

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

**Third Amended Site Certificate
for the
Montague Wind Power Facility**

July 2017

The Oregon Energy Facility Siting Council

THIRD AMENDED SITE CERTIFICATE

FOR THE MONTAGUE WIND POWER FACILITY

I. INTRODUCTION

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

6 The findings of fact, reasoning and conclusions of law underlying the terms and conditions of
7 this site certificate are set forth in the following documents, incorporated herein by this
8 reference: (a) the *Final Order on the Application for Site Certificate for the Montague Wind*
9 *Power Facility* issued on September 10, 2010 (hereafter, *Final Order on the Application*), (b) the
10 *Final Order on Amendment #1* issued on June 21, 2013; and, (c) the *Final Order on Amendment*
11 *#2* issued on December 4, 2015; and (d) the *Final Order on Amendment #3* issued on July
12 11, 2017. In interpreting this site certificate, any ambiguity will be clarified by reference to the
13 following, in order of priority: (1) this *Third Amended Site Certificate*, (2) the *Final Order on*
14 *Amendment #3*, (3) the *Final Order on Amendment #2*, (4) the *Final Order on Amendment #1*,
15 (5) the *Final Order on the Application*, and (6) the record of the proceedings that led to the *Final*
16 *Order on the Application*, the *Final Order on Amendment #1*, and the *Final Order on*
17 *Amendment #2*. [Amendment #2]

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

II. SITE CERTIFICATION

20 1. To the extent authorized by state law and subject to the conditions set forth herein, the
21 State authorizes the certificate holder to construct, operate and retire a wind energy
22 facility, together with certain related or supporting facilities, at the site in Gilliam County,
23 Oregon, as described in Section III of this site certificate. ORS 469.401(1).

24 2. This site certificate is effective until it is terminated under OAR 345-027-0110 or the rules in
25 effect on the date that termination is sought or until the site certificate is revoked under
26 ORS 469.440 and OAR 345-029-0100 or the statutes and rules in effect on the date that
27 revocation is ordered. ORS 469.401(1).

28 3. This site certificate does not address, and is not binding with respect to, matters that were
29 not addressed in the *Final Order on the Application*, *Final Order on Amendment #1* and *Final*
30 *Order on Amendment #2*, and *Final Order on Amendment #3*. Such matters include, but are
31 not limited to: building code compliance, wage, hour and other labor regulations, local
32 government fees and charges and other design or operational issues that do not relate to
33 siting the facility (ORS 469.401(4)) and permits issued under statutes and rules for which the

- 1 decision on compliance has been delegated by the federal government to a state agency
2 other than the Council. 469.503(3). [Amendment #3]
- 3 4. Both the State and the certificate holder shall abide by local ordinances, state law and the
4 rules of the Council in effect on the date this site certificate is executed. ORS 469.401(2). In
5 addition, upon a clear showing of a significant threat to public health, safety or the
6 environment that requires application of later-adopted laws or rules, the Council may
7 require compliance with such later-adopted laws or rules. ORS 469.401(2).
- 8 5. For a permit, license or other approval addressed in and governed by this site certificate,
9 the certificate holder shall comply with applicable state and federal laws adopted in the
10 future to the extent that such compliance is required under the respective state agency
11 statutes and rules. ORS 469.401(2).
- 12 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities
13 and political subdivisions in Oregon as to the approval of the site and the construction,
14 operation and retirement of the facility as to matters that are addressed in and governed by
15 this site certificate. ORS 469.401(3).
- 16 7. Each affected state agency, county, city and political subdivision in Oregon with authority to
17 issue a permit, license or other approval addressed in or governed by this site certificate
18 shall, upon submission of the proper application and payment of the proper fees, but
19 without hearings or other proceedings, issue such permit, license or other approval subject
20 only to conditions set forth in this site certificate. ORS 469.401(3).
- 21 8. After issuance of this site certificate, each state agency or local government agency that
22 issues a permit, license or other approval for the facility shall continue to exercise
23 enforcement authority over such permit, license or other approval. ORS 469.401(3).
- 24 9. After issuance of this site certificate, the Council shall have continuing authority over the
25 site and may inspect, or direct the Oregon Department of Energy (Department) to inspect,
26 or request another state agency or local government to inspect, the site at any time in order
27 to ensure that the facility is being operated consistently with the terms and conditions of
28 this site certificate. ORS 469.430.
- 29 10. Following the completion of surveys required by this site certificate, the Department will
30 present the results of those surveys and required consultations at the next regularly
31 scheduled Council meeting.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

32 The energy facility is an electric power generating plant with an average electric generating
33 capacity of up to 134.7 megawatts and a peak generating capacity of not more than 404
34 megawatts that produces power from wind energy. The facility consists of not more than 269
35 wind turbines. The maximum peak generating capacity of each turbine is not more than 3.0

1 megawatts. The energy facility is described further in the *Final Order on the Application, Final*
2 *Order on Amendment #1, Final Order on Amendment #2, and Final Order on Amendment #3.*

(b) Related or Supporting Facilities

3 The facility includes the following related or supporting facilities described below and in greater
4 detail in the *Final Order on the Application, Final Order on Amendment #1, Final Order on*
5 *Amendment #2, and Final Order on Amendment #3:*

6

- 7 • Power collection system
- 8 • Control system
- 9 • Substations and 230-kV transmission lines
- 10 • Meteorological towers
- 11 • Operations and maintenance facilities
- 12 • Access roads
- 13 • Public roadway modifications
- 14 • Temporary construction areas

15

16 **Power Collection System**

17 A power collection system operating at 34.5 kilovolts (kV) transports power from each turbine
18 to a collector substation. To the extent practicable, the collection system is installed
19 underground at a depth of at least three feet. Not more than 27 miles of the collector system is
20 installed aboveground.

21 **Control System**

22 A fiber optic communications network links the wind turbines to a central computer at the
23 O&M buildings. A Supervisory, Control and Data Acquisition (SCADA) system collects operating
24 and performance data from each wind turbine and from the facility as a whole and allows
25 remote operation of the wind turbines.

26 **Substations and 230-kV Transmission Lines**

27 The facility includes two collector substations. An aboveground, single-circuit 230-kV
28 transmission line connects the western substation to the central substation. An aboveground,
29 single-circuit 230-kV transmission line connects the central substation to the 500-kV Slatt-
30 Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt
31 substation.

32 **Meteorological Towers**

33 The facility includes up to eight permanent meteorological towers.

34 **Operations and Maintenance Facilities**

35 The facility includes one or two operations and maintenance (O&M) facilities. An on-site well at
36 each O&M facility supplies water for use during facility operation. Sewage is discharged to an
37 on-site septic system.

38

1 **Access Roads**

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

3 **Public Roadway Modifications**

4 The certificate holder may construct improvements to existing state and county public roads
5 that are necessary for construction of the facility. These modifications would be confined to the
6 existing road rights-of-way and would be undertaken with the approval of the Gilliam County
7 Road Department or the Oregon Department of Transportation, depending on the location of
8 the improvement.

9 **Temporary Construction Areas**

10 During construction, the facility includes temporary laydown areas used to stage construction
11 and store supplies and equipment. Construction crane paths are used to move construction
12 cranes between turbine strings.

13 **2. Location of the Facility**

14 The facility is located south of Arlington, in Gilliam County, Oregon. The facility is located on
15 private land subject to easements or lease agreements with landowners.

16 **IV. CONDITIONS REQUIRED BY COUNCIL RULES**

17 This section lists conditions required by OAR 345-027-0020 (Mandatory Conditions in Site
18 Certificates), OAR 345-027-0023 (Site Specific Conditions), OAR 345-027-0028 (Monitoring
19 Conditions) and OAR Chapter 345, Division 26 (Construction and Operation Rules for Facilities).
20 These conditions should be read together with the specific facility conditions listed in Section V
21 to ensure compliance with the siting standards of OAR Chapter 345, Divisions 22 and 24, and to
22 protect the public health and safety. In these conditions the definitions in OAR 345-001-0010
23 apply.

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

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

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

- 1 1 OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate
2 except as provided for in OAR Chapter 345, Division 27.
- 3 2 OAR 345-027-0020(2): The certificate holder shall submit a legal description of the site to
4 the Department of Energy within 90 days after beginning operation of the facility. The
5 legal description required by this rule means a description of metes and bounds or a
6 description of the site by reference to a map and geographic data that clearly and
7 specifically identifies the outer boundaries that contain all parts of the facility.
- 8 3 OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the
9 facility:
10 (a) Substantially as described in the site certificate;
11 (b) In compliance with the requirements of ORS Chapter 469, applicable Council rules,
12 and applicable state and local laws, rules and ordinances in effect at the time the
13 site certificate is issued; and
14 (c) In compliance with all applicable permit requirements of other state agencies.
- 15 4 OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
16 facility by the dates specified in the site certificate. *(See Conditions 24 and 25.)*
- 17 5 OAR 345-027-0020(5): Except as necessary for the initial survey or as otherwise allowed
18 for wind energy facilities, transmission lines or pipelines under this section, the certificate
19 holder shall not begin construction, as defined in OAR 345-001-0010, or create a clearing
20 on any part of the site until the certificate holder has construction rights on all parts of the
21 site. For the purpose of this rule, “construction rights” means the legal right to engage in
22 construction activities. For wind energy facilities, transmission lines or pipelines, if the
23 certificate holder does not have construction rights on all parts of the site, the certificate
24 holder may nevertheless begin construction, as defined in OAR 345-001-0010, or create a
25 clearing on a part of the site if the certificate holder has construction rights on that part of
26 the site and:
27 (a) The certificate holder would construct and operate part of the facility on that part
28 of the site even if a change in the planned route of the transmission line or pipeline
29 occurs during the certificate holder’s negotiations to acquire construction rights on
30 another part of the site; or
31 (b) The certificate holder would construct and operate part of a wind energy facility on
32 that part of the site even if other parts of the facility were modified by amendment
33 of the site certificate or were not built.
- 34 6 OAR 345-027-0020(6): If the Council requires mitigation based on an affirmative finding
35 under any standards of Division 22 or Division 24 of this chapter, the certificate holder
36 shall consult with affected state agencies and local governments designated by the Council
37 and shall develop specific mitigation plans consistent with Council findings under the
38 relevant standards. The certificate holder must submit the mitigation plans to the
39 Department and receive Department approval before beginning construction or, as
40 appropriate, operation of the facility.

- 1 7 OAR 345-027-0020(7): The certificate holder shall prevent the development of any
2 conditions on the site that would preclude restoration of the site to a useful, non-
3 hazardous condition to the extent that prevention of such site conditions is within the
4 control of the certificate holder.
- 5 8 OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
6 shall submit to the State of Oregon, through the Council, a bond or letter of credit, in a
7 form and amount satisfactory to the Council to restore the site to a useful, non-hazardous
8 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
9 times until the facility has been retired. The Council may specify different amounts for the
10 bond or letter of credit during construction and during operation of the facility. (See
11 *Condition 32*.)
- 12 9 OAR 345-027-0020(9): The certificate holder shall retire the facility if the certificate holder
13 permanently ceases construction or operation of the facility. The certificate holder shall
14 retire the facility according to a final retirement plan approved by the Council, as
15 described in OAR 345-027-0110. The certificate holder shall pay the actual cost to restore
16 the site to a useful, non-hazardous condition at the time of retirement, notwithstanding
17 the Council’s approval in the site certificate of an estimated amount required to restore
18 the site.
- 19 10 OAR 345-027-0020(10): The Council shall include as conditions in the site certificate all
20 representations in the site certificate application and supporting record the Council deems
21 to be binding commitments made by the applicant.
- 22 11 OAR 345-027-0020(11): Upon completion of construction, the certificate holder shall
23 restore vegetation to the extent practicable and shall landscape all areas disturbed by
24 construction in a manner compatible with the surroundings and proposed use. Upon
25 completion of construction, the certificate holder shall remove all temporary structures
26 not required for facility operation and dispose of all timber, brush, refuse and flammable
27 or combustible material resulting from clearing of land and construction of the facility.
- 28 12 OAR 345-027-0020(12): The certificate holder shall design, engineer and construct the
29 facility to avoid dangers to human safety presented by seismic hazards affecting the site
30 that are expected to result from all maximum probable seismic events. As used in this rule
31 “seismic hazard” includes ground shaking, landslide, liquefaction, lateral spreading,
32 tsunami inundation, fault displacement and subsidence.
- 33 13 OAR 345-027-0020(13): The certificate holder shall notify the Department, the State
34 Building Codes Division and the Department of Geology and Mineral Industries promptly if
35 site investigations or trenching reveal that conditions in the foundation rocks differ
36 significantly from those described in the application for a site certificate. After the
37 Department receives the notice, the Council may require the certificate holder to consult
38 with the Department of Geology and Mineral Industries and the Building Codes Division
39 and to propose mitigation actions.
- 40 14 OAR 345-027-0020(14): The certificate holder shall notify the Department, the State
41 Building Codes Division and the Department of Geology and Mineral Industries promptly if

1 shear zones, artesian aquifers, deformations or clastic dikes are found at or in the vicinity
2 of the site.

3 15 OAR 345-027-0020(15): Before any transfer of ownership of the facility or ownership of
4 the site certificate holder, the certificate holder shall inform the Department of the
5 proposed new owners. The requirements of OAR 345-027-0100 apply to any transfer of
6 ownership that requires a transfer of the site certificate.

7 16 OAR 345-027-0020(16): If the Council finds that the certificate holder *has* permanently
8 ceased construction or operation of the facility without retiring the facility according to a
9 final retirement plan approved by the Council, *as* described in OAR 345-027-0110, the
10 Council shall notify the certificate holder and request that the certificate holder submit a
11 proposed final retirement plan to the Department within a reasonable time not to exceed
12 90 days. If the certificate holder does not submit a proposed final retirement plan by the
13 specified date, the Council may direct the Department to prepare a proposed final
14 retirement plan for the Council's approval. Upon the Council's approval of the final
15 retirement plan, the Council may draw on the bond or letter of credit described in OAR
16 345-027-0020(8) to restore the site to a useful, non-hazardous condition according to the
17 final retirement plan, in addition to any penalties the Council may impose under OAR
18 Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay
19 the actual cost of retirement, the certificate holder shall pay any additional cost necessary
20 to restore the site to a useful, non-hazardous condition. After completion of site
21 restoration, the Council shall issue an order to terminate the site certificate if the Council
22 finds that the facility *has* been retired according to the approved final retirement plan.

23 17 OAR 345-027-0023(4):

24 (a) The certificate holder shall design, construct and operate the transmission line in
25 accordance with the requirements of the National Electrical Safety Code approved
26 on June 3, 2011, by the American National Standards Institute, and

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

27 18 OAR 345-027-0023(5): If the proposed energy facility is a pipeline or a transmission line or
28 has, as a related or supporting facility, a pipeline or transmission line, the Council shall
29 specify an approved corridor in the site certificate and shall allow the certificate holder to
30 construct the pipeline or transmission line anywhere within the corridor, subject to the
31 conditions of the site certificate. If the applicant has analyzed more than one corridor in its
32 application for a site certificate, the Council may, subject to the Council's standards,
33 approve more than one corridor.

34 19 OAR 345-027-0028: The following general monitoring conditions apply:

35 (a) The certificate holder shall consult with affected state agencies, local governments
36 and tribes and shall develop specific monitoring programs for impacts to resources
37 protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources
38 addressed by applicable statutes, administrative rules and local ordinances. The certificate

1 holder must submit the monitoring programs to the Department of Energy and receive
2 Department approval before beginning construction or, as appropriate, operation of the
3 facility.

4 (b) The certificate holder shall implement the approved monitoring programs described
5 in OAR 345-027-0028(1) and monitoring programs required by permitting agencies and
6 local governments.

7 (c) For each monitoring program described in OAR 345-027-0028(1) and (2), the
8 certificate holder shall have quality assurance measures approved by the Department
9 before beginning construction or, as appropriate, before beginning commercial operation.

10 (d) If the certificate holder becomes aware of a significant environmental change or
11 impact attributable to the facility, the certificate holder shall, as soon as possible, submit a
12 written report to the Department describing the impact on the facility and any affected
13 site certificate conditions

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

27 21 OAR 345-026-0080: The certificate holder shall report according to the following
28 requirements:

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

30 (i) Within six months after beginning construction, and every six months
31 thereafter during construction of the energy facility and related or supporting facilities,
32 the certificate holder shall submit a semiannual construction progress report to the
33 Department of Energy. In each construction progress report, the certificate holder shall
34 describe any significant changes to major milestones for construction. The certificate
35 holder shall include such information related to construction as specified in the site
36 certificate. When the reporting date coincides, the certificate holder may include the
37 construction progress report within the annual report described in OAR 345-026-0080.

38 (ii) By April 30 of each year after beginning construction, the certificate holder
39 shall submit an annual report to the Department addressing the subjects listed in OAR
40 345-026-0080. The Council Secretary and the certificate holder may, by mutual
41 agreement, change the reporting date.

42 (iii) To the extent that information required by OAR 345-026-0080 is contained in
43 reports the certificate holder submits to other state, federal or local agencies, the

1 certificate holder may submit excerpts from such other reports to satisfy this rule. The
2 Council reserves the right to request full copies of such excerpted reports

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

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

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

15 (A)

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

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

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

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

31 (vii)

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

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

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

- 1 (b) A natural event such as an earthquake, flood, tsunami or tornado, or a human-
2 caused event such as a fire or explosion affects or threatens to affect the public health and
3 safety or the environment; or
4 (c) There is any fatal injury at the facility.

V. SPECIFIC FACILITY CONDITIONS

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

1. Certificate Administration Conditions

- 15 24 The certificate holder shall begin construction of the facility by September 14, 2017. Under
16 OAR 345-015-0085(9), a site certificate is effective upon execution by the Council Chair
17 and the applicant. The Council may grant an extension of the deadline to begin
18 construction in accordance with OAR 345-027-0030 or any successor rule in effect at the
19 time the request for extension is submitted. [Amendment #2]
- 20 25 The certificate holder shall complete construction of the facility by September 14, 2020.
21 Construction is complete when: (1) the facility is substantially complete as defined by the
22 certificate holder's construction contract documents, (2) acceptance testing has been
23 satisfactorily completed and (3) the energy facility is ready to begin continuous operation
24 consistent with the site certificate. The certificate holder shall promptly notify the
25 Department of the date of completion of construction. The Council may grant an
26 extension of the deadline for completing construction in accordance with OAR 345-027-
27 0030 or any successor rule in effect at the time the request for extension is submitted.
28 [Amendment #2]
- 29 26 Before beginning construction of the facility, the certificate holder shall notify the
30 Department whether the turbines identified as H1, H2, H3, H4, L8, L9, L10, L11 and L12 on
31 Figure C-3a of the site certificate application will be built as part of the Montague Wind
32 Power Facility or whether the turbines will be built as part of the Leaning Juniper II Wind
33 Power Facility.
- 34 27 The certificate holder shall construct a facility substantially as described in the site
35 certificate and may select turbines of any type, subject to the following restrictions and
36 compliance with all other site certificate conditions. Before beginning construction, the
37 certificate holder shall provide to the Department a description of the turbine types
38 selected for the facility demonstrating compliance with this condition.
39 (a) The total number of turbines at the facility must not exceed 269 turbines.

- 1 (b) The combined peak generating capacity of the facility must not exceed 404
2 megawatts and the peak generating capacity of any individual turbine must not
3 exceed 3.6 megawatts.
- 4 (c) The turbine hub height must not exceed 100 meters and the maximum blade tip
5 height must not exceed 150 meters.
- 6 (d) The minimum blade tip clearance must be 14 meters above ground. [Amendment
7 #3]
- 8 (e) The certificate holder shall request an amendment of the site certificate to increase
9 the combined peak generating capacity of the facility beyond 404 megawatts, to
10 increase the number of wind turbines to more than 269 wind turbines or to install
11 wind turbines with a hub height greater than 100 meters, a blade tip height greater
12 than 150 meters or a blade tip clearance less than 14 meters above ground.
13 [Amendment #3]
- 14 28 The certificate holder shall obtain all necessary federal, state and local permits or
15 approvals required for construction, operation and retirement of the facility or ensure that
16 its contractors obtain the necessary federal, state and local permits or approvals.
- 17 29 Before beginning construction, the certificate holder shall provide confirmation to the
18 Department that the construction contractor or other third party has obtained all
19 necessary permits or approvals and shall provide to the Department proof of agreements
20 between the certificate holder and the third party regarding access to the resources or
21 services secured by the permits or approvals.
- 22 30 Before beginning construction, the certificate holder shall notify the Department in
23 advance of any work on the site that does not meet the definition of “construction” in ORS
24 469.300, excluding surveying, exploration or other activities to define or characterize the
25 site, and shall provide to the Department a description of the work and evidence that its
26 value is less than \$250,000.
- 27 31 Before beginning construction but no more than two years before beginning construction
28 and after considering all micro-siting factors, the certificate holder shall provide to the
29 Department, to the Oregon Department of Fish and Wildlife (ODFW) and to the Planning
30 Director of Gilliam County detailed maps of the facility site, showing the final locations
31 where the certificate holder proposes to build facility components, and a table showing
32 the acres of temporary and permanent habitat impact by habitat category and subtype,
33 similar to Table 6 in the *Final Order on the Application*. The detailed maps of the facility
34 site shall indicate the habitat categories of all areas that would be affected during
35 construction (similar to Figures P-8a through P-8d in the site certificate application). In
36 classifying the affected habitat into habitat categories, the certificate holder shall consult
37 with the ODFW. The certificate holder shall not begin ground disturbance in an affected
38 area until the habitat assessment has been approved by the Department. The Department
39 may employ a qualified contractor to confirm the habitat assessment by on-site
40 inspection.
- 41 32 Before beginning construction, the certificate holder shall submit to the State of Oregon
42 through the Council a bond or letter of credit in the amount described herein naming the

1 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
2 bond or letter of credit amount is either \$21.511 million (3rd Quarter 2010 dollars), to be
3 adjusted to the date of issuance as described in (b), or the amount determined as
4 described in (a). The certificate holder shall adjust the amount of the bond or letter of
5 credit on an annual basis thereafter as described in (b).

6 (a) The certificate holder may adjust the amount of the bond or letter of credit based
7 on the final design configuration of the facility and turbine types selected by
8 applying the unit costs and general costs illustrated in Table 2 in the *Final Order on*
9 *the Application* and calculating the financial assurance amount as described in that
10 order, adjusted to the date of issuance as described in (b) and subject to approval
11 by the Department.

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

14 (i) Adjust the Subtotal component of the bond or letter of credit amount
15 (expressed in mid-2004 dollars) to present value, using the U.S. Gross Domestic
16 Product Implicit Price Deflator, Chain-Weight, as published in the Oregon
17 Department of Administrative Services' "Oregon Economic and Revenue
18 Forecast" or by any successor agency (the "Index") and using the average of
19 the 2nd Quarter and 3rd Quarter 2004 index values (to represent mid-2004
20 dollars) and the quarterly index value for the date of issuance of the new bond
21 or letter of credit. If at any time the Index is no longer published, the Council
22 shall select a comparable calculation to adjust mid-2004 dollars to present
23 value.

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

26 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
27 and project management costs and 10 percent of the adjusted Gross Cost
28 (ii) for the adjusted future developments contingency.

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

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

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

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

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

40 33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, the
41 certificate holder shall ensure that the surety is obligated to comply with the requirements
42 of applicable statutes, Council rules and this site certificate when the surety exercises any
43 legal or contractual right it may have to assume construction, operation or retirement of

1 the energy facility. The certificate holder shall also ensure that the surety is obligated to
2 notify the Council that it is exercising such rights and to obtain any Council approvals
3 required by applicable statutes, Council rules and this site certificate before the surety
4 commences any activity to complete construction, operate or retire the energy facility.

5 34 Before beginning construction, the certificate holder shall notify the Department of the
6 identity and qualifications of the major design, engineering and construction contractor(s)
7 for the facility. The certificate holder shall select contractors that have substantial
8 experience in the design, engineering and construction of similar facilities. The certificate
9 holder shall report to the Department any change of major contractors.

10 35 The certificate holder shall contractually require all construction contractors and
11 subcontractors involved in the construction of the facility to comply with all applicable
12 laws and regulations and with the terms and conditions of the site certificate. Such
13 contractual provisions shall not operate to relieve the certificate holder of responsibility
14 under the site certificate.

15 36 To ensure compliance with all site certificate conditions during construction, the
16 certificate holder shall have a full-time, on-site assistant construction manager who is
17 qualified in environmental compliance. The certificate holder shall notify the Department
18 of the name, telephone number and e-mail address of this person.

19 37 Within 72 hours after discovery of conditions or circumstances that may violate the terms
20 or conditions of the site certificate, the certificate holder shall report the conditions or
21 circumstances to the Department.

2. Land Use Conditions

22 38 The certificate holder shall consult with area landowners and lessees during construction
23 and operation of the facility and shall implement measures to reduce or avoid any adverse
24 impacts to farm practices on surrounding lands and to avoid any increase in farming costs.

25 39 The certificate holder shall design and construct the facility using the minimum land area
26 necessary for safe construction and operation. The certificate holder shall locate access
27 roads and temporary construction laydown and staging areas to minimize disturbance of
28 farming practices and, wherever feasible, shall place turbines and transmission
29 interconnection lines along the margins of cultivated areas to reduce the potential for
30 conflict with farm operations.

31 40 The certificate holder shall install gates on private access roads in accordance with Gilliam
32 County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a
33 variance to this requirement.

34 41 Before beginning construction of the facility, the certificate holder shall record in the real
35 property records of Gilliam County a Covenant Not to Sue with regard to generally
36 accepted farming practices on adjacent farmland consistent with GCZO Section
37 7.020(T)(4)(a)(5).

38 42 The certificate holder shall construct all facility components in compliance with the
39 following setback requirements:

- 1 (a) All facility components must be at least 3,520 feet from the property line of
2 properties zoned residential use or designated in the Gilliam County
3 Comprehensive Plan as residential.
- 4 (b) Where (a) does not apply, the certificate holder shall maintain a minimum distance
5 of 110-percent of maximum blade tip height, measured from the centerline of the
6 turbine tower to the nearest edge of any public road right-of-way. The certificate
7 holder shall assume a minimum right-of-way width of 60 feet.
- 8 (c) Where (a) does not apply, the certificate holder shall maintain a minimum distance
9 of 1,320 feet, measured from the centerline of the turbine tower to the center of
10 the nearest residence existing at the time of tower construction.
- 11 (d) Where (a) does not apply, the certificate holder shall maintain a minimum distance
12 of 110-percent of maximum blade tip height, measured from the centerline of the
13 turbine tower to the nearest boundary of the certificate holder's lease area.
- 14 (e) The certificate holder shall maintain a minimum distance of 250 feet measured
15 from the center line of each turbine tower to the nearest edge of any railroad right-
16 of-way or electrical substation.
- 17 (f) The certificate holder shall maintain a minimum distance of 250 feet measured from
18 the center line of each meteorological tower to the nearest edge of any public road
19 right-of-way or railroad right-of-way, the nearest boundary of the certificate
20 holder's lease area or the nearest electrical substation.
- 21 (g) The certificate holder shall maintain a minimum distance of 50 feet measured from
22 any facility O&M building to the nearest edge of any public road right-of-way or
23 railroad right-of-way or the nearest boundary of the certificate holder's lease area.
- 24 (h) The certificate holder shall maintain a minimum distance of 50 feet measured from
25 any substation to the nearest edge of any public road right-of-way or railroad right-
26 of-way or the nearest boundary of the certificate holder's electrical substation
27 easement or, if there is no easement, the nearest boundary of the certificate
28 holder's lease area.
- 29 (i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110-
30 percent of maximum blade tip height, measured from the centerline of the turbine
31 tower from any overhead utility line. [Amendment #1]
- 32 (j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150-
33 percent of maximum turbine height from blade tip height, measured from the
34 centerline of the turbine tower from federal transmission lines, unless the affected
35 parties agree otherwise. [Amendment #1]

36 43 During construction and operation of the facility, the certificate holder shall implement a
37 weed control plan approved by the Gilliam County Weed Control Officer or other
38 appropriate County officials to control the introduction and spread of noxious weeds.

39 44 During operation of the facility, the certificate holder shall restore areas that are
40 temporarily disturbed during facility maintenance or repair activities using the same
41 methods and monitoring procedures described in the *Revegetation Plan* referenced in
42 Condition 92.

1 45 Within 90 days after beginning operation, the certificate holder shall provide to the
2 Department and to the Gilliam County Planning Department the actual latitude and
3 longitude location or Stateplane NAD 83(91) coordinates of each turbine tower,
4 connecting lines and transmission lines and a summary of as-built changes in the facility
5 compared to the original plan.

6 46 The certificate holder shall deliver a copy of the annual report required under Condition
7 21 to the Gilliam County Planning Commission on an annual basis unless specifically
8 discontinued by the County.

3. Cultural Resource Conditions

9 47 Before beginning construction, the certificate holder shall label all identified historic,
10 cultural or archaeological resource sites on construction maps and drawings as “no entry”
11 areas. If construction activities will occur within 200 feet of an identified site, the
12 certificate holder shall flag a 30-meter no-entry buffer around the site. The certificate
13 holder may use existing private roads within the buffer areas but may not widen or
14 improve private roads within the buffer areas. The no-entry restriction does not apply to
15 public road rights-of-way within the buffer areas or to operational farmsteads.

16 48 In reference to the alignment of the Oregon Trail described in the *Final Order on the*
17 *Application*, the certificate holder shall comply with the following requirements:

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

20 (b) The certificate holder shall not locate facility components on undeveloped land
21 where the trail alignment is marked by existing Oregon-California Trail Association
22 markers.

23 (c) Before beginning construction, the certificate holder shall provide to the State
24 Historic Preservation Office (SHPO) and the Department documentation of the
25 presumed Oregon Trail alignments within the site boundary.

26 (d) The certificate holder shall ensure that construction personnel proceed carefully in
27 the vicinity of the presumed alignments of the Oregon Trail. If any physical evidence
28 of the trail is discovered, the certificate holder shall avoid any disturbance to the
29 intact segments by redesign, re-engineering or restricting the area of construction
30 activity and shall flag a 30-meter no-entry buffer around the intact Trail segments.
31 The certificate holder shall promptly notify the SHPO and the Department of the
32 discovery. The certificate holder shall consult with the SHPO and the Department to
33 determine appropriate mitigation measures.

34 49 Before beginning construction, the certificate holder shall provide to the Department a
35 map showing the final design locations of all components of the facility, the areas that
36 would be temporarily disturbed during construction and the areas that were surveyed in
37 2009 as described in the *Final Order on the Application*. The certificate holder shall hire
38 qualified personnel to conduct field investigations of all areas to be disturbed during
39 construction that lie outside the previously-surveyed areas. The certificate holder shall
40 provide a written report of the field investigations to the Department and to the Oregon
41 State Historic Preservation Office (SHPO) for review and approval. If any potentially

1 significant historic, cultural or archaeological resources are found during the field
2 investigation, the certificate holder shall instruct all construction personnel to avoid the
3 identified sites and shall implement appropriate measures to protect the sites, including
4 the measures described in Condition 47.

5 50 The certificate holder shall ensure that a qualified archaeologist, as defined in OAR
6 736-051-0070, instructs construction personnel in the identification of cultural materials
7 and avoidance of accidental damage to identified resource sites.

8 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing
9 activities in the immediate area if any archaeological or cultural resources are found
10 during construction of the facility until a qualified archaeologist can evaluate the
11 significance of the find. The certificate holder shall notify the Department and the Oregon
12 State Historic Preservation Office (SHPO) of the find. If the SHPO determines that the
13 resource is significant, the certificate holder shall make recommendations to the Council
14 for mitigation, including avoidance, field documentation and data recovery, in
15 consultation with the Department, SHPO, interested Tribes and other appropriate parties.
16 The certificate holder shall not restart work in the affected area until the certificate holder
17 has demonstrated to the Department and the SHPO that it has complied with
18 archaeological resource protection regulations

4. Geotechnical Conditions

19 52 Before beginning construction, the certificate holder shall conduct a site-specific
20 geotechnical investigation and shall report its findings to the Oregon Department of
21 Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall
22 conduct the geotechnical investigation after consultation with DOGAMI and in general
23 accordance with DOGAMI open file report 00-04 "Guidelines for Engineering Geologic
24 Reports and Site-Specific Seismic Hazard Reports."

25 53 The certificate holder shall design and construct the facility in accordance with
26 requirements of the Oregon Structural Specialty Code (OSSC 2007) and the 2006
27 International Building Code.

28 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to
29 human safety presented by non-seismic hazards. As used in this condition, "non-seismic
30 hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

31 55 The certificate holder shall handle hazardous materials used on the site in a manner that
32 protects public health, safety and the environment and shall comply with all applicable
33 local, state and federal environmental laws and regulations. The certificate holder shall
34 not store diesel fuel or gasoline on the facility site.

35 56 If a spill or release of hazardous material 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

- 1 items such as absorbent pads are located on equipment and at the O&M buildings. The
2 certificate holder shall instruct employees about proper handling, storage and cleanup of
3 hazardous materials
- 4 57 The certificate holder shall construct turbines and pad-mounted transformers on concrete
5 foundations and shall cover the ground within a 10-foot radius with non-flammable
6 material. The certificate holder shall maintain the non-flammable pad area covering during
7 operation of the facility.
- 8 58 The certificate holder shall install and maintain self-monitoring devices on each turbine,
9 linked to sensors at the operations and maintenance building, to alert operators to
10 potentially dangerous conditions, and the certificate holder shall immediately remedy any
11 dangerous conditions. The certificate holder shall maintain automatic equipment
12 protection features in each turbine that would shut down the turbine and reduce the
13 chance of a mechanical problem causing a fire.
- 14 59 During construction and operation of the facility, the certificate holder shall ensure that
15 the O&M buildings and all service vehicles are equipped with shovels and portable fire
16 extinguishers of a 4A50BC or equivalent rating.
- 17 60 During construction and operation of the facility, the certificate holder shall develop and
18 implement fire safety plans in consultation with the North Gilliam County Rural Fire
19 Protection District to minimize the risk of fire and to respond appropriately to any fires
20 that occur on the facility site. In developing the fire safety plans, the certificate holder
21 shall take into account the dry nature of the region and shall address risks on a seasonal
22 basis. The certificate holder shall meet annually with local fire protection agency
23 personnel to discuss emergency planning and shall invite local fire protection agency
24 personnel to observe any emergency drill or tower rescue training conducted at the
25 facility.
- 26 61 Upon the beginning of operation of the facility, the certificate holder shall provide a site
27 plan to the North Gilliam County Rural Fire Protection District. The certificate holder shall
28 indicate on the site plan the identification number assigned to each turbine and the actual
29 location of all facility structures. The certificate holder shall provide an updated site plan if
30 additional turbines or other structures are later added to the facility. During operation, the
31 certificate holder shall ensure that appropriate fire protection agency personnel have an
32 up-to-date list of the names and telephone numbers of facility personnel available to
33 respond on a 24-hour basis in case of an emergency on the facility site.
- 34 62 During construction, the certificate holder shall ensure that construction personnel are
35 trained in fire prevention and response, that construction vehicles and equipment are
36 operated on graveled areas to the extent possible and that open flames, such as cutting
37 torches, are kept away from dry grass areas.
- 38 63 During operation of the facility, the certificate holder shall ensure that all on-site
39 employees receive annual fire prevention and response training by qualified instructors or
40 members of the local fire districts. The certificate holder shall ensure that all employees

- 1 are instructed to keep vehicles on roads and off dry grassland, except when off-road
2 operation is required for emergency purposes.
- 3 64 Before beginning construction, the certificate holder shall submit a Notice of Proposed
4 Construction or Alteration to the Federal Aviation Administration (FAA) and the Oregon
5 Department of Aviation identifying the proposed final locations of turbine towers and
6 meteorological towers. The certificate holder shall promptly notify the Department of the
7 responses from the FAA and the Oregon Department of Aviation.
- 8 65 The certificate holder shall follow manufacturers' recommended handling instructions and
9 procedures to prevent damage to turbine or turbine tower components that could lead to
10 failure.
- 11 66 The certificate holder shall construct turbine towers with no exterior ladders or access to
12 the turbine blades and shall install locked tower access doors. The certificate holder shall
13 keep tower access doors locked at all times, except when authorized personnel are
14 present.
- 15 67 During operation of the facility, the certificate holder shall have a safety-monitoring
16 program and shall inspect all turbine and turbine tower components on a regular basis.
17 The certificate holder shall maintain or repair turbine and turbine tower components as
18 necessary to protect public safety.
- 19 68 For turbine types having pad-mounted step-up transformers, the certificate holder shall
20 install the transformers at the base of each tower in locked cabinets designed to protect
21 the public from electrical hazards and to avoid creation of artificial habitat for raptor prey.
- 22 69 To protect the public from electrical hazards, the certificate holder shall enclose the
23 facility substations with appropriate fencing and locked gates.
- 24 70 Before beginning construction of any new State Highway approaches or utility crossings,
25 the certificate holder shall obtain all required permits from the Oregon Department of
26 Transportation (ODOT) subject to the applicable conditions required by OAR Chapter 734,
27 Divisions 51 and 55. The certificate holder shall submit the necessary application in a form
28 satisfactory to ODOT and the Department for the location, construction and maintenance
29 of a new approach to State Highway 19 for access to the site south of Tree Lane. The
30 certificate holder shall submit the necessary application in a form satisfactory to ODOT
31 and the Department for the location, construction and maintenance of transmission lines
32 crossing Highway 19.
- 33 71 The certificate holder shall design and construct new access roads and private road
34 improvements to standards approved by the Gilliam County Road Department or, where
35 applicable, the Morrow County Public Works Department. Where modifications of County
36 roads are necessary, the certificate holder shall construct the modifications entirely within
37 the County road rights-of-way and in conformance with County road design standards
38 subject to the approval of the Gilliam County Road Department or, where applicable, the
39 Morrow County Public Works Department. Where modifications of State roads or
40 highways are necessary, the certificate holder shall construct the modifications entirely

1 within the public road rights-of-way and in conformance with Oregon Department of
2 Transportation (ODOT) standards subject to the approval of ODOT.

3 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,
4 designed under the direction of a licensed engineer and compacted to meet equipment
5 load requirements.

6 73 During construction of the facility, the certificate holder shall implement measures to
7 reduce traffic impacts, including:

8 (a) Providing notice to adjacent landowners when heavy construction traffic is
9 anticipated.

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

11 (c) Requiring flaggers to be at appropriate locations at appropriate times during
12 construction to direct traffic.

13 (d) Using traffic diversion equipment (such as advance signage and pilot cars) when
14 slow or oversize construction loads are anticipated.

15 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so
16 that roads will not be closed to traffic because of construction vehicles.

17 (f) Encouraging carpooling for the construction workforce.

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

20 (h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access
21 points.

22 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on
23 any County road whether inside or outside the site boundary. The certificate holder may
24 temporarily park equipment off the road but within County rights-of-way with the
25 approval of the Gilliam County Road Department or, where applicable, the Morrow
26 County Public Works Department.

27 75 The certificate holder shall cooperate with the Gilliam County Road Department and with
28 the Morrow County Public Works Department to ensure that any unusual damage or wear
29 to county roads that is caused by construction of the facility is repaired by the certificate
30 holder. Upon completion of construction, the certificate holder shall restore public roads
31 to pre-construction condition or better to the satisfaction of the applicable county
32 departments. If required by Morrow County or Gilliam County, the certificate holder shall
33 post bonds to ensure funds are available to repair and maintain roads affected by the
34 facility.

35 76 During construction, the certificate holder shall require that all on-site construction
36 contractors develop and implement a site health and safety plan that informs workers and
37 others on-site about first aid techniques and what to do in case of an emergency and that
38 includes important telephone numbers and the locations of on-site fire extinguishers and
39 nearby hospitals. The certificate holder shall ensure that construction contractors have
40 personnel on-site who are trained and equipped for tower rescue and who are first aid
41 and CPR certified.

- 1 77 During operation of the facility, the certificate holder shall develop and implement a site
2 health and safety plan that informs employees and others on-site about first aid
3 techniques and what to do in case of an emergency and that includes important telephone
4 numbers and the locations of on-site fire extinguishers and nearby hospitals. The
5 certificate holder shall ensure that operations personnel are trained and equipped for
6 tower rescue.
- 7 78 During construction and operation of the facility, the certificate holder shall provide for
8 on-site security and shall establish good communications between on-site security
9 personnel and the Gilliam County Sheriff's Office. During operation, the certificate holder
10 shall ensure that appropriate law enforcement agency personnel have an up-to-date list of
11 the names and telephone numbers of facility personnel available to respond on a 24-hour
12 basis in case of an emergency on the facility site.
- 13 79 The certificate holder shall notify the Department of Energy and the Gilliam County
14 Planning Department within 72 hours of any accidents including mechanical failures on the
15 site associated with construction or operation of the facility that may result in public
16 health and safety concerns

6. Water, Soils, Streams & Wetlands Conditions

- 17 80 The certificate holder shall conduct all construction work in compliance with an Erosion
18 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
19 Environmental Quality and as required under the National Pollutant Discharge Elimination
20 System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder
21 shall include in the ESCP any procedures necessary to meet local erosion and sediment
22 control requirements or storm water management requirements.
- 23 81 During construction, the certificate holder shall limit truck traffic to improved road
24 surfaces to avoid soil compaction, to the extent practicable.
- 25 82 During construction, the certificate holder shall implement best management practices to
26 control any dust generated by construction activities, such as applying water to roads and
27 disturbed soil areas.
- 28 83 Before beginning construction, the certificate holder shall provide to the Department a
29 map showing the final design locations of all components of the facility and the areas that
30 would be disturbed during construction and showing the wetlands and stream channels
31 previously surveyed by CH2M HILL as described in the *Final Order on the Application*. For
32 areas to be disturbed during construction that lie outside of the previously-surveyed
33 areas, the certificate holder shall hire qualified personnel to conduct a pre-construction
34 investigation to determine whether any jurisdictional waters of the State exist in those
35 locations. The certificate holder shall provide a written report on the pre-construction
36 investigation to the Department and the Department of State Lands for approval before
37 beginning construction. The certificate holder shall ensure that construction and operation
38 of the facility will have no impact on any jurisdictional water identified in the pre-
39 construction investigation.

- 1 **84** The certificate holder shall avoid impacts to waters of the state in the following manner:
2 (a) The certificate holder shall avoid any disturbance to delineated wetlands.
3 (b) The certificate holder shall construct stream crossings for roads and underground
4 collector lines substantially as described in the *Final Order on the Application*. In
5 particular, the certificate holder shall not remove material from waters of the State
6 or add new fill material to waters of the State such that the total volume of removal
7 and fill exceeds 50 cubic yards for the project as a whole.
8 (c) The certificate holder shall construct support poles for aboveground lines outside of
9 delineated stream channels and shall avoid in-channel impacts.
- 10 **85** During facility operation, the certificate holder shall routinely inspect and maintain all
11 roads, pads and trenched areas and, as necessary, maintain or repair erosion and
12 sediment control measures.
- 13 **86** During facility operation, the certificate holder shall obtain water for on-site uses from on-
14 site wells located near the O&M buildings. The certificate holder shall construct on-site
15 wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well
16 log. The certificate holder shall not use more than 5,000 gallons of water per day from the
17 on-site wells. The certificate holder may use other sources of water for on-site uses
18 subject to prior approval by the Department.
- 19 **87** During facility operation, if blade-washing becomes necessary, the certificate holder shall
20 ensure that there is no runoff of wash water from the site or discharges to surface waters,
21 storm sewers or dry wells. The certificate holder shall not use acids, bases or metal
22 brighteners with the wash water. The certificate holder may use biodegradable,
23 phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

- 24 **88** The certificate holder shall install the 34.5-kV collector system underground to the extent
25 practical. The certificate holder shall install underground lines at a minimum depth of
26 three feet. Based on geotechnical conditions or other engineering considerations, the
27 certificate holder may install segments of the collector system aboveground, but the total
28 length of aboveground segments must not exceed 27 miles.
- 29 **89** The certificate holder shall take reasonable steps to reduce or manage human exposure to
30 electromagnetic fields, including but not limited to:
31 (a) Constructing all aboveground transmission lines at least 200 feet from any
32 residence or other occupied structure, measured from the centerline of the
33 transmission line.
34 (b) Providing to landowners a map of underground and overhead transmission lines on
35 their property and advising landowners of possible health risks from electric and
36 magnetic fields
37 (c) Designing and maintaining all transmission lines so that alternating current electric
38 fields do not exceed 9 kV per meter at one meter above the ground surface in areas
39 accessible to the public.

1 (d) Designing and maintaining all transmission lines so that induced voltages during
2 operation are as low as reasonably achievable.

3 90 In advance of, and during, preparation of detailed design drawings and specifications for
4 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility
5 Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the
6 designs and specifications are consistent with applicable codes and standards.

8. Plants, Wildlife & Habitat Protection Conditions

7
8 91 Prior to construction, the certificate holder shall finalize the Wildlife Monitoring and
9 Mitigation Plan (WMMP), based on the WMMP included as Attachment E of the *Final*
10 *Order on Request for Amendment #3*, as approved by the Department in consultation with
11 ODFW. The certificate holder shall conduct wildlife monitoring as described in the final
12 WMMP, as amended from time to time.
13 [Amendment #3]
14

15 92 The certificate holder shall restore areas disturbed by facility construction but not
16 occupied by permanent facility structures according to the methods and monitoring
17 procedures described in the final Revegetation Plan, as approved by the Department in
18 consultation with ODFW. The final Revegetation Plan shall be based on the draft plan that
19 is incorporated as Attachment F in the *Final Order on -Request for Amendment #3* as
20 amended from time to time.
21 [Amendment #3]
22

23 93 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 final Habitat Mitigation Plan, as
28 approved by the Department in consultation with ODFW. The final Habitat Mitigation Plan
29 shall be based on the draft plan included as Attachment G to the *Final Order on Request*
30 *for Amendment #3* and updated based on Condition 31. The final Habitat Mitigation Plan
31 may be—amended from time to time.
32 [Amendment #3]
33

34 94 The certificate holder shall determine the boundaries of Category 1 Washington ground
35 squirrel (WGS) habitat based on the locations where the squirrels were found to be active
36 in the most recent WGS survey prior to the beginning of construction in habitat suitable
37 for WGS foraging or burrow establishment (“suitable habitat”). The certificate holder shall
38 hire a qualified professional biologist who has experience in detection of WGS to conduct
39 surveys using a survey protocol approved by the Oregon Department of Fish and Wildlife
40 (ODFW). The biologist shall survey all areas of suitable habitat where permanent facility

1 components would be located or where construction disturbance could occur. Except as
2 provided in (a), the biologist shall conduct the protocol surveys in the active squirrel
3 season (March 1 to May 31) in 2010 and in the active squirrel seasons in subsequent years
4 until the beginning of construction in suitable habitat. The certificate holder shall provide
5 written reports of the surveys to the Department and to ODFW and shall identify the
6 boundaries of Category 1 WGS habitat. The certificate holder shall not begin construction
7 within suitable habitat until the identified boundaries of Category 1 WGS habitat have
8 been approved by the Department. Category 1 WGS habitat includes the areas described
9 in (b) and (c).

- 10 (a) The certificate holder may omit the WGS survey in any year if the certificate holder
11 avoids all permanent and temporary disturbance within suitable habitat until a
12 WGS survey has been completed in the following year and the boundaries of
13 Category 1 habitat have been determined and approved based on that survey.
- 14 (b) Category 1 WGS habitat includes the area within the perimeter of multiple active
15 WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable
16 for WGS foraging or burrow establishment. If the multiple-burrow area was active
17 in a prior survey year, then Category 1 habitat includes the largest extent of the
18 active burrow area ever recorded (in the current or any prior-year survey), plus a
19 785-foot buffer.
- 20 (c) Category 1 WGS habitat includes the area containing single active burrow
21 detections plus a 785-foot buffer, excluding areas of habitat types not suitable for
22 WGS foraging or burrow establishment. Category 1 habitat does not include single-
23 burrow areas that were found active in a prior survey year but that are not active in
24 the current survey year.

25 95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife
26 habitat during construction including, but not limited to, the following:

- 27 (a) The certificate holder shall not construct any facility components within areas of
28 Category 1 habitat and shall avoid temporary disturbance of Category 1 habitat.
- 29 (b) Before beginning construction, but no more than two years prior to the beginning
30 of construction, the certificate holder shall hire a qualified professional biologist to
31 conduct a survey of all areas to be disturbed by construction for threatened and
32 endangered species. The certificate holder shall provide a written report of the
33 survey and a copy of the survey to the Department, the Oregon Department of Fish
34 and Wildlife (ODFW), and the Oregon Department of Agriculture (ODA). If the
35 surveys identify the presence of threatened or endangered species within the
36 survey area, the certificate holder shall implement appropriate measures to avoid a
37 significant reduction in the likelihood of survival or recovery of the species, as
38 approved by the Department, in consultation with ODA and ODFW.
- 39 (c) Before beginning construction, the certificate holder's qualified professional
40 biologist shall survey the Category 1 Washington ground squirrel habitat to ensure
41 that the sensitive use area is correctly marked with exclusion flagging and avoided
42 during construction. The certificate holder shall maintain the exclusion markings
43 until construction has been completed.

- 1 (d) Before beginning construction, certificate holder’s qualified professional biologist
 2 shall complete the avian use studies that began in September 2009 at six plots
 3 within or near the facility site as described in the *Final Order on the Application*. The
 4 certificate holder shall provide a written report on the avian use studies to the
 5 Department and to ODFW.
- 6 (e) Before beginning construction, certificate holder’s qualified professional biologist
 7 shall complete raptor nest surveys within the raptor nest survey area as described
 8 in the *Final Order on the Application*. The purposes of the survey are to identify any
 9 sensitive raptor nests near construction areas and to provide baseline information
 10 on raptor nest use for analysis as described in the Wildlife Monitoring and
 11 Mitigation Plan referenced in Condition 91. The certificate holder shall provide a
 12 written report on the raptor nest surveys and the surveys to the Department and to
 13 ODFW. If the surveys identify the presence of raptor nests within the survey area,
 14 the certificate holder shall implement appropriate measures to assure that the
 15 design, construction and operation of the facility are consistent with the fish and
 16 wildlife habitat mitigation goals and standards of OAR 635-415-0025, as approved
 17 by the Department, in consultation with ODFW.
- 18 (f) In the final design layout of the facility, the certificate holder shall locate facility
 19 components, access roads and construction areas to avoid or minimize temporary
 20 and permanent impacts to high quality native habitat and to retain habitat cover in
 21 the general landscape where practicable.

22
 23
 24
 25 96 During construction, the certificate holder shall avoid all construction activities within a
 26 1,300-foot buffer around potentially-active nest sites of the following species during the
 27 sensitive period, as provided in this condition:

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

32 During the year in which construction occurs, the certificate holder shall use a protocol
 33 approved by the Oregon Department of Fish and Wildlife (ODFW) to determine whether
 34 there are any active nests of these species within a half-mile of any areas that would be
 35 disturbed during construction. The certificate holder shall begin monitoring potential nest
 36 sites by March 15 and shall continue monitoring until at least May 31 to determine
 37 whether any potentially-active nest sites become active during the sensitive period.

1 If any nest site is determined to be unoccupied by the early release date (May 31), then
2 unrestricted construction activities may occur within 1,300 feet of the nest site after that
3 date. If a nest is occupied by any of these species after the beginning of the sensitive
4 period, the certificate holder will flag the boundaries of a 1,300-foot buffer area around
5 the nest site and shall instruct construction personnel to avoid disturbance of the buffer
6 area. During the sensitive period, the certificate holder shall not engage in high-impact
7 construction activities (activities that involve blasting, grading or other major ground
8 disturbance) within the buffer area. The certificate holder shall restrict construction traffic
9 within the buffer, except on public roads, to vehicles essential to the limited construction
10 activities allowed within the buffer.

11 If burrowing owl nests are occupied during the sensitive period, the certificate holder may
12 adjust the 1,300-foot buffer around these nests after consultation with ODFW and subject
13 to the approval of the Department.

14 The certificate holder shall hire a qualified independent professional biologist to observe
15 the active nest sites during the sensitive period for signs of disturbance and to notify the
16 Department of any non-compliance with this condition. If the biologist observes nest site
17 abandonment or other adverse impact to nesting activity, the certificate holder shall
18 implement appropriate mitigation, in consultation with ODFW and subject to the approval
19 of the Department, unless the adverse impact is clearly shown to have a cause other than
20 construction activity.

21 The certificate holder may begin or resume construction activities within the buffer area
22 before the ending day of the sensitive period with the approval of ODFW, after the young
23 are fledged. The certificate holder shall use a protocol approved by ODFW to determine
24 when the young are fledged (the young are independent of the core nest site).

25

26 97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte
27 Wildlife Area during the long-billed curlew nesting season (March 8 through June 15), as
28 described in this condition. Before beginning construction, the certificate holder shall
29 provide to the Department a map showing the areas of potential construction disturbance
30 in the vicinity of the BLM lands that are part of the Horn Butte Wildlife Area and showing a
31 1,300-foot buffer from those areas. During the nesting season, the certificate holder shall
32 not engage in high-impact construction activities (activities that involve blasting, grading
33 or other major ground disturbance) or allow high levels of construction traffic within the
34 buffer area. The certificate holder shall flag the boundaries of the 1,300-foot buffer area
35 and shall instruct construction personnel to avoid any unnecessary activity within the
36 buffer area. The certificate holder shall restrict construction traffic within the buffer,
37 except on public roads, to vehicles essential to the limited construction activities allowed
38 within the buffer. The certificate holder may engage in construction activities within the
39 buffer area at times other than the nesting season.

40 98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive
41 wildlife habitat during construction including, but not limited to, the following:

- 1 (a) Preparing maps to show occlusion areas that are off-limits to construction
- 2 personnel, such as nesting or denning areas for sensitive wildlife species.
- 3 (b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.
- 4 (c) Limiting construction work to approved and surveyed areas shown on facility
- 5 constraints maps.
- 6 (d) Ensuring that all construction personnel are instructed to avoid driving cross-
- 7 country or taking short-cuts within the site boundary or otherwise disturbing areas
- 8 outside of the approved and surveyed construction areas.

9 **99** The certificate holder shall reduce the risk of injuries to avian species by:

- 10 (a) Installing turbine towers that are smooth steel structures that lack features that
- 11 would allow avian perching.
- 12 (b) Locating turbine towers to avoid areas of increased risk to avian species, such as
- 13 cliff edges, narrow ridge saddles and gaps between hilltops.
- 14 (c) Installing meteorological towers that are non-guyed structures to eliminate the risk
- 15 of avian collision with guy-wires.
- 16 (d) Designing and installing all aboveground transmission line support structures
- 17 following the most current suggested practices for avian protection on power lines
- 18 published by the Avian Power Line Interaction Committee.

19 **100** The certificate holder shall hire a qualified environmental professional to provide

20 environmental training during construction and operation. Environmental training includes

21 information on the sensitive species present onsite, precautions to avoid injuring or

22 destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and

23 other environmental issues. The certificate holder shall instruct construction and

24 operations personnel to report any injured or dead wildlife detected while on the site to

25 the appropriate onsite environmental manager.

26 **101** The certificate holder shall impose and enforce a construction and operation speed limit of

27 20 miles per hour throughout the facility site and, during the active squirrel season (March

28 1 to May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour

29 after sunrise on private roads near known Washington ground squirrel (WGS) colonies.

30 The certificate holder shall ensure that all construction and operations personnel are

31 instructed to watch out for and avoid WGS and other wildlife while driving through the

32 facility site.

9. Visual Effects Conditions

33 **102** To reduce the visual impact of the facility, the certificate holder shall:

- 34 (a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
- 35 neutral white color.
- 36 (b) Paint the substation structures in a low-reflectivity neutral color to blend with the
- 37 surrounding landscape.
- 38 (c) Not allow any advertising to be used on any part of the facility.
- 39 (d) Use only those signs required for facility safety, required by law or otherwise
- 40 required by this site certificate, except that the certificate holder may erect a sign

1 near the O&M buildings to identify the facility, may paint turbine numbers on each
2 tower and may allow unobtrusive manufacturers' logos on turbine nacelles.
3 (e) Maintain any signs allowed under this condition in good repair.

4 103 The certificate holder shall design and construct the O&M buildings to be generally
5 consistent with the character of similar buildings used by commercial farmers or ranchers
6 in the area and shall paint the building in a low-reflectivity, neutral color to blend with the
7 surrounding landscape.

8 104 The certificate holder shall not use exterior nighttime lighting except:

9 (a) The minimum turbine tower lighting required or recommended by the Federal
10 Aviation Administration.

11 (b) Security lighting at the O&M buildings and at the substations, provided that such
12 lighting is shielded or downward-directed to reduce glare.

13 (c) Minimum lighting necessary for repairs or emergencies.

14 (d) Minimum lighting necessary for construction directed to illuminate the work area
15 and shielded or downward-directed to reduce glare.

16 105 The certificate holder shall maintain a minimum distance of 1,000 feet measured from the
17 centerline of each turbine tower or meteorological tower to the centerline of the line-of-
18 sight from the vantage point of the Fourmile Canyon interpretive site looking toward the
19 visible Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude:
20 45.622047, -120.044112) as described in the *Final Order on the Application*.

21 22 **10. Noise Control Conditions**

23 106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

24 (a) Confine the noisiest operation of heavy construction equipment to the daylight
25 hours.

26 (b) Require contractors to install and maintain exhaust mufflers on all combustion
27 engine-powered equipment; and

28 (c) Establish a complaint response system at the construction manager's office to
29 address noise complaints.

30 107 Before beginning construction, the certificate holder shall provide to the Department:

31 (a) Information that identifies the final design locations of all turbines to be built at the
32 facility.

33 (b) The maximum sound power level for the substation transformers and the maximum
34 sound power level and octave band data for the turbines selected for the facility
35 based on manufacturers' warranties or confirmed by other means acceptable to
36 the Department.

37 (c) The results of noise analysis of the facility to be built according to the final design
38 performed in a manner consistent with the requirements of OAR
39 340-035-0035(1)(b)(B)(iii) (IV) and (VI) demonstrating to the satisfaction of the

1 Department that the total noise generated by the facility (including the noise from
2 turbines and substation transformers) would meet the ambient degradation test
3 and maximum allowable test at the appropriate measurement point for all
4 potentially-affected noise sensitive properties.

- 5 (d) For each noise-sensitive property where the certificate holder relies on a noise
6 waiver to demonstrate compliance in accordance with OAR 340-035-
7 0035(1)(b)(B)(iii)(III), a copy of the a legally effective easement or real covenant
8 pursuant to which the owner of the property authorizes the certificate holder's
9 operation of the facility to increase ambient statistical noise levels L₁₀ and L₅₀ by
10 more than 10 dBA at the appropriate measurement point. The legally-effective
11 easement or real covenant must: include a legal description of the burdened
12 property (the noise sensitive property); be recorded in the real property records of
13 the county; expressly benefit the certificate holder; expressly run with the land and
14 bind all future owners, lessees or holders of any interest in the burdened property;
15 and not be subject to revocation without the certificate holder's written approval.

16 108 During operation of the facility, the certificate holder shall maintain a complaint response
17 system to address noise complaints. The certificate holder shall promptly notify the
18 Department of any complaints received regarding facility noise and of any actions taken by
19 the certificate holder to address those complaints. In response to a complaint from the
20 owner of a noise sensitive property regarding noise levels during operation of the facility,
21 the Council may require the certificate holder to monitor and record the statistical noise
22 levels to verify that the certificate holder is operating the facility in compliance with the
23 noise control regulations

11. Waste Management Conditions

24 109 The certificate holder shall provide portable toilets for on-site sewage handling during
25 construction and shall ensure that they are pumped and cleaned regularly by a licensed
26 contractor who is qualified to pump and clean portable toilet facilities.

27 110 During operation of the facility, the certificate holder shall discharge sanitary wastewater
28 generated at the O&M buildings to licensed on-site septic systems in compliance with
29 State permit requirements. The certificate holder shall design the septic systems for a
30 discharge capacity of less than 2,500 gallons per day.

31 111 The certificate holder shall implement a waste management plan during construction that
32 includes but is not limited to the following measures:

- 33 (a) Recycling steel and other metal scrap.
34 (b) Recycling wood waste.
35 (c) Recycling packaging wastes such as paper and cardboard.
36 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
37 hauler.
38 (e) Segregating all hazardous wastes such as used oil, oily rags and oil-absorbent
39 materials, mercury-containing lights and lead-acid and nickel-cadmium batteries for
40 disposal by a licensed firm specializing in the proper recycling or disposal of
41 hazardous wastes.

1 (f) Confining concrete delivery truck rinse-out within the foundation excavation,
2 discharging rinse water into foundation holes and burying other concrete waste as
3 part of backfilling the turbine foundation.

4 112 The certificate holder shall implement a waste management plan during facility operation
5 that includes but is not limited to the following measures:

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

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

8 (c) Recycling used oil and hydraulic fluid

9 (d) Collecting non-recyclable waste for transport to a local landfill by a licensed waste
10 hauler.

11 (e) Segregating all hazardous, non-recyclable wastes such as used oil, oily rags and oil-
12 absorbent materials, mercury-containing lights and lead-acid and nickel-cadmium
13 batteries for disposal by a licensed firm specializing in the proper recycling or
14 disposal of hazardous wastes.

15 **VI. CONDITIONS ADDED BY AMENDMENT # 1 OF MONTAGUE**

16 ~~113~~—The transfer of the First Amended Site Certificate from the certificate holder to Portland
17 General Electric (PGE), the transferee, shall not be effective until PGE executes in closing the
18 form of site certificate naming PGE the certificate holder, which is attached as Attachment B to
19 the Final Order on Amendment #1. Upon closing, the First Amended Site Certificate naming
20 PGE as the certificate holder shall be in full force and effect and the First Amended Site
21 Certificate naming Montague Wind Power LLC as the certificate holder shall be considered
22 rescinded and void in its entirety. Removed by Amendment #2.

23 ~~114~~—Should the closing contemplated in Condition 113 not occur within 18 months of the
24 effective date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's
25 transfer approval within the Final Order on Amendment #1 shall be void. Removed by
26 Amendment #2.

27 ~~115~~—PGE must provide the Department a copy of the executed First Amended Site Certificate
28 and documentation of the asset purchase agreement within 7 days of closing. Removed by
29 Amendment #2.

VII. SUCCESSORS AND ASSIGNS

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

VIII. SEVERABILITY AND CONSTRUCTION

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

IX. GOVERNING LAW AND FORUM

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


X. EXECUTION

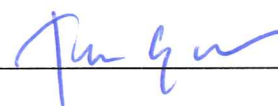
3 This site certificate may be executed in counterparts and will become effective upon signature
4 by the Chair of the Energy Facility Siting Council and the authorized representative of the
5 certificate holder.

6 **IN WITNESS WHEREOF**, this site certificate has been executed by the State of Oregon, acting by
7 and through its Energy Facility Siting Council, and by Montague Wind Power Facility, LLC.

ENERGY FACILITY SITING COUNCIL

MONTAGUE WIND POWER FACILITY, LLC

By: 
Barry Beyeler, Chair
Oregon Energy Facility Siting Council


By: ^{BW} 
Jesse Gronner
Authorized Representative
Print: _____

LEGAL
N

Date: July ¹⁷ 11, 2017

Date: 7/24/17

and

By: 

Print: Paul Dixon
~~Authorized Representative~~

Date: 7/24/17

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