

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

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

June 21, 2013

The Oregon Energy Facility Siting Council

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 #1]
- 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 the Montague Wind Power Facility* issued
9 on September 10, 2010 (hereafter, *Final Order on the Application*), and (b) the *Final Order on*
10 *Amendment #1* issued on June 21, 2013. In interpreting this site certificate, any ambiguity will
11 be clarified by reference to the following, in order of priority: (1) this *First Amended Site*
12 *Certificate*, (2) the *Final Order on Amendment #1*, (3) the *Final Order on the Application*, and (4)
13 the record of the proceedings that led to the *Final Order on the Application* and the *Final Order*
14 *on Amendment #1*. [Amendment #1]
- 15 The definitions in ORS 469.300 and OAR 345-001-0010 apply to terms used in this site
16 certificate, except where otherwise stated or where the context clearly indicates otherwise.

II. SITE CERTIFICATION

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

1 addition, upon a clear showing of a significant threat to public health, safety or the
2 environment that requires application of later-adopted laws or rules, the Council may
3 require compliance with such later-adopted laws or rules. ORS 469.401(2).

4 5. For a permit, license or other approval addressed in and governed by this site certificate,
5 the certificate holder shall comply with applicable state and federal laws adopted in the
6 future to the extent that such compliance is required under the respective state agency
7 statutes and rules. ORS 469.401(2).

8 6. Subject to the conditions herein, this site certificate binds the State and all counties, cities
9 and political subdivisions in Oregon as to the approval of the site and the construction,
10 operation and retirement of the facility as to matters that are addressed in and governed by
11 this site certificate. ORS 469.401(3).

12 7. Each affected state agency, county, city and political subdivision in Oregon with authority to
13 issue a permit, license or other approval addressed in or governed by this site certificate
14 shall, upon submission of the proper application and payment of the proper fees, but
15 without hearings or other proceedings, issue such permit, license or other approval subject
16 only to conditions set forth in this site certificate. ORS 469.401(3).

17 8. After issuance of this site certificate, each state agency or local government agency that
18 issues a permit, license or other approval for the facility shall continue to exercise
19 enforcement authority over such permit, license or other approval. ORS 469.401(3).

20 9. After issuance of this site certificate, the Council shall have continuing authority over the
21 site and may inspect, or direct the Oregon Department of Energy (Department) to inspect,
22 or request another state agency or local government to inspect, the site at any time in order
23 to ensure that the facility is being operated consistently with the terms and conditions of
24 this site certificate. ORS 469.430.

III. DESCRIPTION

1. The Facility

(a) The Energy Facility

25 The energy facility is an electric power generating plant with an average electric generating
26 capacity of up to 134.7 megawatts and a peak generating capacity of not more than 404
27 megawatts that produces power from wind energy. The facility consists of not more than 269
28 wind turbines. The maximum peak generating capacity of each turbine is not more than 3.0
29 megawatts. The energy facility is described further in the *Final Order on the Application and*
30 *Amendment #1*.

(b) Related or Supporting Facilities

31 The facility includes the following related or supporting facilities described below and in greater
32 detail in the *Final Order on the Application and Amendment #1*:

- 33 • Power collection system
- 34 • Control system
- 35 • Substations and 230-kV transmission lines
- 36 • Meteorological towers

- 1 • Operations and maintenance facilities
- 2 • Access roads
- 3 • Public roadway modifications
- 4 • Temporary construction areas

5 **Power Collection System**

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

10 **Control System**

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

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

16 The facility includes two collector substations. An aboveground, single-circuit 230-kV
17 transmission line connects the western substation to the central substation. An aboveground,
18 single-circuit 230-kV transmission line connects the central substation to the 500-kV Slatt-
19 Buckley transmission line owned by the Bonneville Power Administration (BPA) at the Slatt
20 substation.

21 **Meteorological Towers**

22 The facility includes up to eight permanent meteorological towers.

23 **Operations and Maintenance Facilities**

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

27 **Access Roads**

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

29 **Public Roadway Modifications**

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

35 **Temporary Construction Areas**

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

2. Location of the Proposed Facility

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

IV. CONDITIONS REQUIRED BY COUNCIL RULES

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

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

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

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

30 | 1 | OAR 345-027-0020(1): The Council shall not change the conditions of the site certificate
31 | except as provided for in OAR Chapter 345, Division 27.

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

37 | 3 | OAR 345-027-0020(3): The certificate holder shall design, construct, operate and retire the
38 | facility:

39 | (a) Substantially as described in the site certificate;

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

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

5 4 OAR 345-027-0020(4): The certificate holder shall begin and complete construction of the
6 facility by the dates specified in the site certificate. (*See Conditions 24 and 25.*)

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

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

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

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

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

35 8 OAR 345-027-0020(8): Before beginning construction of the facility, the certificate holder
36 shall submit to the State of Oregon, through the Council, a bond or letter of credit, in a
37 form and amount satisfactory to the Council to restore the site to a useful, non-hazardous
38 condition. The certificate holder shall maintain a bond or letter of credit in effect at all
39 times until the facility has been retired. The Council may specify different amounts for the
40 bond or letter of credit during construction and during operation of the facility. (*See*
41 *Condition 32.*)

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

1 90 days. If the certificate holder does not submit a proposed final retirement plan by the
2 specified date, the Council may direct the Department to prepare a proposed final
3 retirement plan for the Council's approval. Upon the Council's approval of the final
4 retirement plan, the Council may draw on the bond or letter of credit described in OAR
5 345-027-0020(8) to restore the site to a useful, non-hazardous condition according to the
6 final retirement plan, in addition to any penalties the Council may impose under OAR
7 Chapter 345, Division 29. If the amount of the bond or letter of credit is insufficient to pay
8 the actual cost of retirement, the certificate holder shall pay any additional cost necessary
9 to restore the site to a useful, non-hazardous condition. After completion of site
10 restoration, the Council shall issue an order to terminate the site certificate if the Council
11 finds that the facility *has* been retired according to the approved final retirement plan.

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

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

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

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

28 19 OAR 345-027-0028: The following general monitoring conditions apply:

29 (a) The certificate holder shall consult with affected state agencies, local governments
30 and tribes and shall develop specific monitoring programs for impacts to resources
31 protected by the standards of divisions 22 and 24 of OAR Chapter 345 and resources
32 addressed by applicable statutes, administrative rules and local ordinances. The certificate
33 holder must submit the monitoring programs to the Department of Energy and receive
34 Department approval before beginning construction or, as appropriate, operation of the
35 facility.

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

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

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

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

18 21 OAR 345-026-0080: The certificate holder shall report according to the following
19 requirements:

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

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

29 (ii) By April 30 of each year after beginning construction, the certificate holder
30 shall submit an annual report to the Department addressing the subjects listed in OAR
31 345-026-0080. The Council Secretary and the certificate holder may, by mutual
32 agreement, change the reporting date.

33 (iii) To the extent that information required by OAR 345-026-0080 is contained in
34 reports the certificate holder submits to other state, federal or local agencies, the
35 certificate holder may submit excerpts from such other reports to satisfy this rule. The
36 Council reserves the right to request full copies of such excerpted reports

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

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

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

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

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

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

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

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

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

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

29 (viii) Nongenerating Facility Carbon Dioxide Emissions: For nongenerating
30 facilities that emit carbon dioxide, a report of the annual fuel use by fuel type and annual
31 hours of operation of the carbon dioxide emitting equipment as described in OAR
32 345-024-0630(4).

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

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

42 (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, 2015. 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 #1]

20 25 The certificate holder shall complete construction of the facility by September 14, 2018.
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 #1]

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 exceed 3.0
3 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 20 meters above ground. [Amendment
7 #1]

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 increase
10 the number of wind turbines to more than 269 wind turbines or to install wind turbines
11 with a hub height greater than 100 meters, a blade tip height greater than 150 meters or a
12 blade tip clearance less than 20 meters above ground. [Amendment #1]

13 28 The certificate holder shall obtain all necessary federal, state and local permits or
14 approvals required for construction, operation and retirement of the facility or ensure that
15 its contractors obtain the necessary federal, state and local permits or approvals.

16 29 Before beginning construction, the certificate holder shall provide confirmation to the
17 Department that the construction contractor or other third party has obtained all
18 necessary permits or approvals and shall provide to the Department proof of agreements
19 between the certificate holder and the third party regarding access to the resources or
20 services secured by the permits or approvals.

21 30 Before beginning construction, the certificate holder shall notify the Department in
22 advance of any work on the site that does not meet the definition of "construction" in ORS
23 469.300, excluding surveying, exploration or other activities to define or characterize the
24 site, and shall provide to the Department a description of the work and evidence that its
25 value is less than \$250,000.

26 31 Before beginning construction and after considering all micro-siting factors, the certificate
27 holder shall provide to the Department, to the Oregon Department of Fish and Wildlife
28 (ODFW) and to the Planning Director of Gilliam County detailed maps of the facility site,
29 showing the final locations where the certificate holder proposes to build facility
30 components, and a table showing the acres of temporary and permanent habitat impact
31 by habitat category and subtype, similar to Table 6 in the *Final Order on the Application*.
32 The detailed maps of the facility site shall indicate the habitat categories of all areas that
33 would be affected during construction (similar to Figures P-8a through P-8d in the site
34 certificate application). In classifying the affected habitat into habitat categories, the
35 certificate holder shall consult with the ODFW. The certificate holder shall not begin
36 ground disturbance in an affected area until the habitat assessment has been approved by
37 the Department. The Department may employ a qualified contractor to confirm the
38 habitat assessment by on-site inspection.

39 32 Before beginning construction, the certificate holder shall submit to the State of Oregon
40 through the Council a bond or letter of credit in the amount described herein naming the
41 State of Oregon, acting by and through the Council, as beneficiary or payee. The initial
42 bond or letter of credit amount is either \$21.511 million (3rd Quarter 2010 dollars), to be

1 adjusted to the date of issuance as described in (b), or the amount determined as
2 described in (a). The certificate holder shall adjust the amount of the bond or letter of
3 credit on an annual basis thereafter as described in (b).

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

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

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

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

22 (iii) Add 10 percent of the adjusted Gross Cost (ii) for the adjusted administration
23 and project management costs and 10 percent of the adjusted Gross Cost (ii) for the
24 adjusted future developments contingency.

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

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

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

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

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

36 33 If the certificate holder elects to use a bond to meet the requirements of Condition 32, the
37 certificate holder shall ensure that the surety is obligated to comply with the requirements
38 of applicable statutes, Council rules and this site certificate when the surety exercises any
39 legal or contractual right it may have to assume construction, operation or retirement of
40 the energy facility. The certificate holder shall also ensure that the surety is obligated to
41 notify the Council that it is exercising such rights and to obtain any Council approvals
42 required by applicable statutes, Council rules and this site certificate before the surety
43 commences any activity to complete construction, operate or retire the energy facility.

- 1 34 Before beginning construction, the certificate holder shall notify the Department of the
2 identity and qualifications of the major design, engineering and construction contractor(s)
3 for the facility. The certificate holder shall select contractors that have substantial
4 experience in the design, engineering and construction of similar facilities. The certificate
5 holder shall report to the Department any change of major contractors.
- 6 35 The certificate holder shall contractually require all construction contractors and
7 subcontractors involved in the construction of the facility to comply with all applicable
8 laws and regulations and with the terms and conditions of the site certificate. Such
9 contractual provisions shall not operate to relieve the certificate holder of responsibility
10 under the site certificate.
- 11 36 To ensure compliance with all site certificate conditions during construction, the
12 certificate holder shall have a full-time, on-site assistant construction manager who is
13 qualified in environmental compliance. The certificate holder shall notify the Department
14 of the name, telephone number and e-mail address of this person.
- 15 37 Within 72 hours after discovery of conditions or circumstances that may violate the terms
16 or conditions of the site certificate, the certificate holder shall report the conditions or
17 circumstances to the Department.

2. Land Use Conditions

- 18 38 The certificate holder shall consult with area landowners and lessees during construction
19 and operation of the facility and shall implement measures to reduce or avoid any adverse
20 impacts to farm practices on surrounding lands and to avoid any increase in farming costs.
- 21 39 The certificate holder shall design and construct the facility using the minimum land area
22 necessary for safe construction and operation. The certificate holder shall locate access
23 roads and temporary construction laydown and staging areas to minimize disturbance of
24 farming practices and, wherever feasible; shall place turbines and transmission
25 interconnection lines along the margins of cultivated areas to reduce the potential for
26 conflict with farm operations.
- 27 40 The certificate holder shall install gates on private access roads in accordance with Gilliam
28 County Zoning Ordinance Section 7.020(T)(4)(d)(6) unless the County has granted a
29 variance to this requirement.
- 30 41 Before beginning construction of the facility, the certificate holder shall record in the real
31 property records of Gilliam County a Covenant Not to Sue with regard to generally
32 accepted farming practices on adjacent farmland consistent with GCZO Section
33 7.020(T)(4)(a)(5).
- 34 42 The certificate holder shall construct all facility components in compliance with the
35 following setback requirements:
- 36 (a) All facility components must be at least 3,520 feet from the property line of
37 properties zoned residential use or designated in the Gilliam County Comprehensive Plan
38 as residential.

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

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

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

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

14 (f) The certificate holder shall maintain a minimum distance of 250 feet measured from
15 the center line of each meteorological tower to the nearest edge of any public road right-
16 of-way or railroad right-of-way, the nearest boundary of the certificate holder's lease area
17 or the nearest electrical substation.

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

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

25 (i) Where (a) does not apply, the certificate holder shall maintain a minimum of 110-
26 percent of maximum blade tip height, measured from the centerline of the turbine tower
27 from any overhead utility line. [Amendment #1]

28 (j) Where (a) does not apply, the certificate holder shall maintain a minimum of 150-
29 percent of maximum turbine height from blade tip height, measured from the centerline
30 of the turbine tower from federal transmission lines, unless the affected parties agree
31 otherwise. [Amendment #1]

32 43 During construction and operation of the facility, the certificate holder shall implement a
33 weed control plan approved by the Gilliam County Weed Control Officer or other
34 appropriate County officials to control the introduction and spread of noxious weeds.

35 44 During operation of the facility, the certificate holder shall restore areas that are
36 temporarily disturbed during facility maintenance or repair activities using the same
37 methods and monitoring procedures described in the *Revegetation Plan* referenced in
38 Condition 92.

39 45 Within 90 days after beginning operation, the certificate holder shall provide to the
40 Department and to the Gilliam County Planning Department the actual latitude and
41 longitude location or Stateplane NAD 83(91) coordinates of each turbine tower,

1 connecting lines and transmission lines and a summary of as-built changes in the facility
2 compared to the original plan.

3 46 The certificate holder shall deliver a copy of the annual report required under Condition
4 21 to the Gilliam County Planning Commission on an annual basis unless specifically
5 discontinued by the County.

3. Cultural Resource Conditions

6 47 Before beginning construction, the certificate holder shall label all identified historic,
7 cultural or archaeological resource sites on construction maps and drawings as "no entry"
8 areas. If construction activities will occur within 200 feet of an identified site, the
9 certificate holder shall flag a 30-meter no-entry buffer around the site. The certificate
10 holder may use existing private roads within the buffer areas but may not widen or
11 improve private roads within the buffer areas. The no-entry restriction does not apply to
12 public road rights-of-way within the buffer areas or to operational farmsteads.

13 48 In reference to the alignment of the Oregon Trail described in the *Final Order on the*
14 *Application*, the certificate holder shall comply with the following requirements:

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

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

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

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

31 49 Before beginning construction, the certificate holder shall provide to the Department a
32 map showing the final design locations of all components of the facility, the areas that
33 would be temporarily disturbed during construction and the areas that were surveyed in
34 2009 as described in the *Final Order on the Application*. The certificate holder shall hire
35 qualified personnel to conduct field investigations of all areas to be disturbed during
36 construction that lie outside the previously-surveyed areas. The certificate holder shall
37 provide a written report of the field investigations to the Department and to the Oregon
38 State Historic Preservation Office (SHPO) for review and approval. If any potentially
39 significant historic, cultural or archaeological resources are found during the field
40 investigation, the certificate holder shall instruct all construction personnel to avoid the

1 identified sites and shall implement appropriate measures to protect the sites, including
2 the measures described in Condition 47.

3 50 The certificate holder shall ensure that a qualified archaeologist, as defined in OAR
4 736-051-0070, instructs construction personnel in the identification of cultural materials
5 and avoidance of accidental damage to identified resource sites.

6 51 The certificate holder shall ensure that construction personnel cease all ground-disturbing
7 activities in the immediate area if any archaeological or cultural resources are found
8 during construction of the facility until a qualified archaeologist can evaluate the
9 significance of the find. The certificate holder shall notify the Department and the Oregon
10 State Historic Preservation Office (SHPO) of the find. If the SHPO determines that the
11 resource is significant, the certificate holder shall make recommendations to the Council
12 for mitigation, including avoidance, field documentation and data recovery, in
13 consultation with the Department, SHPO, interested Tribes and other appropriate parties.
14 The certificate holder shall not restart work in the affected area until the certificate holder
15 has demonstrated to the Department and the SHPO that it has complied with
16 archaeological resource protection regulations

4. Geotechnical Conditions

17 52 Before beginning construction, the certificate holder shall conduct a site-specific
18 geotechnical investigation and shall report its findings to the Oregon Department of
19 Geology & Mineral Industries (DOGAMI) and the Department. The certificate holder shall
20 conduct the geotechnical investigation after consultation with DOGAMI and in general
21 accordance with DOGAMI open file report 00-04 "Guidelines for Engineering Geologic
22 Reports and Site-Specific Seismic Hazard Reports."

23 53 The certificate holder shall design and construct the facility in accordance with
24 requirements of the Oregon Structural Specialty Code (OSSC 2007) and the 2006
25 International Building Code.

26 54 The certificate holder shall design, engineer and construct the facility to avoid dangers to
27 human safety presented by non-seismic hazards. As used in this condition, "non-seismic
28 hazards" include settlement, landslides, flooding and erosion.

5. Hazardous Materials, Fire Protection & Public Safety Conditions

29 55 The certificate holder shall handle hazardous materials used on the site in a manner that
30 protects public health, safety and the environment and shall comply with all applicable
31 local, state and federal environmental laws and regulations. The certificate holder shall
32 not store diesel fuel or gasoline on the facility site.

33 56 If a spill or release of hazardous material occurs during construction or operation of the
34 facility, the certificate holder shall notify the Department within 72 hours and shall clean
35 up the spill or release and dispose of any contaminated soil or other materials according to
36 applicable regulations. The certificate holder shall make sure that spill kits containing
37 items such as absorbent pads are located on equipment and at the O&M buildings. The

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

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

- 1 72 The certificate holder shall construct access roads with a finished width of up to 20 feet,
2 designed under the direction of a licensed engineer and compacted to meet equipment
3 load requirements.
- 4 73 During construction of the facility, the certificate holder shall implement measures to
5 reduce traffic impacts, including:
6 (a) Providing notice to adjacent landowners when heavy construction traffic is
7 anticipated.
8 (b) Providing appropriate traffic safety signage and warnings.
9 (c) Requiring flaggers to be at appropriate locations at appropriate times during
10 construction to direct traffic.
11 (d) Using traffic diversion equipment (such as advance signage and pilot cars) when
12 slow or oversize construction loads are anticipated.
13 (e) Maintaining at least one travel lane at all times to the extent reasonably possible so
14 that roads will not be closed to traffic because of construction vehicles.
15 (f) Encouraging carpooling for the construction workforce.
16 (g) Including traffic control procedures in contract specifications for construction of the
17 facility.
18 (h) Keeping Highway 19 free of gravel that tracks out onto the highway at facility access
19 points.
- 20 74 The certificate holder shall ensure that no equipment or machinery is parked or stored on
21 any County road whether inside or outside the site boundary. The certificate holder may
22 temporarily park equipment off the road but within County rights-of-way with the
23 approval of the Gilliam County Road Department or, where applicable, the Morrow
24 County Public Works Department.
- 25 75 The certificate holder shall cooperate with the Gilliam County Road Department and with
26 the Morrow County Public Works Department to ensure that any unusual damage or wear
27 to county roads that is caused by construction of the facility is repaired by the certificate
28 holder. Upon completion of construction, the certificate holder shall restore public roads
29 to pre-construction condition or better to the satisfaction of the applicable county
30 departments. If required by Morrow County or Gilliam County, the certificate holder shall
31 post bonds to ensure funds are available to repair and maintain roads affected by the
32 proposed facility.
- 33 76 During construction, the certificate holder shall require that all on-site construction
34 contractors develop and implement a site health and safety plan that informs workers and
35 others on-site about first aid techniques and what to do in case of an emergency and that
36 includes important telephone numbers and the locations of on-site fire extinguishers and
37 nearby hospitals. The certificate holder shall ensure that construction contractors have
38 personnel on-site who are trained and equipped for tower rescue and who are first aid
39 and CPR certified.
- 40 77 During operation of the facility, the certificate holder shall develop and implement a site
41 health and safety plan that informs employees and others on-site about first aid
42 techniques and what to do in case of an emergency and that includes important telephone

1 numbers and the locations of on-site fire extinguishers and nearby hospitals. The
2 certificate holder shall ensure that operations personnel are trained and equipped for
3 tower rescue.

4 78 During construction and operation of the facility, the certificate holder shall provide for
5 on-site security and shall establish good communications between on-site security
6 personnel and the Gilliam County Sheriff's Office. During operation, the certificate holder
7 shall ensure that appropriate law enforcement agency personnel have an up-to-date list of
8 the names and telephone numbers of facility personnel available to respond on a 24-hour
9 basis in case of an emergency on the facility site.

10 79 The certificate holder shall notify the Department of Energy and the Gilliam County
11 Planning Department within 72 hours of any accidents including mechanical failures on the
12 site associated with construction or operation of the facility that may result in public
13 health and safety concerns

6. Water, Soils, Streams & Wetlands Conditions

14 80 The certificate holder shall conduct all construction work in compliance with an Erosion
15 and Sediment Control Plan (ESCP) satisfactory to the Oregon Department of
16 Environmental Quality and as required under the National Pollutant Discharge Elimination
17 System (NPDES) Storm Water Discharge General Permit #1200-C. The certificate holder
18 shall include in the ESCP any procedures necessary to meet local erosion and sediment
19 control requirements or storm water management requirements.

20 81 During construction, the certificate holder shall limit truck traffic to improved road
21 surfaces to avoid soil compaction, to the extent practicable.

22 82 During construction, the certificate holder shall implement best management practices to
23 control any dust generated by construction activities, such as applying water to roads and
24 disturbed soil areas.

25 83 Before beginning construction, the certificate holder shall provide to the Department a
26 map showing the final design locations of all components of the facility and the areas that
27 would be disturbed during construction and showing the wetlands and stream channels
28 previously surveyed by CH2M HILL as described in the *Final Order on the Application*. For
29 areas to be disturbed during construction that lie outside of the previously-surveyed
30 areas, the certificate holder shall hire qualified personnel to conduct a pre-construction
31 investigation to determine whether any jurisdictional waters of the State exist in those
32 locations. The certificate holder shall provide a written report on the pre-construction
33 investigation to the Department and the Department of State Lands for approval before
34 beginning construction. The certificate holder shall ensure that construction and operation
35 of the facility will have no impact on any jurisdictional water identified in the pre-
36 construction investigation.

37 84 The certificate holder shall avoid impacts to waters of the state in the following manner:
38 (a) The certificate holder shall avoid any disturbance to delineated wetlands.

1 (b) The certificate holder shall construct stream crossings for roads and underground
2 collector lines substantially as described in the *Final Order on the Application*. In particular,
3 the certificate holder shall not remove material from waters of the State or add new fill
4 material to waters of the State such that the total volume of removal and fill exceeds 50
5 cubic yards for the project as a whole.

6 (c) The certificate holder shall construct support poles for aboveground lines outside of
7 delineated stream channels and shall avoid in-channel impacts.

8 85 During facility operation, the certificate holder shall routinely inspect and maintain all
9 roads, pads and trenched areas and, as necessary, maintain or repair erosion and
10 sediment control measures.

11 86 During facility operation, the certificate holder shall obtain water for on-site uses from on-
12 site wells located near the O&M buildings. The certificate holder shall construct on-site
13 wells subject to compliance with the provisions of ORS 537.765 relating to keeping a well
14 log. The certificate holder shall not use more than 5,000 gallons of water per day from the
15 on-site wells. The certificate holder may use other sources of water for on-site uses
16 subject to prior approval by the Department.

17 87 During facility operation, if blade-washing becomes necessary, the certificate holder shall
18 ensure that there is no runoff of wash water from the site or discharges to surface waters,
19 storm sewers or dry wells. The certificate holder shall not use acids, bases or metal
20 brighteners with the wash water. The certificate holder may use biodegradable,
21 phosphate-free cleaners sparingly.

7. Transmission Line & EMF Conditions

22 88 The certificate holder shall install the 34.5-kV collector system underground to the extent
23 practical. The certificate holder shall install underground lines at a minimum depth of
24 three feet. Based on geotechnical conditions or other engineering considerations, the
25 certificate holder may install segments of the collector system aboveground, but the total
26 length of aboveground segments must not exceed 27 miles.

27 89 The certificate holder shall take reasonable steps to reduce or manage human exposure to
28 electromagnetic fields, including but not limited to:

29 (a) Constructing all aboveground transmission lines at least 200 feet from any
30 residence or other occupied structure, measured from the centerline of the transmission
31 line.

32 (b) Providing to landowners a map of underground and overhead transmission lines on
33 their property and advising landowners of possible health risks from electric and magnetic
34 fields

35 (c) Designing and maintaining all transmission lines so that alternating current electric
36 fields do not exceed 9 kV per meter at one meter above the ground surface in areas
37 accessible to the public.

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

1 90 In advance of, and during, preparation of detailed design drawings and specifications for
2 230-kV and 34.5-kV transmission lines, the certificate holder shall consult with the Utility
3 Safety and Reliability Section of the Oregon Public Utility Commission to ensure that the
4 designs and specifications are consistent with applicable codes and standards.

8. Plants, Wildlife & Habitat Protection Conditions

5 91 The certificate holder shall conduct wildlife monitoring as described in the Wildlife
6 Monitoring and Mitigation Plan that is incorporated in the *Final Order on the Application*
7 as Attachment A and as amended from time to time.

8 92 The certificate holder shall restore areas disturbed by facility construction but not
9 occupied by permanent facility structures according to the methods and monitoring
10 procedures described in the Revegetation Plan that is incorporated in the *Final Order on*
11 *the Application* as Attachment B and as amended from time to time.

12 93 The certificate holder shall acquire the legal right to create, enhance, maintain and protect
13 a habitat mitigation area as long as the site certificate is in effect by means of an outright
14 purchase, conservation easement or similar conveyance and shall provide a copy of the
15 documentation to the Department. Within the habitat mitigation area, the certificate
16 holder shall improve the habitat quality as described in the Habitat Mitigation Plan that is
17 incorporated in the *Final Order on Application* as Attachment C and as amended from time
18 to time.

19 94 The certificate holder shall determine the boundaries of Category 1 Washington ground
20 squirrel (WGS) habitat based on the locations where the squirrels were found to be active
21 in the most recent WGS survey prior to the beginning of construction in habitat suitable
22 for WGS foraging or burrow establishment ("suitable habitat"). The certificate holder shall
23 hire a qualified professional biologist who has experience in detection of WGS to conduct
24 surveys using a survey protocol approved by the Oregon Department of Fish and Wildlife
25 (ODFW). The biologist shall survey all areas of suitable habitat where permanent facility
26 components would be located or where construction disturbance could occur. Except as
27 provided in (a), the biologist shall conduct the protocol surveys in the active squirrel
28 season (March 1 to May 31) in 2010 and in the active squirrel seasons in subsequent years
29 until the beginning of construction in suitable habitat. The certificate holder shall provide
30 written reports of the surveys to the Department and to ODFW and shall identify the
31 boundaries of Category 1 WGS habitat. The certificate holder shall not begin construction
32 within suitable habitat until the identified boundaries of Category 1 WGS habitat have
33 been approved by the Department. Category 1 WGS habitat includes the areas described
34 in (b) and (c).

35 (a) The certificate holder may omit the WGS survey in any year if the certificate holder
36 avoids all permanent and temporary disturbance within suitable habitat until a WGS
37 survey has been completed in the following year and the boundaries of Category 1 habitat
38 have been determined and approved based on that survey.

39 (b) Category 1 WGS habitat includes the area within the perimeter of multiple active
40 WGS burrows plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS
41 foraging or burrow establishment. If the multiple-burrow area was active in a prior survey

1 year, then Category 1 habitat includes the largest extent of the active burrow area ever
2 recorded (in the current or any prior-year survey), plus a 785-foot buffer.

3 (c) Category 1 WGS habitat includes the area containing single active burrow
4 detections plus a 785-foot buffer, excluding areas of habitat types not suitable for WGS
5 foraging or burrow establishment. Category 1 habitat does not include single-burrow
6 areas that were found active in a prior survey year but that are not active in the current
7 survey year.

8 95 The certificate holder shall implement measures to mitigate impacts to sensitive wildlife
9 habitat during construction including, but not limited to, the following:

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

12 (b) Before beginning construction, the certificate holder shall provide to the
13 Department a map showing the final design locations of all components of the facility and
14 the areas that would be disturbed during construction and identifying the survey areas for
15 all plant and wildlife surveys conducted in 2010 or earlier as described in the *Final Order*
16 *on the Application*. The certificate holder shall hire a qualified professional biologist to
17 conduct a pre-construction plant and wildlife investigation of all areas that would be
18 disturbed during construction that lie outside of the previously surveyed areas. The
19 certificate holder shall provide a written report of the investigation to the Department and
20 to the Oregon Department of Fish and Wildlife (ODFW). Based on consultation with the
21 Department and ODFW, the certificate holder shall implement appropriate measures to
22 avoid impacts to any Category 1 habitat, to any State-listed threatened or endangered
23 plant or wildlife species, and to any State Candidate plant species.

24 (c) Before beginning construction, the certificate holder's qualified professional
25 biologist shall survey the Category 1 Washington ground squirrel habitat to ensure that
26 the sensitive use area is correctly marked with exclusion flagging and avoided during
27 construction. The certificate holder shall maintain the exclusion markings until
28 construction has been completed.

29 (d) Before beginning construction, certificate holder's qualified professional biologist
30 shall complete the avian use studies that began in September 2009 at six plots within or
31 near the facility site as described in the *Final Order on the Application*. The certificate
32 holder shall provide a written report on the avian use studies to the Department and to
33 ODFW.

34 (e) Before beginning construction, certificate holder's qualified professional biologist
35 shall complete raptor nest surveys within the raptor nest survey area as described in the
36 *Final Order on the Application*. The purposes of the survey are to identify any sensitive
37 raptor nests near construction areas and to provide baseline information on raptor nest
38 use for analysis as described in the Wildlife Monitoring and Mitigation Plan referenced in
39 Condition 91. The certificate holder shall provide a written report on the raptor nest
40 surveys to the Department and to ODFW.

41 (f) In the final design layout of the facility, the certificate holder shall locate facility
42 components, access roads and construction areas to avoid or minimize temporary and

1 permanent impacts to high quality native habitat and to retain habitat cover in the general
2 landscape where practicable.

3 96 During construction, the certificate holder shall avoid all construction activities within a
4 1,300-foot buffer around potentially-active nest sites of the following species during the
5 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

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

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

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

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

37 The certificate holder may begin or resume construction activities within the buffer area
38 before the ending day of the sensitive period with the approval of ODFW, after the young

1 are fledged. The certificate holder shall use a protocol approved by ODFW to determine
2 when the young are fledged (the young are independent of the core nest site).

3 97 The certificate holder shall protect the area within 1,300 feet of the BLM Horn Butte
4 Wildlife Area during the long-billed curlew nesting season (March 8 through June 15), as
5 described in this condition. Before beginning construction, the certificate holder shall
6 provide to the Department a map showing the areas of potential construction disturbance
7 in the vicinity of the BLM lands that are part of the Horn Butte Wildlife Area and showing a
8 1,300-foot buffer from those areas. During the nesting season, the certificate holder shall
9 not engage in high-impact construction activities (activities that involve blasting, grading
10 or other major ground disturbance) or allow high levels of construction traffic within the
11 buffer area. The certificate holder shall flag the boundaries of the 1,300-foot buffer area
12 and shall instruct construction personnel to avoid any unnecessary activity within the
13 buffer area. The certificate holder shall restrict construction traffic within the buffer,
14 except on public roads, to vehicles essential to the limited construction activities allowed
15 within the buffer. The certificate holder may engage in construction activities within the
16 buffer area at times other than the nesting season.

17 98 The certificate holder shall implement measures to avoid or mitigate impacts to sensitive
18 wildlife habitat during construction including, but not limited to, the following:

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

21 (b) Avoiding unnecessary road construction, temporary disturbance and vehicle use.

22 (c) Limiting construction work to approved and surveyed areas shown on facility
23 constraints maps.

24 (d) Ensuring that all construction personnel are instructed to avoid driving cross-
25 country or taking short-cuts within the site boundary or otherwise disturbing areas outside
26 of the approved and surveyed construction areas.

27 99 The certificate holder shall reduce the risk of injuries to avian species by:

28 (a) Installing turbine towers that are smooth steel structures that lack features that
29 would allow avian perching.

30 (b) Locating turbine towers to avoid areas of increased risk to avian species, such as
31 cliff edges, narrow ridge saddles and gaps between hilltops.

32 (c) Installing meteorological towers that are non-guyed structures to eliminate the risk
33 of avian collision with guy-wires.

34 (d) Designing and installing all aboveground transmission line support structures
35 following the most current suggested practices for avian protection on power lines
36 published by the Avian Power Line Interaction Committee.

37 100 The certificate holder shall hire a qualified environmental professional to provide
38 environmental training during construction and operation. Environmental training includes
39 information on the sensitive species present onsite, precautions to avoid injuring or
40 destroying wildlife or sensitive wildlife habitat, exclusion areas, permit requirements and
41 other environmental issues. The certificate holder shall instruct construction and

1 operations personnel to report any injured or dead wildlife detected while on the site to
2 the appropriate onsite environmental manager.

3 101 The certificate holder shall impose and enforce a construction and operation speed limit of
4 20 miles per hour throughout the facility site and, during the active squirrel season (March
5 1 to May 31), a speed limit of 10 miles per hour from one hour before sunset to one hour
6 after sunrise on private roads near known Washington ground squirrel (WGS) colonies.
7 The certificate holder shall ensure that all construction and operations personnel are
8 instructed to watch out for and avoid WGS and other wildlife while driving through the
9 facility site.

9. Visual Effects Conditions

10 102 To reduce the visual impact of the facility, the certificate holder shall:

11 (a) Mount nacelles on smooth, steel structures, painted uniformly in a low-reflectivity,
12 neutral white color.

13 (b) Paint the substation structures in a low-reflectivity neutral color to blend with the
14 surrounding landscape.

15 (c) Not allow any advertising to be used on any part of the facility.

16 (d) Use only those signs required for facility safety, required by law or otherwise
17 required by this site certificate, except that the certificate holder may erect a sign near the
18 O&M buildings to identify the facility, may paint turbine numbers on each tower and may
19 allow unobtrusive manufacturers' logos on turbine nacelles.

20 (e) Maintain any signs allowed under this condition in good repair.

21 103 The certificate holder shall design and construct the O&M buildings to be generally
22 consistent with the character of similar buildings used by commercial farmers or ranchers
23 in the area and shall paint the building in a low-reflectivity, neutral color to blend with the
24 surrounding landscape.

25 104 The certificate holder shall not use exterior nighttime lighting except:

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

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

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

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

33 105 The certificate holder shall maintain a minimum distance of 1,000 feet measured from the
34 centerline of each turbine tower or meteorological tower to the centerline of the line-of-
35 sight from the vantage point of the Fourmile Canyon interpretive site looking toward the
36 visible Oregon Trail ruts (bearing S 89-42-34 W from latitude, longitude: 45.622047,
37 -120.044112) as described in the *Final Order on the Application*.

10. Noise Control Conditions

38 106 To reduce construction noise impacts at nearby residences, the certificate holder shall:

1 (a) Confine the noisiest operation of heavy construction equipment to the daylight
2 hours.

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

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

7 107 Before beginning construction, the certificate holder shall provide to the Department:

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

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

13 (c) The results of noise analysis of the facility to be built according to the final design
14 performed in a manner consistent with the requirements of OAR 340-035-0035(1)(b)(B)(iii)
15 (IV) and (VI) demonstrating to the satisfaction of the Department that the total noise
16 generated by the facility (including the noise from turbines and substation transformers)
17 would meet the ambient degradation test and maximum allowable test at the appropriate
18 measurement point for all potentially-affected noise sensitive properties.

19 (d) For each noise-sensitive property where the certificate holder relies on a noise
20 waiver to demonstrate compliance in accordance with OAR 340-035-0035(1)(b)(B)(iii)(III),
21 a copy of the a legally effective easement or real covenant pursuant to which the owner of
22 the property authorizes the certificate holder's operation of the facility to increase
23 ambient statistical noise levels L_{10} and L_{50} by more than 10 dBA at the appropriate
24 measurement point. The legally-effective easement or real covenant must: include a legal
25 description of the burdened property (the noise sensitive property); be recorded in the
26 real property records of the county; expressly benefit the certificate holder; expressly run
27 with the land and bind all future owners, lessees or holders of any interest in the
28 burdened property; and not be subject to revocation without the certificate holder's
29 written approval.

30 108 During operation of the facility, the certificate holder shall maintain a complaint response
31 system to address noise complaints. The certificate holder shall promptly notify the
32 Department of any complaints received regarding facility noise and of any actions taken by
33 the certificate holder to address those complaints. In response to a complaint from the
34 owner of a noise sensitive property regarding noise levels during operation of the facility,
35 the Council may require the certificate holder to monitor and record the statistical noise
36 levels to verify that the certificate holder is operating the facility in compliance with the
37 noise control regulations

11. Waste Management Conditions

38 109 The certificate holder shall provide portable toilets for on-site sewage handling during
39 construction and shall ensure that they are pumped and cleaned regularly by a licensed
40 contractor who is qualified to pump and clean portable toilet facilities.

1 110 During operation of the facility, the certificate holder shall discharge sanitary wastewater
2 generated at the O&M buildings to licensed on-site septic systems in compliance with
3 State permit requirements. The certificate holder shall design the septic systems for a
4 discharge capacity of less than 2,500 gallons per day.

5 111 The certificate holder shall implement a waste management plan during construction that
6 includes but is not limited to the following measures:

7 (a) Recycling steel and other metal scrap.

8 (b) Recycling wood waste.

9 (c) Recycling packaging wastes such as paper and cardboard.

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

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

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

19 112 The certificate holder shall implement a waste management plan during facility operation
20 that includes but is not limited to the following measures:

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

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

23 (c) Recycling used oil and hydraulic fluid.

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

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

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

31 113 The transfer of the First Amended Site Certificate from the certificate holder to Portland
32 General Electric (PGE), the transferee, shall not be effective until PGE executes in closing the
33 form of site certificate naming PGE the certificate holder, which is attached as Attachment B to
34 the Final Order on Amendment #1. Upon closing, the First Amended Site Certificate naming
35 PGE as the certificate holder shall be in full force and effect and the First Amended Site
36 Certificate naming Montague Wind Power LLC as the certificate holder shall be considered
37 rescinded and void in its entirety.

38 114 Should the closing contemplated in Condition 113 not occur within 18 months of the
39 effective date of the First Amended Site Certificate to Montague Wind Power LLC, the Council's
40 transfer approval within the Final Order on Amendment #1 shall be void.

1 115 PGE must provide the Department a copy of the executed First Amended Site Certificate
2 and documentation of the asset purchase agreement within 7 days of closing.

VII. SUCCESSORS AND ASSIGNS

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

VIII. SEVERABILITY AND CONSTRUCTION

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

IX. GOVERNING LAW AND FORUM

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

X. EXECUTION

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

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

ENERGY FACILITY SITING COUNCIL

MONTAGUE WIND POWER FACILITY, LLC

By: W. Bryan Wolfe

W. Bryan Wolfe, Chair

Oregon Energy Facility Siting Council

Date: June 21, 2013

By: Jesse Gronner

Print: Jesse Gronner
Authorized Representative

Date: 6/28/2013

and

LEGAL
[Signature]

By: Scott Jacobson

Print: Scott Jacobson
Authorized Representative

Date: 6/28/2013

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