed), the certificate holder
shall monitor those nest locations during the second year of surveys in the fourth year after
construction is completed. Thereafter, the certificate holder shall monitor all known burrowing
owl nest locations as a part of the long-term raptor nest monitoring program described in Section
2(d) below.

• Analysis

For each phase of the facility, the certificate holder shall analyze the raptor nesting data
collected after two survey years to determine whether a reduction in either nesting success or
nest use has occurred in the vicinity of the facility. If the analysis indicates a reduction in nesting
success or nest use by Swainson’s hawks, golden eagles, ferruginous hawks or burrowing owls
within the facility site or within 2 miles of the facility site, then the certificate holder shall
propose appropriate mitigation for the affected species as described in Section 2© and shall
implement mitigation as approved by the Council. At a minimum, if the analysis shows that any
raptors of these species have abandoned a nest territory within the facility site or within ½ mile
of the facility site or has not fledged any young over the two survey years within that same area,
the certificate holder shall assume the abandonment or unsuccessful fledging is due to operation
of the facility unless another cause can be demonstrated convincingly.

Any reduction in nesting success or nest use could be due to operation of the facility,
operation of another wind facility in the vicinity or some other cause. The certificate holder shall
attribute the reduction to operation of the if the wind turbine closest to the affected nest site is an
turbine, unless the certificate holder demonstrates, and the Department agrees, that the reduction
was due to a different cause.

Given the low raptor nesting densities in the area and the presence of other wind energy
facilities nearby, statistical power to detect a relationship between distance from a wind turbine
and nesting parameters (e.g., number of fledglings per reproductive pair) will be very low.
Therefore, impacts may have to be judged based on trends in the data, results from other wind
energy facility monitoring studies and literature on what is known regarding the populations in
the region.

• Mitigation

The certificate holder shall propose mitigation for the affected species in consultation
with the Department and ODFW and shall implement mitigation as approved by the Council. In
proposing appropriate mitigation, the certificate holder shall advise the Department if any other
wind project in the area is obligated to provide mitigation for a reduction in raptor nesting
success at the same nest site. Mitigation should be designed to benefit the affected species or
contribute to overall scientific knowledge and understanding of what causes nest abandonment or
nest failure. Mitigation may be designed to proceed in phases over several years. It may include,
but is not limited to, additional raptor nest monitoring, protection of natural nest sites from
human disturbance or cattle activity (preferably within the general area of the facility) or
participation in research projects designed to improve scientific understanding of the needs of the
affected species.
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- Long-term Raptor Nest Monitoring and Mitigation Plan

In addition to the two years of post-construction raptor nest surveys described in Section 2(a), the certificate holder shall conduct long-term raptor nest surveys at five-year intervals for the life of the facility. The certificate holder shall conduct the first long-term raptor nest survey in the ninth year after construction is completed. In conducting long-term surveys, the certificate holder shall follow the same survey protocols as described above in Section 2(a) unless the certificate holder proposes an alternative protocol that is approved by the Department. In developing an alternative protocol, the certificate holder shall consult with ODFW.

The certificate holder shall analyze the raptor nesting data collected after each year of long-term raptor nest surveys to determine whether a reduction in either nesting success or nest use has occurred in the vicinity of the facility. If the analysis indicates a reduction in nesting success or nest use by Swainson’s hawks, golden eagles, ferruginous hawks or burrowing owls within the facility site or within 2 miles of the facility site, then the certificate holder shall propose appropriate mitigation for the affected species as described in Section 2© and shall implement mitigation as approved by the Council. At a minimum, if the analysis shows that any raptors of these species have abandoned a nest territory within the facility site or within ½ mile of the facility site or has not fledged any young over the two survey years within that same area, the certificate holder shall assume the abandonment or unsuccessful fledging is due to operation of the facility unless another cause can be demonstrated convincingly.

Any reduction in nesting success or nest use could be due to operation of the facility, operation of another wind facility in the vicinity or some other cause, including changes in land use patterns after construction of the facility. The certificate holder shall attribute the reduction to operation of LJF if the wind turbine closest to the affected nest site is an LJF turbine unless the certificate holder demonstrates, and the Department agrees, that the reduction was due to a different cause.

Given the low raptor nesting densities in the area and the presence of other wind energy facilities nearby, statistical power to detect a relationship between distance from an wind turbine and nesting parameters (e.g., number of fledglings per reproductive pair) will be very low. Therefore, impacts may have to be judged based on trends in the data, results from other wind energy facility monitoring studies and literature on what is known regarding the populations in the region.

- Washington ground squirrel surveys

For the LJIIA area, the certificate holder shall conduct long-term post-construction surveys to collect data on Washington ground squirrel (WGS) activity within the lease boundary. A qualified professional biologist will monitor the WGS sites in the LJIIA area identified during the pre-construction surveys (2005 through 2007) and the buffer area within 500 feet in all directions from the identified WGS sites in suitable habitat. The certificate holder shall conduct surveys during the year following construction and every three years thereafter for the life of the facility. Surveyors will walk standard protocol-level transects twice between late March and late May and record level of use, notes on natal sites and physical extent of the sites. Details of the

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89 As used in this plan, “life of the facility” means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

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post-construction WGS monitoring for the LJIIA area are set forth in the Incidental Take Permit application as set forth in Attachment E of the Final Order on the Application.

An Incidental Take Permit is not required for the LJIIB area. Biologists conducting other monitoring of the LJIIB area (including the fatality monitoring and raptor nest surveys described above) will make note of any WGS activity they observe and will report the incidental observations, including mapping and dates of the observations. In conjunction with the raptor nest surveys for LJIIIB described above, a qualified professional biologist (investigator) will assess the status of colonies 13, 14, 15a, 15b, 16, 17, 22a, 22b, 23, and 24 (identified in the Request for Amendment #1, Attachment 7, Figure 6b-3). The WGS assessments will occur during the active WGS periods in the first and fourth years of operation and every five years thereafter for the life of the project. The investigator shall record evidence of WGS activity, current land use and evidence of project-caused conditions that might increase erosion or result in a decline in vegetation quality and adversely affect a WGS colony.

- Grassland Bird Study

The grassland bird study is a 2-year, post-construction evaluation of grassland bird use in the LJF area. Parts of the facility occupy native habitat suitable for various ground-nesting bird species that nest in grassland or open low shrub habitat. Grassland birds that were documented on-site during baseline surveys conducted in 2006 included long-billed curlew, grasshopper sparrow, savannah sparrow, Western meadowlark and horned lark. These species are likely to nest on-site. Loggerhead shrikes may be present in the area but were not observed.

During the 2006 pre-construction surveys of the northern area of the, the applicant surveyed 57 transects. The transects were approximately 60-meters wide. They were searched twice during the peak period of activity for the target species (March through May). Locations of territorial male grasshopper sparrows were recorded with a GPS unit. GPS locations of (assumed) paired long-billed curlews or approximate location of the pair’s primary activity area and locations of curlew nests were also recorded. Surveyors made notes on the general location of special status grassland bird species observed in the area and on any observed behavior (for example, nesting, staging, courtship, non-breeders foraging in loose groups). The surveyors noted detections of common species in blocks of areas surveyed (several transects combined) but did not record GPS locations or count the number of individuals present.

The objective of the post-construction grassland bird study is to determine if there are noticeable changes in the presence and overall use by special status grassland bird species compared to pre-construction data collected in 2006. By surveying a large area that includes the undisturbed area between turbine strings, the study could provide information on whether operation of the facility discourages use of the area by two indicator species: grasshopper sparrows and long-billed curlews. In addition to focusing on the two indicator species, the post-construction surveys will include observations of common species such as western meadowlark, savannah sparrow and horned lark to provide information on the presence and distribution of these species within the study area and their behavior relative to turbine locations. The phrase “behavior relative to turbine locations” is intended to address observations of behavior that is different near turbines compared behavior away from turbines.

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90 As used in this section, “special status grassland bird species” means grasshopper sparrows, long-billed curlews, loggerhead shrikes and burrowing owls.
• Study Area

The study area is located within the LJIIA area and covers approximately 1,362 acres.\textsuperscript{91} For purposes of this discussion, the area north of Rattlesnake Road is referred to as the “north study area,” and the area south of the road is referred to as the “south study area.”

The north study area is bounded by the lease boundary on the northeast and west sides and by Rattlesnake Road on the southeast side. The south study area is bounded by an existing power line on the west and natural topography on the other sides. The north study area contains two proposed turbine strings of up to eight turbines and associated access roads and transmission components. The south study area contains proposed access roads and five turbines. The south study area might include burrowing owl dens, but no confirmed nests were discovered in the baseline surveys. The habitat in the north study area is primarily shrub-steppe with grassland-like vegetation in a recovery stage (it is assumed that fire disturbance has removed areas of mature shrubs). The south study area includes relatively flat ground with some gentle slopes and a dry drainage. The habitat in the south study area is similar to the habitat in the north study area and is relatively open grassland with some shrubs. Habitat for both the north and south study areas is not highly variable and is representative of a large portion of the remainder of the North lease area. Areas containing laydown areas and unsuitable habitat will not be studied.

The study areas were selected because they are somewhat removed from human activity (except low traffic use on facility access roads and one county road) and contain a large area of grassland/shrub-steppe habitat (mapped as habitat sub-type “SSB”) that is not proposed to be altered during project construction or operations.

• Survey Protocol

After completion of construction of the facility, the certificate holder shall survey the 57 transects that were searched before construction in 2006. Surveyors will collect data on the indicator species (grasshopper sparrows and long-billed curlews) and other special status grassland bird species. For all special status grassland bird species observed, the surveyors will record the number of observations of these species and their GPS locations, using the same methodology used in 2006. Special status grassland bird species that fly readily in the surveyor’s presence will be tracked visually to attempt to determine defended territories and to limit potential double-counting of individuals. Surveyors will record notes on the general location and behavior of special status grassland bird species (for example, defensive responses, nesting, staging, courtship, non-breeders foraging in loose groups). This plotted data will provide information on the location of special status grassland bird species at distances near and far from turbines and other facilities.

Surveyors will record notes on the location and abundance of common species. Abundant common species that fly readily in the surveyor’s presence will be tracked visually to avoid double counting. Horned lark observations will be totaled for each survey area completed in one survey day. The data on the relative abundance and distribution of common species will provide information on the location of common species at distances near and far from turbines and other facilities.

\textsuperscript{91} The study area and its underlying habitat types are shown on “Figure 1: Areas to be studied for Grassland Birds during Operations Phase” (Response to Additional RAI, Attachment 2, October 2, 2009).
The certificate holder shall conduct the first year of post-construction grassland surveys in the first spring following the beginning of commercial operation of the facility. The certificate holder shall conduct a second year of grassland surveys two to five years after the first survey. The certificate holder will determine when the second survey will be done, in consultation with ODFW and subject to approval by the Department, based on the restoration of grassland cover in areas disturbed during facility construction.

In each survey year, surveyors will complete two walking transect surveys of the north and south study areas (one in April and one in May). A third visit to specific potential burrowing owl dens (based on 2006 data and any newly discovered sites) will be conducted during the period from late May to early July, if the surveyor determines a third visit is needed to confirm use by burrowing owls. The April and May time period includes the seasonal period of staging (pre-nesting) of long-billed curlews (April), the major period of territorial calling of grasshopper sparrows (May) and the nesting period for long-billed curlews and other species (May).

- **Data Analysis and Reporting**

  After the first survey year, the certificate holder shall submit a preliminary summary report to the Department. After the second survey year, the certificate holder shall submit a more comprehensive final report. The certificate holder shall submit maps for each survey year, showing transects walked and specific areas of use by the indicator species, other special status grassland bird species and common species (except horned larks). The certificate holder shall overlay a grid system on the mapped “as-built” locations of facility components within the study areas. Using the grid system, the certificate holder shall describe the survey results by area and distance from turbines.

  The reports will include a description of vegetation compared to pre-construction conditions as recorded in 2006, including notes on any changes in land use by the landowner, wildfire influences and grazing and noting any areas of intense vegetation impact. Vegetation communities will be sampled by the transect method and a description of plant communities will be provided for each survey year.

  The certificate holder shall report on observed changes in use by the indicator species. For example, the report will compare the locations and numbers of grasshopper sparrows plotted during the pre-construction surveys in the north study area to the locations and numbers of this species plotted during the post-construction survey years. The certificate holder shall report on the location of any burrowing owls observed during the transect searches or subsequent visits made to confirm use. The certificate holder shall analyze the locations for all special status grassland bird species (using GPS data) and common species (except horned larks) to calculate distance from turbines or other facilities.  

  The certificate holder shall evaluate the data to determine if there are changes in the use of the study areas by the two indicator species before and after construction. In addition, the certificate holder shall evaluate the data to determine if there is noticeable difference in the distribution, abundance or behavior of special status grassland bird species or common species relative to turbine locations.

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92 Data on common species cannot be compared to preconstruction data because the 2006 surveys did not record the location or abundance of these species by transect line. GPS data will not be collected for common species.
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- **Wildlife Reporting and Handling System**

The Wildlife Reporting and Handling System (WRHS) is a monitoring program to search for and handle avian and bat casualties found by maintenance personnel during operation of the facility. Maintenance personnel will be trained in the methods needed to carry out this program. This monitoring program includes the initial response, the handling and the reporting of bird and bat carcasses discovered incidental to maintenance operations ("incidental finds").

All avian and bat carcasses discovered by maintenance personnel will be photographed and the data recorded as would be done for carcasses within the formal search sample during scheduled searches. If maintenance personnel discover incidental finds, the maintenance personnel will notify a project biologist. The project biologist must be a qualified independent professional biologist who is not an employee of the certificate holder. The project biologist (or the project biologist’s experienced wildlife technician) will collect the carcass or will instruct maintenance personnel to have an on-site carcass handling permittee collect the carcass. The certificate holder’s on-site carcass handling permittee must be a person who is listed on state and federal scientific or salvage collection permits and who is available to process (collect) the find on the day it is discovered. The find must be processed on the same day as it is discovered.

During the years in which fatality monitoring occurs, if maintenance personnel discover incidental finds outside the search plots for the fatality monitoring searches, the data will be reported separately from fatality monitoring data. If maintenance personnel discover carcasses within search plots, the data will be included in the calculation of fatality rates. The maintenance personnel will notify a project biologist. The project biologist will collect the carcass or will instruct maintenance personnel to have an on-site carcass handling permittee collect the carcass. As stated above, the on-site permittee must be available to process the find on the day it is discovered. The certificate holder shall coordinate collection of state endangered, threatened, sensitive or other state protected species with ODFW. The certificate holder shall coordinate collection of federally-listed endangered or threatened species and Migratory Bird Treaty Act protected avian species with the USFWS.

- **Data Reporting**

The certificate holder will report wildlife monitoring data and analysis to the Department. Monitoring data include fatality monitoring program data, raptor nest survey data, WGS survey data for the LIJIA area, WGS incidental observation and assessment reports for the LIJIB area, grassland bird survey data and WRHS data. The certificate holder may include the reporting of wildlife monitoring data and analysis in the annual report required under OAR 345-026-0080 or submit this information as a separate document at the same time the annual report is submitted. In addition, the certificate holder shall provide to the Department any data or record generated in carrying out this monitoring plan upon request by the Department.

The certificate holder shall notify USFWS and ODFW immediately if any federal or state endangered or threatened species are killed or injured on the facility site.

The public will have an opportunity to receive information about monitoring results and to offer comment. Within 30 days after receiving the final versions of reports that are required

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under this plan, the Department will make the reports available to the public on its website and will specify a time in which the public may submit comments to the Department.\textsuperscript{93}

- Amendment of the Plan

This Wildlife Monitoring and Mitigation Plan may be amended from time to time by agreement of the certificate holder and the Council. Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan and to mitigation actions that may be required under this plan. The Department shall notify the Council of all amendments and mitigation actions, and the Council retains the authority to approve, reject or modify any amendment of this plan or mitigation action agreed to by the Department.

\textsuperscript{93} The certificate holder may establish a Technical Advisor Committee (TAC) but is not required to do so. If the certificate holder establishes a TAC, the TAC may offer comments to the Council about the results of the monitoring required under this plan.
This plan describes wildlife monitoring that the certificate holder shall conduct during operation of the Leaning Juniper IIB Wind Power Facility. The monitoring objectives are to determine whether the facility causes significant fatalities of birds and bats and to determine whether the facility results in a loss of habitat quality.

Per Amendment 2 to Leaning Juniper II Wind Power Facility, the facility was divided into two separate facilities with LJIIA and LJIIIB each receiving its own site certificates. However, the site certificate holders agreed to share mitigation and environmental responsibilities. Therefore, the requirements for the facility as a whole, including both LJIIA and LJIIIB, remain in this Wildlife Monitoring and Mitigation Plan and each individual site certificate holder remains bound by its terms.

The facility consists of up to 127 wind turbines, four non-guyed meteorological (met) towers and other related or supporting facilities as described in the site certificate. The permanent facility components occupy approximately 111 acres, of which up to 52 acres is Category 5 wildlife habitat or better, based on the Oregon Department of Fish and Wildlife (ODFW) standards (OAR 635-415-0025). The certificate holder shall use experienced personnel to implement the monitoring required under this plan and properly trained personnel to conduct the monitoring, subject to approval by the Oregon Department of Energy (Department) as to professional qualifications. For all components of this plan except the Wildlife Reporting and Handling System, the certificate holder shall hire an independent third party (not employees of the certificate holder) to perform monitoring tasks.

The Wildlife Monitoring and Mitigation Plan for the has the following components:

7) Fatality monitoring program including:
   a) Removal trials
   b) Searcher efficiency trials
   c) Fatality search protocol
   d) Statistical analysis

8) Raptor nesting surveys
9) Washington ground squirrel surveys
10) Grassland bird study
11) Wildlife Reporting and Handling System

Based on the results of the monitoring programs, mitigation of significant impacts may be required. The selection of the mitigation actions should allow for flexibility in creating appropriate responses to monitoring results that cannot be known in advance. If the Department determines that mitigation is needed, the certificate holder shall propose appropriate mitigation

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54 This plan is incorporated by reference in the site certificate for the LJF and must be understood in that context. It is not a “stand-alone” document. This plan does not contain all mitigation required of the certificate holder.
55 A more complete description of the habitat areas affected by each facility, LJIIA and LJIIB, is provided in the Final Order on Amendment #1, Section IV.4(b), which expanded the site boundary to include LJIIIB
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actions to the Department and shall carry out mitigation actions approved by the Department,
subject to review by the Oregon Energy Facility Council (Council).

Fatality Monitoring

Definitions and Methods

- **Seasons**

This plan uses the following dates for defining seasons:

<table>
<thead>
<tr>
<th>Season</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Migration</td>
<td>March 16 to May 15</td>
</tr>
<tr>
<td>Summer/Breeding</td>
<td>May 16 to August 15</td>
</tr>
<tr>
<td>Fall Migration</td>
<td>August 16 to October 31</td>
</tr>
<tr>
<td>Winter</td>
<td>November 1 to March 15</td>
</tr>
</tbody>
</table>

- **Search Plots**

The certificate holder shall conduct fatality monitoring within search plots. The certificate holder, in consultation with the Oregon Department of Fish and Wildlife (ODFW), shall select search plots based on a systematic sampling design that ensures that the selected search plots are representative of the habitat conditions in different parts of the site. Each search plot will contain one turbine. Search plots will be square or circular. Circular search plots will be centered on the turbine location and will have a radius equal to the maximum blade tip height of the turbine contained within the plot. “Maximum blade tip height” is the turbine hub-height plus one-half the rotor diameter. Square search plots will be of sufficient size to contain a circular search plot as described above. The certificate holder shall provide maps of the search plots to the Department before beginning fatality monitoring at the facility. The certificate holder shall use the same search plots for each search conducted during a monitoring year.

- **Scheduling**

In each monitoring year, the certificate holder shall conduct fatality monitoring searches at the rates of frequency shown below. Over the course of one monitoring year, the certificate holder would conduct 16 searches, as follows:

<table>
<thead>
<tr>
<th>Season</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring Migration</td>
<td>2 searches per month (4 searches)</td>
</tr>
<tr>
<td>Summer/Breeding</td>
<td>1 search per month (3 searches)</td>
</tr>
<tr>
<td>Fall Migration</td>
<td>2 searches per month (5 searches)</td>
</tr>
<tr>
<td>Winter</td>
<td>1 search per month (4 searches)</td>
</tr>
</tbody>
</table>

- **Sample Size**

The sample size for fatality monitoring is the number of turbines searched per monitoring year. During each monitoring year, the certificate holder shall search a minimum of 50 turbines. If fewer than 50 turbines are built, the certificate holder shall search all turbines.

As described in the site certificate, the certificate holder may choose to build the using turbine types in two size classes:

- **Small**: turbines having a rotor diameter of 82 meters or less

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Large: turbines having a rotor diameter greater than 82 meters

If the final design of the LJF facility includes both small and large turbines, the certificate holder shall consult with an independent expert with experience in statistical analysis of avian fatality data to determine whether it would be possible to design a 50-turbine sample with a sufficient number of turbines in each size class to allow a statistical comparison of fatality rates for all birds as a group. The certificate holder shall submit the expert's written analysis to the Department. If the expert's analysis shows that a comparison study is possible and if the Department approves, the certificate holder shall sample the appropriate number of turbines in each class and conduct the comparison study. The certificate holder may choose to sample more than 50 turbines in each monitoring year, if a larger sample size would allow the comparison study to be done.

Removal Trials

The objective of the removal trials is to estimate the length of time avian and bat carcasses remain in the search area. Carcass removal studies will be conducted during each season in the vicinity of the search plots. Estimates of carcass removal rates will be used to adjust carcass counts for removal bias. “Carcass removal” is the disappearance of a carcass from the search area due to predation, scavenging or other means such as farming activity. Removal rates will be estimated by size class, habitat type and season.

The certificate holder shall conduct carcass removal trials within each of the seasons defined above during the years in which fatality monitoring occurs. During the first year in which fatality monitoring occurs, the certificate holder shall conduct one removal trial per season (four removal trials per year). For each trial, at least 10 small bird carcasses and at least 10 large bird carcasses will be distributed throughout the project area (approximately 80 trial carcasses per year).

Before beginning removal trials for the second year of fatality monitoring, the certificate holder shall report the results of the first year removal trials to the Department and ODFW. In the report, the certificate holder shall analyze whether four removal trials per year, as described above, provides sufficient data to accurately estimate adjustment factors for carcass removal. The number of removal trials for the second year of fatality monitoring may be adjusted up or down, subject to the approval of the Department.

The “small bird” size class will use carcasses of house sparrows, starlings, commercially available game bird chicks or legally obtained native birds to simulate passerines. The “large bird” size class will use carcasses of raptors provided by agencies, commercially available adult game birds or cryptically colored chickens to simulate raptors, game birds and waterfowl. If fresh bat carcasses are available, they may also be used.

To avoid confusion with turbine-related fatalities, planted carcasses will not be placed in fatality monitoring search plots. Planted carcasses will be placed in the vicinity of search plots but not so near as to attract scavengers to the search plots. The planted carcasses will be located randomly within the carcass removal trial plots.

Carcasses will be placed in a variety of postures to simulate a range of conditions. For example, birds will be: 1) placed in an exposed posture (e.g., thrown over the shoulder), 2) hidden to simulate a crippled bird (e.g., placed beneath a shrub or tuft of grass) or 3) partially
hidden. Trial carcasses will be marked discreetly for recognition by searchers and other personnel. Trial carcasses will be left at the location until the end of the carcass removal trial.

It is expected that carcasses will be checked as follows, although actual intervals may vary. Carcasses will be checked for a period of 40 days to determine removal rates. They will be checked approximately every day for the first 4 days, and then on day 7, day 10, day 14, day 20, day 30 and day 40. This schedule may vary depending on weather and coordination with the other survey work. At the end of the 40-day period, the trial carcasses and scattered feathers will be removed.

Searcher Efficiency Trials

The objective of searcher efficiency trials is to estimate the percentage of bird and bat fatalities that searchers are able to find. The certificate holder shall conduct searcher efficiency trials on the fatality monitoring search plots in both grassland/shrub-steppe and cultivated agriculture habitat types. Searcher efficiency will be estimated by size class, habitat type and season. A pooled estimate of searcher efficiency will be used to adjust carcass counts for detection bias.

The certificate holder shall conduct searcher efficiency trials within each of the seasons defined above during the years in which the fatality monitoring occurs. During each season of the years in which fatality monitoring occurs, the certificate holder shall use approximately 25 carcasses for searcher efficiency trials (approximately 100 carcasses per year). The certificate holder shall vary the number of trials per season and the number of carcasses per trial so that the searchers will not know the total number of trial carcasses being used in any trial. The certificate holder shall distribute trial carcasses in varied habitat in rough proportion to the habitat types within the facility site. During each season, both small bird and large bird carcasses will be used in approximately equal numbers. “Small bird” and “large bird” size classes and carcass selection are as described above for the removal trials.

Before beginning searcher efficiency trials for the second year of fatality monitoring, the certificate holder shall report the results of the first year efficiency trials to the Department and ODFW. In the report, the certificate holder shall analyze whether the efficiency trials as described above (using approximately 100 carcasses per year) provides sufficient data to accurately estimate adjustment factors for carcass removal. The number of removal trials for the second year of fatality monitoring may be adjusted up or down, subject to the approval of the Department.

Personnel conducting searches will not know in advance when trials are conducted; nor will they know the location of the trial carcasses. If suitable trial carcasses are available, trials during the fall season will include several small brown birds to simulate bat carcasses. Legally obtained bat carcasses will be used if available.

On the day of a standardized fatality monitoring search (described below) but before the beginning of the search, efficiency trial carcasses will be placed at random locations within areas to be searched. If scavengers appear attracted by placement of carcasses, the carcasses will be distributed before dawn.

Efficiency trials will be spread over the entire season to incorporate effects of varying weather and vegetation growth. Carcasses will be placed in a variety of postures to simulate a...
range of conditions. For example, birds will be: 1) placed in an exposed posture (thrown over the
shoulder), 2) hidden to simulate a crippled bird or 3) partially hidden.

Each non-domestic carcass will be discreetly marked so that it can be identified as an
efficiency trial carcass after it is found. The number and location of the efficiency trial carcasses
found during the carcass search will be recorded. The number of efficiency trial carcasses
available for detection during each trial will be determined immediately after the trial by the
person responsible for distributing the carcasses.

If new searchers are brought into the search team, additional searcher efficiency trials
will be conducted to ensure that detection rates incorporate searcher differences. The certificate
holder shall include a discussion of any changes in search personnel and any additional detection
trials in the reporting required under Section 7 of this plan.

Fatality Monitoring Search Protocol

The objective of fatality monitoring is to estimate the number of bird and bat fatalities that
are attributable to facility operation as an indicator of the impact of the facility on habitat quality.
The goal of bird and bat fatality monitoring is to estimate fatality rates and associated variances.
The certificate holder shall conduct fatality monitoring using standardized carcass searches. For
each phase of the facility, the certificate holder shall conduct fatality monitoring for two years
(32 searches), beginning one month after the start of commercial operation of that phase.

The certificate holder shall use a worst-case analysis to resolve any uncertainty in the
results and to determine whether the data indicate that additional mitigation should be
considered. The Department may require additional, targeted monitoring if the data indicate the
potential for significant impacts that cannot be addressed by worst-case analysis and appropriate
mitigation.

The certificate holder shall calculate fatality rates using the statistical methods described
in Section 3.0. On an annual basis, the certificate holder shall report an estimate of fatalities in
eight categories: 1) all birds, 2) small birds, 3) large birds, 4) raptors, 5) grassland birds, 6)
nocturnal migrants, 7) State Sensitive Species listed under OAR 635-100-0040 and 8) bats.

If the sample size is large enough to conduct a comparison study of large and small
turbines and the Department approves, the certificate holder shall compare the fatality rates in
the “all birds” category for each of the turbine size classes. In proposing a comparison study of
large and small turbines, the certificate holder may include available data collected at other wind
energy facilities in similar habitat areas, if the data are based on comparable survey protocols and
are appropriately adjusted for removal and searcher efficiency bias.

The certificate holder shall estimate the number of avian and bat fatalities attributable to
operation of the facility based on the number of avian and bat fatalities found at the facility site.
All carcasses located within areas surveyed, regardless of species, will be recorded and, if
possible, a cause of death determined based on blind necropsy results. If a different cause of
death is not apparent, the fatality will be attributed to facility operation. The total number of
avian and bat fatalities will be estimated by adjusting for removal and searcher efficiency bias.

Personnel trained in proper search techniques (“the searchers”) will conduct the carcass
searches by walking parallel transects within the search plots. \(^{96}\) Transects will be initially set at 6

\(^{96}\) Where search plots are adjacent, the search area may be rectangular.
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meters apart in the area to be searched. A searcher will walk at a rate of approximately 45 to 60
meters per minute along each transect searching both sides out to three meters for casualties.
Search area and speed may be adjusted by habitat type after evaluation of the first searcher
efficiency trial. The searchers will record the condition of each carcass found, using the
following condition categories:

- Intact – a carcass that is completely intact, is not badly decomposed and shows no
  sign of being fed upon by a predator or scavenger
- Scavenged – an entire carcass that shows signs of being fed upon by a predator or
  scavenger, or portions of a carcass in one location (e.g., wings, skeletal remains,
  legs, pieces of skin, etc.)
- Feather Spot – 10 or more feathers at one location indicating predation or
  scavenging or 2 or more primary feathers

All carcasses (avian and bat) found during the standardized carcass searches will be
photographed, recorded and labeled with a unique number. Each carcass will be bagged and
frozen for future reference and possible necropsy. A copy of the data sheet for each carcass will
be kept with the carcass at all times. For each carcass found, searchers will record species, sex
and age when possible, date and time collected, location, condition (e.g., intact, scavenged,
feather spot) and any comments that may indicate cause of death. Searchers will photograph each
carcass as found and will map the find on a detailed map of the search area showing the location
of the wind turbines and associated facilities. The certificate holder shall coordinate collection of
state endangered, threatened, sensitive or other state protected species with ODFW. The
certificate holder shall coordinate collection of federally-listed endangered or threatened species
and Migratory Bird Treaty Act protected avian species with the U.S. Fish and Wildlife Service
(USFWS). The certificate holder shall obtain appropriate collection permits from ODFW and
USFWS.

The searchers might discover carcasses incidental to formal carcass searches (e.g., while
driving within the project area). For each incidentally discovered carcass, the searcher shall
identify, photograph, record data and collect the carcass as would be done for carcasses within
the formal search sample during scheduled searches. If the incidentally discovered carcass is
found within a formal search plot, the fatality data will be included in the calculation of fatality
rates. If the incidentally discovered carcass is found outside a formal search plot, the data will be
reported separately. The certificate holder shall coordinate collection of incidentally discovered
state endangered, threatened, sensitive or other state protected species with ODFW. The
certificate holder shall coordinate collection of incidentally discovered federally-listed
endangered or threatened species and Migratory Bird Treaty Act protected avian species with the
USFWS.

The certificate holder shall develop and follow a protocol for handling injured birds. Any
injured native birds found on the facility site will be carefully captured by a trained project
biologist or technician and transported to a qualified rehabilitation specialist approved by the
Department.97 The certificate holder shall pay costs, if any, charged for time and expenses

97 Approved specialists include Lynn Tompkins (wildlife rehabilitator) of Blue Mountain Wildlife, a wildlife
rehabilitation center in Pendleton, and the Audubon Bird Care Center in Portland. The certificate holder must obtain
Department approval before using other specialists.

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related to care and rehabilitation of injured native birds found on the site, unless the cause of
injury is clearly demonstrated to be unrelated to the facility operations.

Statistical Methods for Fatality Estimates

The estimate of the total number of wind facility-related fatalities is based on:

(4) The observed number of carcasses found during standardized searches during the
two monitoring years for which the cause of death is attributed to the facility.\(^{98}\)

(5) Searcher efficiency expressed as the proportion of planted carcasses found by
searchers.

(6) Removal rates expressed as the estimated average probability a carcass is expected
to remain in the study area and be available for detection by the searchers during
the entire survey period.

Definition of Variables

The following variables are used in the equations below:

\( c_i \) the number of carcasses detected at plot \( i \) for the study period of interest (e.g., one
year) for which the cause of death is either unknown or is attributed to the facility

\( n \) the number of search plots

\( k \) the number of turbines searched (includes the turbines centered within each
search plot and a proportion of the number of turbines adjacent to search plots to
account for the effect of adjacent turbines on the search plot buffer area)

\( \bar{c} \) the average number of carcasses observed per turbine per year

\( s \) the number of carcasses used in removal trials

\( s_c \) the number of carcasses in removal trials that remain in the study area after 40
days

\( se \) standard error (square of the sample variance of the mean)

\( t_i \) the time (days) a carcass remains in the study area before it is removed

\( \bar{t} \) the average time (days) a carcass remains in the study area before it is removed

\( d \) the total number of carcasses placed in searcher efficiency trials

\( p \) the estimated proportion of detectable carcasses found by searchers

\( \bar{l} \) the average interval between searches in days

\( \hat{\pi} \) the estimated probability that a carcass is both available to be found during a
search and is found

\( m_i \) the estimated annual average number of fatalities per turbine per year, adjusted
for removal and observer detection bias

\( C \) nameplate energy output of turbine in megawatts (MW)

\(^{98}\) If a different cause of death is not apparent, the fatality will be attributed to facility operation.
Observed Number of Carcasses

The estimated average number of carcasses (\( \bar{c} \)) observed per turbine per year is:

\[
\bar{c} = \frac{\sum_{i=1}^{n} C_i}{k}.
\] (1)

Estimation of Carcass Removal

Estimates of carcass removal are used to adjust carcass counts for removal bias. Mean carcass removal time (\( \bar{t} \)) is the average length of time a carcass remains at the site before it is removed:

\[
\bar{t} = \frac{\sum_{i=1}^{s} t_i}{s - s_c}.
\] (2)

This estimator is the maximum likelihood estimator assuming the removal times follow an exponential distribution and there is right-censoring of data. Any trial carcasses still remaining at 40 days are collected, yielding censored observations at 40 days. If all trial carcasses are removed before the end of the trial, then \( s_c \) is 0, and \( \bar{t} \) is just the arithmetic average of the removal times. Removal rates will be estimated by carcass size (small and large), habitat type and season.

Estimation of Observer Detection Rates

Observer detection rates (i.e., searcher efficiency rates) are expressed as \( p \), the proportion of trial carcasses that are detected by searchers. Observer detection rates will be estimated by carcass size, habitat type and season.

Estimation of Facility-Related Fatality Rates

The estimated per turbine annual fatality rate (\( m_t \)) is calculated by:

\[
m_t = \frac{\bar{c}}{\bar{\pi}},
\] (3)

where \( \bar{\pi} \) includes adjustments for both carcass removal (from scavenging and other means) and observer detection bias assuming that the carcass removal times \( t_i \) follow an exponential distribution. Under these assumptions, this detection probability is estimated by:

\[
\pi = \frac{\bar{t} \cdot p}{t_i} \left[ \frac{\exp \left( \frac{t_i}{\bar{t}} \right) - 1}{\exp \left( \frac{t_i}{\bar{t}} \right) - 1 + p} \right].
\] (4)

The estimated per MW annual fatality rate (\( m \)) is calculated by:

\[
m = \frac{m_t}{C}.
\] (5)
The certificate holder shall calculate fatality estimates for: (1) all birds, (2) small birds, (3) large birds, (4) raptors, (5) grassland birds, (6) nocturnal migrants 7) State Sensitive Species listed under OAR 635-100-0040 and 8) bats. If the sample size is large enough to conduct a comparison study of large and small turbines and the Department approves, the certificate holder shall compare the fatality rates in the “all birds” category for each of the turbine size classes. The final reported estimates of \( m \), associated standard errors and 90% confidence intervals will be calculated using bootstrapping (Manly 1997). Bootstrapping is a computer simulation technique that is useful for calculating point estimates, variances and confidence intervals for complicated test statistics. For each iteration of the bootstrap, the plots will be sampled with replacement, trial carcasses will be sampled with replacement and \( \bar{z}, \bar{r}, \bar{p}, \bar{x} \) and \( m \) will be calculated. A total of 5,000 bootstrap iterations will be used. The reported estimates will be the means of the 5,000 bootstrap estimates. The standard deviation of the bootstrap estimates is the estimated standard error. The lower 5\(^{th}\) and upper 95\(^{th}\) percentiles of the 5000 bootstrap estimates are estimates of the lower limit and upper limit of 90% confidence intervals.

**Nocturnal Migrant and Bat Fatalities**

Differences in observed nocturnal migrant and bat fatality rates for lit turbines, unlit turbines that are adjacent to lit turbines and unlit turbines that are not adjacent to lit turbines will be compared graphically and statistically.

**Mitigation**

Mitigation may be appropriate if fatality rates exceed a “threshold of concern.” For the purpose of determining whether a threshold has been exceeded, the certificate holder shall calculate the average annual fatality rates for species groups after two years of monitoring. Based on current knowledge of the species that are likely to use the habitat in the area of the facility, the following thresholds apply to the facility:

<table>
<thead>
<tr>
<th>Species Group</th>
<th>Threshold of Concern (fatalities per MW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raptors (All eagles, hawks, falcons and owls, including burrowing owls.)</td>
<td>0.09</td>
</tr>
<tr>
<td>Raptor species of special concern (Swainson’s hawk, ferruginous hawk, peregrine falcon, golden eagle, bald eagle, burrowing owl and any federal threatened or endangered raptor species.)</td>
<td>0.06</td>
</tr>
<tr>
<td>Grassland species (All native bird species that rely on grassland habitat and are either resident species occurring year round or species that nest in the area, excluding horned lark, burrowing owl and northern harrier.)</td>
<td>0.59</td>
</tr>
<tr>
<td>State sensitive avian species listed under OAR 635-100-0040 (Excluding raptors listed above.)</td>
<td>0.2</td>
</tr>
<tr>
<td>Bat species as a group</td>
<td>2.5</td>
</tr>
</tbody>
</table>

If the data show that a threshold of concern for a species group has been exceeded, the certificate holder shall implement additional mitigation if the Department determines that mitigation is appropriate based on analysis of the data, consultation with ODFW and consideration of any other significant information available at the time. In addition, the Department may determine that mitigation is appropriate if fatality rates for individual avian or...
bat species (especially State Sensitive Species) are higher than expected and at a level of
biological concern. If the Department determines that mitigation is appropriate, the certificate
holder, in consultation with the Department and ODFW, shall propose mitigation measures
designed to benefit the affected species. The certificate holder shall implement mitigation as
approved by the Council. The Department may recommend additional, targeted data collection if
the need for mitigation is unclear based on the information available at the time. The certificate
holder shall implement such data collection as approved by the Council.

Mitigation should be designed to benefit the affected species group. Mitigation may
include, but is not limited to, protection of nesting habitat for the affected group of native species
through a conservation easement or similar agreement. Tracts of land that are intact and
functional for wildlife are preferable to degraded habitat areas. Preference should be given to
protection of land that would otherwise be subject to development or use that would diminish the
wildlife value of the land. In addition, mitigation measures might include: enhancement of the
protected tract by weed removal and control; increasing the diversity of native grasses and forbs;
planting sagebrush or other shrubs; constructing and maintaining artificial nest structures for
raptors; improving wildfire response; and conducting or making a contribution to research that
will aid in understanding more about the affected species and its conservation needs in the
region.

Raptor Nest Surveys

The objectives of raptor nest surveys are: (1) to estimate the size of the local breeding
populations of raptor species that nest on the ground or aboveground in trees or other
aboveground nest locations in the vicinity of the facility; and (2) to determine whether operation
of the facility results in a reduction of nesting activity or nesting success in the local populations
of the following raptor species: Swainson’s hawk, golden eagle, ferruginous hawk and burrowing
owl.

Survey Protocol

* For Raptor Species that Nest Aboveground

The certificate holder shall use aerial and ground surveys to evaluate nest success by
gathering data on active nests, on nests with young and on young fledged. The certificate holder
will share the data with state and federal biologists. For each phase of the facility, the certificate
holder shall conduct the first year of post-construction raptor nest surveys in the first raptor
nesting season after construction of that phase is completed. The second year of surveys will be
done in the fourth year after construction is completed. Thereafter, the certificate holder shall
conduct raptor nest surveys as described in Section 2(d) below.

During each survey year, the certificate holder will conduct a minimum of one helicopter
survey in late May or early June and additional surveys as described in this section. All nests
discovered during pre-construction surveys and any nests discovered during post-construction
surveys, whether active or inactive, will be given identification numbers. Nest locations will be
recorded on U.S. Geological Survey 7.5-minute quadrangle maps. Global positioning system
coordinates will be recorded for each nest. Locations of inactive nests will be recorded because
they could become occupied during future years.

The certificate holder shall conduct the aerial surveys within the site and a 2-mile buffer
around the site to determine nest occupancy. Determining nest occupancy will likely require two
helicopter visits to each nest. For occupied nests, the certificate holder shall determine nesting
success by a minimum of one ground visit to determine species, number of young and young
fledged. “Nesting success” means that the young have successfully fledged (the young are
independent of the core nest site). Nests that cannot be monitored due to the landowner denying
access will be checked from a distance where feasible.

* For Burrowing Owls

If burrowing owl nest sites are discovered, the certificate holder will monitor them
according to the following protocol. This species is not easily detected during aerial raptor nest
surveys. The certificate holder shall record active burrowing owl nest sites in the vicinity of the
facility as they are discovered during other wildlife monitoring tasks. Any nests discovered
during post-construction surveys, whether active or showing signs of intermittent use by the
species, will be given identification numbers. Nest locations will be recorded on U.S. Geological
Survey 7.5-minute quadrangle maps. Global positioning system coordinates will be recorded for
each nest site. Coordinates for ancillary burrows used by one nesting pair or a group of nesting
pairs will also be recorded. Locations of inactive nests will be recorded because they could
become occupied during future years.

The certificate holder shall conduct burrowing owl monitoring in the same years as the
raptor nest surveys described above. For occupied nests, the certificate holder shall determine
nesting success by a minimum of one ground visit to determine species, number of young and
young fledged. “Nesting success” means that the young have successfully fledged (the young
may or may not be independent of the core nest site). Three visits to the nest sites may be
necessary to determine outcome. Nests that cannot be monitored due to the landowner denying
access will be checked from a distance where feasible.

If burrowing owl nests are discovered during the first year of post-construction raptor
nest surveys (the first raptor nesting season after construction is completed), the certificate holder
shall monitor those nest locations during the second year of surveys in the fourth year after
construction is completed. Thereafter, the certificate holder shall monitor all known burrowing
owl nest locations as a part of the long-term raptor nest monitoring program described in Section
2(d) below.

Analysis

For each phase of the facility, the certificate holder shall analyze the raptor nesting data
collected after two survey years to determine whether a reduction in either nesting success or
nest use has occurred in the vicinity of the facility. If the analysis indicates a reduction in nesting
success or nest use by Swainson’s hawks, golden eagles, ferruginous hawks or burrowing owls
within the facility site or within 2 miles of the facility site, then the certificate holder shall
propose appropriate mitigation for the affected species as described in Section 2© and shall
implement mitigation as approved by the Council. At a minimum, if the analysis shows that any
raptors of these species have abandoned a nest territory within the facility site or within 1/2 mile
of the facility site or has not fledged any young over the two survey years within that same area,
the certificate holder shall assume the abandonment or unsuccessful fledging is due to operation
of the facility unless another cause can be demonstrated convincingly.

Any reduction in nesting success or nest use could be due to operation of the facility,
operation of another wind facility in the vicinity or some other cause. The certificate holder shall
attribute the reduction to operation of the if the wind turbine closest to the affected nest site is an LIF turbine, unless the certificate holder demonstrates, and the Department agrees, that the reduction was due to a different cause.

Given the low raptor nesting densities in the area and the presence of other wind energy facilities nearby, statistical power to detect a relationship between distance from an wind turbine and nesting parameters (e.g., number of fledglings per reproductive pair) will be very low. Therefore, impacts may have to be judged based on trends in the data, results from other wind energy facility monitoring studies and literature on what is known regarding the populations in the region.

Mitigation

The certificate holder shall propose mitigation for the affected species in consultation with the Department and ODFW and shall implement mitigation as approved by the Council. In proposing appropriate mitigation, the certificate holder shall advise the Department if any other wind project in the area is obligated to provide mitigation for a reduction in raptor nesting success at the same nest site. Mitigation should be designed to benefit the affected species or contribute to overall scientific knowledge and understanding of what causes nest abandonment or nest failure. Mitigation may be designed to proceed in phases over several years. It may include, but is not limited to, additional raptor nest monitoring, protection of natural nest sites from human disturbance or cattle activity (preferably within the general area of the facility) or participation in research projects designed to improve scientific understanding of the needs of the affected species.

Long-term Raptor Nest Monitoring and Mitigation Plan

In addition to the two years of post-construction raptor nest surveys described in Section 2(a), the certificate holder shall conduct long-term raptor nest surveys at five-year intervals for the life of the facility. The certificate holder shall conduct the first long-term raptor nest survey in the ninth year after construction is completed. In conducting long-term surveys, the certificate holder shall follow the same survey protocols as described above in Section 2(a) unless the certificate holder proposes an alternative protocol that is approved by the Department. In developing an alternative protocol, the certificate holder shall consult with ODFW.

The certificate holder shall analyze the raptor nesting data collected after each year of long-term raptor nest surveys to determine whether a reduction in either nesting success or nest use has occurred in the vicinity of the facility. If the analysis indicates a reduction in nesting success or nest use by Swainson’s hawks, golden eagles, ferruginous hawks or burrowing owls within the facility site or within 2 miles of the facility site, then the certificate holder shall propose appropriate mitigation for the affected species as described in Section 2(c) and shall implement mitigation as approved by the Council. At a minimum, if the analysis shows that any raptors of these species have abandoned a nest territory within the facility site or within ½ mile of the facility site or has not fledged any young over the two survey years within that same area, the certificate holder shall assume the abandonment or unsuccessful fledging is due to operation of the facility unless another cause can be demonstrated convincingly.

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99 As used in this plan, “life of the facility” means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

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Any reduction in nesting success or nest use could be due to operation of the facility, operation of another wind facility in the vicinity or some other cause, including changes in land use patterns after construction of the facility. The certificate holder shall attribute the reduction to operation of if the wind turbine closest to the affected nest site is an turbine unless the certificate holder demonstrates, and the Department agrees, that the reduction was due to a different cause.

Given the low raptor nesting densities in the area and the presence of other wind energy facilities nearby, statistical power to detect a relationship between distance from an wind turbine and nesting parameters (e.g., number of fledglings per reproductive pair) will be very low. Therefore, impacts may have to be judged based on trends in the data, results from other wind energy facility monitoring studies and literature on what is known regarding the populations in the region.

Washington ground squirrel surveys

For the LJIIA area, the certificate holder shall conduct long-term post-construction surveys to collect data on Washington ground squirrel (WGS) activity within the lease boundary. A qualified professional biologist will monitor the WGS sites in the LJIIA area identified during the pre-construction surveys (2005 through 2007) and the buffer area within 500 feet in all directions from the identified WGS sites in suitable habitat. The certificate holder shall conduct surveys during the year following construction and every three years thereafter for the life of the facility. Surveyors will walk standard protocol-level transects twice between late March and late May and record level of use, notes on natal sites and physical extent of the sites. Details of the post-construction WGS monitoring for the LJIIA area are set forth in the Incidental Take Permit application as set forth in Attachment E of the Final Order on the Application.

An Incidental Take Permit is not required for the LJIIIB area. Biologists conducting other monitoring of the LJIIIB area (including the fatality monitoring and raptor nest surveys described above) will make note of any WGS activity they observe and will report the incidental observations, including mapping and dates of the observations. In conjunction with the raptor nest surveys for LJIIIB described above, a qualified professional biologist (investigator) will assess the status of colonies 13, 14, 15a, 15b, 16, 17, 22a, 22b, 23, and 24 (identified in the Request for Amendment #1, Attachment 7, Figure 6b-3). The WGS assessments will occur during the active WGS periods in the first and fourth years of operation and every five years thereafter for the life of the project. The investigator shall record evidence of WGS activity, current land use and evidence of project-caused conditions that might increase erosion or result in a decline in vegetation quality and adversely affect a WGS colony.

Grassland Bird Study

The grassland bird study is a 2-year, post-construction evaluation of grassland bird use in the LJF area. Parts of the facility occupy native habitat suitable for various ground-nesting bird species that nest in grassland or open low shrub habitat. Grassland birds that were documented on-site during baseline surveys conducted in 2006 included long-billed curlew, grasshopper sparrow, savannah sparrow, Western meadowlark and horned lark. These species are likely to nest on-site. Loggerhead shrikes may be present in the area but were not observed.

During the 2006 pre-construction surveys of the northern area of the, the applicant surveyed 57 transects. The transects were approximately 60-meters wide. They were searched
twice during the peak period of activity for the target species (March through May). Locations of
territorial male grasshopper sparrows were recorded with a GPS unit. GPS locations of
(assumed) paired long-billed curlews or approximate location of the pair’s primary activity area
and locations of curlew nests were also recorded. Surveyors made notes on the general location
of special status grassland bird species observed in the area and on any observed behavior (for
example, nesting, staging, courtship, non-breeders foraging in loose groups).100 The surveyors
noted detections of common species in blocks of areas surveyed (several transects combined) but
did not record GPS locations or count the number of individuals present.

The objective of the post-construction grassland bird study is to determine if there are
noticeable changes in the presence and overall use by special status grassland bird species
compared to pre-construction data collected in 2006. By surveying a large area that includes the
undisturbed area between turbine strings, the study could provide information on whether
operation of the facility discourages use of the area by two indicator species: grasshopper
sparrows and long-billed curlews. In addition to focusing on the two indicator species, the post-
construction surveys will include observations of common species such as western meadowlark,
savannah sparrow and horned lark to provide information on the presence and distribution of
these species within the study area and their behavior relative to turbine locations. The phrase
“behavior relative to turbine locations” is intended to address observations of behavior that is
different near turbines compared behavior away from turbines.

Study Area

The study area is located within the LJIIA area and covers approximately 1,362 acres.101
For purposes of this discussion, the area north of Rattlesnake Road is referred to as the “north
study area,” and the area south of the road is referred to as the “south study area.”

The north study area is bounded by the lease boundary on the northeast and west sides
and by Rattlesnake Road on the southeast side. The south study area is bounded by an existing
power line on the west and natural topography on the other sides. The north study area contains
two proposed turbine strings of up to eight turbines and associated access roads and transmission
components. The south study area contains proposed access roads and five turbines. The south
study area might include burrowing owl dens, but no confirmed nests were discovered in the
baseline surveys. The habitat in the north study area is primarily shrub-steppe with grassland-like
vegetation in a recovery stage (it is assumed that fire disturbance has removed areas of mature
shrubs). The south study area includes relatively flat ground with some gentle slopes and a dry
drainage. The habitat in the south study area is similar to the habitat in the north study area and is
relatively open grassland with some shrubs. Habitat for both the north and south study areas is
not highly variable and is representative of a large portion of the remainder of the North lease
area. Areas containing laydown areas and unsuitable habitat will not be studied.

The study areas were selected because they are somewhat removed from human activity
(except low traffic use on facility access roads and one county road) and contain a large area of
grassland/shrub-steppe habitat (mapped as habitat sub-type “SSB”) that is not proposed to be
altered during project construction or operations.

100 As used in this section, “special status grassland bird species” means grasshopper sparrows, long-billed curlews,
loggerhead shrikes and burrowing owls.
101 The study area and its underlying habitat types are shown on “Figure 1: Areas to be studied for Grassland Birds
during Operations Phase” (Response to Additional RAI, Attachment 2, October 2, 2009).

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Survey Protocol

After completion of construction of the facility, the certificate holder shall survey the 57 transects that were searched before construction in 2006. Surveyors will collect data on the indicator species (grasshopper sparrows and long-billed curlews) and other special status grassland bird species. For all special status grassland bird species observed, the surveyors will record the number of observations of these species and their GPS locations, using the same methodology used in 2006. Special status grassland bird species that fly readily in the surveyor’s presence will be tracked visually to attempt to determine defended territories and to limit potential double-counting of individuals. Surveyors will record notes on the general location and behavior of special status grassland bird species (for example, defensive responses, nesting, staging, courtship, non-breeders foraging in loose groups). This plotted data will provide information on the location of special status grassland bird species at distances near and far from turbines and other facilities.

Surveyors will record notes on the location and abundance of common species. Abundant common species that fly readily in the surveyor’s presence will be tracked visually to avoid double counting. Horned lark observations will be totaled for each survey area completed in one survey day. The data on the relative abundance and distribution of common species will provide information on the location of common species at distances near and far from turbines and other facilities.

The certificate holder shall conduct the first year of post-construction grassland surveys in the first spring following the beginning of commercial operation of the facility. The certificate holder shall conduct a second year of grassland surveys two to five years after the first survey. The certificate holder will determine when the second survey will be done, in consultation with ODFW and subject to approval by the Department, based on the restoration of grassland cover in areas disturbed during facility construction.

In each survey year, surveyors will complete two walking transect surveys of the north and south study areas (one in April and one in May). A third visit to specific potential burrowing owl dens (based on 2006 data and any newly discovered sites) will be conducted during the period from late May to early July, if the surveyor determines a third visit is needed to confirm use by burrowing owls. The April and May time period includes the seasonal period of staging (pre-nesting) of long-billed curlews (April), the major period of territorial calling of grasshopper sparrows (May) and the nesting period for long-billed curlews and other species (May).

Data Analysis and Reporting

After the first survey year, the certificate holder shall submit a preliminary summary report to the Department. After the second survey year, the certificate holder shall submit a more comprehensive final report. The certificate holder shall submit maps for each survey year, showing transects walked and specific areas of use by the indicator species, other special status grassland bird species and common species (except horned larks). The certificate holder shall overlay a grid system on the mapped “as-built” locations of facility components within the study areas. Using the grid system, the certificate holder shall describe the survey results by area and distance from turbines.

The reports will include a description of vegetation compared to pre-construction conditions as recorded in 2006, including notes on any changes in land use by the landowner,
wildfire influences and grazing and noting any areas of intense vegetation impact. Vegetation
communities will be sampled by the transect method and a description of plant communities will
be provided for each survey year.

The certificate holder shall report on observed changes in use by the indicator species.
For example, the report will compare the locations and numbers of grasshopper sparrows plotted
during the pre-construction surveys in the north study area to the locations and numbers of this
species plotted during the post-construction survey years. The certificate holder shall report on
the location of any burrowing owls observed during the transect searches or subsequent visits
made to confirm use. The certificate holder shall analyze the locations for all special status
grassland bird species (using GPS data) and common species (except homed larks) to calculate
distance from turbines or other facilities.102

The certificate holder shall evaluate the data to determine if there are changes in the use
of the study areas by the two indicator species before and after construction. In addition, the
certificate holder shall evaluate the data to determine if there is noticeable difference in the
distribution, abundance or behavior of special status grassland bird species or common species
relative to turbine locations.

Wildlife Reporting and Handling System

The Wildlife Reporting and Handling System (WRHS) is a monitoring program to search
for and handle avian and bat casualties found by maintenance personnel during operation of the
facility. Maintenance personnel will be trained in the methods needed to carry out this program.
This monitoring program includes the initial response, the handling and the reporting of bird and
bat carcasses discovered incidental to maintenance operations ("incidental finds").

All avian and bat carcasses discovered by maintenance personnel will be photographed
and the data recorded as would be done for carcasses within the formal search sample during
scheduled searches. If maintenance personnel discover incidental finds, the maintenance
personnel will notify a project biologist. The project biologist must be a qualified independent
professional biologist who is not an employee of the certificate holder. The project biologist (or
the project biologist’s experienced wildlife technician) will collect the carcass or will instruct
maintenance personnel to have an on-site carcass handling permittee collect the carcass. The
certificate holder’s on-site carcass handling permittee must be a person who is listed on state and
federal scientific or salvage collection permits and who is available to process (collect) the find
on the day it is discovered. The find must be processed on the same day as it is discovered.

During the years in which fatality monitoring occurs, if maintenance personnel discover
incidental finds outside the search plots for the fatality monitoring searches, the data will be
reported separately from fatality monitoring data. If maintenance personnel discover carcasses
within search plots, the data will be included in the calculation of fatality rates. The maintenance
personnel will notify a project biologist. The project biologist will collect the carcass or will
instruct maintenance personnel to have an on-site carcass handling permittee collect the carcass.
As stated above, the on-site permittee must be available to process the find on the day it is
discovered. The certificate holder shall coordinate collection of state endangered, threatened,
sensitive or other state protected species with ODFW. The certificate holder shall coordinate

102 Data on common species cannot be compared to preconstruction data because the 2006 surveys did not record the
location or abundance of these species by transect line. GPS data will not be collected for common species.
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[June 21, 2013]

collection of federally-listed endangered or threatened species and Migratory Bird Treaty Act
protected avian species with the USFWS.

Data Reporting

The certificate holder will report wildlife monitoring data and analysis to the Department.
Monitoring data include fatality monitoring program data, raptor nest survey data, WGS survey
data for the LJIIA area, WGS incidental observation and assessment reports for the LJIIIB area,
grassland bird study data and WRHS data. The certificate holder may include the reporting of
wildlife monitoring data and analysis in the annual report required under OAR 345-026-0080 or
submit this information as a separate document at the same time the annual report is submitted.
In addition, the certificate holder shall provide to the Department any data or record generated in
carrying out this monitoring plan upon request by the Department.

The certificate holder shall notify USFWS and ODFW immediately if any federal or state
endangered or threatened species are killed or injured on the facility site.

The public will have an opportunity to receive information about monitoring results and
to offer comment. Within 30 days after receiving the final versions of reports that are required
under this plan, the Department will make the reports available to the public on its website and
will specify a time in which the public may submit comments to the Department.\footnote{The certificate holder may establish a Technical Advisor Committee (TAC) but is not required to do so. If the certificate holder establishes a TAC, the TAC may offer comments to the Council about the results of the monitoring required under this plan.}

Amendment of the Plan

This Wildlife Monitoring and Mitigation Plan may be amended from time to time by
agreement of the certificate holder and the Council. Such amendments may be made without
amendments to this plan and to mitigation actions that may be required under this plan. The
Department shall notify the Council of all amendments and mitigation actions, and the Council
retains the authority to approve, reject or modify any amendment of this plan or mitigation action
agreed to by the Department.
Attachment E
I. INTRODUCTION

This plan describes methods and standards for preservation and enhancement of an area of land near the Leaning Juniper IIA Wind Power Facility to mitigate for the impacts of the facility on wildlife habitat. This plan addresses mitigation for both the permanent impacts of facility components and the temporal impacts of facility construction. The certificate holder shall protect and enhance the mitigation area as described in this plan. This plan specifies habitat enhancement actions and monitoring procedures to evaluate the success of those actions. Remedial action may be necessary if progress toward habitat enhancement success is not demonstrated in any part of the mitigation area.

Per Amendment 2 to Leaning Juniper II Wind Power Facility, the facility was divided into two separate facilities with LJIIA and LJIIIB each receiving its own site certificate. However, the site certificate holders agreed to share mitigation and environmental responsibilities. Therefore, the requirements for the facility as a whole, including both LJIIA and LJIIIB, remain in this Habitat Mitigation Plan and each individual site certificate holder remains bound by its terms.

II. DESCRIPTION OF THE IMPACTS ADDRESSED BY THE PLAN

The estimated land area that could be occupied by permanent facility components (the “footprint”) is approximately 111 acres, based on the final design configuration for LJIIA and the expected configuration for LJIIIB. In addition to the footprint impacts, construction of the facility could disturb approximately 850 acres. Although much of the area is cropland, habitat that could be affected by construction disturbance includes areas of perennial bunchgrass, desirable shrubs and juniper trees. After disturbance, the recovery of perennial bunchgrass species to a mature stage might take five to seven years; recovery of juniper trees and desirable shrubs such as bitterbrush and sagebrush might take ten to 30 years to reach maximum height and vertical branching. Even where recovery of these habitat subtypes is successful, there is a loss of habitat quality during the period of time needed to achieve recovery (temporal impact).

III. CALCULATION OF THE SIZE OF THE MITIGATION AREA

The actual footprint and construction disturbance areas cannot be determined until the final design layout of the facility is known. Before beginning construction of any phase the facility, the certificate holder shall provide to the Oregon Department of Energy (Department) a map showing the final design configuration of that phase and a table showing the estimated areas of permanent impacts and construction area impacts on habitat (by category, habitat types and habitat subtypes) in that phase. The certificate holder shall calculate the size of the mitigation area, as illustrated below, based on the final design configuration of the facility. The certificate holder shall implement the habitat enhancement actions described in this plan, after the Department has approved the size of the mitigation area. This plan does not address additional

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104 This plan is incorporated by reference in the site certificate for the Leaning Juniper II Wind Power Facility and must be understood in that context. It is not a “stand-alone” document. This plan does not contain all mitigation required of the certificate holder.

105 The LJIIA and LJIIIB areas are described in the Final Order on Amendment #1. The expected acres of permanent impact for LJIIA are shown in Table 6 of the Final Order. The acres of permanent impact for LJIIIB are shown in Table 7.

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mitigation that might be required under the Leaning Juniper IIA Wildlife Monitoring and Mitigation Plan.

The mitigation area must be large enough to meet the habitat mitigation goals and standards of the Oregon Department of Fish and Wildlife (ODFW) described in OAR 635-415-0025. The ODFW goals require mitigation to achieve “no net loss” of habitat in Categories 2, 3 and 4 and a “net benefit” in habitat quantity or quality for impacts to habitat in Categories 2 and 5.

For the footprint impacts, the mitigation area includes two acres for every one acre of Category 2 habitat affected (a 2:1 ratio) and one acre for every acre of footprint impacts to Category 3, 4 and 5 habitat (a 1:1 ratio). The 2:1 ratio for Category 2 is intended to meet the ODFW goals of “no net loss” of Category 2 habitat and “net benefit” of habitat quantity for impacts to both Category 2 and Category 5 habitat. The 1:1 ratio for the footprint impacts to Category 3, 4 and 5 habitat is intended to meet the ODFW goal of “no net loss” of habitat in these categories.

To mitigate for construction impacts outside the footprint, the mitigation area includes ¼ acre for every Category 2 or 3 SSA (shrub-grass; sagebrush-rabbitbrush-snakeweed/bunchgrass-annual grass), SSE (bitterbrush-buckwheat-bunchgrass-annual grass) and WJ (juniper woodland) habitat affected (a 0.5:1 ratio). This portion of the mitigation area is intended to address the temporal loss of habitat quality during the recovery of SSA, SSE and WJ habitat disturbed during construction. The size of this portion of the mitigation area is based on the assumption that restoration of disturbed SSA, SSE and WJ habitat is successful, as determined under the Leaning Juniper II Revegetation Plan. If the revegetation success criteria are not met in the affected areas, then the Council may require the certificate holder to provide additional mitigation.

For the first phase of the facility (LJIIIA), the areas of impact within each affected habitat category and the corresponding mitigation area for each category are calculated as follows, based on the final design habitat assessment.

**Category 2**
Footprint impacts: 6.28 acres
Temporal impacts to SSA and SSE: 18.19 acres
Mitigation area: (6.28 acres x 2) + (18.19 acres x 0.5) = 21.66 acres

**Category 3**
Footprint impacts: 13.48 acres
Temporal impacts to SSA: 1.8 acres
Mitigation area: 13.48 acres + (1.8 acres x 0.5) = 14.38 acres

**Category 4**
Footprint impacts: 1.38 acres
Mitigation area: 2.1 acres

**Category 5**
Footprint impacts: 1.34 acres
Mitigation area: 1.34 acres

**Total mitigation area for LJIIIA (rounded to nearest whole acre): 39 acres**
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[JUNE 21, 2013]

For the second phase of the facility (LJIIB), areas of potential impact within each affected habitat category and the corresponding mitigation area for each category are calculated as follows, based on maximum habitat impact estimates.\(^{106}\)

**Category 2**
Footprint impacts: 12.16 acres  
Temporal impacts to SSA, SSE and WJ: 21.86 acres  
Mitigation area: \((12.16 \text{ acres} \times 2) + (21.86 \text{ acres} \times 0.5) = 35.26 \text{ acres}\)

**Category 3**
Footprint impacts: 16.07 acres  
Temporal impacts to SSA: 0.31 acres  
Mitigation area: \(16.07 \text{ acres} + (0.31 \text{ acres} \times 0.5) = 16.23 \text{ acres}\)

**Category 4**
Footprint impacts: 1.44 acres  
Mitigation area: 1.44 acres

**Total mitigation area for LJIIB (rounded to nearest whole acre): 53 acres**

**IV. DESCRIPTION OF THE MITIGATION AREA**
The certificate holder shall select a mitigation area in proximity to the facility where habitat protection and enhancement are feasible consistent with this plan.\(^{107}\) The applicant identified a 440-acre parcel in a relatively remote setting where habitat protection and enhancement are feasible and sufficient land area is available to accommodate the size of the mitigation area, based on a worst-case estimate.\(^{108}\) Before beginning construction of any phase of the facility, the certificate holder shall determine the final size of the mitigation area needed for that phase. The certificate holder shall determine the boundaries of the mitigation area in consultation with ODFW and the affected landowners and subject to the approval of the Department. The final mitigation area must contain suitable habitat to achieve the ODFW goals of no net loss of habitat in Categories 2, 3 and 4 and a net benefit in habitat quantity or quality for impacts to habitat in Categories 2 and 5 through appropriate enhancement actions. Before beginning construction of any phase of the facility, the certificate holder shall acquire the legal right to create, maintain and protect the habitat mitigation area needed for that phase for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department.\(^{109}\)

**V. HABITAT ENHANCEMENT ACTIONS**
The objectives of habitat enhancement are to protect habitat within the mitigation area from degradation and to improve the habitat quality of the mitigation area. By achieving these goals,

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\(^{106}\) The maximum impact estimates are shown in Table 8 of the Final Order on Amendment #1.

\(^{107}\) OAR 635-415-0005 defines “in-proximity habitat mitigation” as follows: “habitat mitigation measures undertaken within or in proximity to areas affected by a development action. For the purposes of this policy, ‘in proximity to’ means within the same home range, or watershed (depending on the species or population being considered) whichever will have the highest likelihood of benefiting fish and wildlife populations directly affected by the development.”

\(^{108}\) The 440-acre parcel is described in Section IV.4.(b)(F) of the Final Order on the Application.

\(^{109}\) As used in this plan, “life of the facility” means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.
the certificate holder can address the permanent and temporal habitat impacts of the facility and
meet the ODFW goals of no net loss of habitat in Categories 2, 3 and 4 and a net benefit in
habitat quantity or quality for impacts to habitat in Categories 2 and 5. The certificate holder
shall initiate the habitat enhancement actions for each phase of the facility as soon as the final
design configuration of the that phase is known and the size of the mitigation area has been
determined and approved by the Department. The certificate holder shall implement the
following enhancement actions:

1) **Modification of Livestock Grazing Practices.** The certificate holder shall restrict grazing
within the habitat mitigation area. Eliminating livestock grazing within the mitigation
area during most of the year will enable recovery of native bunchgrass and sagebrush in
areas where past grazing has occurred, resulting in better vegetative structure and
complexity for a variety of wildlife. Reduced livestock grazing may be used as a
vegetation management tool, limited to the period from February 1 through April 15.

2) **Shrub Planting.** The certificate holder shall plant sagebrush shrubs in locations where
existing sagebrush is stressed. The certificate holder shall determine the size of the shrub-
planting area based on the professional judgment of a qualified biologist after a ground
survey of actual conditions. The size of the shrub-planting area will depend on the
available mitigation area and opportunity for survival of planted shrubs. The shrub
survival rate at four years after planting is an indicator of successful enhancement of
habitat quality to Category 2. Accordingly, although a minimum 5-acre area of shrub
planting is anticipated, the certificate holder may choose to plant a larger area. The
certificate holder shall complete the initial sagebrush planting within one year after the
beginning of construction of the facility. Supplementing existing but disturbed sagebrush
areas with sagebrush seedlings would assist the recovery of this valuable shrub-steppe
component. The certificate holder shall obtain shrubs from a qualified nursery or grow
shrubs from native seeds gathered from the mitigation area. The certificate holder shall
identify the area to be planted with sagebrush shrubs after consultation with ODFW and
subject to final approval by the Department. The certificate holder shall mark the planted
sagebrush clusters at the time of planting for later monitoring purposes and shall keep a
record of the number of shrubs planted.

3) **Tree Planting.** If areas of juniper woodland are disturbed during construction, the
certificate holder shall plant juniper trees in the mitigation area in locations of deeper
soils near canyon bottoms. The certificate holder shall assess specific locations and
provide a map of possible planting locations to ODFW and the Department before
planting begins. The certificate holder shall determine the number and size of the juniper
tree plants based on the professional judgment of a qualified biologist after a ground
survey of actual conditions. The size of the tree-planting area will depend on the
available mitigation area and opportunity for survival of planted trees. The tree survival
rate at four years after planting is an indicator of successful enhancement of habitat
quality to Category 2. The certificate holder shall obtain trees from a qualified nursery or
suitable transplants from LJIIIB construction zones. The certificate holder shall identify
the area to be planted with juniper trees after consultation with ODFW and subject to
final approval by the Department. The certificate holder shall mark the planted trees at
the time of planting for later monitoring purposes and shall keep a record of the number
of trees planted.
4) **Weed Control.** The certificate holder shall implement a weed control program. Under the weed control program, the certificate holder shall monitor the mitigation area to locate weed infestations. The certificate holder shall continue weed control monitoring, as needed, for the life of the facility. As needed, the certificate holder shall use appropriate methods to control weeds. Weed control on the mitigation site will reduce the spread of noxious weeds within the habitat mitigation area and on any nearby grassland, CRP or cultivated agricultural land. Weed control will promote the growth of desirable native vegetation and planted sagebrush. The certificate holder may consider weeds to be successfully controlled when weed clusters have been eradicated or reduced to a non-competing level. Weeds may be controlled with herbicides or hand-pulling. The certificate holder shall notify the landowner of the specific chemicals to be used on the site and when spraying will occur. To protect locations where young desirable forbs may be growing, spot-spraying may be used instead of total area spraying.

5) **Fire Control.** The certificate holder shall implement a fire control plan for wildfire suppression within the mitigation area. The certificate holder shall provide a copy of the fire control plan to the Department before starting habitat enhancement actions. The certificate holder shall include in the plan appropriate fire prevention measures, methods to detect fires that occur and a protocol for fire response and suppression. The certificate holder shall maintain fire control for the life of the facility. If any part of the mitigation area is damaged by wildfire, the certificate holder shall assess the extent of the damage and implement appropriate actions to restore habitat quality in the damaged area.

6) **Nest platforms.** The certificate holder shall construct at least one artificial raptor nest platform in the mitigation area tailored to the opportunities of the site, using best professional judgment of raptor use in the general area. The certificate holder may construct more than one nest platform based on the availability of suitable locations. The certificate holder shall maintain the nest platforms for the life of the facility.

7) **Habitat Protection.** The certificate holder shall restrict uses of the mitigation area that are inconsistent with the goals of no net loss of habitat in Categories 2, 3 and 4 and a net benefit in habitat quantity or quality for impacts to habitat in Categories 2 and 5.

**VI. MONITORING**

1. **Monitoring Procedures**

The certificate holder shall hire a qualified investigator (an independent botanist, wildlife biologist or revegetation specialist) to conduct a comprehensive monitoring program for the mitigation area. The purpose of this monitoring is to evaluate on an ongoing basis the protection of habitat quality, the results of enhancement actions and the use of the area by avian and mammal species, especially during the wildlife breeding season.

The investigator shall monitor the habitat mitigation area for the life of the facility beginning in the year following the initial sagebrush planting. The investigator shall visit the site as necessary to carry out the following monitoring procedures:

1) Annually assess vegetation cover (species, structural stage, etc.) and progress toward meeting the success criteria.

2) Annually record environmental factors (such as precipitation at the time of surveys and precipitation levels for the year).
3) Annually record any wildfire that occurs within the mitigation area and any remedial actions taken to restore habitat quality in the damaged area.

4) Annually assess the success of the weed control program and recommend remedial action, if needed.

5) Assess the recovery of native bunchgrass and natural recruitment of sagebrush resulting from removal of livestock grazing pressure by comparing the quality of bunchgrass and sagebrush cover at the time of each monitoring visit with the quality observed in previous monitoring visits and as observed when the mitigation area was first established. The investigator shall establish photo plots of naturally recovering sagebrush and native bunchgrass during the first year following the beginning of construction of the facility. The investigator shall take comparison photos in the first year and in every other year thereafter until the subject vegetation has achieved mature stature. The investigator shall determine the extent of successful recovery of native bunchgrass based on measurable indicators (such as, signs of more abundant seed production) and shall report on the progress of recovery within in the monitoring plots. The investigator shall report on the timing and extent of any livestock grazing that has occurred within the mitigation area since the previous monitoring visit.

6) Assess the survival rate and growth of planted sagebrush. At the time of planting, sagebrush clusters will be marked for the purpose of monitoring. The investigator shall select several planted clusters for photo monitoring and shall take close-up and long-distance digital images of each selected cluster during each monitoring visit. The certificate holder shall determine the number of clusters to be photo-monitored at the time of planting, in consultation with the Department and ODFW, based on the number of clusters planted. The investigator shall take comparison photos in the first year following the initial sagebrush planting and in every other year thereafter until the surviving planted sagebrush has achieved mature stature. In each monitoring year, the investigator shall determine and report the survival rate of planted sagebrush. Based on past experience of restoration specialists for other sagebrush planting projects, a survival rate as high as 50 percent can be achieved if there are years of high soil moisture, but a more typical survival rate is 2 surviving shrubs per 10 planted (20 percent) after four years. Shrub-planting will be considered successful if a 20-percent survival rate is achieved after four years. The investigator shall recommend remedial action when, in the investigator’s judgment, the survival rate of planted sagebrush is inadequate to demonstrate a trend toward an improvement in habitat quality.

7) Assess the survival rate and growth of planted juniper trees. At the time of planting, juniper trees will be marked for the purpose of monitoring. The investigator shall select several planted trees for photo monitoring and shall take close-up and long-distance digital images of each selected tree during each monitoring visit. The certificate holder shall determine the number of trees to be photo-monitored at the time of planting, in consultation with the Department and ODFW, based on the number of trees planted. The investigator shall take comparison photos in the first year following planting and in every other year thereafter until the surviving planted trees have achieved mature stature. In each monitoring year, the investigator shall determine and report the survival rate of planted trees and shall note overall vigor,
height of tree and the extent of branching. Based on past experience of restoration specialists, one in five planted juniper trees may typically survive. Juniper planting will be considered successful when, in the investigator’s judgment, one in five have survived. The investigator shall recommend remedial action when, in the investigator’s judgment, the survival rate is inadequate to demonstrate a trend toward an improvement in habitat quality.

8) Between April 21 and May 21 beginning in the first spring season after the beginning of construction of the facility, conduct an area search survey of avian species. An “area search” survey consists of recording all birds seen or heard in specific areas (for example, square or circular plots that are 5 to 10 acres in size). Area searches will be conducted during morning hours on days with low or no wind. The investigator shall determine the number searches and the number of search areas in consultation with ODFW. The investigator shall repeat the area search survey every five years during the life of the facility.

9) Beginning in the first year after the beginning of construction of the facility and repeating every five years during the life of the facility, the investigator shall record observations of special status plant or wildlife species (federal or state threatened or endangered species and state sensitive species) during appropriate seasons for detection of these species.

The certificate holder shall report the investigator’s findings and recommendations regarding the monitoring of the mitigation area to the Department and to ODFW on an annual basis. In the annual report, the certificate holder shall describe all habitat mitigation actions carried out during the reporting year. The report to the Department may be included as part of the annual report on the facility.

2. Success Criteria

Mitigation of the permanent and temporal habitat impacts of the facility may be considered successful if the certificate holder protects and enhances sufficient habitat within the mitigation area to meet the ODFW goals of no net loss of habitat in Categories 2, 3 and 4 and a net benefit in habitat quantity or quality for impacts to habitat in Categories 2 and 5. The certificate holder must protect the quantity and quality of habitat within the mitigation area for the life of the facility. ODFW has advised the Department that protection of habitat alone (without enhancement activity) will not meet the intent of the “net benefit” goal.

The certificate holder must protect a sufficient quantity of habitat in each category to meet the mitigation area requirements calculated under Section III based on the final design configuration of each phase of the facility. The certificate holder shall determine the actual mitigation area requirements for each phase, subject to Department approval, before beginning construction of the that phase. If the land selected for the mitigation area does not already contain sufficient habitat in each category to meet these requirements, then the certificate holder must demonstrate improvement of habitat quality sufficient to change lower-value habitat to a higher value (for example, to convert Category 3 habitat to Category 2). The certificate holder may demonstrate improvement of habitat quality based on evidence of indicators such as increased avian use by a diversity of species, survival of planted shrubs and juniper trees, more abundant seed production of desirable native bunchgrass, natural recruitment of sagebrush and successful weed control. If the certificate holder cannot demonstrate that the habitat mitigation
area is trending toward the habitat quality goals described above within four years after the initial
sagebrush planting, the certificate holder shall propose remedial action. The Department may
require supplemental planting or other corrective measures.

After the certificate holder has demonstrated that the habitat quantity goals have been
achieved, the investigator shall verify, during subsequent monitoring visits, that the mitigation
area continues to meet the ODFW “no net loss” and “net benefit” goals described above. The
investigator shall recommend remedial action if the habitat quality within the mitigation area
falls below the habitat quantity goals listed above. The Department may require supplemental
planting, other corrective measures and additional monitoring as necessary to ensure that the
habitat quantity goals are achieved and maintained.

VII. AMENDMENT OF THE PLAN

This Habitat Mitigation Plan may be amended from time to time by agreement of the
certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments
may be made without amendment of the site certificate. The Council authorizes the Department
to agree to amendments to this plan. The Department shall notify the Council of all amendments,
and the Council retains the authority to approve, reject or modify any amendment of this plan
agreed to by the Department.
I. Introduction

This plan describes methods and standards for preservation and enhancement of an area
of land near the Leaning Juniper IIB Wind Power Facility to mitigate for the impacts of the
facility on wildlife habitat. This plan addresses mitigation for both the permanent impacts of
facility components and the temporal impacts of facility construction. The certificate holder shall
protect and enhance the mitigation area as described in this plan. This plan specifies habitat
enhancement actions and monitoring procedures to evaluate the success of those actions.
Remedial action may be necessary if progress toward habitat enhancement success is not
demonstrated in any part of the mitigation area.

Per Amendment 2 to Leaning Juniper II Wind Power Facility, the facility was divided
into two separate facilities with LJIIA and LJIIIB each receiving its own site certificates.
However, the site certificate holders agreed to share mitigation and environmental
responsibilities. Therefore, the requirements for the facility as a whole, including both LJIIA and
LJIIIB, remain in this Habitat Mitigation Plan and each individual site certificate holder remains
bound by its terms.

II. Description of the Impacts Addressed by the Plan

The estimated land area that could be occupied by permanent facility components (the
“footprint”) is approximately 111 acres, based on the final design configuration for LJIIA and
the expected configuration for LJIIIB. In addition to the footprint impacts, construction of the
facility could disturb approximately 850 acres. Although much of the area is cropland, habitat
that could be affected by construction disturbance includes areas of perennial bunchgrass,
desirable shrubs and juniper trees. After disturbance, the recovery of perennial bunchgrass
species to a mature stage might take five to seven years; recovery of juniper trees and desirable
shrubs such as bitterbrush and sagebrush might take ten to 30 years to reach maximum height
and vertical branching. Even where recovery of these habitat subtypes is successful, there is a
loss of habitat quality during the period of time needed to achieve recovery (temporal impact).

III. Calculation of the Size of the Mitigation Area

The actual footprint and construction disturbance areas cannot be determined until the
final design layout of the facility is known. Before beginning construction of any phase the
facility, the certificate holder shall provide to the Oregon Department of Energy (Department) a
map showing the final design configuration of that phase and a table showing the estimated areas
of permanent impacts and construction area impacts on habitat (by category, habitat types and

110 This plan is incorporated by reference in the site certificate for the Leaning Juniper II Wind Power Facility and
must be understood in that context. It is not a “stand-alone” document. This plan does not contain all mitigation
required of the certificate holder.
111 The LJIIA and LJIIIB areas are described in the Final Order on Amendment #1. The expected acres of permanent
impact for LJIIA are shown in Table 6 of the Final Order. The acres of permanent impact for LJIIIB are shown in
Table 7.
habitat subtypes) in that phase. The certificate holder shall calculate the size of the mitigation area, as illustrated below, based on the final design configuration of the facility. The certificate holder shall implement the habitat enhancement actions described in this plan, after the Department has approved the size of the mitigation area. This plan does not address additional mitigation that might be required under the Leaning Juniper IIB Wildlife Monitoring and Mitigation Plan.

The mitigation area must be large enough to meet the habitat mitigation goals and standards of the Oregon Department of Fish and Wildlife (ODFW) described in OAR 635-415-0025. The ODFW goals require mitigation to achieve “no net loss” of habitat in Categories 2, 3 and 4 and a “net benefit” in habitat quantity or quality for impacts to habitat in Categories 2 and 5.

For the footprint impacts, the mitigation area includes two acres for every one acre of Category 2 habitat affected (a 2:1 ratio) and one acre for every acre of footprint impacts to Category 3, 4 and 5 habitat (a 1:1 ratio). The 2:1 ratio for Category 2 is intended to meet the ODFW goals of “no net loss” of Category 2 habitat and “net benefit” of habitat quantity for impacts to both Category 2 and Category 5 habitat. The 1:1 ratio for the footprint impacts to Category 3, 4 and 5 habitat is intended to meet the ODFW goal of “no net loss” of habitat in these categories.

To mitigate for construction impacts outside the footprint, the mitigation area includes ½ acre for every Category 2 or 3 SSA (shrub-grass; sagebrush-rabbitbrush-snake weed/bunchgrass annual grass), SSE (bitterbrush-buckwheat-bunchgrass-annual grass) and WJ (juniper woodland) habitat affected (a 0.5:1 ratio). This portion of the mitigation area is intended to address the temporal loss of habitat quality during the recovery of SSA, SSE and WJ habitat disturbed during construction. The size of this portion of the mitigation area is based on the assumption that restoration of disturbed SSA, SSE and WJ habitat is successful, as determined under the Leaning Juniper II Revegetation Plan. If the revegetation success criteria are not met in the affected areas, then the Council may require the certificate holder to provide additional mitigation.

For the first phase of the facility (LJIIA), the areas of impact within each affected habitat category and the corresponding mitigation area for each category are calculated as follows, based on the final design habitat assessment.

**Category 2**
- Footprint impacts: 6.28 acres
- Temporal impacts to SSA and SSE: 18.19 acres
- Mitigation area: \((6.28 \text{ acres} \times 2) + (18.19 \text{ acres} \times 0.5) = 21.66 \text{ acres}\)

**Category 3**
- Footprint impacts: 13.48 acres
- Temporal impacts to SSA: 1.8 acres
- Mitigation area: 13.48 acres + (1.8 acres \times 0.5) = 14.38 acres

**Category 4**
- Footprint impacts: 1.38 acres
- Mitigation area: 2.1 acres

**Category 5**
- Footprint impacts: 1.34 acres
Leaning Juniper II B Habitat Mitigation Plan

Mitigation area: 1.34 acres

**Total mitigation area for LJIIA (rounded to nearest whole acre): 39 acres**

For the second phase of the facility (LJIIIB), areas of potential impact within each affected habitat category and the corresponding mitigation area for each category are calculated as follows, based on maximum habitat impact estimates.\(^{112}\)

**Category 2**
- Footprint impacts: 12.16 acres
- Temporal impacts to SSA, SSE and WJ: 21.86 acres
- Mitigation area: \((12.16 \text{ acres} \times 2) + (21.86 \text{ acres} \times 0.5) = 35.26 \text{ acres}\)

**Category 3**
- Footprint impacts: 16.07 acres
- Temporal impacts to SSA: 0.31 acres
- Mitigation area: \(16.07 \text{ acres} + (0.31 \text{ acres} \times 0.5) = 16.23 \text{ acres}\)

**Category 4**
- Footprint impacts: 1.44 acres
- Mitigation area: 1.44 acres

**Total mitigation area for LJIIIB (rounded to nearest whole acre): 53 acres**

IV. Description of the Mitigation Area

The certificate holder shall select a mitigation area in proximity to the facility where habitat protection and enhancement are feasible consistent with this plan.\(^{113}\) The applicant identified a 440-acre parcel in a relatively remote setting where habitat protection and enhancement are feasible and sufficient land area is available to accommodate the size of the mitigation area, based on a worst-case estimate.\(^{114}\) Before beginning construction of any phase of the facility, the certificate holder shall determine the final size of the mitigation area needed for that phase. The certificate holder shall determine the boundaries of the mitigation area in consultation with ODFW and the affected landowners and subject to the approval of the Department. The final mitigation area must contain suitable habitat to achieve the ODFW goals of no net loss of habitat in Categories 2, 3 and 4 and a net benefit in habitat quantity or quality for impacts to habitat in Categories 2 and 5 through appropriate enhancement actions. Before beginning construction of any phase of the facility, the certificate holder shall acquire the legal right to create, maintain and protect the habitat mitigation area needed for that phase for the life of the facility by means of an outright purchase, conservation easement or similar conveyance and shall provide a copy of the documentation to the Department.\(^{115}\)

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\(^{112}\) The maximum impact estimates are shown in Table 8 of the Final Order on Amendment #1.

\(^{113}\) OAR 635-415-0005 defines “in-proximity habitat mitigation” as follows: “habitat mitigation measures undertaken within or in proximity to areas affected by a development action. For the purposes of this policy, ‘in proximity to’ means within the same home range, or watershed (depending on the species or population being considered) whichever will have the highest likelihood of benefiting fish and wildlife populations directly affected by the development.”

\(^{114}\) The 440-acre parcel is described in Section IV.4.(b)(F) of the Final Order on the Application.

\(^{115}\) As used in this plan, “life of the facility” means continuously until the facility site is restored and the site certificate is terminated in accordance with OAR 345-027-0110.

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V. Habitat Enhancement Actions

The objectives of habitat enhancement are to protect habitat within the mitigation area from degradation and to improve the habitat quality of the mitigation area. By achieving these goals, the certificate holder can address the permanent and temporal habitat impacts of the facility and meet the ODFW goals of no net loss of habitat in Categories 2, 3 and 4 and a net benefit in habitat quantity or quality for impacts to habitat in Categories 2 and 5. The certificate holder shall initiate the habitat enhancement actions for each phase of the facility as soon as the final design configuration of the that phase is known and the size of the mitigation area has been determined and approved by the Department. The certificate holder shall implement the following enhancement actions:

8) Modification of Livestock Grazing Practices. The certificate holder shall restrict grazing within the habitat mitigation area. Eliminating livestock grazing within the mitigation area during most of the year will enable recovery of native bunchgrass and sagebrush in areas where past grazing has occurred, resulting in better vegetative structure and complexity for a variety of wildlife. Reduced livestock grazing may be used as a vegetation management tool, limited to the period from February 1 through April 15.

9) Shrub Planting. The certificate holder shall plant sagebrush shrubs in locations where existing sagebrush is stressed. The certificate holder shall determine the size of the shrub-planting area based on the professional judgment of a qualified biologist after a ground survey of actual conditions. The size of the shrub-planting area will depend on the available mitigation area and opportunity for survival of planted shrubs. The shrub survival rate at four years after planting is an indicator of successful enhancement of habitat quality to Category 2. Accordingly, although a minimum 5-acre area of shrub planting is anticipated, the certificate holder may choose to plant a larger area. The certificate holder shall complete the initial sagebrush planting within one year after the beginning of construction of the facility. Supplementing existing but disturbed sagebrush areas with sagebrush seedlings would assist the recovery of this valuable shrub-steppe component. The certificate holder shall obtain shrubs from a qualified nursery or grow shrubs from native seeds gathered from the mitigation area. The certificate holder shall identify the area to be planted with sagebrush shrubs after consultation with ODFW and subject to final approval by the Department. The certificate holder shall mark the planted sagebrush clusters at the time of planting for later monitoring purposes and shall keep a record of the number of shrubs planted.

10) Tree Planting. If areas of juniper woodland are disturbed during construction, the certificate holder shall plant juniper trees in the mitigation area in locations of deeper soils near canyon bottoms. The certificate holder shall assess specific locations and provide a map of possible planting locations to ODFW and the Department before planting begins. The certificate holder shall determine the number and size of the juniper tree plants based on the professional judgment of a qualified biologist after a ground survey of actual conditions. The size of the tree-planting area will depend on the available mitigation area and opportunity for survival of planted trees. The tree survival rate at four years after planting is an indicator of successful enhancement of habitat quality to Category 2. The certificate holder shall obtain trees from a qualified nursery or suitable transplants from LJIB construction zones. The certificate holder shall identify

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the area to be planted with juniper trees after consultation with ODFW and subject to final approval by the Department. The certificate holder shall mark the planted trees at the time of planting for later monitoring purposes and shall keep a record of the number of trees planted.

11) **Weed Control.** The certificate holder shall implement a weed control program. Under the weed control program, the certificate holder shall monitor the mitigation area to locate weed infestations. The certificate holder shall continue weed control monitoring, as needed, for the life of the facility. As needed, the certificate holder shall use appropriate methods to control weeds. Weed control on the mitigation site will reduce the spread of noxious weeds within the habitat mitigation area and on any nearby grassland, CRP or cultivated agricultural land. Weed control will promote the growth of desirable native vegetation and planted sagebrush. The certificate holder may consider weeds to be successfully controlled when weed clusters have been eradicated or reduced to a non-competing level. Weeds may be controlled with herbicides or hand-pulling. The certificate holder shall notify the landowner of the specific chemicals to be used on the site and when spraying will occur. To protect locations where young desirable forbs may be growing, spot-spraying may be used instead of total area spraying.

12) **Fire Control.** The certificate holder shall implement a fire control plan for wildfire suppression within the mitigation area. The certificate holder shall provide a copy of the fire control plan to the Department before starting habitat enhancement actions. The certificate holder shall include in the plan appropriate fire prevention measures, methods to detect fires that occur and a protocol for fire response and suppression. The certificate holder shall maintain fire control for the life of the facility. If any part of the mitigation area is damaged by wildfire, the certificate holder shall assess the extent of the damage and implement appropriate actions to restore habitat quality in the damaged area.

13) **Nest platforms.** The certificate holder shall construct at least one artificial raptor nest platform in the mitigation area tailored to the opportunities of the site, using best professional judgment of raptor use in the general area. The certificate holder may construct more than one nest platform based on the availability of suitable locations. The certificate holder shall maintain the nest platforms for the life of the facility.

14) **Habitat Protection.** The certificate holder shall restrict uses of the mitigation area that are inconsistent with the goals of no net loss of habitat in Categories 2, 3 and 4 and a net benefit in habitat quantity or quality for impacts to habitat in Categories 2 and 5.

VI. **Monitoring**

1. **Monitoring Procedures**

   The certificate holder shall hire a qualified investigator (an independent botanist, wildlife biologist or revegetation specialist) to conduct a comprehensive monitoring program for the mitigation area. The purpose of this monitoring is to evaluate on an ongoing basis the protection of habitat quality, the results of enhancement actions and the use of the area by avian and mammal species, especially during the wildlife breeding season.

   The investigator shall monitor the habitat mitigation area for the life of the facility beginning in the year following the initial sagebrush planting. The investigator shall visit the site as necessary to carry out the following monitoring procedures:

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10) Annually assess vegetation cover (species, structural stage, etc.) and progress toward meeting the success criteria.

11) Annually record environmental factors (such as precipitation at the time of surveys and precipitation levels for the year).

12) Annually record any wildfire that occurs within the mitigation area and any remedial actions taken to restore habitat quality in the damaged area.

13) Annually assess the success of the weed control program and recommend remedial action, if needed.

14) Assess the recovery of native bunchgrass and natural recruitment of sagebrush resulting from removal of livestock grazing pressure by comparing the quality of bunchgrass and sagebrush cover at the time of each monitoring visit with the quality observed in previous monitoring visits and as observed when the mitigation area was first established. The investigator shall establish photo plots of naturally recovering sagebrush and native bunchgrass during the first year following the beginning of construction of the facility. The investigator shall take comparison photos in the first year and in every other year thereafter until the subject vegetation has achieved mature stature. The investigator shall determine the extent of successful recovery of native bunchgrass based on measurable indicators (such as, signs of more abundant seed production) and shall report on the progress of recovery within in the monitoring plots. The investigator shall report on the timing and extent of any livestock grazing that has occurred within the mitigation area since the previous monitoring visit.

15) Assess the survival rate and growth of planted sagebrush. At the time of planting, sagebrush clusters will be marked for the purpose of monitoring. The investigator shall select several planted clusters for photo monitoring and shall take close-up and long-distance digital images of each selected cluster during each monitoring visit. The certificate holder shall determine the number of clusters to be photo-monitored at the time of planting, in consultation with the Department and ODFW, based on the number of clusters planted. The investigator shall take comparison photos in the first year following the initial sagebrush planting and in every other year thereafter until the surviving planted sagebrush has achieved mature stature. In each monitoring year, the investigator shall determine and report the survival rate of planted sagebrush. Based on past experience of restoration specialists for other sagebrush planting projects, a survival rate as high as 50 percent can be achieved if there are years of high soil moisture, but a more typical survival rate is 2 surviving shrubs per 10 planted (20 percent) after four years. Shrub-planting will be considered successful if a 20-percent survival rate is achieved after four years. The investigator shall recommend remedial action when, in the investigator’s judgment, the survival rate of planted sagebrush is inadequate to demonstrate a trend toward an improvement in habitat quality.

16) Assess the survival rate and growth of planted juniper trees. At the time of planting, juniper trees will be marked for the purpose of monitoring. The investigator shall select several planted trees for photo monitoring and shall take close-up and long-distance digital images of each selected tree during each monitoring visit. The certificate holder shall determine the number of trees to be photo-monitored at the
time of planting, in consultation with the Department and ODFW, based on the
number of trees planted. The investigator shall take comparison photos in the first
year following planting and in every other year thereafter until the surviving planted
trees have achieved mature stature. In each monitoring year, the investigator shall
determine and report the survival rate of planted trees and shall note overall vigor,
height of tree and the extent of branching. Based on past experience of restoration
specialists, one in five planted juniper trees may typically survive. Juniper planting
will be considered successful when, in the investigator’s judgment, one in five have
survived. The investigator shall recommend remedial action when, in the
investigator’s judgment, the survival rate is inadequate to demonstrate a trend toward
an improvement in habitat quality.

17) Between April 21 and May 21 beginning in the first spring season after the beginning
of construction of the facility, conduct an area search survey of avian species. An
“area search” survey consists of recording all birds seen or heard in specific areas (for
example, square or circular plots that are 5 to 10 acres in size). Area searches will be
conducted during morning hours on days with low or no wind. The investigator shall
determine the number searches and the number of search areas in consultation with
ODFW. The investigator shall repeat the area search survey every five years during
the life of the facility.

18) Beginning in the first year after the beginning of construction of the facility and
repeating every five years during the life of the facility, the investigator shall record
observations of special status plant or wildlife species (federal or state threatened or
endangered species and state sensitive species) during appropriate seasons for
detection of these species.

The certificate holder shall report the investigator’s findings and recommendations
regarding the monitoring of the mitigation area to the Department and to ODFW on an annual
basis. In the annual report, the certificate holder shall describe all habitat mitigation actions
carried out during the reporting year. The report to the Department may be included as part of the
annual report on the facility.

2. Success Criteria

Mitigation of the permanent and temporal habitat impacts of the facility may be
considered successful if the certificate holder protects and enhances sufficient habitat within the
mitigation area to meet the ODFW goals of no net loss of habitat in Categories 2, 3 and 4 and a
net benefit in habitat quantity or quality for impacts to habitat in Categories 2 and 5. The
certificate holder must protect the quantity and quality of habitat within the mitigation area for
the life of the facility. ODFW has advised the Department that protection of habitat alone
(without enhancement activity) will not meet the intent of the “net benefit” goal.

The certificate holder must protect a sufficient quantity of habitat in each category to
meet the mitigation area requirements calculated under Section III based on the final design
configuration of each phase of the facility. The certificate holder shall determine the actual
mitigation area requirements for each phase, subject to Department approval, before beginning
construction of the that phase. If the land selected for the mitigation area does not already
contain sufficient habitat in each category to meet these requirements, then the certificate holder
must demonstrate improvement of habitat quality sufficient to change lower-value habitat to a
higher value (for example, to convert Category 3 habitat to Category 2). The certificate holder may demonstrate improvement of habitat quality based on evidence of indicators such as increased avian use by a diversity of species, survival of planted shrubs and juniper trees, more abundant seed production of desirable native bunchgrass, natural recruitment of sagebrush and successful weed control. If the certificate holder cannot demonstrate that the habitat mitigation area is trending toward the habitat quality goals described above within four years after the initial sagebrush planting, the certificate holder shall propose remedial action. The Department may require supplemental planting or other corrective measures.

After the certificate holder has demonstrated that the habitat quantity goals have been achieved, the investigator shall verify, during subsequent monitoring visits, that the mitigation area continues to meet the ODFW “no net loss” and “net benefit” goals described above. The investigator shall recommend remedial action if the habitat quality within the mitigation area falls below the habitat quantity goals listed above. The Department may require supplemental planting, other corrective measures and additional monitoring as necessary to ensure that the habitat quantity goals are achieved and maintained.

1. AMENDMENT OF THE PLAN

This Habitat Mitigation Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council (“Council”). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject or modify any amendment of this plan agreed to by the Department.
Attachment F
I. Introduction

This plan describes methods and standards for restoration of areas disturbed during the construction of the Leaning Juniper IIA Wind Power Facility, excluding areas occupied by permanent facility components (the “footprint”). The objective of revegetation is to restore the disturbed areas to pre-disturbance condition or better. The site certificate for the facility requires restoration of these areas. This plan has been developed in consultation with the Oregon Department of Fish and Wildlife (ODFW).

Per Amendment 2 to the Leaning Juniper II Wind Power Facility, the facility was divided into two separate facilities with LJIIA and LJIIIB each receiving its own site certificates. However, the site certificate holders agreed to share mitigation and environmental responsibilities. Therefore, the requirements for the facility as a whole, including both LJIIA and LJIIIB, remain in this Revegetation Plan and each individual site certificate holder remains bound by its terms.

The site certificate describes the area of disturbance anticipated during construction of the Leaning Juniper IIA facility. The affected area includes cultivated or otherwise developed agricultural land (cropland) as well as areas of grassland, shrub-steppe habitat and other habitat subtypes (wildlife habitat areas). The intensity of the construction impact will vary. In some areas, the impact will be relatively light, but in other areas, heavy construction activity will remove all vegetation, remove topsoil and compact the remaining subsoil. Where vegetation has been damaged or removed during construction, the certificate holder must restore suitable vegetation. In addition, the certificate holder shall maintain erosion and sediment control measures put in place during construction until the affected areas are restored as described in this plan and the risk of erosion has been eliminated. The plan specifies monitoring procedures to evaluate revegetation success of disturbed wildlife habitat areas. Remedial action may be necessary for wildlife habitat areas that do not show revegetation progress. Additional mitigation may be necessary if revegetation is unsuccessful.

II. Description of the Facility Site

The facility is located in Gilliam County, Oregon. The facility site is on private agricultural land used primarily for livestock grazing and some dry land winter wheat production. Soils are typically loess formations of well-drained, moderately permeable, fertile silt loams over basalt. The area receives approximately 9 inches of precipitation annually, most of which occurs between October 1 and March 31.

The site is within the Columbia Plateau physiographic province. The facility is located on an upland plateau at elevations ranging up to 980 feet, with relief of about 130 feet. Most of the native vegetation within the site boundary has been modified by livestock grazing and past wildfires. Functional mature shrub-steppe and juniper woodland habitat is patchy, occurring in specific locations. Bitterbrush shrub cover is located in the north area west of Highway 19 and

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This plan is incorporated by reference in the site certificate for the Leaning Juniper IIB Wind Power Facility and must be understood in that context. It is not a “stand-alone” document. This plan does not contain all mitigation required of the certificate holder.

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shrub-grass sagebrush in residual patches throughout with larger patches just west of Highway 19 and in lower elevation, deeper soil areas of the LJIIB area. Mature juniper tree woodlands with grassland or shrub-grass/sagebrush understories are mostly within a swath just west of Highway 19 and at lower elevations of the eastern portions east of Highway 19 in the LJIIB area. Individual junipers are sparsely scattered in other habitats. Category 2 and 3 open low shrub habitat is the most abundant native habitat. It consists of low-stature snakeweed and rabbitbrush-dominated shrub lands with patches of sagebrush and native bunchgrass, each with varying degrees of non-native invasive grass and forb species. Perennial grassland is in patches where grazing and other activities have had less intensive land use impacts.

III. Revegetation Methods

The certificate holder shall begin restoration of disturbed areas as soon as possible after completion of facility construction activity in the area to be restored. The certificate holder shall restore areas of disturbance by preparing the soil and seeding using common application methods. The certificate holder shall use mulching and other appropriate practices to control erosion and sediment during facility construction and during revegetation work. The certificate holder shall restore topsoil to pre-construction condition. The certificate holder shall select the seed mix to apply based on the pre-construction land use, as described below. For affected juniper woodland areas, planting young juniper trees may be preferred over seeds. The certificate holder shall consult with ODFW as described in Section V below regarding appropriate seeding or planting according to site-specific restoration needs.

1. Seed Planting Methods

Planting should be done at the appropriate time of year to facilitate seed germination, based on weather conditions and the time of year when construction-related ground disturbance occurs. The certificate holder shall choose planting methods based on site-specific factors such as slope, erosion potential and the size of the area in need of revegetation. Disturbed ground may require chemical or mechanical weed control before weeds have a chance to go to seed. Two common application methods are described as follows.

(a) Broadcasting

Broadcast the seed mix at the specified application rate. Where feasible, apply half of the total mix in one direction and the second half of mix in the direction perpendicular to first half. Apply weed-free straw from a certified field or sterile straw at a rate of two tons per acre immediately after applying seed. Crimp straw into the ground to a depth of two inches using a crimping disc or similar device. As an alternative to crimping, a tackifier may be applied using hydroseed equipment at a rate of 100 pounds per acre. Prior to mixing the tackifier, visually inspect the tank for cleanliness. If remnants from previous hydroseed applications exist, wash tank to remove remnants. Include a tracking dye with the tackifier to aid uniform application. Broadcasting should not be used if winds exceed five miles per hour.

(b) Drilling

Using an agricultural or range seed drill, drill seed at 70 percent of the recommended application rate to a depth of ¼ inch or as recommended by the seed supplier. Where feasible, apply half of the total mix in one direction and the second half of mix in the direction

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117 The LJIIB areas are described in the Final Order on Amendment #1.

LEANING JUNIPER IIA WIND POWER FACILITY
FINAL ORDER ON AMENDMENT #2 – ATTACHMENTF
perpendicular to first half. If mulch has been previously applied, seed may be drilled through the 
mulch provided the drill is capable of penetrating the straw resulting in seed-to-soil contact 
conducive for germination.

IV. Restoration of Cropland

The certificate holder shall seed disturbed cropland areas with wheat or other crop seed. 
The certificate holder shall consult with the landowner and farm operator to determine species 
composition, seed and fertilizer application rates and application methods. 

Cropland areas are successfully revegetated when the replanted areas achieve crop 
production comparable to adjacent non-disturbed cultivated areas. The certificate holder shall 
consult with the landowner or farmer to determine whether these areas have been successfully 
revegetated and shall report to the Department on the success of revegetation in these areas.

V. Restoration of Wildlife Habitat Areas

The certificate holder shall seed all disturbed grassland, shrub-steppe, juniper woodland 
and other wildlife habitat subtype areas that are not cropland. The certificate holder shall consult 
with ODFW and the landowner to determine the appropriate seed mix and application rate for 
these areas, including a combination of grasses, forbs, shrubs and juniper trees based on the 
characteristics of the affected area. The mix should contain native species selected based on 
relative availability and compatibility with local growing conditions. Seed mix selection should 
consider soil erosion potential, soil type, soil availability and the need for using native or native-
like species. The certificate holder shall obtain approval of the composition of the seed mix from 
the Oregon Department of Energy (Department). The certificate holder shall use seed provided 
by a reputable supplier and complying with the Oregon Seed Law. The certificate holder shall 
determine the number and size of the juniper tree plants based on the professional judgment of a 
qualified biologist after a ground survey of actual conditions. The certificate holder shall obtain 
trees from a qualified nursery or suitable transplants from LJHIB construction zones.

VI. Monitoring

1. Revegetation Record

The certificate holder shall maintain a record of revegetation work for both cropland and 
wildlife habitat areas. In the record, the certificate holder shall include the date that construction 
activity was completed in the area to be restored, a description of the affected area (location, 
acres affected and pre-disturbance condition), the date that revegetation work began and a 
description of the work done within the affected area. The certificate shall update the 
revegetation records from time to time, as revegetation work occurs. The certificate holder shall 
provide copies of these records to the Department at the time of submitting the annual report 
required under the site certificate.

2. Monitoring Procedures

The certificate holder shall monitor the revegetation of wildlife habitat areas as described 
in this section, unless the landowner has converted the area to a use inconsistent with the success 
criteria. The certificate holder shall employ a qualified investigator (an independent botanist or 
revegetation specialist) to examine all non-cropland revegetation areas to assess vegetation cover 
(species, structural stage, etc.) and progress toward meeting the success criteria described below.
A. Weed Control

A qualified investigator shall inspect each revegetation area on an annual basis during the first five years following initial seeding to assess weed growth and to recommend weed control measures. The investigator shall report to the certificate holder, the Department and ODFW following each inspection, describing weed growth and the success of control measures. Based on the Year 5 report (described below), the certificate holder shall confer with the Department and ODFW to develop a weed control plan for subsequent years.

B. Wildlife Habitat Recovery

After the first growing season following initial seeding (Year 1), a qualified investigator shall inspect each revegetation area to assess revegetation success based on the success criteria and to recommend remedial actions, if needed. The qualified investigator shall reinspect these areas at two years and at four years after the first inspection (Year 3 and Year 5). The investigator shall report to the certificate holder, the Department and ODFW following each inspection. The report shall include the investigator’s assessment of whether the revegetated areas are trending toward meeting the success criteria and any remedial actions recommended.

Based on the Year 5 report, the certificate holder shall confer with the Department and ODFW to develop an action plan for subsequent years. If an area is not trending toward meeting the success criteria at Year 5 and has not been converted by the landowner to an inconsistent use, the certificate holder may propose remedial action and additional monitoring based on an evaluation of site capability. As an alternative, the certificate holder may conclude that revegetation of the area was unsuccessful and propose appropriate mitigation for the loss of habitat quality and quantity. The certificate holder shall implement the action plan, subject to the approval of the Department.

The certificate holder’s qualified investigator shall evaluate whether a wildlife habitat area is trending toward meeting the success criteria by comparing the revegetation area to a reference area. In consultation with ODFW, the investigator shall choose reference sites near the revegetation area to represent the target conditions for the revegetation effort. The investigator shall select one or more reference sites that closely resemble the pre-disturbance characteristics of the revegetation area as indicated by site conditions, including vegetation density, relative proportion of desirable vegetation and species diversity of desirable vegetation. “Desirable vegetation” means those species included in the seed mix or native or native-like species, excluding noxious weeds. The investigator shall consider land use patterns, soil type, local terrain and noxious weed densities in selecting reference sites. It is likely that different reference sites will be needed to represent different pre-disturbance habitat conditions of the disturbed areas.

During the monitoring visits in Year 1, Year 3 and Year 5, the certificate holder’s qualified investigator shall compare the revegetation area to the selected reference sites, unless some event (such as wildfire or tilling) has changed the vegetation conditions of a reference site so that it no longer represents the pre-disturbance conditions of the revegetation area. If such events have eliminated all suitable reference sites for a revegetation area, the investigator, in consultation with ODFW, shall select one or more new reference sites.
Within each revegetation area, the investigator shall evaluate the progress of wildlife habitat recovery in comparison to the reference sites. The investigator shall evaluate the following site conditions (both within the revegetation area and within the reference sites):

- Degree of erosion due to disturbance activities (high, moderate or low).
- Vegetation density.
- Relative proportion of desirable vegetation as determined by the average number of stems of desirable vegetation per square foot or by a visual scan of the area, noting overall recovery status.
- Number of surviving juniper trees and overall vigor, height of tree and the extent of branching.
- Species diversity of desirable vegetation.

The certificate holder shall report the investigator’s findings and recommendations regarding wildlife habitat recovery and revegetation success on an annual basis to the Department (as part of the annual report on the facility) and to ODFW.

3. Success Criteria

In each monitoring report to the Department, the certificate holder shall provide an assessment of revegetation success for all previously-disturbed wildlife habitat areas. A wildlife habitat area is successfully revegetated when its habitat quality is equal to, or better than, the habitat quality of the reference site as measured by the site conditions listed above. Juniper planting will be considered successful when, in the investigator’s judgment, one in five have survived.

When the Department finds that the condition of a wildlife habitat area satisfies the criteria for revegetation success, the Department shall conclude that the certificate holder has met its restoration obligations for that area. If the Department finds that the landowner has converted a wildlife habitat area to a use that is inconsistent with these success criteria, the Department shall conclude that the certificate holder has no further obligation to restore the area for wildlife habitat uses.

4. Remedial Action

After each monitoring visit, the certificate holder’s qualified investigator shall report to the certificate holder regarding the revegetation progress of each wildlife habitat area. The investigator shall make recommendations to the certificate holder for reseeding or other remedial measures for areas that are not showing progress toward achieving revegetation success. The certificate holder shall take appropriate action to meet the objectives of this revegetation plan.

On an annual basis as part of the annual report on the facility, the certificate holder shall report to the Department the investigator’s recommendations and the remedial actions taken. The Department may require reseeding or other remedial measures in those areas that do not meet the success criteria.

If a wildlife habitat area is damaged by wildfire during the first five years following initial seeding, the certificate holder shall work with the landowner to restore the damaged area. The certificate holder shall continue to report on revegetation progress during the remainder of...
the five-year period. The certificate holder shall report the damage caused by wildfire and the
cause of the fire, if known.

VII. Amendment of the Plan

This Revegetation Plan may be amended from time to time by agreement of the
certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments
may be made without amendment of the site certificate. The Council authorizes the Department
to agree to amendments to this plan. The Department shall notify the Council of all amendments,
and the Council retains the authority to approve, reject or modify any amendment of this plan
agreed to by the Department.
I. Introduction

This plan describes methods and standards for restoration of areas disturbed during the construction of the Leaning Juniper IIB Wind Power Facility, excluding areas occupied by permanent facility components (the “footprint”). The objective of revegetation is to restore the disturbed areas to pre-disturbance condition or better. The site certificate for the facility requires restoration of these areas. This plan has been developed in consultation with the Oregon Department of Fish and Wildlife (ODFW).

Per Amendment 2 to Leaning Juniper II Wind Power Facility, the facility was divided into two separate facilities with LJIIA and LJIB each receiving its own site certificates. However, the site certificate holders agreed to share mitigation and environmental responsibilities. Therefore, the requirements for the facility as a whole, including both LJIIA and LJIB, remain in this Revegetation Plan and each individual site certificate holder remains bound by its terms.

The site certificate describes the area of disturbance anticipated during construction of the Leaning Juniper IIB facility. The affected area includes cultivated or otherwise developed agricultural land (cropland) as well as areas of grassland, shrub-steppe habitat and other habitat subtypes (wildlife habitat areas). The intensity of the construction impact will vary. In some areas, the impact will be relatively light, but in other areas, heavy construction activity will remove all vegetation, remove topsoil and compact the remaining subsoil. Where vegetation has been damaged or removed during construction, the certificate holder must restore suitable vegetation. In addition, the certificate holder shall maintain erosion and sediment control measures put in place during construction until the affected areas are restored as described in this plan and the risk of erosion has been eliminated. The plan specifies monitoring procedures to evaluate revegetation success of disturbed wildlife habitat areas. Remedial action may be necessary for wildlife habitat areas that do not show revegetation progress. Additional mitigation may be necessary if revegetation is unsuccessful.

II. Description of the Facility Site

The facility is located in Gilliam County, Oregon. The facility site is on private agricultural land used primarily for livestock grazing and some dry land winter wheat production. Soils are typically loess formations of well-drained, moderately permeable, fertile silt loams over basalt. The area receives approximately 9 inches of precipitation annually, most of which occurs between October 1 and March 31.

The site is within the Columbia Plateau physiographic province. The facility is located on an upland plateau at elevations ranging up to 980 feet, with relief of about 130 feet. Most of the native vegetation within the site boundary has been modified by livestock grazing and past wildfires. Functional mature shrub-steppe and juniper woodland habitat is patchy, occurring in specific locations. Bitterbrush shrub cover is located in the north area west of Highway 19 and

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1\textsuperscript{18} This plan is incorporated by reference in the site certificate for the Leaning Juniper IIB Wind Power Facility and must be understood in that context. It is not a “stand-alone” document. This plan does not contain all mitigation required of the certificate holder.
shrub-grass sagebrush in residual patches throughout with larger patches just west of Highway
19 and in lower elevation, deeper soil areas of the LJIIA area. Mature juniper tree woodlands
with grassland or shrub-grass/sagebrush understories are mostly within a swath just west of
Highway 19 and at lower elevations of the eastern portions east of Highway 19 in the LJIIA area.
Individual junipers are sparsely scattered in other habitats. Category 2 and 3 open low shrub
habitat is the most abundant native habitat. It consists of low-stature snakeweed and rabbitbrush-
dominated shrub lands with patches of sagebrush and native bunchgrass, each with varying
degrees of non-native invasive grass and forb species. Perennial grassland is in patches where
grazing and other activities have had less intensive land use impacts.

III. Revegetation Methods

The certificate holder shall begin restoration of disturbed areas as soon as possible after
completion of facility construction activity in the area to be restored. The certificate holder shall
restore areas of disturbance by preparing the soil and seeding using common application
methods. The certificate holder shall use mulching and other appropriate practices to control
erosion and sediment during facility construction and during revegetation work. The certificate
holder shall restore topsoil to pre-construction condition. The certificate holder shall select the
seed mix to apply based on the pre-construction land use, as described below. For affected
juniper woodland areas, planting young juniper trees may be preferred over seeds. The certificate
holder shall consult with ODFW as described in Section V below regarding appropriate seeding
or planting according to site-specific restoration needs.

1. Seed Planting Methods

Planting should be done at the appropriate time of year to facilitate seed germination,
based on weather conditions and the time of year when construction-related ground disturbance
occurs. The certificate holder shall choose planting methods based on site-specific factors such
as slope, erosion potential and the size of the area in need of revegetation. Disturbed ground may
require chemical or mechanical weed control before weeds have a chance to go to seed. Two
common application methods are described as follows.

2. Broadcasting

Broadcast the seed mix at the specified application rate. Where feasible, apply half of the
total mix in one direction and the second half of mix in the direction perpendicular to first half.
Apply weed-free straw from a certified field or sterile straw at a rate of two tons per acre
immediately after applying seed. Crimp straw into the ground to a depth of two inches using a
cramping disc or similar device. As an alternative to crimping, a tackifier may be applied using
hydroseed equipment at a rate of 100 pounds per acre. Prior to mixing the tackifier, visually
inspect the tank for cleanliness. If remnants from previous hydroseed applications exist, wash
tank to remove remnants. Include a tracking dye with the tackifier to aid uniform application.
Broadcasting should not be used if winds exceed five miles per hour.

(b) Drilling

Using an agricultural or range seed drill, drill seed at 70 percent of the recommended
application rate to a depth of ¼ inch or as recommended by the seed supplier. Where feasible,
apply half of the total mix in one direction and the second half of mix in the direction

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119 The LJIIA and LJIIB areas are described in the Final Order on Amendment #1.
perpendicular to first half. If mulch has been previously applied, seed may be drilled through the 
mulch provided the drill is capable of penetrating the straw resulting in seed-to-soil contact 
conducive for germination.

IV. Restoration of Cropland

The certificate holder shall seed disturbed cropland areas with wheat or other crop seed. 
The certificate holder shall consult with the landowner and farm operator to determine species 
composition, seed and fertilizer application rates and application methods.

Cropland areas are successfully revegetated when the replanted areas achieve crop 
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criteria. The certificate holder shall employ a qualified investigator (an independent botanist or 
revegetation specialist) to examine all non-cropland revegetation areas to assess vegetation cover 
(species, structural stage, etc.) and progress toward meeting the success criteria described below.
Weed Control

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Wildlife Habitat Recovery

After the first growing season following initial seeding (Year 1), a qualified investigator shall inspect each revegetation area to assess revegetation success based on the success criteria and to recommend remedial actions, if needed. The qualified investigator shall reinspect these areas at two years and at four years after the first inspection (Year 3 and Year 5). The investigator shall report to the certificate holder, the Department and ODFW following each inspection. The report shall include the investigator’s assessment of whether the revegetated areas are trending toward meeting the success criteria and any remedial actions recommended.

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Within each revegetation area, the investigator shall evaluate the progress of wildlife habitat recovery in comparison to the reference sites. The investigator shall evaluate the following site conditions (both within the revegetation area and within the reference sites):
• Degree of erosion due to disturbance activities (high, moderate or low).

• Vegetation density.

• Relative proportion of desirable vegetation as determined by the average number of stems of desirable vegetation per square foot or by a visual scan of the area, noting overall recovery status.

• Number of surviving juniper trees and overall vigor, height of tree and the extent of branching.

• Species diversity of desirable vegetation.

The certificate holder shall report the investigator’s findings and recommendations regarding wildlife habitat recovery and revegetation success on an annual basis to the Department (as part of the annual report on the facility) and to ODFW.

3. Success Criteria

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When the Department finds that the condition of a wildlife habitat area satisfies the criteria for revegetation success, the Department shall conclude that the certificate holder has met its restoration obligations for that area. If the Department finds that the landowner has converted a wildlife habitat area to a use that is inconsistent with these success criteria, the Department shall conclude that the certificate holder has no further obligation to restore the area for wildlife habitat uses.

4. Remedial Action

After each monitoring visit, the certificate holder’s qualified investigator shall report to the certificate holder regarding the revegetation progress of each wildlife habitat area. The investigator shall make recommendations to the certificate holder for reseeding or other remedial measures for areas that are not showing progress toward achieving revegetation success. The certificate holder shall take appropriate action to meet the objectives of this revegetation plan. On an annual basis as part of the annual report on the facility, the certificate holder shall report to the Department the investigator’s recommendations and the remedial actions taken. The Department may require reseeding or other remedial measures in those areas that do not meet the success criteria.

If a wildlife habitat area is damaged by wildfire during the first five years following initial seeding, the certificate holder shall work with the landowner to restore the damaged area. The certificate holder shall continue to report on revegetation progress during the remainder of the five-year period. The certificate holder shall report the damage caused by wildfire and the cause of the fire, if known.
VIII. Amendment of the Plan

This Revegetation Plan may be amended from time to time by agreement of the certificate holder and the Oregon Energy Facility Siting Council ("Council"). Such amendments may be made without amendment of the site certificate. The Council authorizes the Department to agree to amendments to this plan. The Department shall notify the Council of all amendments, and the Council retains the authority to approve, reject or modify any amendment of this plan agreed to by the Department.
Attachment G
From: Marion Weatherford
Sent: Thursday, May 09, 2013 11:44 AM
To: Goodwin, Andrea
Subject: Support for Leaning Juniper II and Montague Wind Power Facility Transfers

I am a landowner in the proposed Leaning Juniper II and Montague Wind Power Project areas. I am a member of the budget committee for the Arlington School District. I am a property and income taxpayer in the County of Gilliam and State of Oregon.

The livability within this rural area has been immeasurably enhanced by Wind Power Development. It is the highest and best use of the land in a dry and harsh landscape. It has made Arlington School District one of the few self supporting school districts in Oregon. The global implications toward energy self reliance and a cleaner environment are all too obvious.

I urge the Energy Facility Siting Council (EFSC) to grant the Amendment and Transfer requests for the above Projects.
From: Steve Shaffer
Sent: Thursday, May 09, 2013 2:59 PM
To: Goodwin, Andrea
Subject: Montague

I urge the Energy Facility Siting Council (EFSC) to grant Iberdrola Renewables Amendment and Transfer requests of Leaning Juniper IIb and Montague Wind to PGE. Both Iberdrola Renewables and PGE are strong in helping Oregon to be recognized as a leader in clean-energy development.

It is energy projects like this, that can make Oregon’s economic development, sound and sustainable.

As the Gilliam County Judge, I again I urge EFSC to grant the Amendment and Transfer requests!!

Respectfully.

Steve Shaffer

Steve Shaffer
Gilliam County Judge
PO Box 427
Condon, OR 97823
(541) 384-6351
steve.shaffer@co.gilliam.or.us
From: Jan Foglesong  
Sent: Friday, May 10, 2013 5:10 AM  
To: Goodwin, Andrea  
Subject: amendment request

Dear Ms. Goodwin,

As a landowner in the proposed Leaning Juniper II and Montaque Wind Power Facilities, I urge the Energy Facility Siting Council (EFSC) to grant the Amendment and transfer requests. Please reference the recent OpEd article by Steve Schaffer about the benefits of wind energy in Gilliam County.

Thank you.

Sincerely, Jan Holzapfel Foglesong