

**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

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

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

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

II. SITE CERTIFICATION

- 19 1. To the extent authorized by state law and subject to the conditions set forth herein, the
20 State authorizes the certificate holder to construct, operate and retire a wind energy
21 facility, together with certain related or supporting facilities, at the site in Gilliam County,
22 Oregon, as described in Section III of this site certificate. ORS 469.401(1).
- 23 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules
24 in effect on the date that termination is sought or until the site certificate is revoked under
25 ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that
26 revocation is ordered. ORS 469.401(1).
- 27 3. This site certificate does not address, and is not binding with respect to, matters that were
28 not addressed in the Council's Final Orders on the Application and Amendment #1 for LJF
29 and Amendment #2 for LJF. Such matters include, but are not limited to: building code
30 compliance, wage, hour and other labor regulations, local government fees and charges
31 and other design or operational issues that do not relate to siting the facility (ORS
32 469.401(4)) and permits issued under statutes and rules for which the decision on
33 compliance has been delegated by the federal government to a state agency other than
34 the Council. 469.503(3). [Amendment #2 (LJF)]

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

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

27 The energy facility is an operating electric power generating plant with an average
28 electric generating capacity of approximately 30 megawatts and a peak generating capacity of
29 not more than 90.3 megawatts that produces power from wind energy. The facility consists of
30 not more than 43 wind turbines. The maximum peak generating capacity of each turbine is not
31 more than 2.1 megawatts. The energy facility is described further in the Final Orders on the
32 Application and Amendment #1 for the LJF. [Amendment #2 (LJF)]

(b) Related or Supporting Facilities

33 The facility includes the following related or supporting facilities described below and in
34 greater detail in the Final Order on Amendment #2 for LJF:

- 1 • Power collection system
- 2 • Substations and interconnection system
- 3 • Meteorological towers
- 4 • Operations and maintenance facilities
- 5 • Control system
- 6 • Access roads
- 7 • [deleted Amendment #2 (LJF)]

8 **Power Collection System**

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

13 **Substations and Interconnection System**

14 The facility includes a substation located near the Bonneville Power Administration
15 (BPA) Jones Canyon Switching Station. An aboveground transmission line carries the power
16 from the substation to a BPA switching station and an interconnection with the regional
17 transmission grid through BPA's McNary-Santiam 230-kV transmission line. [Amendment #2
18 (LJF)]

19 **Meteorological Towers**

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

22 **Operations and Maintenance Facilities**

23 The facility includes one operations and maintenance (O&M) building with
24 approximately two acres of fenced, graveled parking and storage area [Amendment #2 (LJF)]

25 **Control System**

26 A fiber optic communications network links the wind turbines to a central computer at
27 the O&M buildings. A "supervisory, control and data acquisition" (SCADA) system collects
28 operating and performance data from each wind turbine and from the project as a whole and
29 allows remote operation of the wind turbines.

30 **Access Roads**

31 The facility includes access roads to provide access to the turbine strings.

32 **Temporary Construction Areas**

[Deleted Amendment #2 (LJF)]

2. **Location of the Proposed Facility**

33 The facility is located southwest of Arlington, in Gilliam County, Oregon. The site is in
34 Townships 2 and 3 North and Ranges 20 and 21 East. The facility is located on land subject to
35 lease agreements with landowners. [Amendment #2 (LJF)]

IV. CONDITIONS REQUIRED BY COUNCIL RULES

1 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in
2 Site Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028
3 (Monitoring Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules
4 for Facilities). These conditions should be read together with the specific facility conditions
5 listed in Section V to ensure compliance with the siting standards of OAR Chapter 345, Divisions
6 22 and 24, and to protect the public health and safety. In these conditions, "Office of Energy"
7 means the Oregon Department of Energy, and the other definitions in OAR 345-001-0010 apply.

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

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

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

28 1 OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate
29 except as provided for in OAR Chapter 345, Division 27.

30 2 OAR 345-027-0020(2): The certificate holder shall submit a legal description of the site to
31 the Department of Energy within 90 days after beginning operation of the facility. The legal
32 description required by this rule means a description of metes and bounds or a description
33 of the site by reference to a map and geographic data that clearly and specifically identifies
34 the outer boundaries that contain all parts of the facility.

35 3 OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the
36 facility:

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

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

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

5 4 OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
6 facility by the dates specified in the site certificate. *(See conditions 25 and 26.)*

7 5 OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed for
8 wind energy facilities, transmission lines or pipelines under this section, the certificate
9 holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing
10 on any part of the site until the certificate holder has construction rights on all parts of the
11 site. For the purpose of this rule, "construction rights" means the legal right to engage in
12 construction activities. For wind energy facilities, transmission lines or pipelines, if the
13 certificate holder does not have construction rights on all parts of the site, the certificate
14 holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a
15 clearing on a part of the site if the certificate holder has construction rights on that part of
16 the site and:

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

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

24 6 OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding
25 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
26 shall consult with affected state agencies and local governments designated by the Council
27 and shall develop specific mitigation plans consistent with Council findings under the
28 relevant standards. The certificate holder must submit the mitigation plans to the Office
29 and receive Office approval before beginning construction or, as appropriate, operation of
30 the facility.

31 7 OAR 345-027-0020(7): The certificate holder shall prevent the development of any
32 conditions on the site that would preclude restoration of the site to a useful, non-
33 hazardous condition to the extent that prevention of such site conditions is within the
34 control of the certificate holder.

35 8 OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
36 shall submit to the State of Oregon, through the Council, a bond or letter of credit in a form
37 and amount satisfactory to the Council to restore the site to a useful, non-hazardous
38 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
39 times until the facility has been retired. The Council may specify different amounts for the
40 bond or letter of credit during construction and during operation of the facility. *(See*
41 *Condition 30.)*

- 1 9 OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
2 permanently ceases construction or operation of the facility. The certificate holder shall
3 retire the facility according to a final retirement plan approved by the Council, as described
4 in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore the site to a
5 useful, non-hazardous condition at the time of retirement, notwithstanding the Council's
6 approval in the site certificate of an estimated amount required to restore the site.
- 7 10 OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all
8 representations in the site certificate application and supporting record the Council deems
9 to be binding commitments made by the applicant.
- 10 11 OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall
11 restore vegetation to the extent practicable and shall landscape all areas disturbed by
12 construction in a manner compatible with the surroundings and proposed use. Upon
13 completion of construction, the certificate holder shall remove all temporary structures not
14 required for facility operation and dispose of all timber, brush, refuse and flammable or
15 combustible material resulting from clearing of land and construction of the facility.
- 16 12 OAR 345-027-0020(12): The certificate holder shall design, engineer and construct the
17 facility to avoid dangers to human safety presented by seismic hazards affecting the site
18 that are expected to result from all maximum probable seismic events. As used in this rule
19 "seismic hazard" includes ground shaking, landslide, liquefaction, lateral spreading,
20 tsunami inundation, fault displacement and subsidence.
- 21 13 OAR 345-027-0020(13): The certificate holder shall notify the Department, the State
22 Building Codes Division and the Department of Geology and Mineral Industries promptly if
23 site investigations or trenching reveal that conditions in the foundation rocks differ
24 significantly from those described in the application for a site certificate. After the
25 Department receives the notice, the Council may require the certificate holder to consult
26 with the Department of Geology and Mineral Industries and the Building Codes Division
27 and to propose mitigation actions.
- 28 14 OAR 345-027-0020(14): The certificate holder shall notify the Department, the State
29 Building Codes Division and the Department of Geology and Mineral Industries promptly if
30 shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity
31 of the site.
- 32 15 OAR 345-027-0020(15): Before any transfer of ownership of the facility or ownership of the
33 site certificate holder, the certificate holder shall inform the Department of the proposed
34 new owners. The requirements of OAR 345-027-0100 apply to any transfer of ownership
35 that requires a transfer of the site certificate
- 36 16 OAR 345-027-0020(16): If the Council finds that the certificate holder has permanently
37 ceased construction or operation of the facility without retiring the facility according to a
38 final retirement plan approved by the Council, as described in OAR 345-027-0110, the
39 Council shall notify the certificate holder and request that the certificate holder submit a
40 proposed final retirement plan to the Office within a reasonable time not to exceed 90
41 days. If the certificate holder does not submit a proposed final retirement plan by the

1 specified date, the Council may direct the Department to prepare a proposed a final
2 retirement plan for the Council's approval. Upon the Council's approval of the final
3 retirement plan, the Council may draw on the bond or letter of credit described in section
4 (8) to restore the site to a useful, non-hazardous condition according to the final
5 retirement plan, in addition to any penalties the Council may impose under OAR Chapter
6 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay the
7 actual cost of retirement, the certificate holder shall pay any additional cost necessary to
8 restore the site to a useful, non-hazardous condition. After completion of site restoration,
9 the Council shall issue an order to terminate the site certificate if the Council finds that the
10 facility has been retired according to the approved final retirement plan.

11 17 OAR 345-027-0023(4): If the facility includes any transmission line under Council
12 jurisdiction:

13 (a) The certificate holder shall design, construct and operate the transmission line in
14 accordance with the requirements of the National Electrical Safety Code (American
15 National Standards Institute, Section C2, 1997 Edition); and

16 (b) The certificate holder shall develop and implement a program that provides
17 reasonable assurance that all fences, gates, cattle guards, trailers, or other objects or
18 structures of a permanent nature that could become inadvertently charged with electricity
19 are grounded or bonded throughout the life of the line.

20 18 OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a transmission line or
21 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
22 specify an approved corridor in the site certificate and shall allow the certificate holder to
23 construct the pipeline or transmission line anywhere within the corridor, subject to the
24 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
25 application for a site certificate, the Council may, subject to the Council's standards,
26 approve more than one corridor.

27 19 OAR 345-027-0028: The following general monitoring conditions apply:

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

35 (b) The certificate holder shall implement the approved monitoring programs
36 described in section (a) and monitoring programs required by permitting agencies and local
37 governments.

38 (c) For each monitoring program described in sections (1) and (2), the certificate holder
39 shall have quality assurance measures approved by the Department before beginning
40 construction or, as appropriate, before beginning commercial operation.

41 (d) If the certificate holder becomes aware of a significant environmental change or
42 impact attributable to the facility, the certificate holder shall, as soon as possible, submit a

1 written report to the Department describing the impact on the facility and any affected site
2 certificate conditions.

3 20 OAR 345-026-0048: Following receipt of a site certificate or an amended site certificate,
4 the certificate holder shall implement a plan that verifies compliance with all site certificate
5 terms and conditions and applicable statutes and rules. As a part of the compliance plan, to
6 verify compliance with the requirement to begin construction by the date specified in the
7 site certificate, the certificate holder shall report promptly to the Department of Energy
8 when construction begins. Construction is defined in OAR 345-001-0010. In reporting the
9 beginning of construction, the certificate holder shall describe all work on the site
10 performed before beginning construction, including work performed before the Council
11 issued the site certificate, and shall state the cost of that work. For the purpose of this
12 exhibit, "work on the site" means any work within a site or corridor, other than surveying,
13 exploration or other activities to define or characterize the site or corridor. The certificate
14 holder shall document the compliance plan and maintain it for inspection by the
15 Department or the Council.

16 21 OAR 345-026-0080: The certificate holder shall report according to the following
17 requirements:

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

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

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

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

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

37 (i) Facility Status: An overview of site conditions, the status of facilities under
38 construction and a summary of the operating experience of facilities that are in
39 operation. In this section of the annual report, the certificate holder shall describe any
40 unusual events, such as earthquakes, extraordinary windstorms, major accidents or the
41 like that occurred during the year and that had a significant adverse impact on the facility.

42 (ii) Reliability and Efficiency of Power Production: For electric power plants, the
43 plant availability and capacity factors for the reporting year. The certificate holder shall

1 describe any equipment failures or plant breakdowns that had a significant impact on
2 those factors and shall describe any actions taken to prevent the recurrence of such
3 problems

4 (iii) Fuel Use: For thermal power plants:

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

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

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

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

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

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

27 (viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating facilities
28 that emit carbon dioxide, a report of the annual fuel use by fuel type and annual hours of
29 operation of the carbon dioxide emitting equipment as described in OAR 345-024-
30 0630(4).

31 22 OAR 345-026-0105: The certificate holder and the Department of Energy shall exchange
32 copies of all correspondence or summaries of correspondence related to compliance with
33 statutes, rules and local ordinances on which the Council determined compliance, except
34 for material withheld from public disclosure under state or federal law or under Council
35 rules. The certificate holder may submit abstracts of reports in place of full reports;
36 however, the certificate holder shall provide full copies of abstracted reports and any
37 summarized correspondence at the request of the Department.

38 23 OAR 345-026-0170: The certificate holder shall notify the Department of Energy within 72
39 hours of any occurrence involving the facility if:

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

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

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

2 **V. SPECIFIC FACILITY CONDITIONS**

3 The conditions listed in this section include conditions based on representations in the
4 site certificate application and supporting record. The Council deems these representations to
5 be binding commitments made by the applicant. These conditions are required under OAR 345-
6 027-0020(10). The certificate holder must comply with these conditions in addition to the
7 conditions listed in Section IV. This section includes other specific facility conditions the Council
8 finds necessary to ensure compliance with the siting standards of OAR Chapter 345, Divisions
9 22 and 24, and to protect public health and safety. For conditions that require subsequent
10 review and approval of a future action, ORS 469.402 authorizes the Council to delegate the
11 future review and approval to the Department if, in the Council's discretion, the delegation is
warranted under the circumstances of the case.

12 **1. Certificate Administration Conditions**

13 24 [Deleted Amendment #2 (LJF)]

14 25 The certificate holder shall begin construction of the facility by September 24, 2010. Under
15 OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair and
16 the applicant. The Council may grant an extension of the deadline to begin construction in
17 accordance with OAR 345-027-0030 or any successor rule in effect at the time the
request for extension is submitted. [Amendment #1 (LJF)]

18 26 The certificate holder shall complete construction of the facility by September 24, 2013.
19 Construction is complete when: 1) the facility is substantially complete as defined by the
20 certificate holder's construction contract documents, 2) acceptance testing has been
21 satisfactorily completed and 3) the energy facility is ready to begin continuous operation
22 consistent with the site certificate. The certificate holder shall promptly notify the
23 Department of the date of completion of construction. The Council may grant an extension
24 of the deadline for completing construction in accordance with OAR 345-027-0030 or any
25 successor rule in effect at the time the request for extension is submitted. [Amendment #1
26 (LJF)]

27 27 The certificate holder shall construct a facility substantially as described in the site
28 certificate and may select turbines of any type, subject to the following restrictions:

29 (a) The total number of turbines at the facility must not exceed 47 turbines.

30 (b) The peak generating capacity of each turbine must not exceed 3.0 megawatts.

31 (c) The combined peak generating capacity of the facility must not exceed 124
32 megawatts.

33 (d) The turbine hub height must not exceed 100 meters, and the turbine blade tip
34 height must not exceed 150 meters.

35 (e) The minimum blade tip clearance must be 30 meters above ground.

36 (f) The certificate holder shall request an amendment of the site certificate to increase
37 the combined peak generating capacity of the facility or to increase the number of wind
38 turbines or the dimensions of wind turbines at the facility.

1 [Amendment #1 (LJF)]

2 28 The certificate holder shall obtain all necessary federal, state and local permits or approvals
3 required for construction, operation and retirement of the facility or ensure that its
4 contractors obtain the necessary federal, state and local permits or approvals.

5 29 Before beginning construction, the certificate holder shall notify the Department in
6 advance of any work on the site that does not meet the definition of "construction" in OAR
7 345-001-0010 or ORS 469.300 and shall provide to the Department a description of the
8 work and evidence that its value is less than \$250,000.

9 30 Before beginning construction of the LJIIA components as described in the *Final Order on*
10 *Amendment #1 for LJF*, the certificate holder shall submit to the State of Oregon through
11 the Council a bond or letter of credit in the amount described herein naming the State of
12 Oregon, acting by and through the Council, as beneficiary or payee. The initial bond or
13 letter of credit amount is \$8.847 million (in 2006 dollars), adjusted to the date of issuance
14 as described in (b), or the amount determined as described in (a). The certificate holder
15 shall adjust the amount of the bond or letter of credit on an annual basis thereafter as
16 described in (b).

17 (a) The certificate holder may adjust the amount of the bond or letter of credit based
18 on the final design configuration of the LJIIA components by applying the unit costs and
19 general costs illustrated in Table 2 and Table 3 of the Final Order on the Application to the
20 final design and calculating the financial assurance amount as described in that order,
21 adjusted to the date of issuance as described in (b) and subject to approval by the
22 Department.

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

25 (i) Adjust the Subtotal component of the bond or letter of credit amount
26 (expressed in 2006 dollars) to present value, using the U.S. Gross Domestic Product
27 Implicit Price Deflator, Chain-Weight, as published in the Oregon Department of
28 Administrative Services' "Oregon Economic and Revenue Forecast" or by any successor
29 agency (the "Index") and using the annual average index value for 2006 dollars and the
30 quarterly index value for the date of issuance of the new bond or letter of credit. If at any
31 time the Index is no longer published, the Council shall select a comparable calculation to
32 adjust 2006 dollars to present value.

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

35 (iii) Add 10 percent of the adjusted Gross Cost for the adjusted administration and
36 project management costs and 10 percent of the adjusted Gross Cost for the adjusted
37 future developments contingency.

38 (iv) Add the adjusted Gross Cost (ii) to the sum of the percentages (iii) and round
39 the resulting total to the nearest \$1,000 to determine the adjusted financial assurance
40 amount.

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

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

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

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

7 [Amendment #2(LJF)]

8 31 If the certificate holder elects to use a bond to meet the requirements of Condition 30 or
9 Condition 101, the certificate holder shall ensure that the surety is obligated to comply
10 with the requirements of applicable statutes, Council rules and this site certificate when
11 the surety exercises any legal or contractual right it may have to assume construction,
12 operation or retirement of the energy facility. The certificate holder shall also ensure that
13 the surety is obligated to notify the Council that it is exercising such rights and to obtain
14 any Council approvals required by applicable statutes, Council rules and this site certificate
15 before the surety commences any activity to complete construction, operate or retire the
16 energy facility. [Amendment #1 (LJF)]

17 32 Before beginning construction, the certificate holder shall notify the Department of the
18 identity and qualifications of major construction contractor(s) for specific portions of the
19 work. The certificate holder shall select contractors that have substantial experience in the
20 design and construction of similar facilities. The certificate holder shall report to the
21 Department any change of major construction contractors.

22 33 The certificate holder shall contractually require all construction contractors and
23 subcontractors involved in the construction of the facility to comply with all applicable laws
24 and regulations and with the terms and conditions of the site certificate. Such contractual
25 provisions shall not operate to relieve the certificate holder of responsibility under the site
26 certificate.

27 34 During construction, the certificate holder shall have an on-site assistant construction
28 manager who is qualified in environmental compliance to ensure compliance with all
29 construction-related site certificate conditions. During operation, the certificate holder
30 shall have a project manager who is qualified in environmental compliance to ensure
31 compliance with all ongoing site certificate conditions. The certificate holder shall notify
32 the Department of the name, telephone number, fax number and e-mail address of these
33 managers and shall keep the Department informed of any change in this information.

34 35 Within 72 hours after discovery of conditions or circumstances that may violate the terms
35 or conditions of the site certificate, the certificate holder shall report the conditions or
36 circumstances to the Department.

2. Land Use Conditions

37 36 The certificate holder shall cooperate with the Gilliam County Road Department to ensure
38 that any unusual damage or wear to county roads that is caused by construction of the
39 facility is repaired by the certificate holder. Upon completion of construction, the

1 certificate holder shall restore county roads to pre-construction condition or better, to the
2 satisfaction of the County Road Department.

3 37 During construction, the certificate holder shall implement measures to reduce traffic
4 impacts, including:

5 (a) Providing notice to adjacent landowners when heavy construction traffic is
6 anticipated.

7 (b) Providing appropriate traffic safety signage and warnings.

8 (c) Requiring flaggers to be at appropriate locations at appropriate times during
9 construction to direct traffic reduce accident risks.

10 (d) Using traffic diversion equipment (such as advanced signage and pilot cars) when
11 slow or oversize construction loads are anticipated.

12 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so
13 that roads will not be closed to traffic because of construction vehicles. [Amendment #1
14 (LJF)]

15 (f) Encouraging carpooling for the construction workforce.

16 (g) Including traffic control procedures in contract specifications for construction of the
17 facility.

18 (h) Keeping the access from Highway 19 free of gravel that tracks out onto the
19 highway.

20 38 The certificate holder shall ensure that no equipment or machinery is parked or stored on
21 any county road except while in use.

22 39 The certificate holder shall construct all facility components in compliance with the
23 following setback requirements:

24 (a) All facility components must be at least 3,520 feet from the property line of
25 properties zoned residential use or designated in the Gilliam County Comprehensive Plan
26 as residential.

27 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance
28 of 110-percent of maximum blade tip height, measured from the centerline of the turbine
29 tower to the nearest edge of any public road right-of-way. The certificate holder shall
30 assume a minimum right-of-way width of 60 feet.

31 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance
32 of 1,320 feet, measured from the centerline of the turbine tower to the center of the
33 nearest residence existing at the time of tower construction.

34 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance
35 of 110-percent of maximum blade tip height, measured from the centerline of the turbine
36 tower to the nearest boundary of the certificate holder's lease area.

37 (e) The certificate holder shall maintain a minimum distance of 250 feet measured
38 from the center line of each turbine tower to the nearest edge of any railroad right-of-way
39 or electrical substation.

40 (f) The certificate holder shall maintain a minimum distance of 250 feet measured
41 from the center line of each meteorological tower to the nearest edge of any public road

1 right-of-way or railroad right-of-way, nearest boundary of the certificate holder's lease
2 area or nearest electrical substation.

3 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from
4 any facility O&M building to the nearest edge of any public road right-of-way or railroad
5 right-of-way or the nearest boundary of the certificate holder's lease area.

6 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from
7 any substation to the nearest edge of any public road right-of-way or railroad right-of-way
8 or the nearest boundary of the certificate holder's electrical substation easement or, if
9 there is no easement, the nearest boundary of the certificate holder's lease area.

10 [Amendment #1 (LJF)]

11 40 The certificate holder shall consult with area landowners and lessees during construction
12 and operation of the facility and shall implement measures to reduce or avoid any adverse
13 impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

14 41 The certificate holder shall locate access roads and temporary construction laydown and
15 staging areas to minimize disturbance with farming practices and, wherever feasible, shall
16 place turbines and transmission interconnection lines along the margins of cultivated areas
17 to reduce the potential for conflict with farm operations.

18 42 Before beginning construction of any phase of the facility, the certificate holder shall
19 record in the real property records of Gilliam County a Covenant Not to Sue with regard to
20 generally accepted farming practices on farmland adjacent to the construction area
21 consistent with Gilliam County Zoning Ordinance 7.020(T)(4)(a)(5). [Amendment #1 (LJF)]

22 43 The certificate holder shall install lockable gates at the substation and on private access
23 roads.

24 44 Within 90 days after beginning operation of any phase of the facility, the certificate
25 holder shall provide to the Department and to the Gilliam County Planning Director the
26 actual latitude and longitude location or Stateplane NA D 83(91) coordinates of each
27 turbine tower, connecting line and transmission line built in that phase. In addition, the
28 certificate holder shall provide to the Department and to the Gilliam County Planning
29 Director, a summary of as-built changes in the facility compared to the original plan, if
30 any. [Amendment #1 (LJF)]

3. Cultural Resource Conditions

31 45 Before beginning construction of the LJIA components as described in the *Final Order on*
32 *Amendment #1 for LJF*, the certificate holder shall provide to the Department a map
33 showing the final design locations of all LJIA components and areas that would be
34 disturbed during their construction and also showing the LJIA areas that were surveyed in
35 2004, 2005 and 2006 for cultural resources as described in the site certificate application. If
36 areas to be disturbed during construction lie outside of the surveyed areas, the certificate
37 holder shall hire qualified personnel to conduct field investigation of those areas. The
38 certificate holder shall provide a written report of the field investigation to the Department
39 and to the State Historic Preservation Office (SHPO). If any historic, cultural or

1 archaeological resources are found during the field investigation, the certificate holder
2 shall ensure that construction and operation of the facility will have no impact on the
3 resources. The certificate holder shall instruct all construction personnel to avoid the areas
4 where resources were identified in the 2004-2006 surveys or were found during pre-
5 construction investigations and shall implement other appropriate measures to protect the
6 resources. [Amendment #2 (LJF)]

7 46 The certificate holder shall ensure that a qualified person instructs construction personnel
8 in the identification of cultural materials and avoidance of accidental damage to identified
9 resource sites.

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

20 48 During construction of the LJIA components as described in the *Final Order on Amendment*
21 *#1 for LJF*, the certificate holder shall label all identified historic, cultural or archaeological
22 resource sites on construction maps and drawings as "no entry" areas, and if construction
23 activities will occur within 200 feet of an identified site, the certificate holder shall flag a
24 50-foot buffer around the site. [Amendment #2 (LJF)]

4. Geotechnical Conditions

25 49 Before beginning construction of the facility, the certificate holder shall conduct site-
26 specific geotechnical investigation of that phase and shall report its findings to the Oregon
27 Department of Geology & Mineral Industries (DOGAMI). The certificate holder shall
28 conduct the geotechnical investigation after consultation with DOGAMI and in general
29 accordance with DOGAMI open file report 00-04 "Guidelines for Engineering Geologic
30 Reports and Site-Specific Seismic Hazard Reports." [Amendment #2 (LJF)]

31 50 The certificate holder shall design and construct the facility in accordance with
32 requirements set forth by the State of Oregon's Building Code Division and any other
33 applicable codes and design procedures. The certificate holder shall design all components
34 of the facility to meet or exceed the minimum standards required by the 2003 International
35 Building Code.

36 51 The certificate holder shall design, engineer and construct the facility to avoid dangers to
37 human safety presented by non-seismic hazards. As used in this condition, "non-seismic
38 hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

- 1 52 The certificate holder shall notify the Department within 72 hours of any accidents
2 including mechanical failures on the site associated with construction or operation of the
3 facility that may result in public health and safety concerns.
- 4 53 Before beginning construction of any phase of the facility, the certificate holder shall
5 submit Notices of Proposed Construction or Alteration to the Federal Aviation
6 Administration (FAA) and the Oregon Department of Aviation identifying the proposed final
7 locations of the turbines and related or supporting facilities in that phase of construction.
8 The certificate holder shall promptly notify the Department of the responses from the FAA
9 and the Oregon Department of Aviation. [Amendment #1 (LJF)]
- 10 54 To protect the public from electrical hazards, the certificate holder shall enclose the facility
11 substations with appropriate fencing and locked gates.
- 12 55 The certificate holder shall construct turbine towers that are smooth steel structures with
13 no exterior ladders or access to the turbine blades and shall install locked access doors
14 accessible only to authorized personnel.
- 15 56 The certificate holder shall follow manufacturers' recommended handling instructions and
16 procedures to prevent damage to towers or blades that could lead to failure.
- 17 57 The certificate holder shall have an operational safety monitoring program and shall
18 inspect turbine blades on a regular basis for signs of wear. The certificate holder shall
19 repair turbine blades as necessary to protect public safety.
- 20 58 The certificate holder shall install and maintain self-monitoring devices on each turbine,
21 linked to sensors at the operations and maintenance building, to alert operators to
22 potentially dangerous conditions, and the certificate holder shall immediately remedy any
23 dangerous conditions. The certificate holder shall maintain automatic equipment
24 protection features in each turbine that would shut down the turbine and reduce the
25 chance of a mechanical problem causing a fire.
- 26 59 The certificate holder shall install generator step-up transformers at the base of each tower
27 in locked cabinets designed to protect the public from electrical hazards and shall design
28 the cabinets to avoid creation of artificial habitat for raptor prey.
- 29 60 The certificate holder shall construct turbines on concrete pads with a minimum of 10 feet
30 of non-flammable and non-erosive ground cover on all sides. The certificate holder shall
31 cover turbine pad areas with non-erosive material immediately following exposure during
32 construction and shall maintain the pad area covering during operation of the facility.
- 33 61 During construction and operation of the facility, the certificate holder shall develop and
34 implement fire safety plans in consultation with the North Gilliam County Rural Fire
35 Protection District and the Arlington Fire Department to minimize the risk of fire and to
36 respond appropriately to any fires that occur on the facility site. In developing the fire
37 safety plans, the certificate holder should take into account the dry nature of the region
38 and should address risks on a seasonal basis. The certificate holder shall meet annually

- 1 with District and Fire Department personnel to discuss emergency planning and shall invite
2 District and Fire Department personnel to observe any emergency drill or tower rescue
3 training conducted at the facility.
- 4 62 During construction and operation of the facility, the certificate holder shall ensure that
5 the O&M buildings and all service vehicles are equipped with shovels and portable fire
6 extinguishers of a 4A50BC or equivalent rating.
- 7 63 During construction, the certificate holder shall ensure that construction vehicles and
8 equipment are operated on graveled areas to the extent possible and that open flames,
9 such as cutting torches, are kept away from dry grass areas.
- 10 64 Upon the beginning of operation of the facility, the certificate holder shall provide to North
11 Gilliam County Rural Fire Protection District and the Arlington Fire Department a site plan
12 indicating the identification number assigned to each turbine and the location of all facility
13 structures. During operation, the certificate holder will ensure that appropriate District and
14 Fire Department personnel have an up-to-date list of the names and telephone numbers of
15 facility personnel available to respond on a 24-hour basis in case of an emergency on the
16 facility site.
- 17 65 During operation, the certificate holder shall ensure that all on-site employees receive
18 annual fire prevention and response training, including tower rescue training, by qualified
19 instructors or members of the local fire department and that all employees are instructed
20 to keep vehicles on roads and off dry grassland, except when off-road operation is required
21 for emergency purposes.
- 22 66 During construction, the certificate holder shall require that all on-site construction
23 contractors develop and implement a site health and safety plan that informs workers and
24 others on-site what to do in case of an emergency and that includes the locations of fire
25 extinguishers and nearby hospitals, important telephone numbers and first aid techniques.
26 The certificate holder shall ensure that construction contractors have personnel on-site
27 who are trained and equipped for tower rescue and who are first aid and CPR certified.
- 28 67 During operation, the certificate holder shall develop and implement a site health and
29 safety plan that informs employees and others on-site what to do in case of an emergency
30 and that includes the locations of fire extinguishers and nearby hospitals, important
31 telephone numbers and first aid techniques.
- 32 68 The certificate holder shall handle any hazardous materials used on the site in a manner
33 that protects public health, safety and the environment and shall comply with all applicable
34 local, state and federal environmental laws and regulations.
- 35 69 If a spill or release of hazardous materials occurs during construction or operation of the
36 facility, the certificate holder shall notify the Department within 72 hours and shall clean
37 up the spill or release and dispose of any contaminated soil or other materials according to
38 applicable regulations. The certificate holder shall make sure that spill kits containing items
39 such as absorbent pads are located on equipment and storage facilities to respond to

1 accidental spills and shall instruct employees handling hazardous materials in the proper
2 handling, storage and cleanup of these materials.

6. Water, Soils, Streams & Wetlands Conditions

3 70 The certificate holder shall conduct all construction work in compliance with an Erosion
4 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of Environmental
5 Quality and as required under the National Pollutant Discharge Elimination System (NPDES)
6 Storm Water Discharge General Permit #1200-C. The certificate holder shall include in the
7 ESCP any procedures necessary to meet local erosion and sediment control requirements
8 and storm water management requirements.

9 71 During construction, the certificate holder shall limit truck traffic to designated existing and
10 improved road surfaces to avoid soil compaction, to the extent possible.

11 72 During construction, the certificate holder shall avoid impacts to waters of the state in the
12 following manner:

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

16 (b) The certificate holder shall avoid any disturbance to the six wetland areas identified
17 as "W1" through "W6" on Figure J-1 of the Site Certificate Application. [Amendment #2
18 (LJF)].

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

21 (d) Before beginning construction affecting the location identified as "S27" on Figure
22 J-1 of the Site Certificate Application, the certificate holder shall apply for and obtain a
23 Removal/Fill Permit from the Department of State Lands, which, in accordance with ORS
24 469.401, shall issue the permit substantially in the form of Attachment F of the *Final Order*
25 *on the Application* and subject only to the conditions of this site certificate including
26 substantive requirements listed in that attachment.

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

37 73 During construction, the certificate holder shall ensure that the wash down of concrete
38 trucks occurs only at a contractor-owned batch plant or at tower foundation locations. If
39 such wash down occurs at tower foundation locations, then the certificate holder shall
40 ensure that wash down wastewater does not run off the construction site into otherwise

1 undisturbed areas and that the wastewater is disposed of on backfill piles and buried
2 underground with the backfill over the tower foundation.

3 74 The certificate holder shall restore areas outside the permanent footprint that are
4 disturbed during construction according to the methods and monitoring procedures
5 described in the *Revegetation Plan* that is incorporated in the *Final Order on Amendment*
6 *#2 for LJF* as Attachment F and as amended from time to time. [Amendment #2 (LJF)]

7 75 During facility operation, the certificate holder shall routinely inspect and maintain all
8 roads, pads and trenched areas and, as necessary, maintain or repair erosion control
9 measures. The certificate holder shall restore areas that are temporarily disturbed during
10 facility maintenance or repair activities to pre-disturbance condition or better.

11 76 During facility operation, the certificate holder shall obtain water for on-site uses from one
12 or more on-site wells, subject to compliance with any applicable permit requirements, not
13 exceeding 5,000 gallons per day. The certificate holder shall not change the source of water
14 for on-site uses without prior Department approval.

15 77 During facility operation, if blade-washing becomes necessary, the certificate holder shall
16 ensure that there is no runoff of wash water from the site or discharges to surface waters,
17 storm sewers or dry wells. The certificate holder shall not use more than 50 gallons of
18 water per blade and shall not wash more than eight turbines (24 blades) per week. The
19 certificate holder shall not use acids, bases or metal brighteners with the wash water. The
20 certificate may use biodegradable, phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

21 78 The certificate holder shall install the 34.5-kV collector system underground to the extent
22 practical. The certificate holder shall install underground segments of the collector system
23 at a minimum depth of three feet. Where geotechnical conditions or other engineering
24 considerations require, the certificate holder may install segments of the collector system
25 aboveground, but the total length of aboveground segments must not exceed 30 percent
26 of the collector system. The certificate holder shall construct aboveground segments of the
27 collector system using single or double circuit monopole design as described in the site
28 certificate application. [Amendment #2 (LJF)]

29 79 At least 30 days before beginning preparation of detailed design and specifications for the
30 electrical transmission lines, the certificate holder shall consult with the Oregon Public
31 Utility Commission staff to ensure that transmission line designs and specifications are
32 consistent with applicable codes and standards.

33 80 To protect public safety, the certificate holder shall design and maintain the transmission
34 lines so that:

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

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

38 81 The certificate holder shall take reasonable steps to reduce or manage human exposure to
39 electromagnetic fields, including but not limited to:

- 1 (a) Constructing all aboveground transmission lines at least 200 feet from any
2 residence or other occupied structure.
- 3 (b) Ensuring that the area near the facility substation is inaccessible to the public by
4 fencing the area.
- 5 (c) Constructing aboveground 34.5-kV transmission lines with a minimum clearance of
6 25 feet from the ground.
- 7 (d) Constructing all aboveground 230-kV transmission lines with a minimum clearance
8 of 30 feet from the ground.
- 9 (e) Providing to landowners a map of underground and overhead transmission lines on
10 their property and advising landowners of possible health risks.

11 [Amendment #1 (LJF)]

8. Plants, Wildlife & Habitat Protection Conditions

12 82 During construction and operation of the facility, the certificate holder shall implement a
13 plan to control the introduction and spread of noxious weeds. The certificate shall develop
14 the weed control plan in consultation with the Gilliam County Weed Control Board.

15 83 The certificate holder shall design all aboveground transmission line support structures
16 following the practices suggested by the Avian Powerline Interaction Committee (2006)
17 and shall install anti-perching devices on transmission pole tops and cross arms where the
18 poles are located within ½ mile of turbines. [Amendment #1 (LJF)]

19 84 The certificate holder may construct turbines and other facility components within the site
20 boundary as described in the Final Orders on the Application and Amendment #1 for the
21 LJF, subject to the following requirements addressing potential habitat impact:

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

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

26 (c) In the final design of the facility within micrositeing areas, the certificate holder shall
27 reduce impact on essential or important habitat (Category 4 and above) to the extent
28 practical.

29 (d) As a protective measure during construction, the certificate holder shall install
30 exclusion fencing around confirmed populations of sessile mousetail (identified in Figure Q-
31 3 of the site certificate application). The certificate holder shall not install facility
32 components or cause temporary disturbance within these areas. Before beginning
33 construction, the certificate holder shall verify the protected status of sessile mousetail and
34 notify the Department. If the species has been upgraded to threatened or endangered
35 under State or federal law, the certificate holder shall take appropriate mitigation actions,
36 subject to Department approval. [Amendment #2 (LJF)]

37 (e) If construction would affect locations within the micrositeing areas that were not
38 previously surveyed for the occurrence of State or federal threatened or endangered
39 species as described in the Final Orders on the Application and Amendment #1 for LJF, the
40 certificate holder shall conduct additional pre-construction surveys of those locations,

1 notify the Department of the findings and implement appropriate avoidance or mitigation
2 measures for any threatened or endangered species detected, subject to Department
3 approval.

4 [Amendment #2 (LJF)]

5 **85** The certificate holder shall implement measures to mitigate impacts to sensitive wildlife
6 habitat during construction and operation including, but not limited to, the following:

7 (a) Preparing maps to show sensitive areas, such as nesting or denning areas for
8 sensitive wildlife species, that are off limits to construction personnel.

9 (b) Before beginning construction of any phase of the facility, the certificate holder
10 shall have a qualified biologist place exclusion markers around sensitive wildlife habitat
11 areas for that phase of construction, including Category 1 Washington ground squirrel
12 (WGS) areas and an appropriate buffer around these areas. The certificate holder shall
13 maintain the exclusion markings until that phase of construction has been completed.

14 (c) Ensuring that a qualified person instructs construction and operations personnel to
15 be aware of wildlife in the area and to take precautions to avoid injuring or destroying
16 wildlife or sensitive wildlife habitat.

17 (d) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
18 Posting and maintaining speed limit signs (not to exceed 20 miles per hour) on access roads
19 throughout the site. The certificate holder shall ensure that all construction and operations
20 personnel are instructed to observe caution when driving in the facility area to avoid injury
21 or disturbance to wildlife enforce and for personal safety.

22 [Amendment #1 (LJF)]

23 **86** During construction of any phase of the facility, the certificate holder shall protect the area
24 within a 1300-foot buffer around active nests of the following species during the sensitive
25 period, as provided in this condition:

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

26 During the year in which construction of any phase of the facility occurs, the certificate
27 holder shall use a protocol approved by the Oregon Department of Fish and Wildlife
28 (ODFW) to determine whether there are any active nests of these species within a half-mile
29 of any areas that would be disturbed during construction of that phase. If a nest is
30 occupied by any of these species after the beginning of the sensitive period, the certificate
31 holder shall not engage in high-impact construction activities (activities that involve
32 blasting, grading or other major ground disturbance) or allow high levels of construction
33 traffic within 1300 feet of the nest site. In addition, the certificate holder will flag the
34 boundaries of the 1300-foot buffer area and shall instruct construction personnel to avoid
35 any unnecessary activity within the buffer area. The certificate holder shall hire an

1 independent biological monitor to observe the active nest sites during the sensitive period
2 for signs of disturbance and to notify the Department of any non-compliance with this
3 condition. If the monitor observes nest site abandonment or other adverse impact to
4 nesting activity, the certificate holder shall implement appropriate mitigation, in
5 consultation with ODFW and subject to the approval of the Department, unless the adverse
6 impact is clearly shown to have a cause other than construction activity. The certificate
7 holder may begin or resume high-impact construction activities before the ending day of
8 the sensitive period if any known nest site is not occupied by the early release date. If a
9 nest site is occupied, then the certificate holder may begin or resume high-impact
10 construction before the ending day of the sensitive period with the approval of ODFW,
11 after the young are fledged. The certificate holder shall use a protocol approved by ODFW
12 to determine when the young are fledged (the young are independent of the core nest
13 site).

14 [Amendment #1 (LJF)]

15 87 The certificate holder shall conduct wildlife monitoring as described in the *Wildlife*
16 *Monitoring and Mitigation Plan* that is incorporated in the *Final Order on Amendment*
17 *#2 for LJF* as Attachment D and as amended from time to time. [Amendment #2 (LJF)]

18 88 Before beginning construction of the LJIA components as described in the *Final Order on*
19 *Amendment #1 for LJF*, the certificate holder shall obtain an Incidental Take Permit (ITP)
20 letter from the Oregon Department of Fish and Wildlife (ODFW) that incorporates the
21 terms and commitments of the ITP application as set forth in Attachment E of the Final
22 Order on the Application. [Amendment #2 (LJF)]

23 89 The certificate holder shall acquire the legal right to create, enhance, maintain and protect
24 a habitat mitigation area as long as the site certificate is in effect by means of an outright
25 purchase, conservation easement or similar conveyance and shall provide a copy of the
26 documentation to the Department. Within the habitat mitigation area, the certificate
27 holder shall improve the habitat quality as described in the *Habitat Mitigation Plan* that is
28 incorporated in the *Final Order on Amendment #2 for LJF* as Attachment E and as amended
29 from time to time. [Amendment #2 (LJF)]

9. Visual Effects Conditions

30 90 To reduce the visual impact of the facility, the certificate holder shall:

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

37 91 The certificate holder shall design and construct the operation and maintenance buildings
38 to be generally consistent with the character of similar buildings used by commercial
39 farmers or ranchers in the area and shall paint the building in a neutral color to blend with
40 the surrounding landscape.

- 1 92 The certificate holder shall not use exterior lighting at the facility except:
2 (a) The minimum turbine tower lighting required or recommended by the Federal
3 Aviation Administration.
4 (b) Security lighting at the operations and maintenance buildings and at the
5 substations, provided that such lighting is shielded or downward-directed to reduce glare.
6 (c) Minimum lighting necessary for repairs or emergencies.
7 (d) Minimum lighting necessary for construction directed to illuminate the work area
8 and shielded or downward-directed to reduce glare.

9 [Amendment #1 (LJF)]

10. Noise Control Conditions

- 10 93 To reduce noise impacts at nearby residential areas, the certificate holder shall:
11 (a) Confine the noisiest operation of heavy construction equipment to the daylight
12 hours.
13 (b) Require contractors to install and maintain exhaust mufflers on all combustion
14 engine-powered equipment; and
15 (c) Establish a complaint response system at the construction manager's office to
16 address noise complaints.

- 17 94 Before beginning construction of any phase of the facility, the certificate holder shall
18 provide to the Department:
19 (a) Information that identifies the final design locations of all turbines to be built in that
20 phase of construction.
21 (b) The maximum sound power level of the turbines and substation transformers based
22 on manufacturers' warranties or confirmed by other means acceptable to the Department.
23 (c) The results of noise analysis of the facility to be built according to the final design
24 performed in a manner consistent with the requirements of OAR 340-035-
25 0035(1)(b)(B)(iii)(IV) and (VI) demonstrating to the satisfaction of the Department that the
26 total noise generated by the facility (including the noise from turbines and substation
27 transformers) would meet the ambient noise degradation test and maximum allowable
28 test at the appropriate measurement point for all potentially-affected noise sensitive
29 properties.
30 (d) For each noise-sensitive property where the certificate holder relies on a noise
31 waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III), a
32 copy of the a legally effective easement or real covenant pursuant to which the owner of
33 the property authorizes the certificate holder's operation of the facility to increase ambient
34 statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate measurement
35 point. The legally-effective easement or real covenant must: include a legal description of
36 the burdened property (the noise sensitive property); be recorded in the real property
37 records of the county; expressly benefit the certificate holder; expressly run with the land
38 and bind all future owners, lessees or holders of any interest in the burdened property; and
39 not be subject to revocation without the certificate holder's written approval.

40 [Amendment #1 (LJF)]

1 95 During operation, the certificate holder shall maintain a complaint response system to
2 address noise complaints. The certificate holder shall promptly notify the Department of
3 any complaints received regarding facility noise and of any actions taken by the certificate
4 holder to address those complaints.

11. Waste Management Conditions

5 96 The certificate holder shall provide portable toilets for on-site sewage handling during
6 construction and shall ensure that they are pumped and cleaned regularly by a licensed
7 contractor who is qualified to pump and clean portable toilet facilities.

8 97 During operation, the certificate holder shall discharge sanitary wastewater generated at
9 the O&M building to a licensed on-site septic system in compliance with county permit
10 requirements. The certificate holder shall design the septic system design with a capacity
11 that is less than 2,500 gallons per day.

12 98 The certificate holder shall implement a waste management plan during construction that
13 includes but is not limited to the following measures:

14 (a) Training construction personnel to minimize and recycle solid waste.

15 (b) Minimizing the generation of wastes from construction through detailed estimating
16 of materials needs and through efficient construction practices.

17 (c) Recycling steel and other metal scrap.

18 (d) Recycling wood waste.

19 (e) Recycling packaging wastes such as paper and cardboard.

20 (f) Collecting non-recyclable waste for transport to a landfill by a licensed waste
21 hauler.

22 (g) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
23 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
24 disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
25 wastes.

26 99 The certificate holder may dispose of waste concrete on site with the permission of the
27 landowner and in accordance with OAR 340-093-0080 and other applicable regulations.
28 The certificate holder shall dispose of waste concrete on site by placing the material in an
29 excavated hole, covering it with at least three feet of topsoil and grading the area to match
30 existing contours. If the waste concrete is not disposed of on site, the certificate holder
31 shall arrange for proper disposal in a landfill.

32 100 The certificate holder shall implement a waste management plan during operation that
33 includes but is not limited to the following measures:

34 (a) Training employees to minimize and recycle solid waste.

35 (b) Recycling paper products, metals, glass and plastics.

36 (c) Recycling used oil and hydraulic fluid.

37 (d) Collecting non-recyclable waste for transport to a landfill by a licensed waste
38 hauler.

39 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
40 absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium batteries

1 for disposal by a licensed firm specializing in the proper recycling or disposal of hazardous
2 wastes.

3 **VI. CONDITIONS ADDED BY AMENDMENT #1 FOR LJF**

4 101 [Condition deleted by Amendment #2 (LJF)].

5
6 102 [Condition deleted by Amendment #2 (LJF)].

7
8 103 [Condition deleted by Amendment #2 (LJF)].

9
10 104 [Condition deleted by Amendment #2 (LJF)].

11 **VII. SUCCESSORS AND ASSIGNS**

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

VIII. SEVERABILITY AND CONSTRUCTION

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

IX. GOVERNING LAW AND FORUM

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

21 **X. EXECUTION**

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

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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

LEANING JUNIPER WIND POWER II, LLC

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

Date: 6/21/13

By: Jesse Gronner

Print: Jesse Gronner
~~Authorized Representative~~

Date: 6/28/2013

and



By: Scott Jacobson

Print: Scott Jacobson
~~Authorized Representative~~

Date: 6/28/2013